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IN RE: PETITION FOR ADMIN. VARIANCE

W/S South River Drive, 181' N centerline of University Drive 15th Election District 5th Councilmanic District

(6713 South River Drive)

Christopher Bradley & Jamie Molinelli **Petitioners**

BEFORE THE

DEPUTY ZONING COMMISSIONER ×

OF BALTIMORE COUNTY *

* CASE NO. 01-539-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Christopher Bradley and Jamie Molinelli, the legal owners of the subject property. The variance request is for property located at 6713 South River Drive in the Harewood Park area of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be 25 ft. in height in lieu of the maximum required 15 ft. and allow a setback from the street right-of-way of 19 ft. in lieu of the required 30 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The site plan indicates that the Petitioners wish to construct a 24 ft. x 25 ft. garage with a setback of 19 ft. from the street right-of-way in lieu of the required 30 ft. No neighbor opposes the Petitioners' request. However, the Office of Planning, by their comments dated July 25, 2001 (a copy of which is attached hereto and made a part hereof), strongly opposes the Petitioners' request for the reasons stated within their letter. Therefore, based on the position of the Planning Office, I find that the variance request should be denied.

â

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27 day of July, 2001, that the Petitioners' variance request from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be 25 ft. in height in lieu of the maximum required 15 ft. and allow a setback from the street right-of-way of 19 ft. in lieu of the required 30 ft., be and is hereby DENIED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

IN THE MATTER OF THE APPLICATION OF CHRISTOPHER M. BRADLEY & JAMIE MOLINELLI – Legal Owners FOR A VARIANCE ON PROPERTY * OF LOCATED ON THE W/S SOUTH RIVER DRIVE, 181' N C/L OF UNIVERSITY DRIVE * BALTIMORE COUNTY (6713 SOUTH RIVER DRIVE)

* BEFORE THE

* COUNTY BOARD OF APPEALS

* CASE NO. 01-539-A

15th ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

OPINION

This case comes to the Baltimore County Board of Appeals based on the denial of a variance (Case No. 01-539-A) by the Deputy Zoning Commissioner. A public hearing before this Board was held on May 7, 2002. A public deliberation was also held on May 7, 2002.

The Petitioner, Mr. Christopher M. Bradley, was present and appeared pro se. Carol Demilio, Deputy People's Counsel, appeared on behalf of the Office of People's Counsel for Baltimore County. Protestants appeared pro se.

Mr. Bradley is seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (BCZR), to permit an accessory structure (garage) to be 25 feet in height in lieu of the maximum required 15 feet and allow a setback from the street right-of-way of 19 feet in lieu of the required 30 feet.

Section 307 of the BCZR permits granting of a variance upon certain terms and conditions, which in pertinent part allows a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md.App. 691 (1995), which sets forth the legal standards under which a variance may be granted, the Board of Appeals, hearing the case *de novo*, is given the task of interpreting regulations and statutes where issues are debatable in light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirement can be properly considered.

As a preliminary matter, Mr. Bradley and Ms. Demilio conversed, off the record, regarding the two variances being sought. Mr. Bradley stated on the record to the Board his willingness to withdraw the height variance being sought. With no objection by the People's Counsel, the Board accepted the withdrawal of the height variance. Hence, the only matter before the Board is the setback variance.

Mr. Bradley testified as to the uniqueness of his property. He stated that the property in question, 6713 South River Drive, is a waterfront lot with several large mature trees. Being a waterfront lot, a 100-foot setback is imposed from the water side of the lot. The location for construction of the garage is the only area that is tree-free. The possible impact of removing large mature trees, to make room for a garage in other locations, is unknown, and therefore considered to be risky. Petitioners' Exhibits 1 through 8 are photographs taken of the property and adjacent lots by Mr. Bradley showing the trees and also showing several garages that would appear to be non-conforming to the setback requirements of the *Baltimore County Zoning Regulations*.

Ms. Demilio made no objections to the setback variance being sought. She did seek a condition that, if the Board grants the variance, the Office of Planning would approve building materials and the final appearance of the garage. Mr. Bradley agreed with this condition.

Upon consideration of the testimony and evidence offered, the Board finds that the subject property is unique because of its location and large mature trees that would have to come down, and the possible environmental impacts if the trees were removed.

Having established that the subject property is unique, the Board finds that the application of the zoning ordinance imposes a practical difficulty and/or undue hardship on the Petitioner. As supported by the testimony offered at hearing, it would be engineeringly difficult to place the garage in the rear yard due to environmental constraints and impacts.

As to the spirit and intent of the zoning regulations, photographs submitted show that various other homes have similar type garages. The Petitioners' addition would not be changing the character of the neighborhood; nor would there be an adverse impact on neighbors or the neighborhood. There will be no injury to public safety and welfare by granting the variance request.

In conclusion, the Board is unanimous in granting the Petition for Variance seeking relief from Section 400.3 of the *Baltimore County Zoning Regulations* to permit an accessory structure (garage) with a setback from the street right-of-way of 19 feet in lieu of the required 30 feet. The Board would require that Mr. Bradley submit to the Office of Planning a plan showing construction materials to be used and briefly

explaining the appearance of the garage once completed so as not to be out of character with the surroundings.

ORDER

THEREFORE, IT IS THIS And day of Migust, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for variance to allow a setback from the street right-of-way of 19 feet in lieu of the required 30 feet be and is hereby **GRANTED**, subject to the following restriction:

Mr. Bradley submit to the Office of Planning a plan showing construction materials to be used and briefly explaining the appearance of the garage once completed so as to not be out of character with the surroundings.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Melissa Moyer Adams, Panel Chair

Richard K. Irish

Lawrence M. Stahl

Arnold Jablon, Director
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson
Maryland
MD 21204

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CS O1-2632

AUG 2 2001

DEFT CF STEVING TO BETT CF STEVING TO BETT CF STEVING TO BETT OF STEVEN TO BETT OF STEVING TO BETT OF STEVING

July 31, 2001

Dear Sir,

Re: Petition for Administrative Variance Case No. 01-539-A Property: 6713 South River Drive

I have been advised by the Deputy Zoning Commissioner that the above Variance has been denied.

I wish to appeal this decision.

I have been unable to ascertain by phone the correct procedures and the fees involved for this. Please could you write to me and outline these procedures as soon as possible as I wish to expedite proceedings due to the fact that a contract has been issued for this structure and several \$1000,s already invested.

Yours Sincerely,

C M Bradley

8/21/01 received when for \$210.00
602

APPEAL SIGN POSTING REQUEST

CASE NO. 01-539-A

CHRISTOPHER BRADLEY & JAMIE MOLINELLI - Petitioners

W/s South River Drive, 181' N c/l of University Drive (6713 South River Drive)

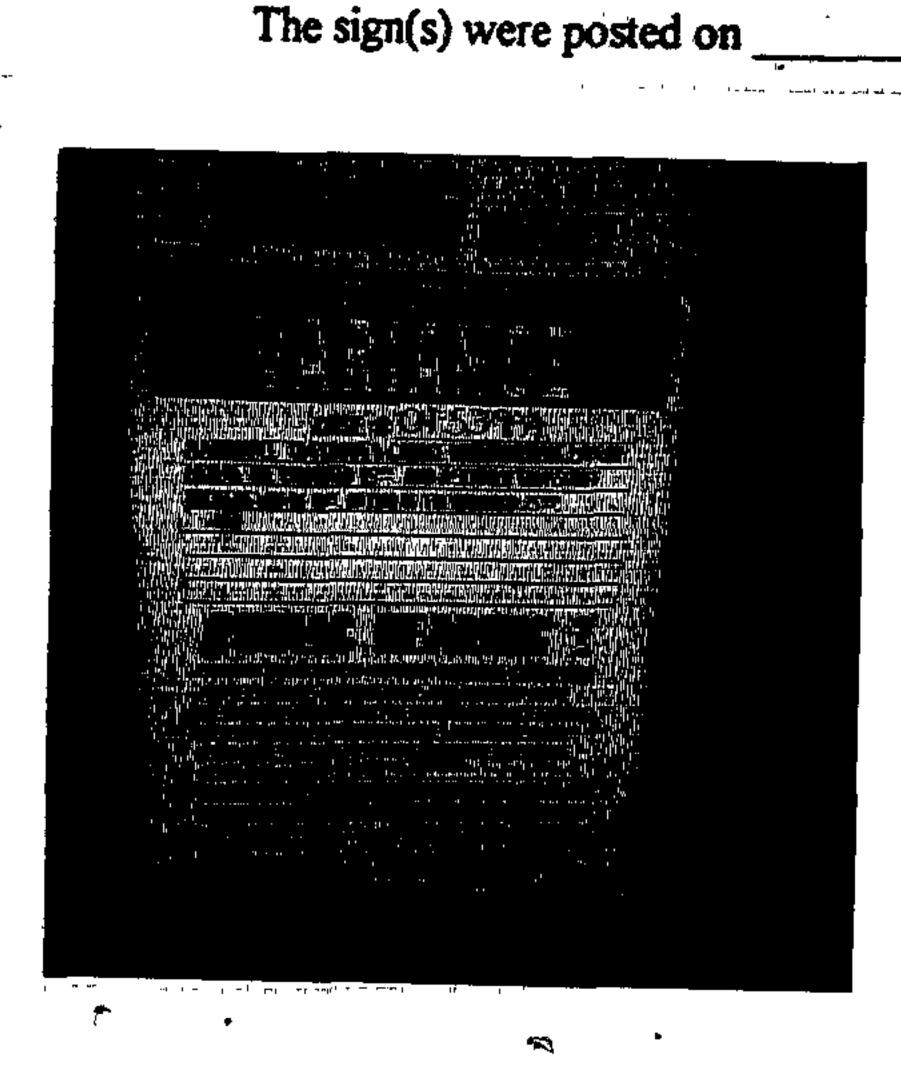
15th Election District Appealed: 8/06/01 Attachment – (Plat to accompany Petition -Petitioner's Exhibit No.1) ************COMPLETE AND RETURN BELOW INFORMATION******** CERTIFICATE OF POSTING TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204 Attention: Charlotte Radcliffe Appeals Clerk RE: Case No. 01-539-APetitioner/Developer: MOLINELLI This is to certify that the necessary appeal sign(s) was posted conspicuously on property located at 67/3 SOUTH RIVER DR. The sign(s) was posted on 9/12/01_____, 2001. (Signature of Sign Poster)

GARY C. FREUND

(Printed Name)

CEKTIFICATE OF POSTING

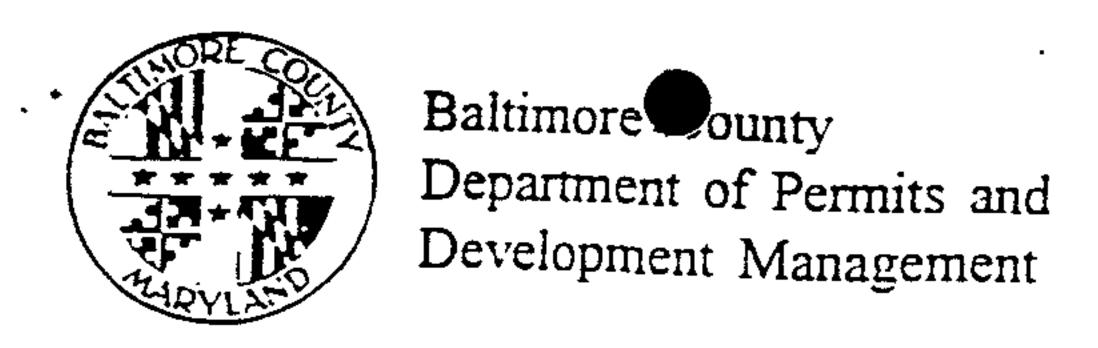
	RE: Case No.: 0/-539-A
	Petitioner/Developer: J. MOLINELL
	Date of Hearing/Closing: July 16,2
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the property lo	cated at 6713 South River 20
The sign(s) were posted on	ULY 1, 2001
1 1 - L-m	(Month, Day, Year)
	Sincerely,
	86/11/01
	(Signature of Sign Poster and Date)
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	(Printed Name)
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	(Address)
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	(City, State, Zip Code)
	(410) 282-7940
[] -[-n](1n)	(Telephone Number)



RECEIVED

DEPT. OF PERKITS AND DEVELOPMENT AND LARGEMENT

JUL 6 2001



Development Processing County Office Building 111 West Chesapeake Av Towson, Maryland 2120-

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRE	CTOR
For newspaper advertising:	
Item No.: 539	
Petitioner: JAMIE MOLINELLI	
Location: 6713 SOUTH RIVER DRIVE BACTIMO	RE MODIO
PLEASE FORWARD ADVERTISING BILL TO:	RE PARAL
NAME: JAMIE MOLINELLI	
ADDRESS: 6713 SOUTH RIVER DRIVE	
BALTIMORE MI) 21220	
PHONE NUMBER: 1-410-335-4091	
₩:ggs	

(Revised 09/24/96)

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6713 S. RIVER DR. MP 21220

which is presently zoned ______

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Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a p	bublic hearing is	s scheduled in th	e future with rega	ard thereto.	
That the Affiant(s) does/do presently reside at	Address		+ RIVER	DRIVE	
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law that the matters and facts hereinabove set for	orth are true ar	nd correct to the I	the st of his/her/the	made oath in due form eir knowledge and belief	n ot f.
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6-21-01			/ NO /	Mosa	
Date	Notai	ry Public			

My Commission Expires

REV 09|15|98

ROSE WILSON

Notary Public. State of Maryland
Harford County

My Commission Expires Nov. 30, 2004

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

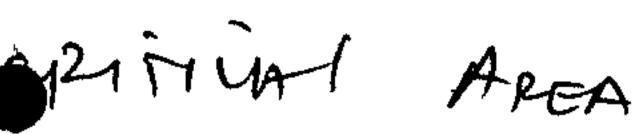
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		•	
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ו HEREBY CERTIFY, this בובל day of day of of Maryland, in and for the County aforesaid, per	- ·	- 	tary Public of the State
JAMIE MOLINGULI	CHRISTOPHEY	R BRADLE	<u> </u>
the Affiant(s) herein, personally known or satisf law that the matters and facts hereinabove set for	actorily identified to me as such	h Affiant(s), and ma	ide oath in due form of
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Date Date	Notary Public	IL MINNOW	
	My Commission Expire	≥sR(DSE WILSON

Notary Public. State of Maryland

Harford County

My Commission Expires Nov. 30, 2004

REU 09/15/98





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	6713	S. RIVER	DR.	MP 21220	-
whic	h is pre	sently zoned	به_	25.5	_

	which is presently zoned
made a part hereof, hereby petition for a Variance from Signal A トラー・カートー・カートー・カー・カー・カー・カー・カー・カー・カー・カー・カー・カー・カー・カー・カー	ermits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and ection(s) 400.3; BCZR TO PERMIT A SFT. IN LIEW OF THE PERMITTED STREET RIGHT OF WAY OF 19ft. 36ft. (20PM; PG.1-1.3a)
of the zoning regulations of Baltimore County, to the zoning of this petition form.	ng law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by to or we, agree to pay expenses of above Variance, advertising, egulations and restrictions of Baltimore County adopted pursua	posting etc. and further agree to and are to be hounded by the manifest
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s)

MOLINELL Name - Type or Print Name Type or Print Signature Signature CHRISTOPHER BRADLEY Address Telephone No. Name - Type or Prist City State Zip Code Signature **Attorney For Petitioner: Address** Telephone No. Name - Type or Print City BALTIMORE Representative to be Contacted: Signature Company Name **Address** Telephone No. Address Telephone No. City State Zip Code City State Zip Code A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, day of __ this that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO. OI-539HReviewed By Note Date 6.21.01

Estimated Posting Date 9.1.0(REU 9/15/98

ZONING DESCRIPTION FOR: 6713 SOUTH RIVER DRIVE BALTIMORE MD 21220

BEGINNING AT A POINT ON THE WEST SIDE OF SOUTH RIVER DRIVE, WHICH IS 20 FEET WIDE AT THE DISTANCE OF 181 FEET NORTH OF THE CENTRELINE OF THE NEAREST IMPROVED INTERSECTING STREET UNIVERSITY DRIVE WHICH IS 20 FEET WIDE.

BEING LOT NO.5 147, 148, 149, 150, 151.

BLOCK

SECTION

IN THE SUBDIVISION OF HAREWOOD PARK.

AS RECORDED IN BALTIMORE COUNTY PHAT BOOK

NUMBER 7, FOLIO NUMBER 131 CONTAINING

19, 932 SQ FEET

ALSO KNOWN AS 6713 SOUTH RIVER DRIVE, BALTIMORE MD 21220 AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCIL MANIC PISTRICT

Arnold Jablon, Director
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson
Maryland
MD 21204

July 31, 2001

Dear Sir,

Re: Petition for Administrative Variance Case No. 01-539-A Property: 6713 South River Drive

I have been advised by the Deputy Zoning Commissioner that the above Variance has been denied.

I wish to appeal this decision.

I have been unable to ascertain by phone the correct procedures and the fees involved for this. Please could you write to me and outline these procedures as soon as possible as I wish to expedite proceedings due to the fact that a contract has been issued for this structure and several \$1000,s already invested.

Yours Sincerely,

C M Bradley

Arnold Jablon, Director
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson
Maryland
MD 21204

August 16, 2001

Dear Sir,

Re: Petition for Administrative Variance Case No. 01-539-A Property: 6713 South River Drive

Further to my letter dated July 31st (copies enclosed) and my subsequent conversation with Mr. George Zahner who was very helpful, I wish to reiterate that I am appealing the decision of the Deputy Zoning Commissioner regarding this case on the following grounds;

The office of planning states objections based on the following;

- a) That a structure with a height of 25 feet would completely block the view to the water of the person residing on the opposite side of the road to the proposed garage.
- b) That the partially constructed garage is unattractive and out of character with the area.

I would like to answer these objections;

Regarding a)

- 1. This structure is not in the direct line of sight of any of the windows from the subject house. (see photograph exhibit a.)
- 2. The county has issued a permit to remove a single story dwelling that existed for many years next to our property, which was very small affording this property a water view. This has now been replaced by a three-story building, which is directly opposite the subject house, in the direct line of sight and has precluded the waterfront view originally afforded.

(see photograph exhibit b. original building c. new construction)

- 3. There have been no objections from any body in the neighborhood concerning this variance application.
- 4. A permit has already been issued for this building and approved by all agencies with the exception of the height extension.

Regarding b)

- 1. The construction to date has been limited to the foundation and the inner skin block wall, which is necessary to prevent damage from water and termites in the area that we live. This block wall is only four feet in height and will form the foundation for a wood frame construction which will be sided in its entirety to ground level to match the house. The garage will be built to exceptional standards of construction and appearance using the finest materials, including Anderson windows and decorative scallop shingles to the eaves. The reason for the height variance is to afford us the ability to have a steeper pitched roof with room to stand up in the storage area.
- 2. There are many examples of accessory structures that exceed the height restriction in this neighborhood (see photograph exhibits c,d) Indeed these garages belong to my direct neighbors.

In conclusion;

Regarding a)

Considering that the permit was issued and enacted for the new three story dwelling in the direct line of sight of the subject property and is some 35+feet high, it is difficult to see how a permit can be denied for a structure that is considerably less obtrusive, will be more attractive and does not invade anyone's right to privacy as this does.

Regarding b)

I believe that the objections raised can have no foundation considering that similar construction with a height in excess of fifteen feet already exists within a few yards of our property.

I hope that this information is sufficient for your needs but if more information is required please do not hesitate to contact me.

With Best Regards

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	539 No.	3320	PAID RECEIPT PAYMENT ACTUAL TIME	And the second of the second o
DATE 6-21. C ACCOUN	T 01-C6-61		6/22/2001 6/22/2001 10:23:39 WEGO1 CASHIER JRIC JAR DRAMER ECEIPT # 048672 FF 5 528 ZONING VERIFICATION	1
RECEIVED J. MOL. Ne //	· · · · · · · · · · · · · · · · · · ·	River Fa.		10日
FOR: OID Add. U	A.L.	,a		を対する
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DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOV	V - CUSTOMER		CASHIER'S VALIDATION	

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DATE 8-21-01 ACCOUNT ROOL-006-6150

AMOUNT \$ 210.00

RECEIVED CHRISTOPHER M BRADLEY

FOR: APPEAL CASE # 01-539-A

YELLOW - CUSTOMER

State of the state

6713 SOUTH RIVER DRIVE

PINK - AGENCY

DISTRIBUTION

WHITE - CASHIER

HORAL TIME

JOSEPH 100 MD RAMER 2

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JOSEPH 100 MD RAMER 2

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JOSEPH 100 MR MARKER 2

CASHIER'S VALIDATION



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 25, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUL 25

SUBJECT:

6713 South River Drive

INFORMATION:

Item Number:

01-539

Petitioner:

Jamie Molinelli

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support this variance request to allow an accessory structure of a height of 25 feet in lieu of the maximum permitted height of 15 feet. This office has determined (via a site visit) that a structure with a height of 25 feet would completely block the view to the water of the neighbor on the opposite side of the street. Additionally, the petitioner has already begun construction of the subject garage. The partially constructed garage is very unattractive and is incompatible with the residential character of the area.

Prepared by:

Section Chief:

AFK:MAC:

OPDER PECEVED FOR FILING

Date

W:\DEVREV\ZAC\01-539.doc





700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

July 24, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 16, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

527, 528, 529, 531, 533, 534, 535, 536, 53%, 540, 541, 542, 543, 545, 548, 550, and 551

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

7.23.01 Date:

Ms. Ronnay Jackson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County**

Item No. 539

JCM

Dear, Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

L. H. Hall
Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

October 8, 2002

TO:

Arnold Jablon, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton

Board of Appeals

SUBJECT:

CLOSED APPEAL CASE FILES

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	PDM FILE NUMBER	NAME	LOCATION
01-431-A	01-431-A	Kimberly S and Charles G Richter, Jr.	6215 Ebenezer Road
01-539-A	01-539-A	Christopher M. Bradley Jamie Molinelli	6713 South River Drive

Attachment: SUBJECT FILE(S) ATTACHED





BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon
FROM:	R. Bruce Seeley
DATE:	September 5, 2001
SUBJECT:	Zoning Item 539 Address 6713 South River Drive
Zoning	Advisory Committee Meeting of July 16, 2001
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	partment of Environmental Protection and Resource Management offers owing comments on the above-referenced zoning item:
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
	Additional Comments:

Reviewer: Kieth Kelley Date: July 27, 2001

1/16/01

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 3, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

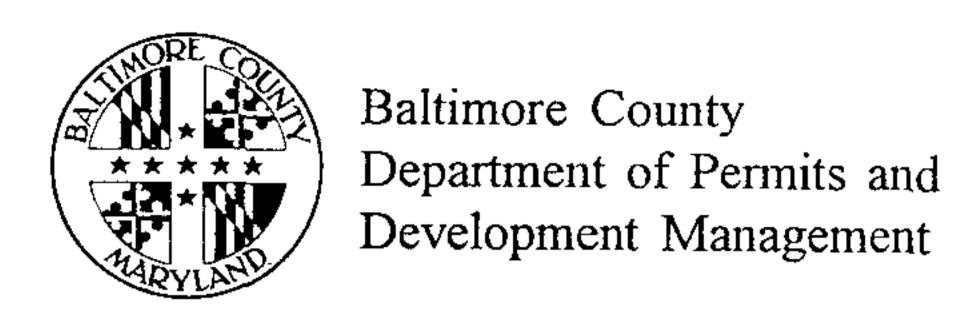
For July 23, 2001 Item No. 539

The Bureau of Development Plans Review has reviewed the subject zoning item.

Private driveway entrances shall conform with Baltimore County Standard Detail Plate R-15, for "Typical Driveway Entrance from Road Without Curb and Gutter".

RWB:HJO:jrb

cc: File



Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353

Fax: 410-887-5708

August 21, 2001

Timothy M. Kotroco Deputy Zoning Commissioner Baltimore County – Courts Building 401 Bosley Avenue, Suite 405 Towson MD 21204

Dear Mr. Kotroco:

RE: Case No. 01-539-A, Address 6713 South River Drive

Please be advised that an appeal of the above-referenced case was filed in this office on August 6, 2001 by Christopher M. Bradley. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Arnold Jablon GDZ

Director

AJ: gdz

c: Christopher M. Bradley, 6713 South River Drive, Baltimore 21220 People's Counsel



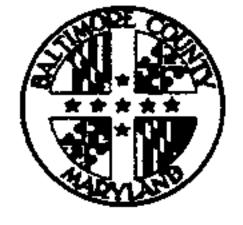
I AM A RESIDENT AT 6717 SOUTH RIVER DRIVE, MY NEIGHBORS ARE WANTING TO PUT UP A GARAGE IN THE FRONT OF THEIR YARD, I HAVE NO PROBLEM WITH IT, IT IS NOT BLOCKING ANY KIND OF A VIEW, ANY CONCERNS OR QUESTIONS FEEL FREE TO CALL 410/335/6913.

SINCERELY,

MR_& MRS. BRIAN HENRY SCHMINCKE







County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

March 15, 2002

NOTICE OF ASSIGNMENT

CASE #: 01-539-A IN THE MATTER OF: CHRISTOPHER M. BRADLEY & JAMIE MOLINELLI -Legal Owners

6713 South River Drive 15th Election District; 5th Councilmanic District

7/27/2001 –D.Z.C.'s Order in which Petition for Administrative Variance was DENIED.

ASSIGNED FOR: TUESDAY, MAY 7, 2002 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c: Appellant / Petitioner Petitioner

: Christopher M. Bradley Jamie Molinelli

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

August 2, 2002

Christopher M. Bradley 6713 South River Drive Baltimore, MD 21220

> RE: In the Matter of: Christopher M. Bradley and Jamie Molinelli – Legal Owners Case No. 01-539-A

Dear Mr. Bradley:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco Bully

Administrator

Enclosure

c: Jamie Molinelli
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

FAX: 410-887-3182

wish

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

March 15, 2002

NOTICE OF ASSIGNMENT

CASE #: 01-539-A

IN THE MATTER OF: CHRISTOPHER M. BRADLEY & JAMIE MOLINELLI –Legal Owners

6713 South River Drive 15th Election District; 5th Councilmanic District

7/27/2001 -D.Z.C.'s Order in which Petition for Administrative Variance was DENIED.

ASSIGNED FOR:

TUESDAY, MAY 7, 2002 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant /Petitioner Petitioner : Christopher M. Bradley Jamie Molinelli

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

July 27, 2001

Ms. Jamie Molinelli Mr. Christopher Bradley 6713 South River Drive Baltimore, Maryland 21220

Re: Petition for Administrative Variance

Case No. 01-539-A

Property: 6713 South River Drive

Dear Ms. Molinelli & Mr. Bradley:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been denied in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

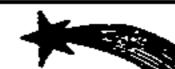
Deputy Zoning Commissioner

Muthy llatroco

TMK:raj Enclosure











IN THE MATTER OF:

CHRISTOPHER M. BRADLEY AND

JAMIE MOLINELLI -Legal Owners

Case No.: 01-539-A

DATE:

May 7, 2002

BOARD/PANEL:

Melissa Moyer Adams

MMA

Richard K. Irish

RKI

Lawrence M. Stahl

LMS

RECORDED BY:

Theresa R. Shelton / Legal Secretary

PURPOSE:

To deliberate Petition for Variance filed by Jamie Molinelli and

Christopher M. Bradley, legal owners, to permit an accessory structure (garage) to be 25' in height in lieu of the maximum allowed 15' and allow a setback from the street right-of-way of 19' in lieu of the required 30'.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- ✓ Height Variance was withdrawn Deliberation on set back only
- ✓ Petitioner needs setback to build
- ✓ Actually have two fronts when you have waterfront
- ✓ The best location is where he submitted in plan
- ✓ Regulations imposed by State, County, Chesapeake Bay critical area
- ✓ Fit parameter for uniqueness under Cromwell

DECISIONS BY BOARD MEMBERS:

MMA – Setback Granted RKI – Setback Granted LMS – Setback Granted

FINAL DECISION: The Board unanimously acknowledges the withdrawal of the Petition for Variance filed by Jamie Molinelli and Christopher M. Bradley, legal owners, as to the accessory structure (garage) to be 25' in height in lieu of the maximum allowed 15' and the Board of Appeals GRANTS the Petitioner's request for a setback from the street right-of-way of 19' in lieu of the required 30'. Building materials to be approved by the Planning Board.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Hereby R. Shelter

Theresa R. Shelton

County Board of Appeals





Case No. 01-539-A

In the Matter of Christopher M. Bradley & Jamie Molinelli –Legal Owners /Petitioners

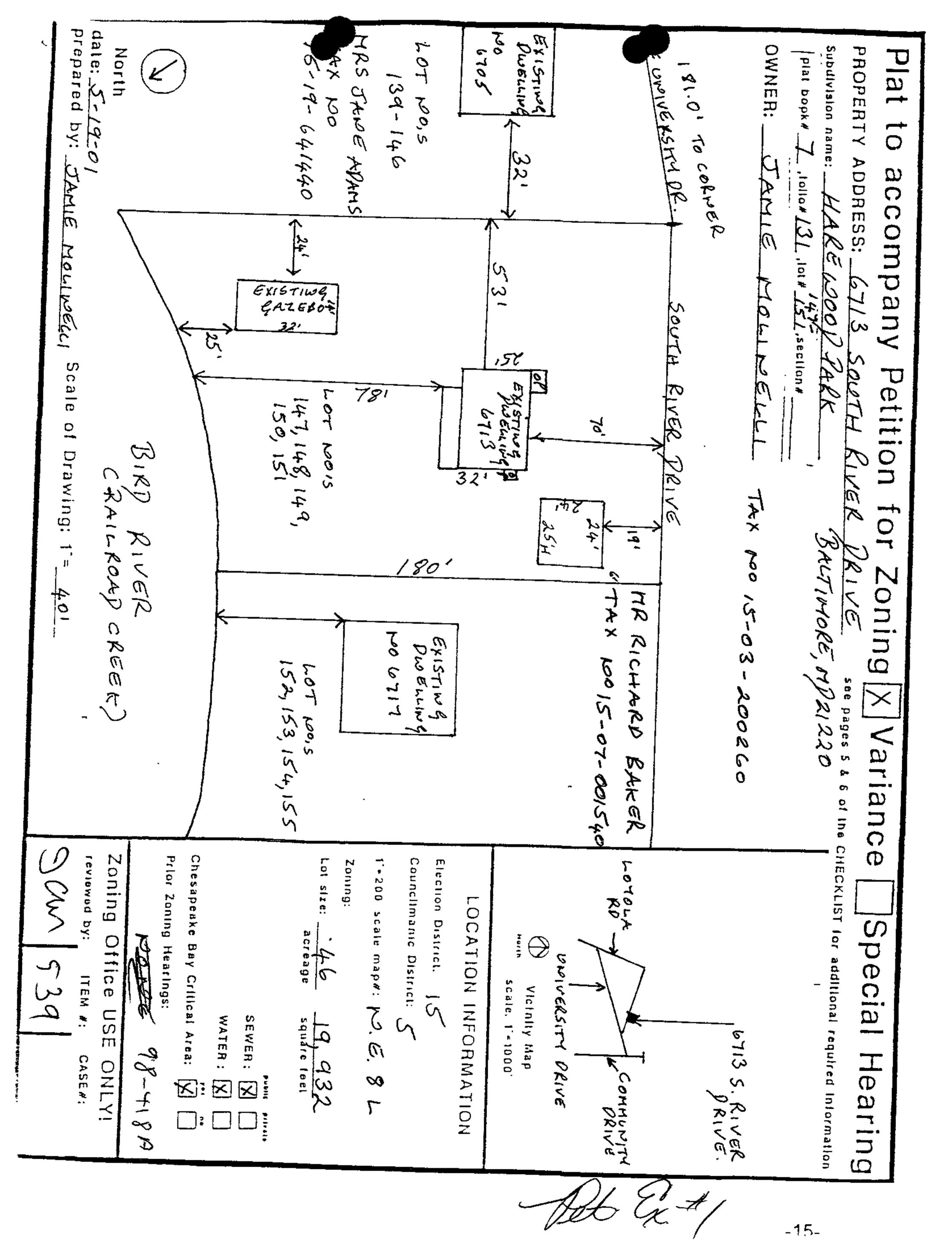
VAR –To permit accessory structure (garage) to be 25' in height ilo maximum required 15' and allow setback from street r/w of 19' ilo required 30'.

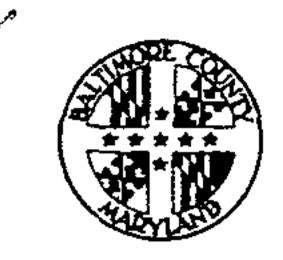
7/272001 –D.Z.C.'s Order in which Petition for Administratiave Variance was DENIED.

3/15/2002 -Notice of Assignment sent to following; assigned for hearing on Tuesday, May 7, 2002 at 10:00 a.m.:

Christopher M. Bradley
Jamie Molinelli
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

5/07/02 – Board convened for hearing (Adams, Stahl, Irish); concluded this date; deliberated at conclusion of same; Petitioner withdrew height variance; was granted setback variance. Written Opinion/Order to be issued.





County Board of Appeals of Baltimore County

inf

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

*** HEARING ROOM - Room 48 ***

Basement –Old Courthouse 400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF MAY 6, 2002

TUESDAY

5/07 10:00 am

Case No.: 01-539-A

/HEARING

In the Matter of:

Christopher M. Bradeley and Jamie Molinelli, LO 6713 South River Drive W/s South River Drive, 181 N c/l of University Dr.

VAR - To permit accessory structure (garage) to be 25' in height ilo req'd max 15' and to allow setback from street r/w of 19' ilo required 30'

WEDNESDAY

5/08

10:00 am

Case No.: CBA-02-117

/HEARING

In the Matter of:

9400 Liberty Limited Pasrtnership 9400 Liberty Road (CC-01-2387)

RE: Code Inspections and Enforcement Violation

5/08 1:00 pm

Case No.: CBA-02-118

/HEARING

In the Matter of:

Rony and Marilyn Werthamer
7 Sutherland Court (CC-00-6000)

RE: Code Inspections and Enforcement Violation

THURSDAY 5/09 10:00 am Case No.: CBA-02-115 /HEARING

In the Matter of:

Lisa L. Hardy

3033 Arizona Avenue

RE: Denial of Fence Waiver request

5/09 1:00 pm

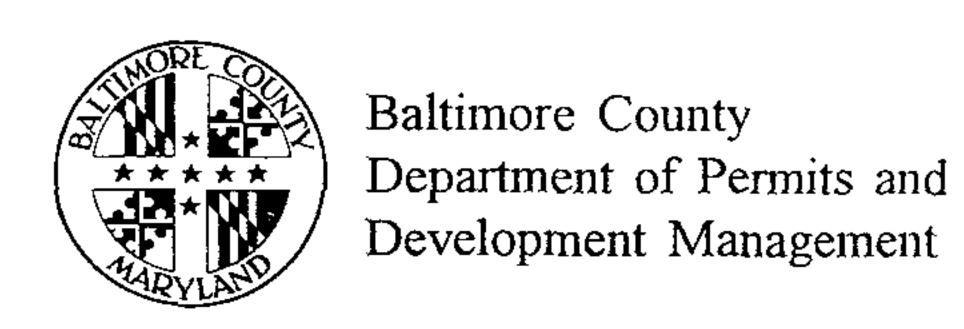
Case No.: CBA-01-143

/HEARING

In the Matter of:

Just Tires

5645 Baltimore National Pike



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 18, 2001

Christopher Bradley Jamie Molinelli 6713 South River Drive Baltimore MD 21220

Dear Mr. Bradley & Ms. Molinelli:

RE: Case Number: 01-539-A, 6713 S River Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 21, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning & Community Conservation	410-887-3480
Department of Environmental Protection	
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr. GDZ Supervisor, Zoning Review

W. Carl Richards, Sr.

WCR: gdz

Enclosures

C: People's Counsel

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1 - 3



















PREIGHT WELL IN EXCESS OF 25 FEET. LARGE ENOUGH TO PARK A SEMI

407-352 (No. 1



MY MEIGHBORS GARAGE. EST HERHT 28 FEET.



PHOTO A.

TAKED DIRECTLY IN FRONT OF THE HOUSE. THE GARAGE SITE TO THE LEFT.

407-352 (No. 7)



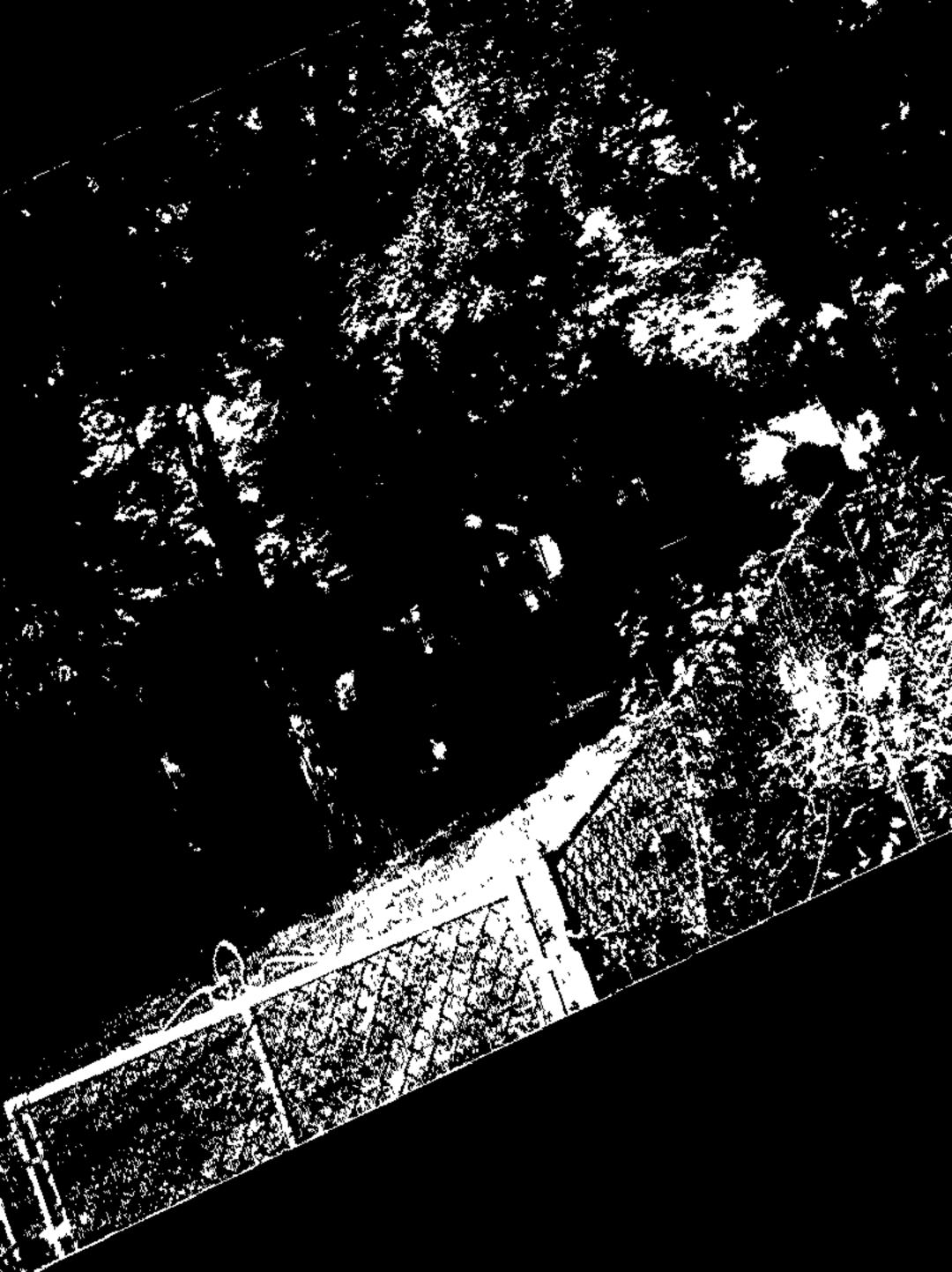
407-352 (No. 3

W

PHOTO C/

TAKEN FROM DIRECTLY IN FRONT OF THE SUBJECT HOUSE.

THIS IS MOW THE VIEW FOR THESE NEIGHBORS.





PETITIONER

1. Photo, shows trees

2. Photo, shows trees.

3. Photo, from across street in front of neighbors windows this is neighbors house

4. Photo, from neighbors house whose view is blocked

5. Photo, neighbors garage which above 15'.

6. Photo, "

7. Photo, showing garages upto street.

8. Photo, houses under construction across the street.

APPEAL

Petition for Administrative Variance
6713 South River Drive
W/S South River Drive, 181' N centerline of University Drive
15th Election District – 5th Councilmanic District
Christopher M. Bradley & Jamie Molinelli - Legal Owner
Case No.: 01-539-A

Petition for Administrative Variance (dated 6/21/01)

Zoning Description of Property

Notice of Zoning Hearing (no Notice Administrative Variance)

Certification of Publication (The Jeffersonian issue N/A)

Certificate of Posting (dated 7/1/01 posted SSG Robert Black)

Entry of Appearance by People's Counsel (N/A)

Protestant(s) Sign-In Sheet (None)

₩Citizen(s) Sign-In Sheet (None)

Zoning Advisory Committee Comments

Petitioners' Exhibits: (None)# 1.PLA

Protestants' Exhibits:)

1. Photographs (6 pictures)

-Miscellaneous (Not Marked as Exhibits):-

Plat to Accompany Petition for Zoning Administrative Variance

Deputy Zoning Commissioner's/Zoning Commissioner's Order (dated 7/27/01 – DENIED)

Notice of Appeal received on August 6, 2001 from Christopher M. Bradley

c: Christopher M. Bradley, 6713 South River Drive, Baltimore 21220
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

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