ONDER PRECENTED FOR FLATS

IN RE: PETITION FOR VARIANCE

SW/S of Kingston Park Road, 553 ft. SE

centerline of West Kingsway

15th Election District

6th Councilmanic District

(54 Kingston Park Road)

Alfred W. Redmer & Sandra L. Nelson Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-511-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Alfred W. Redmer and Sandra L. Nelson. The Petitioners are requesting variance relief for property located at 54 Kingston Park Road in the eastern area of Baltimore County. Variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.), Section 1B02.3.C, to permit side yard setbacks of 5 ft. and 8 ft. in lieu of the required 20 ft., to permit an open porch (deck) setback of 15 ft. in lieu of the 22.5 ft. required rear yard setback, and to also allow an open projection (stairway and landing) with a side yard setback of 4 ft. in lieu of the required 7.5 ft.

The property was posted with Notice of Hearing on June 22, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 22, 2004 to notify any interested persons of the scheduled hearing date.

Amended Petition

Prior to the start of the hearing, Mr. Bafitis, the Petitioners' engineer, indicated that the Petitioners had recently commissioned a boundary survey that changed several dimensions in their petition and which resulted in the following changes to the variance relief previously requested:

STATE OF STATE OF THE STATE OF

• From Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 39 ft. in lieu of the required 55 ft.; to permit side yards of 5 ft. on both sides in lieu of the required 20 ft.; and from Section 301.2 of the B.C.Z.R., to also allow an open projection (stairway and landing) with a side yard setback of 2 ft. in lieu of the required 7.5 ft.

The request to permit an open porch (deck) setback of 15 ft. in lieu of the 22.5 ft. required rear yard setback was withdrawn as it was no longer needed.

Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated May 27, 2004 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Bureau of Development Plans Review dated June 2, 2004 setting forth several federal and county code requirements the Petitioners must comply with for this project.

Interested Persons

Appearing at the hearing on behalf of the variance request were William Bafitis, P.E., the Petitioner's engineer, Sandra Nelson and Alfred Redmer, Petitioners. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property consists of 6,371.50 sq. ft. and is zoned DR 5.5. The property is improved by a single-story cottage, which the Petitioners indicated was built in the 1920's as a summer home. The house is located on a lot that is shaped like a trapezoid and which has approximately 37 ft. of road frontage. The Petitioners would like to build a new home where the lot is 40 ft. wide. While the deed shows 55 ft. of lot width at the waterfront, the boundary survey shows only 48 ft. of width. Thus, the request for relief for lot width.

The home was severely damaged in 2003 by Hurricane Isabel. The Petitioners would like to raze the building and replace it with a primary residence that complies with flood requirements, which means raising the first floor above the flood plain. See the Bureau of Development Plans Review ZAC comments dated June 2, 2004. The property is served with public water and sewer. Access to the water for fire emergencies can be accomplished via a nearby County owned park so there is no need for side yards to allow emergency equipment to pass between the home and fence line.

Mr. Bafitis indicated that the Petitioners had recently commissioned a boundary survey that precipitated the changes reflected in the amended petition, as well as consternation with the neighbors because the fence lines and boundary lines no longer match. The existing house is \$\,22.5\$ ft. wide and is located where the lot width is 40 ft. wide. Consequently, the present home

CACHE THORNED FOR FLINE

does not meet the DR 5.5 side yard setback regulations (10 ft.). The Petitioner indicated that a home 20 ft. wide on this lot would not be practical as a primary residence. He also indicated that he contacted neighbors on both sides (see Petitioner's Exhibit No. 3) and they expressed no opposition to their requests for variance.

Similarly, Mr. Bafitis indicated that because the new home would be built above the flood plain, there needed to be steps and a landing leading down to the ground from the first floor living area. These steps would come within 2 ft. of the lot line and open projection regulations for a side yard.

Findings of fact and conclusions of law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property, which was laid out in the 1920's before the DR zoning was applied, is trapezoidal shaped which constrains useful building on the lot. It is not an undersized lot but rather meets the area requirement of the zone. However, because the lot was laid out before the zoning regulations were applied and because of its peculiar shape, the zoning regulations impact this property disproportionately as compared to other lots in the neighborhood.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. A 20 ft. wide home is impractical for a primary residence at this location. The new home must be built above the flood plain so that steps and landings are needed to access the first floor. The only location for these is as shown on the plan. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will be permitted as a result of granting these variances. There is already a home on the lot. Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and only in a manner so as to grant relief without injury to the

public health, safety and general welfare. Emergency access to Middle River can be made through the nearby park if needed.

held, and after considering the testimony and evidence offered by the Petitioners, I find that the

Pursuant to the advertisement, posting of the property, and public hearing on this petition

Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this _______ day of July, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 39 ft. in lieu of the required 55 ft.; to permit side yards of 5 ft on both sides in lieu of the required 20 ft., and from Section 301.2, to also allow an open projection (stairway and landing) with a side yard setback of 2 ft. in lieu of

the required 7.5 ft., be and is hereby GRANTED, subject, however, to the following restrictions

which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the ZAC comments made by DEPRM dated May 27, 2004, a copy of which is attached hereto and made a part hereof.
- 3. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated June 2, 2004, a copy of which is attached hereto and made a part hereof.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order; and

IT IS FURTHER ORDERED, that the request to permit an open porch (deck) setback of 15 ft. in lieu of the 22.5 ft. required rear yard setback, is hereby DENIED because the Petitioner withdrew this issue.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E Schmidt, Zoning Commissioner

July 9, 2004

Mr. Alfred W. Redmer, Jr. Ms. Sandra L. Nelson 54 Kingston Park Road Baltimore, Maryland 21220

> Re: Petition for Variance Case No. 04-511-A Property: 54 Kingston Park Road

Dear Mr. Redmer & Ms. Nelson:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted 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,

John V. Murphy
Deputy Zoning Commissioner

JVM:raj Enclosure

c: Bafitis & Associates, Inc. c/o Clyde Hinkle 1249 Engleberth Road Baltimore, MD 21221



Visit the County's Website at www.baltimorecountyonline.info



CENTED TO THE

Retition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 54 Kingston Park Road

which is presently zoned _DR 5.5

443-286-1047

410-391-2336

Telephone No.

Zip Code

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s). (1) To permit sidevante of the required 10-feet, to permit

an open porch (deck) setback of 15-feet in lieu of the 22.5-feet required rear yard setback, also an open projection (stairway and landing) with a side yard setback of 4-feet in lieu of the required 7.5-feet.

hardship or practical difficulty) Hardship and practical difficulty are generated by lot shape, depth and variable width in combination with Chesapeake Bay Critical Area Regulations, Flood Zone Regulations and Zoning Regulations in replacing a flood damaged dwelling.

Property is to be posted and advertised as prescribed by the zoning regulations. or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	•	I/We do sciemnly 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)	<u>.</u>						
N/A .		Aifred W. Redme	r, Jr.						
Name - Type or Print		Name - Type or Print	/////	•					
Signature		Signature	<i>M</i> ()	···································					
		Sandra L. Nelson							
Address	Telephone No.	Name - Type or Print	 _						
City	ate Zip Code	Signature	· ose	· . ·					
Attornev For Petitioner:		54 Kingston Park F	Road	443-286-104					
		Address		Telephone No					
N/A		Baltimore	Maryland	21220					
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	City	State	Zip Code					
Signature		Representative 1	o be Contacted:						
		Bafitis & Associate	s, Inc. , Clyde Hinkle	9					
Сопрапу		Name		<u> </u>					
		1249 Engleberth F	Road	410-391-233					
Address	Telephone No.	Address		Telephone No.					
City Stat		Baltimore	Maryland	21221					
Stat	te Zip Code	City	State	Zip Code					
		<u>OF</u>	FICE USE ONLY						
Case No. 64-516		ESTIMATED LEN	5TH OF HEARING						
RED 9115198		UNAVAILABLE FOR	Date	05-C5-0					



ZONING DESCRIPTION 54 KINGSTON PARK ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point on the approximate centerline of Kingston Park Road, 15' wide, said point being $553' \pm \text{Southeasterly}$ from the intersection of centerlines of Kingston Park Road, and West Kingsway thence binding on the center said Kingston Park Road, 1) North 33° -16' West 36.88' (deed), thence leaving said centerline South 55° -51' West $137' \pm \text{(deed)}$ to the waters of Middle River, thence Easterly $55' \pm \text{(deed)}$ binding on Middle River, thence leaving the waters of Middle River, North 52° -10' East $150' \pm \text{(deed)}$ to the point of beginning.

Containing 6,371.50 s.f., or 0.146 acres of land more or less.

Being known as 54 Kingston Park Lane in the 6th Councilmanic District and recorded among the Land Records of Baltimore County in Liber 14714 folio 328.

William N. Bafitis, P.E., MD. Reg #11641

Date

Civil Engineers / Land Planners / Surveyors - 1249 Engleberth Road / Baltimore, Maryland 21221 / 410-391-2336

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9865				PINK - AGENOY
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NOTICE OF ZONING HEARING

The Zoring Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-511-A

54 Kingston Park Road S/west side of Kingston Park Road, 553 feet s/east of

centerline of West Kingsway 15th Election District - 6th Councilmanic District Legal Owner(s): Alfred Redmer, Jr. and Sandra Nelson
Variance: to permit side yards of 5 feet and 8 feet in lieu
of the required 10 feet, to permit an open porch (deck)
setback of 15 feet in lieu of the 22.5 feet required rear yard setback, also an open projection (stairway and landing) with a side yard setback of 4 feet in lieu of the re-

quired 7.5 feet. Hearing: Wednesday, July 7, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake

Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

Zontact the Zoning Review Office at (410) 887-3391.

3957

CERTIFICATE OF PUBLICATION

625,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 622,2004.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

CERTIFICATE OF POSTING

RE: Case No. 04-5/1-A

Petitioner/Developer: ALFRED REDMER

5R- & SANDRA NELSON Date of Hearing/Closing: JULY 2, 2004 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 54 KINGSTON PARK RD The sign(s) were posted on Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 22, 2004 Issue - Jeffersonian

Please forward billing to:

Alfred Redmer, Jr. 54 Kingston Park Road Baltimore, MD 21220

443-286-1047

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-511-A

54 Kingston Park Road _ -

S/west side of Kingston Park Road, 553 feet s/east of centerline of West Kingsway

15th Election District – 6th Councilmanic District

Legal Owners: Alfred Redmer, Jr. and Sandra Nelson

<u>Variance</u> to permit side yards of 5 feet and 8 feet in lieu of the required 10 feet, to permit an open porch (deck) setback of 15 feet in lieu of the 22.5 feet required rear yard setback, also an open projection (stairway and landing) with a side yard setback of 4 feet in lieu of the required 7.5 feet.

Hearing: Wednesday, July 7, 2004, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Director's Office County Office Building 111 W Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T Smith, Jr, County Executive Timothy M Kotroco, Director

May 17, 2004

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-511-A

54 Kingston Park Road

S/west side of Kingston Park Road, 553 feet s/east of centerline of West Kingsway

15th Election District – 6th Councilmanic District

Legal Owners: Alfred Redmer, Jr. and Sandra Nelson

<u>Variance</u> to permit side yards of 5 feet and 8 feet in lieu of the required 10 feet, to permit an open porch (deck) setback of 15 feet in lieu of the 22.5 feet required rear yard setback, also an open projection (stairway and landing) with a side yard setback of 4 feet in lieu of the required 7.5 feet.

Hearing: Wednesday, July 7, 2004, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco

_ _ _ _

Director

C: Alfred Redmer & Sandra Nelson, 54 Kingston Park Road, Baltimore 21220 Baltitis & Associates, Clyde Hinkle, 1249 Engleberth Road, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 22, 2004.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: $OG-St(\cdot)$
Petitioner: Alfrad W. Badmar, Ir. & Sandra L. Nolson
Address or Location: 54 Kingston Park Boad
PLEASE FORWARD ADVERTISING BILL TO:
Name:Alfred W. Radmar, Ir.
Address: 54 Kingston Bood
Name:Alfred W. Radmar, Ir. PANK Address:54 Kingston Book
Telephone Number: 433-286-1047

Revised 2/20/98 - SCJ

04511- (7)

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T Smith, Jr, County Executive Timothy M Kotroco, Director

June 28, 2004

Alfred W. Redmer, Jr. Sandra L. Nelson 54 Kingston Park Road Baltimore, Maryland 21220

Dear Mr. Redmer and Ms. Nelson:

RE: Case Number:04-511-A, 54 Kingston Park Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 5, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

U. Callinal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Baftis & Associates Clyde Hinkle 1249 Engleberth Road Baltimore 21221

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

May 18, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 18, 2004

Item No.:

495, 502-511, 513-515, 517

Dear Ms. Hart:

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.

The Fire Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 2, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 24, 2004 Item No. 511

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

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco									
FROM:	John D. Oltman, Jr Joo									
DATE:	May 27, 2004									
SUBJECT:	Zoning Item # 04-511 Address Kingston Park Road (Nelson Property)									
Zonin	g Advisory Committee Meeting of May 17, 2004									
The D comm	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.									
	The Department of Environmental Protection and Resource Management offers the following 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).									
<u>X</u>	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).									
Additic	mal Comments:									

Reviewer:

Keith Kelley

Date: May 27, 2004

m/1/200

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: May 20, 2004 CE/VED

MAY 2 1 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case 4-511 - Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

5.17.04

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

RE:

Baltimore County

Item No.

511

JRA

Dear. Ms.Matthews:

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,

1-

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

1. p. soull





VED

JUL - 8 2004

COMMISSIONER

July 8, 2004

Mr. John Murphy
Deputy Zoning Commissioner
401 Bosley Avenue
Suite 405
County Court Building
Baltimore, Maryland 21204

Dear Deputy Commissioner;

Ref: Case Number: 04-511-A, 54 Kingston Park Road

As a result from a Certified Boundary Survey the following are necessary changes to the above referenced Zoning Petition request:

"Variance to permit side yards of 5-feet and 5-feet in lieu of the required 10-feet, to permit an open projection (stairway and landing) with a side yard setback of 2-feet in lieu of the required 7.5-feet, also to allow a 39 ft. lot width in lieu of the required 55 ft. (under section 304.1 A of the B.C.Z.R.)"

If you have any questions, please do not hesitate to call.

Sincerely,

BAFITIS & ASSOCIATES, INC.

William N. Bafitis, P.E.

President

WNB/lkb

RE: PETITION FOR VARIANCE

54 Kingston Park Road; SW/side of Kingston

Park Rd, 553' SE of c/line W Kingsway

15th Election & 6th Councilmanic Districts

Legal Owner(s): Alfred W Redmer and

Sandra L Nelson

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-511-A

* * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Danuty People's Counsel

Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of May, 2004, a copy of the foregoing Entry of Appearance was mailed to, Bafitis & Associates, Inc, 1249 Engleberth Road, Baltimore, MD 21221, Representative for Petitioner(s).

RECEIVED

MAY 1 9 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

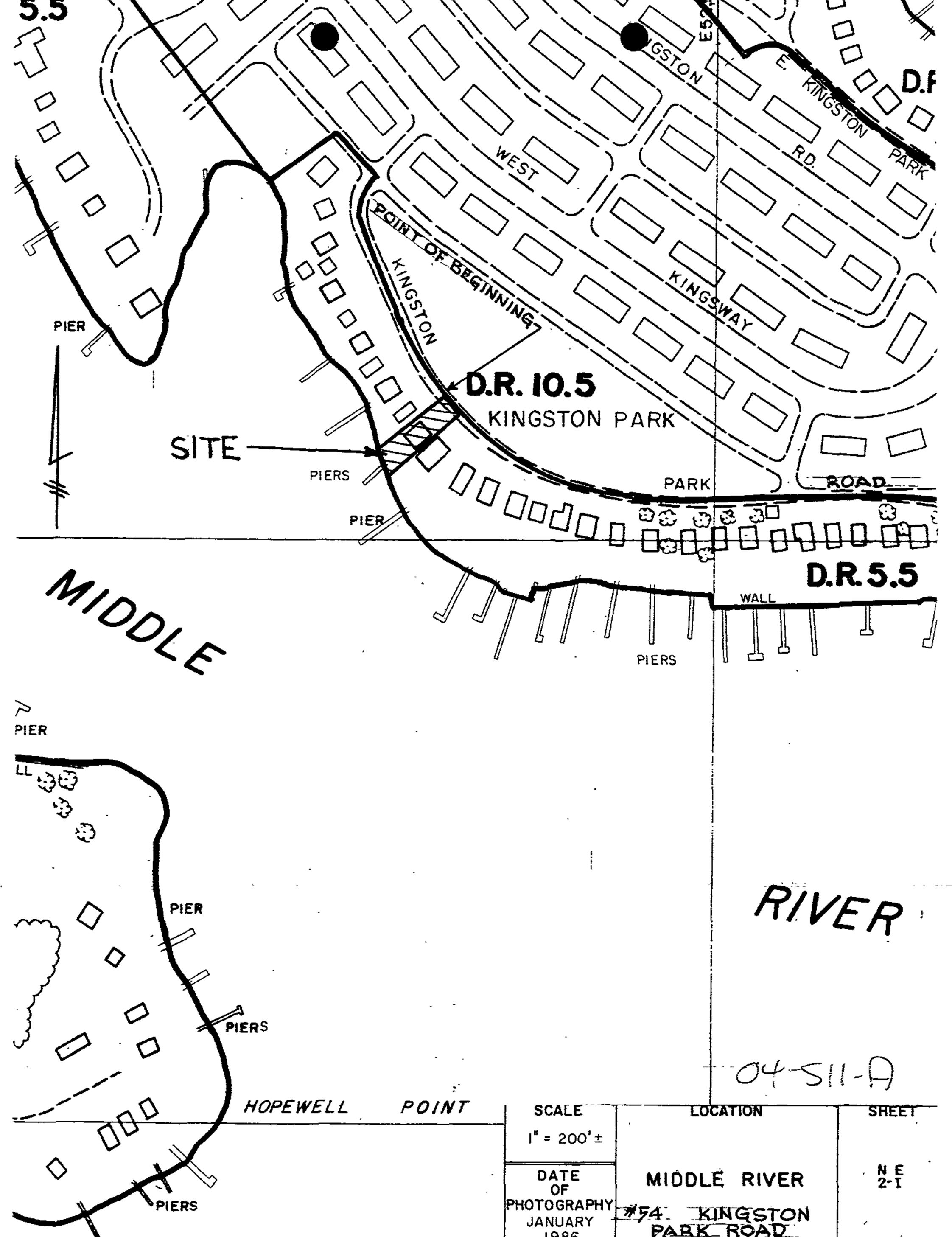
Per

PLEASE PRINT CLEARLY

CASE NAME SY KINGSON PR. Rd.
CASE NUMBER 04- 811- A.
DATE 7/1/04

PETITIONER'S SIGN-IN SHEET

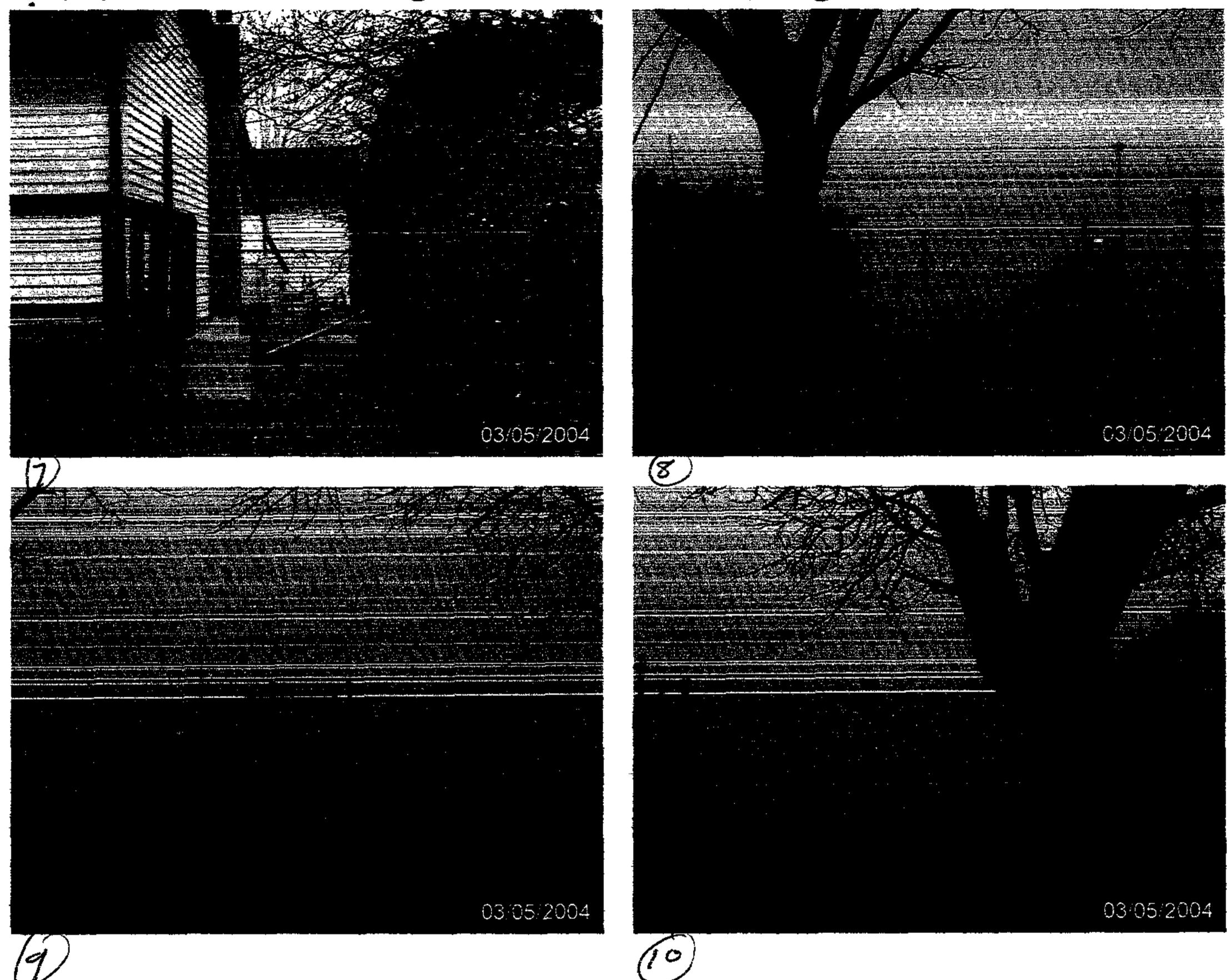
E-MAIL	baine @ Comenst. Net	11- (REDINETA @ YAHDO,	ソ)									
CITY, STATE, ZIP	Salto, Mal 21221	1500 mos	Sult. 2126									
ADDRESS	1249 ENGLEBORTH Ed.	2	on 4101 Fablesian Rd.									
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\$54 KINGSTON BER KOAD



#54 KINGSTON PACK ROAD



Alfred W. Redmer, Jr 4101 Kahlston Rd. Baltimore, MD 21236

May 19, 2004

Mr. Ron Glenn 52 W. Kingston Park Ln. Baltimore, MD 21220

re: 54 W. Kingston Park Ln.

Dear Ron,

As you may know, our house next door incurred flooding during Hurricane Isabel. After much deliberation we have decided to raze the house and rebuild.

As part of the process we have applied to Baltimore County for three building variances. They are as follows:

- 1. to permit sideyards of 5' and 8' in lieu of the required 10'.
- 2. to permit an open porch (deck) setback of 15 in lieu of the 22.5 feet required rear yard setback
- 3. to permit an open projection (stairway and landing) with a sideyard setack of 4-feet in lieu of the required 7.5-feet.

Naturally, these variances are required because of the small lot sizes in our community.

I am convinced that our ability to rebuild a new home at this location will add to the property values of all of the homes in our community.

It would be a tremendous help to Sandy and I if you would agree to support our request. In an effort to avoid being an inconvenience, I have taken the liberty of preparing a letter for your consideration. We would appreciate it if you would review, sign and mail it to us in the envelope provided.

Thank you for your consideration. If you have any questions please contact me at the following numbers.

Work 410-468-2090 Cell 443-286-1047

Perry Hall 410-256-9574

Sincerely,

Al Redmer, Jr.

Q & My

