

IN RE: PETITION FOR ADMIN. VARIANCE  
N/S of Acton Road, 70 ft. +/- E  
centerline of Avondale Road  
14th Election District  
6th Councilmanic District  
(3302 Acton Road)

Kelly A. & Robert R. Davis, Jr.  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 04-568-A

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter was originally before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Kelly A. and Robert R. Davis, Jr. Thereafter, a formal demand for hearing was made by an adjacent property owner, Ms. Barbara McKendrick, and the matter was set in for a hearing. The variance request is for property located at 3302 Acton Road in the Parkville area of Baltimore County. The variance request is from Sections 301.1.A and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with an open projection (deck) to have a side yard setback of 3 ft. 9 in. in lieu of the required 7 ft. 6 in. 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 property was posted with Notice of Hearing on July 31, 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 August 3, 2004 to notify any interested persons of the scheduled hearing date.

### 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

ORDER RECEIVED FOR FILING

Date

By

9/1/04  
[Signature]

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: None.

### **Interested Persons**

Appearing at the hearing on behalf of the variance request were Robert and Kelly Davis Petitioners. Barbara McKendrick and her son Andrew McKendrick appeared in opposition to the requested variance. Vera Dalby appeared as an interested citizen. 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, which is the subject of this variance request, contains 6,750-sq. ft. and is zoned DR 5.5. A single family home improves the lot, which has its front porch in the side yard as shown in Petitioner's Exhibit No. 1. The lots in this area are 50 ft. wide and so the homes were oriented so that the front and rear entrances to the homes are in the side yards. This orientation is the source of the contention in this case.

The Petitioners wish to build a deck which is to be located in their side yard. This gives them direct access to the deck from their rear door. There is no doorway on the rear of any of these homes. The Petitioners would like to build a deck 10 ft. 6 in. wide as shown in

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Date 9/1/62  
By Ray

Petitioners' Exhibit No. 1. According to this exhibit, this leaves 3 ft. 9 in. to the boundary of the lot that adjoins Ms. McKendrick's front entrance, which is located in her side yard. The DR 5.5 regulations require 7 ft. 6 in. from any projection such as the proposed deck to the lot line. The Petitioners' exhibit indicates that there are 14 ft. 3 in. between the Petitioners' home and the McKendrick boundary. If the variance is denied, the Petitioners can build a deck 6 ft. 9 in. wide.

Also, the Petitioners' rear door is elevated several feet above ground level and there is now an existing concrete landing and several steps leading down to the yard. An existing sidewalk then leads to the front and rear of the home. The new deck would be elevated above the ground approximately at the height of the existing landing with steps leading down to the front and rear yards of the home. The rear yard has an existing chain link fence, which has a gate from the side yard, which the Petitioner would like to retain. Any new deck then has to be able to give them access to this gate.

The Petitioners testified that they wanted a 12 ft. wide deck to allow for table and chairs and a little clearance for walking around both. However, to accommodate Ms. McKendrick, they reduced the width to 10 ft. 6 in. They also proposed to build a decorative latticework along the outer edge of the new deck to provide some privacy from and for Ms. McKendrick. In addition to providing enough room for the Petitioners' social activities, the 10 ft. 6 in. deck would avoid an existing drain in the side yard and would be no further toward the McKendrick property than the existing edge of the sidewalk.

Ms. McKendrick testified that she opposed the deck first because the Petitioner started to build the larger deck without a permit. She indicated that her front door and bedroom windows would be at eye level with the new deck, which would invade her privacy. She also believed that the deck would substantially reduce the value of her property.

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Date 9/1/04  
By [Signature]

Both parties submitted substantial and helpful photographs of the area between the homes and the area. One photograph showed that Ms. McKendrick has a deck on her side yard similar to that proposed by the Petitioners. However, she pointed out that her home is on a corner and no one objected to her deck because it is located on the side street side of her home and not between homes.

After extensive discussion between the parties, both sides agreed that the Petitioner should be able to build an 8 ft. wide deck which would be elevated as above. This would mean that instead of a variance of 3 ft. 9 in. in lieu of 7 ft. 6 in., the Petitioners would request a variance of 6 ft. 3 in. in lieu of the required 7 ft. 6 in. The Petitioners will build a privacy divider along the edge of the deck to shield both parties from the other's view. In addition to softening the view of the deck from Ms. McKendrick's property, the Petitioners will plant appropriate materials on the Petitioners' property and at the Petitioners' cost. Both the plantings and privacy divider will be made according to the direction of the Baltimore County Landscape Architect.

#### **Findings of Fact and Conclusions of Law**

Considering the extensive testimony and agreement of the parties on the record, 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 orientation of the front and rear of the homes in their respective side yards is the kind of peculiar structure, which qualifies the property as unique in a zoning sense. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no rear door, which serves the rear yard in these homes. Access to the rear yards is accomplished by going through the side yards. There simply is no other practical place to put the deck, such as in the

back yard. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result in granting of this variance.

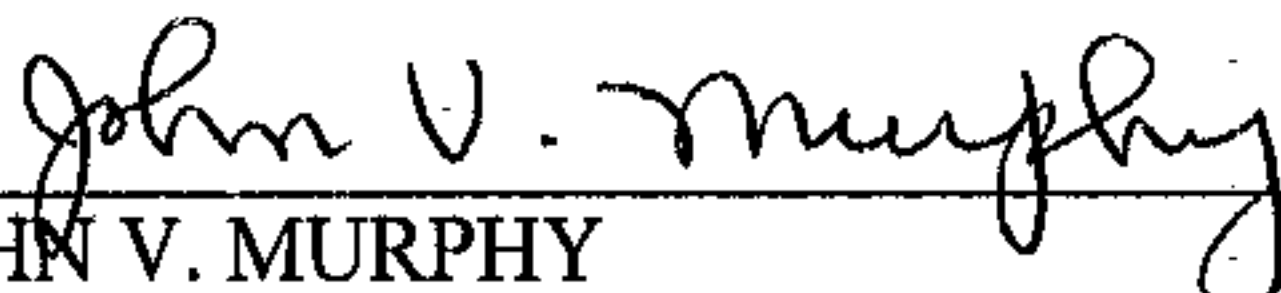
Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 1 day of September, 2004, that a variance from Sections 301.1.A and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with an open projection (deck) to have a side yard setback of 6 ft. 3 in. in lieu of the required 7 ft. 6 in., be and is hereby GRANTED subject to the following condition:

1. The Petitioners shall submit a plan to the Baltimore County Landscape Architect that shall include a privacy divider and plantings, as appropriate, along the edge of the deck nearest the McKendrick property. The Petitioners shall erect and install, at their own expense, such material and plantings that the Landscape Architect recommends.

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

ORDER RECEIVED FOR FILING

Date

By

## 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*

September 1, 2004

Mr. & Mrs. Robert R. Davis, Jr.  
3302 Acton Road  
Baltimore, Maryland 21234

Re: Petition for Administrative Variance  
Case No. 05-568-A  
Property: 3302 Acton Road

Dear Mr. & Mrs. Davis:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative 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,

A handwritten signature in dark ink, appearing to read "John V. Murphy".

John V. Murphy  
Deputy Zoning Commissioner

JVM:raj  
Enclosure

c: Barbara McKendrick  
3300 Acton Road  
Baltimore, MD 21234

Vera Dalby  
2082 Brandy Drive  
Forest Hill, MD 21050

Andrew McKendrick  
3806 Wink Road  
Westminster, MD 21157

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 3302 Acton Road

which is presently zoned D.R. 5.5

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)

301.1.A 1 B02.3.C.1 (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH AN OPEN PROJECTION (DECK) TO HAVE A SIDEYARD SETBACK OF 3' 9" IN LIEU OF THE REQUIRED 7' 6".

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, 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 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:

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

### Attorney For Petitioner:

Name - Type or Print

Signature

Address

Telephone No.

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, 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.

### Legal Owner(s):

Robert R. Davis, Jr.

Name - Type or Print

Signature

Kelly A. Davis

Name - Type or Print

Signature

3302 Acton Road

410-665-7006

Address

Telephone No

Baltimore,

Maryland

21234

City

State

Zip Code

### Representative to be Contacted:

Kelly A. Davis

Name

3302 Acton Road

443-831-3749

Address

Telephone No.

Baltimore

Maryland

21234

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO.

04-568-A

Reviewed By

CTR

Date

6/4/04

Estimated Posting Date

6/13/04

REV 12/25/01

NOTED RECEIVED FOR FILE

# 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.

That the Affiant(s) does/do presently reside at 3302 Acton Road  
Address  
Baltimore Maryland 21234  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The property located at 3302 Acton Road was built on a parcel of land which is rectangular in shape. Therefore, the house was built lengthwise rather than widthwise. In the back yard where the back of the house is there is no exit area. This is two bedrooms with only windows. A deck put back there would not be accessible. The deck we wish to put on the side of the house will only go 6 inches farther than where the present sidewalk is.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robert R. Davis, Jr.  
Signature

Robert R. Davis, Jr.  
Name - Type or Print

Kelly A. Davis  
Signature

Kelly A. Davis  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3<sup>RD</sup> day of June, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert R. Davis Jr + Kelly A. Davis  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]  
Notary Public  
My Commission Expires June 1, 2007

# 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.

That the Affiant(s) does/do presently reside at 3302 Acton Road  
Address  
Baltimore Maryland 21234  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The property located at 3302 Acton Road was built on a parcel of land which is rectangular in shape. Therefore, the house was built lengthwise rather than widthwise. In the back yard where the back of the house is there is no exit area. This is two bedrooms with only windows. A deck put back there would not be accessible. The deck we wish to put on the side of the house will only go 6 inches further than where the present sidewalk is.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robert R. Davis, Jr.  
Signature

Robert R. Davis, Jr.  
Name - Type or Print

Kelly A. Davis  
Signature

Kelly A. Davis  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3<sup>RD</sup> day of June, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert R. Davis, Jr. & Kelly A. Davis  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]  
Notary Public  
My Commission Expires June 1, 2007



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3302 Acton Road

which is presently zoned D.R. 5.5

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) 301.1.A 1 B02.3.C.1 (BC2R)

To permit an existing single family dwelling with an open projection (Deck) To have a sideyard setback of 3'9" in lieu of the required 7'6"

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, 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 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:

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

## Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

Robert R. Davis, Jr.

Name - Type or Print

Signature

Kelly A. Davis

Name - Type or Print

Signature

3302 Acton Road

410-665-7006

Address

Telephone No.

Baltimore

Maryland

21234

City

State

Zip Code

## Representative to be Contacted:

Kelly A. Davis

Name

3302 Acton Road

443-831-3749

Address

Telephone No

Baltimore, Maryland 21234

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, this          day of          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.

04-568-A

Reviewed By

LM

Date

6/4/04

Estimated Posting Date

6/13/04

REV 10/25/01

# ZONING DESCRIPTION

## ZONING DESCRIPTION FOR 3302 ACTON ROAD, BALTIMORE, MARYLAND

21234

Beginning at a point on the NORTH side of ACTON ROAD which is 30' wide at the distance of 70'± EAST of the centerline of the nearest improved intersecting street AVONDALE ROAD which is 30' wide. \*Being Lot # 622/623, Block       , Section # B in the subdivision of GLEN HAVEN as recorded in Baltimore County Plat Book # 7, Folio # 62, containing 6,750 square feet. Also known as 3302 ACTON ROAD and located in the 14 Election District, 6 Councilmanic District.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 13668

DATE 6/14/04 ACCOUNT 1200100660130

AMOUNT \$ 65.00

RECEIVED FROM: DAVIS

FOR: 04-568-A

DISTRIBUTION  
WHITE - CASHIER  
PINK - AGENCY  
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME  
6/07/2004 6/04/2004 14:32:45

REG. NO. 0006 WALDEN KNOX FOR

RECEIPT # 23313 6/04/2004

DATE 5 528 ZIMMER VERIFICATION

EX. NO. 013458

Receipt Tot \$65.00

\$65.00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION



# FORMAL DEMAND FOR HEARING

CASE NUMBER: 04 568 A

Address: 3302 ACTON RD.

Petitioner(s): ROBERT & KELLY DAVIS.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We BARBARA McKENDRICK  
Name - Type or Print

☒ Legal Owner <sup>AND</sup> OR ☒ Resident of

3300 ACTON ROAD  
Address

BALTIMOR MD 21234  
City State Zip Code

410-661-9288  
Telephone Number

which is located approximately \_\_\_\_\_ feet from the  
property, which is the subject of the above petition, do hereby  
formally demand that a public hearing be set in this matter.  
**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS  
DEMAND.**

Barbara McKendrick 24 June 04.  
Signature Date

\_\_\_\_\_  
Signature Date

Revised 9/18/98 - wcr/scj

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 40328

PAID RECEIPT

DATE 6/24/04 ACCOUNT 001 006 8150

AMOUNT \$ 50.00

RECEIVED FROM McKENNICK

FOR Heavy Duty Chair #04-368-A  
3302 ACORN RD

DISTRIBUTION  
WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER

ISSUED    ACTUAL    TIME    NO.  
6/24/2004    6/24/2004    10:07:10    9  
ISSUED BY    WALTON    JOHN    COB  
BY RECEIPT #    84444    6/24/2004    001  
PAGE    3    300 DIVERS VERIFICATION  
OF NO.    84078  
Paid To    \$50.00  
\$50.00    \$50.00  
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

#### 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: #04-568-A  
3302 Acton Road  
N/side of Acton Road, 70 ft. e/of centerline of Avondale Road

14th Election District — 6th Councilmanic District

Legal Owner(s): Robert and Kelly Davis

Administrative Variance: to permit an existing family dwelling with an open projection (deck) to have a sideyard setback of 3 feet 9 inches in lieu of the required 7 feet 6 inches.

Hearing: Wednesday, August 18, 2004 at 2:00 p.m. in Room 108, County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT  
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.

JT 8/6/04 August 3 15462

## CERTIFICATE OF PUBLICATION

8/5/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/3/2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

Date: 8/1/04

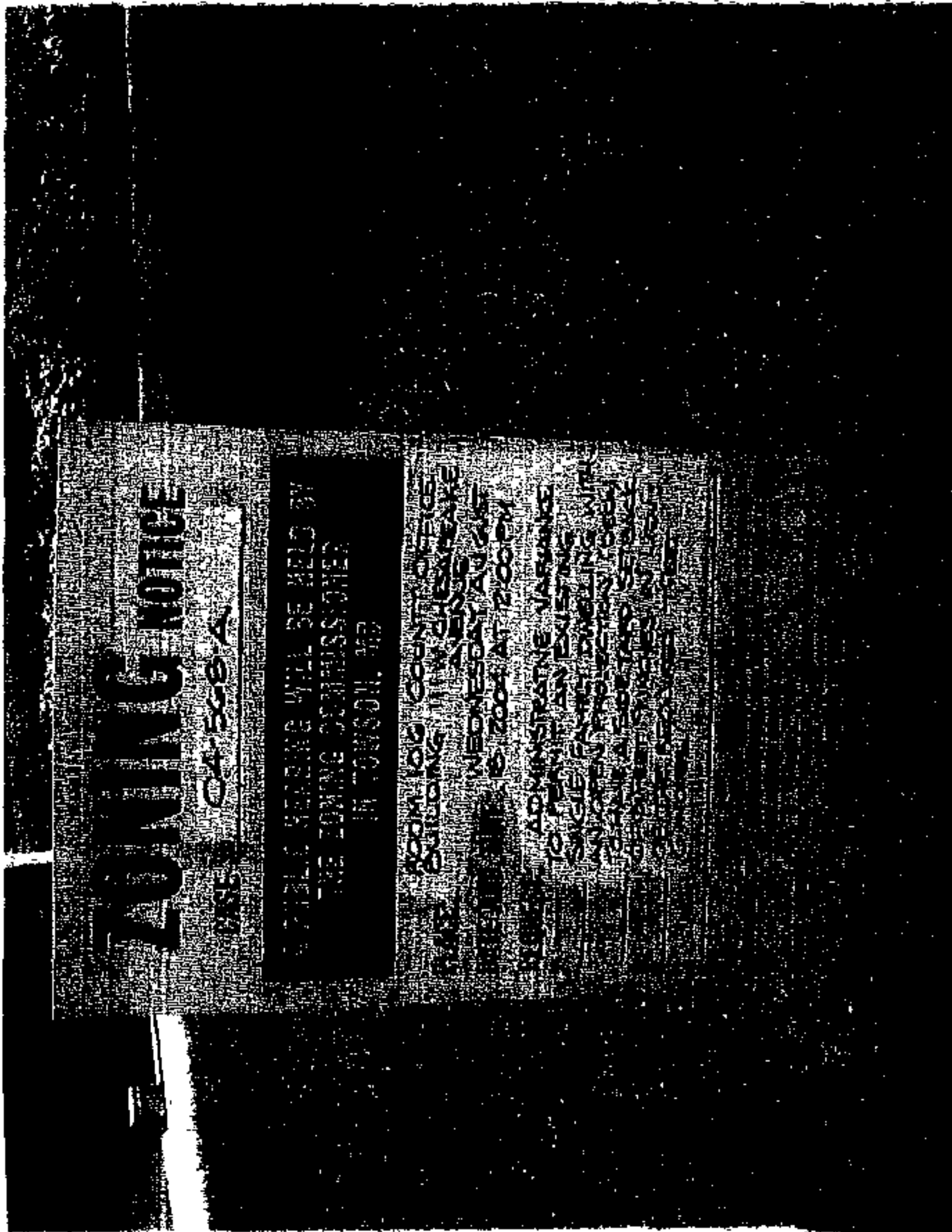
RE: Case Number: 04-568-A

Petitioner/Developer: KELLY DAVIS

Date of Hearing/Closing: 8/18/04

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3302 ACTON ROAD

The sign(s) were posted on 7/31/04  
(Month, Day, Year)



Charles E. Merritt  
(Signature of Sign Poster)

Charles E. Merritt  
9831 Magledt Road  
Baltimore, MD 21234  
410-665-5562

# CERTIFICATE OF POSTING

Date: 6/16/04

RE: Case Number: 04-568-A

Petitioner/Developer: KELY DAVIS

Date of Hearing/~~Closing~~ JUNE 28, 2004

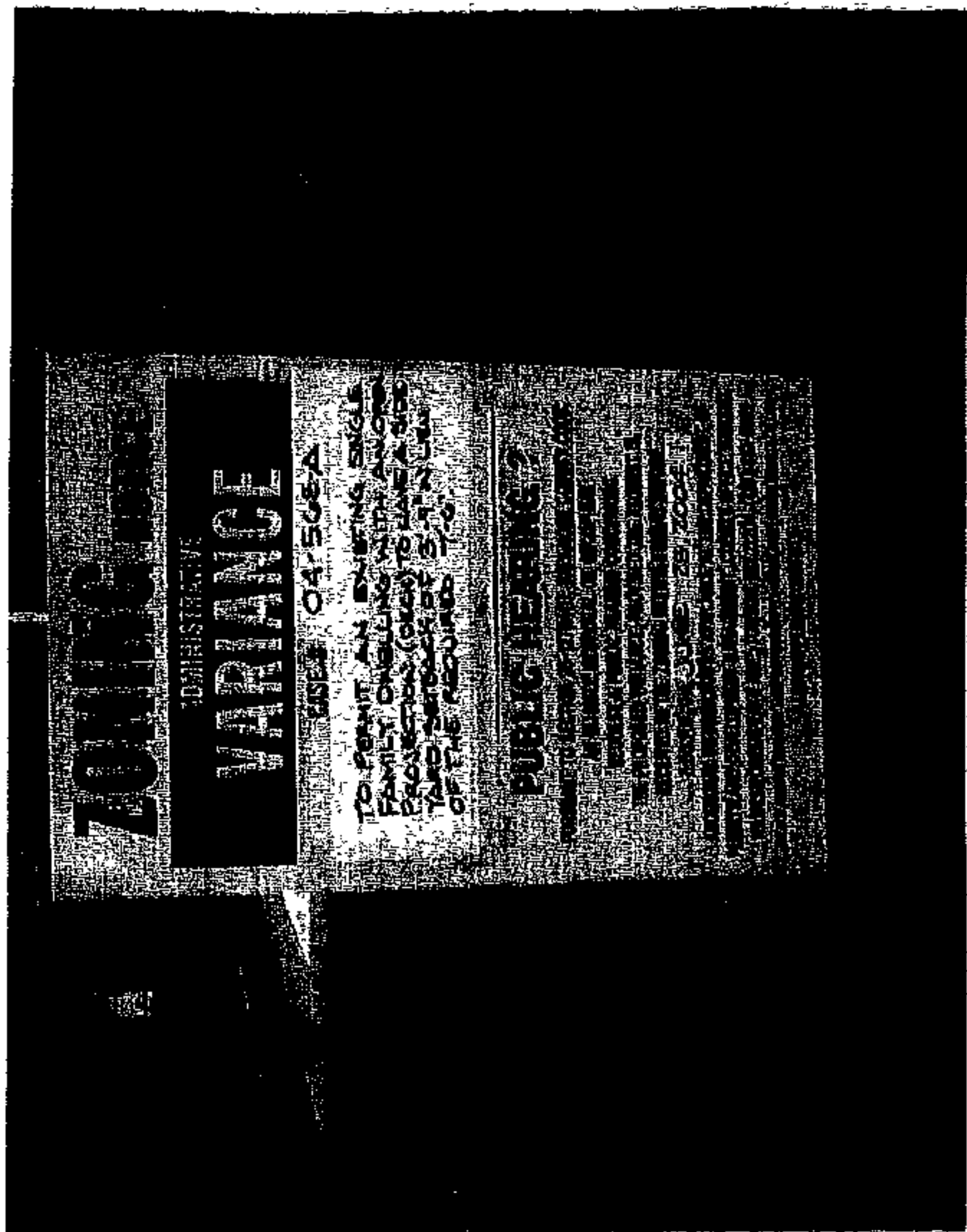
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3302 ACTON ROAD

The sign(s) were posted on JUNE 13, 2004  
(Month, Day, Year)

Charles E. Merritt

(Signature of Sign Poster)

Charles E. Merritt  
9831 Magledt Road  
Baltimore, MD 21234  
410-665-5562





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

June 24, 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: 04-568-A**

3302 Acton Road

N/side of Acton Road, 70 ft. e/of centerline of Avondale Road

14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Robert and Kelly Davis

Administrative Variance to permit an existing single family dwelling with an open projection (deck) to have a sideyard setback of 3 feet 9 inches in lieu of the required 7 feet 6 inches.

Hearing: Wednesday, August 18, 2004 at 2:00 p.m. in Room 106, County Office Building,  
111 W. Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Robert & Kelly Davis, 3302 Acton Road, Baltimore 21234  
Barbara McKendrick, 3300 Acton Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 3, 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.

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, August 3, 2004 Issue - Jeffersonian

Please forward billing to:  
Robert & Kelly Davis  
3302 Acton Road  
Baltimore, MD 21234

410-665-7006

---

## 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: 04-568-A**

3302 Acton Road

N/side of Acton Road, 70 ft. e/of centerline of Avondale Road

14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Robert and Kelly Davis

Administrative Variance to permit an existing single family dwelling with an open projection (deck) to have a sideyard setback of 3 feet 9 inches in lieu of the required 7 feet 6 inches.

Hearing: Wednesday, August 18, 2004 at 2:00 p.m. in Room 106, County Office Building,  
111 W. Chesapeake Avenue



Lawrence E. Schmidt

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**

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



**Baltimore County**

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

June 24, 2004

Robert Davis, Jr.  
Kelly Davis  
3302 Acton Road  
Baltimore, MD 21234

Dear Mr. and Mrs. Davis:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 04-568-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand requiring that a public hearing concerning the above proposed administrative procedure be held.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Lloyd Moxley at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Supervisor  
Zoning Review

WCR:klm

C: Barbara McKendrick, 3300 Acton Road, Baltimore 21234

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 04- 568 -A Address 3302 ACTON RD  
Contact Person: LYNDA T. MOXLEY Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 6/4/04 Posting Date: 6/13/04 Closing Date: 6/28/04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 04- 568 -A Address 3302 ACTON RD  
Petitioner's Name ROBT & KELLY DAVIS Telephone \_\_\_\_\_  
Posting Date: 6/13/04 Closing Date: 6/28/04  
Wording for Sign: To Permit AN EXISTING SINGLE FAMILY DWELLING  
WITH AN OPEN PROJECTION (DECK) TO HAVE A SIDE  
YARD SETBACK OF 3' 9" IN LIEU OF THE REQUIRED  
7' 6"

WCR - Revised 6/28/00

I HAVE RECEIVED POSTING INFO KMD

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (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.**

---

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**For Newspaper Advertising:**

Item Number or Case Number: 04-568-A

Petitioner: Robert R. + Kelly A Davis

Address or Location: 3302 Acton Road Balto Md. 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert R, Jr + Kelly A. Davis

Address: 3302 Acton Road  
Balto Md. 21234

Telephone Number: 410 665-7006

**Department of Permits and  
Development Management**

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



**Baltimore County**

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

August 10, 2004

Robert R. Davis, Jr.  
Kelly A. Davis  
3302 Acton Road  
Baltimore, Maryland 21234

Dear Mr. and Mrs. Davis:

RE: Case Number:04-568-A, 3302 Acton Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 4, 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.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



Baltimore County  
Fire Department

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

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

June 17, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 14, 2004

Item No.: 3550, 554-557, 559-571 (568)

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.

6. 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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.15.04

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

RE: Baltimore County  
Item No. 568 LTM

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,

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

My telephone number/toll-free number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street Baltimore, Maryland 21202 Phone: 410.545.0300 www.marylandroads.com

8/18  
6/28 PV  
Meeting  
Demanded

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco  
FROM: John D. Oltman, Jr  
DATE: July 2, 2004  
SUBJECT: Zoning Items # See List Below

*Zoning Advisory Committee Meeting of June 14, 2004*

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-554  
04-555  
04-557  
04-559  
04-562  
04-564  
04-565  
04-568  
04-571

Reviewers: Sue Farinetti, Dave Lykens

S:\Deveoord\ZAC SHELL 11-20-03.doc

6/28 AV  
8/18

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director  
Department of Permits and  
Development Management

DATE June 28, 2004

RECEIVED

JUN 29 2004

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

ZONING COMMISSIONER

**SUBJECT:** Zoning Advisory Petition(s): Case 4-568 – 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:

Mark A. Cunningham

Division Chief:

John P. Sullivan

MAC/LL

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Timothy M. Kotroco, Director  
Department of Permits &  
Development Management

**DATE:** July 2, 2004

**FROM:** *Sub* Robert W. Bowling, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For June 21, 2004  
Item Nos. 550, 554, 555, 556, 557, 559,  
560, 561, 562, 563, 564, 565, 566, 568,  
and 569

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

CASE NAME 3302 Acton Rd  
CASE NUMBER 04-568-A  
DATE 8/18/04

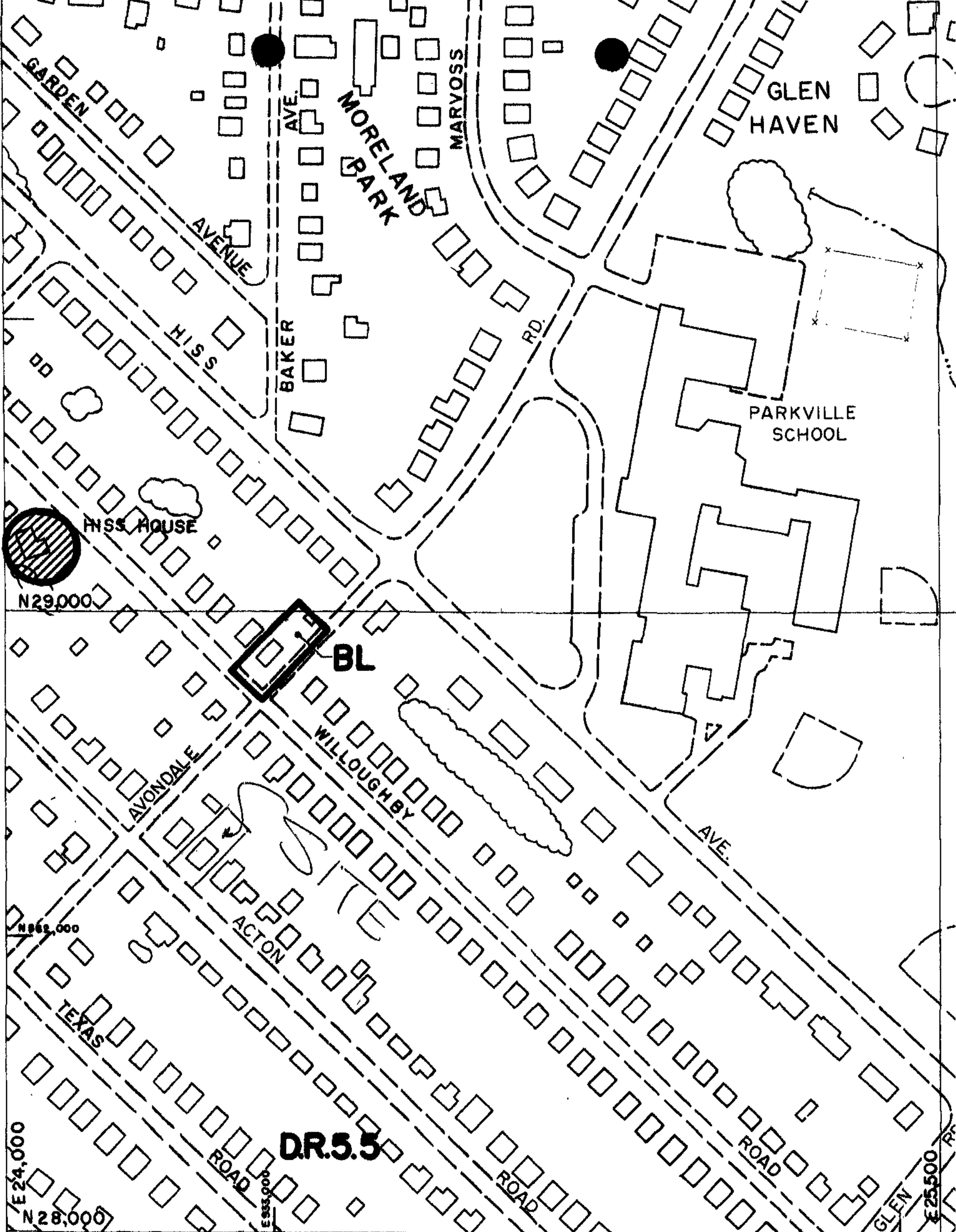
**PETITIONER'S SIGN-IN SHEET**

[illegible]

CASE NAME 3302 Acton Rd  
CASE NUMBER 04-568-A  
DATE 8/18/04

# CITIZEN'S SIGN-IN SHEET

[illegible]



N - SE    M - SW  
N - NE    M - NW

N.E. 8E  
1" = 200'

2000 COMPREHENSIVE  
ADOPTED  
THE BALTIMORE COUNTY  
OCTOBER 2000

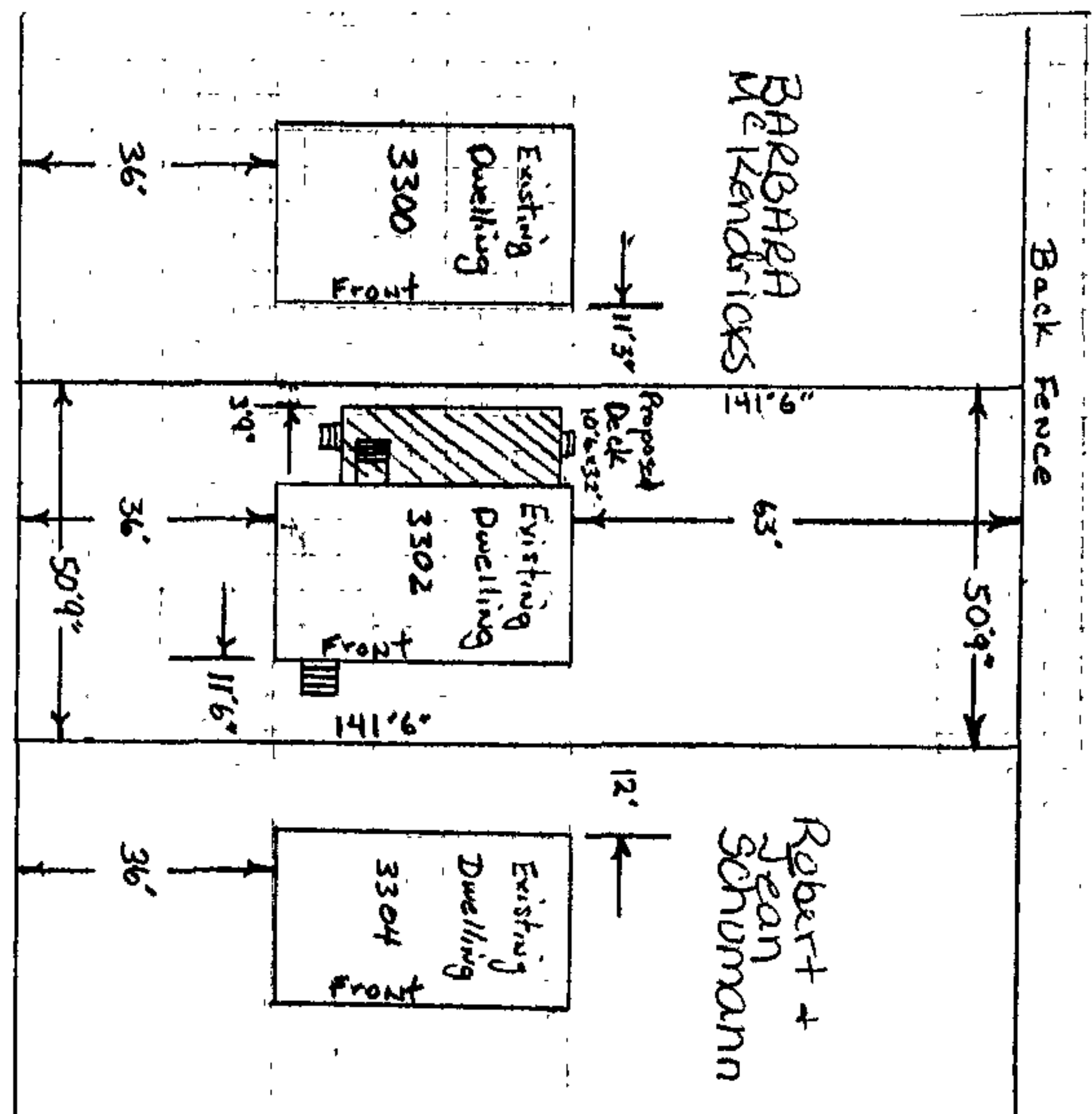
# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3302 Acton Road, Baltimore, MD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Glen Haven 21234

PLAT BOOK # 7 FOLIO # 62 LOT # 622 SECTION # B

OWNER Robert R., Jr. & Kelly A. Davis 623



BARBARA McLENDRICKS

Robert + Jean Schumann

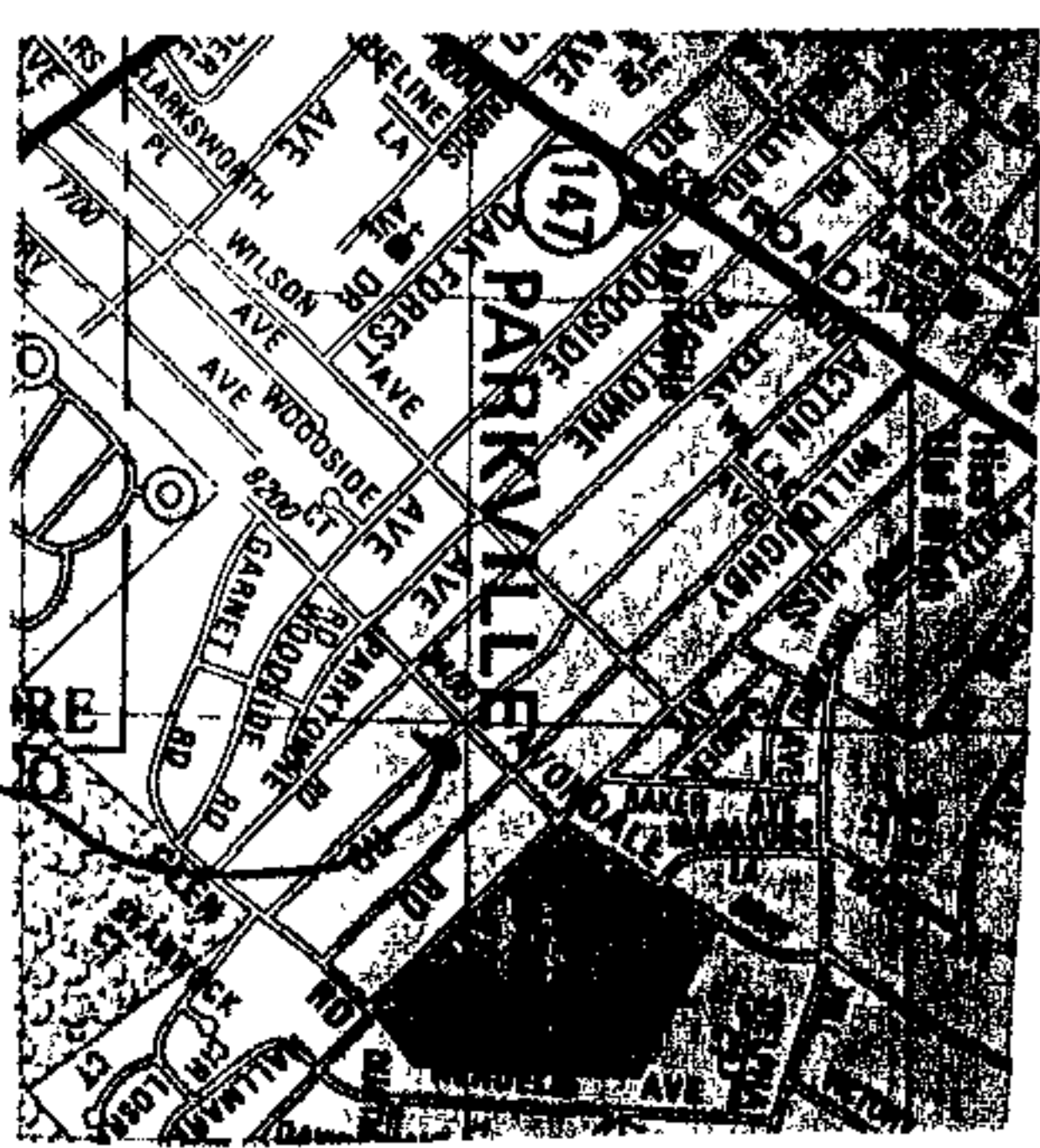
Acton Rd. 30' WIDE



Scale 1"=20'

PREPARED BY Robert R. Davis, Jr.

SCALE OF DRAWING: 1" = 20'



VICINITY MAP  
SCALE: 1" = 1000'  
SITE

## LOCATION INFORMATION

ELECTION DISTRICT - 14

COUNCILMANIC DISTRICT - 6

1"=200' SCALE MAP # NE 8E

ZONING DR 5.5

LOT SIZE 6,750

ACREAGE 0.154 SQUARE FEET

PUBLIC PRIVATE

SEWER ☒

WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY  
REVIEWED BY ITEM # CASE #

CTM 568

# ZONING NOTICE

EAST 4 1478 A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE

DATE AND TIME

REQUEST

PLANNED  
REDEVELOPMENT  
OF  
THE  
PROPERTY  
LOCATED AT  
EAST 4 1478 A  
TOWSON, MD  
THE REQUEST IS FOR  
A CHANGE IN ZONING  
FROM R-1 TO R-2  
AND A CHANGE IN  
LOT AREA FROM  
1.5 ACRES TO  
2.0 ACRES

NOTICE IS HEREBY GIVEN THAT THE  
ZONING COMMISSIONER OF THE  
TOWSON, MD  
IS HOLDING A PUBLIC HEARING ON  
THE MATTER OF  
A CHANGE IN ZONING  
FROM R-1 TO R-2  
AND A CHANGE IN  
LOT AREA FROM  
1.5 ACRES TO  
2.0 ACRES  
ON THE PROPERTY  
LOCATED AT  
EAST 4 1478 A  
TOWSON, MD  
ON THE 14TH DAY OF  
MAY, 1978  
AT 7:00 P.M.





















70

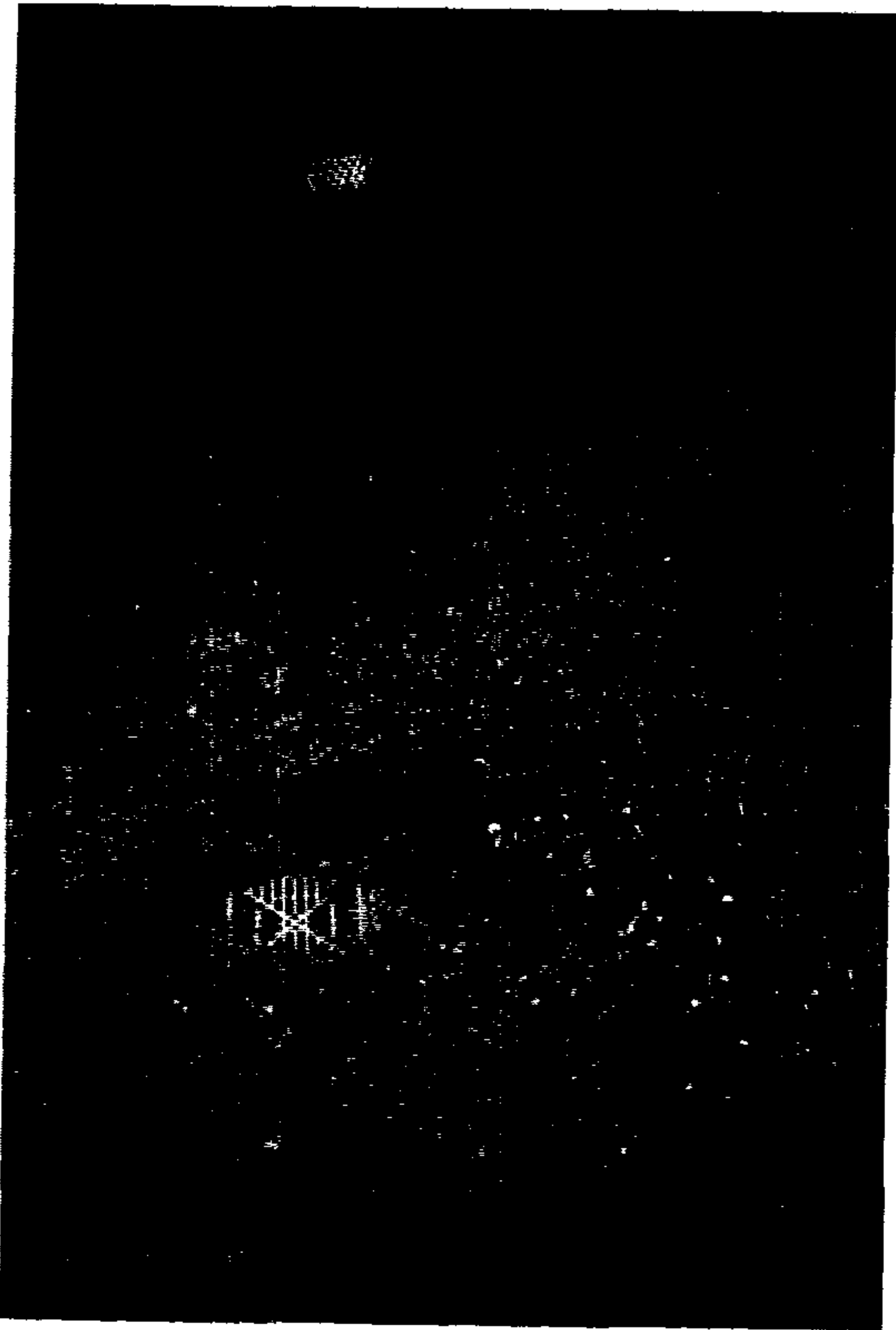
CASE

A PHIL  
IN

PLACE  
DATE AND  
REQUEST



Robert + Kelly Davis  
3302 Acton Road  
Baltimore Md. 21234



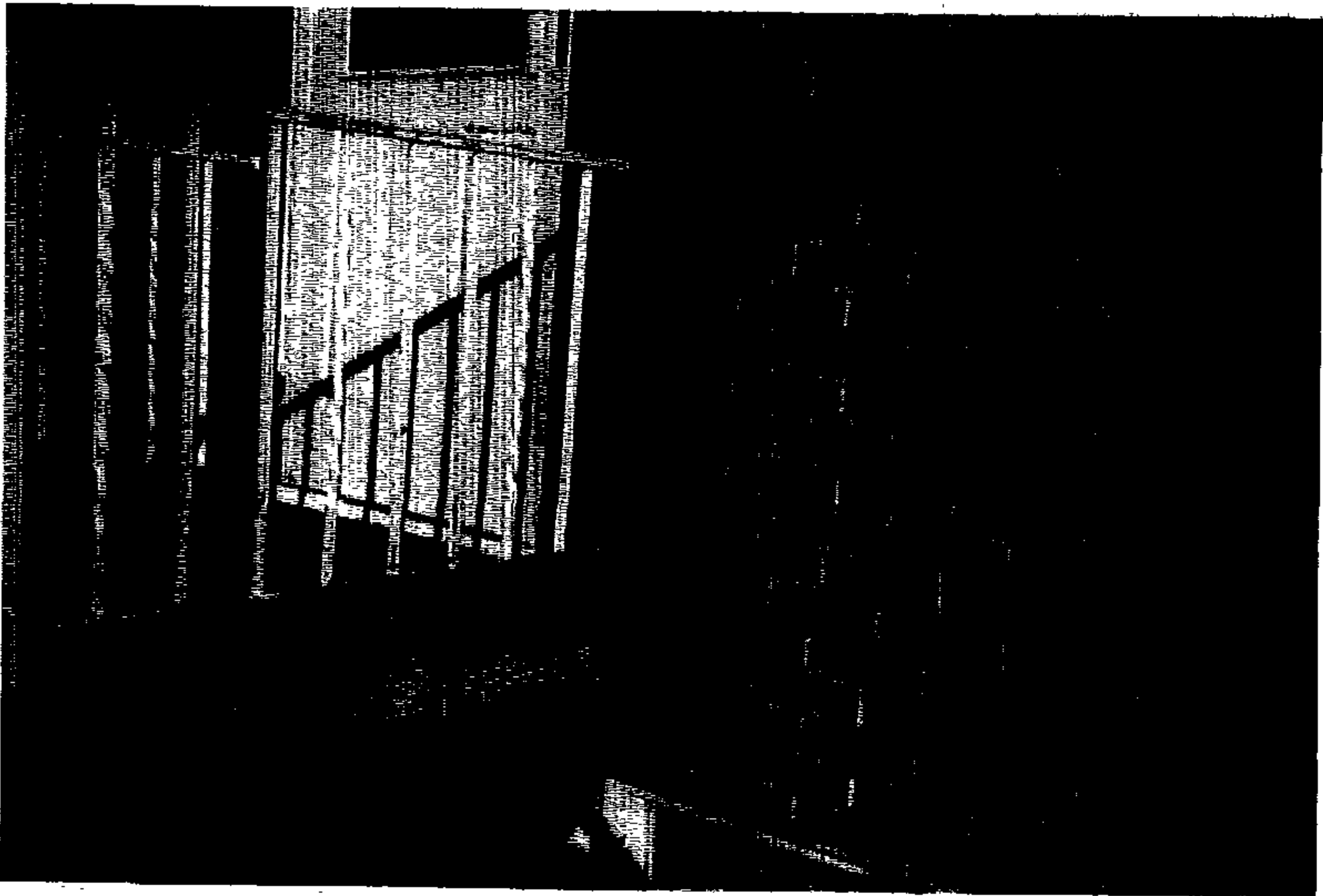
2 water drains behind the house  
due to water drainage problems  
there is one on each side.

Pet  
2A

This is drain on left side of house  
approximately 6 feet from the house

This is also  
unique as  
these drains  
in the back  
have pipes  
underground  
and therefore  
putting a  
deck here  
would be  
almost  
impossible  
without affecting  
the drains





porch which needs to be replaced.  
a Deck would be more appealing. <sup>c</sup>



This shows that there is no  
ability to put a deck on  
this side of our home.

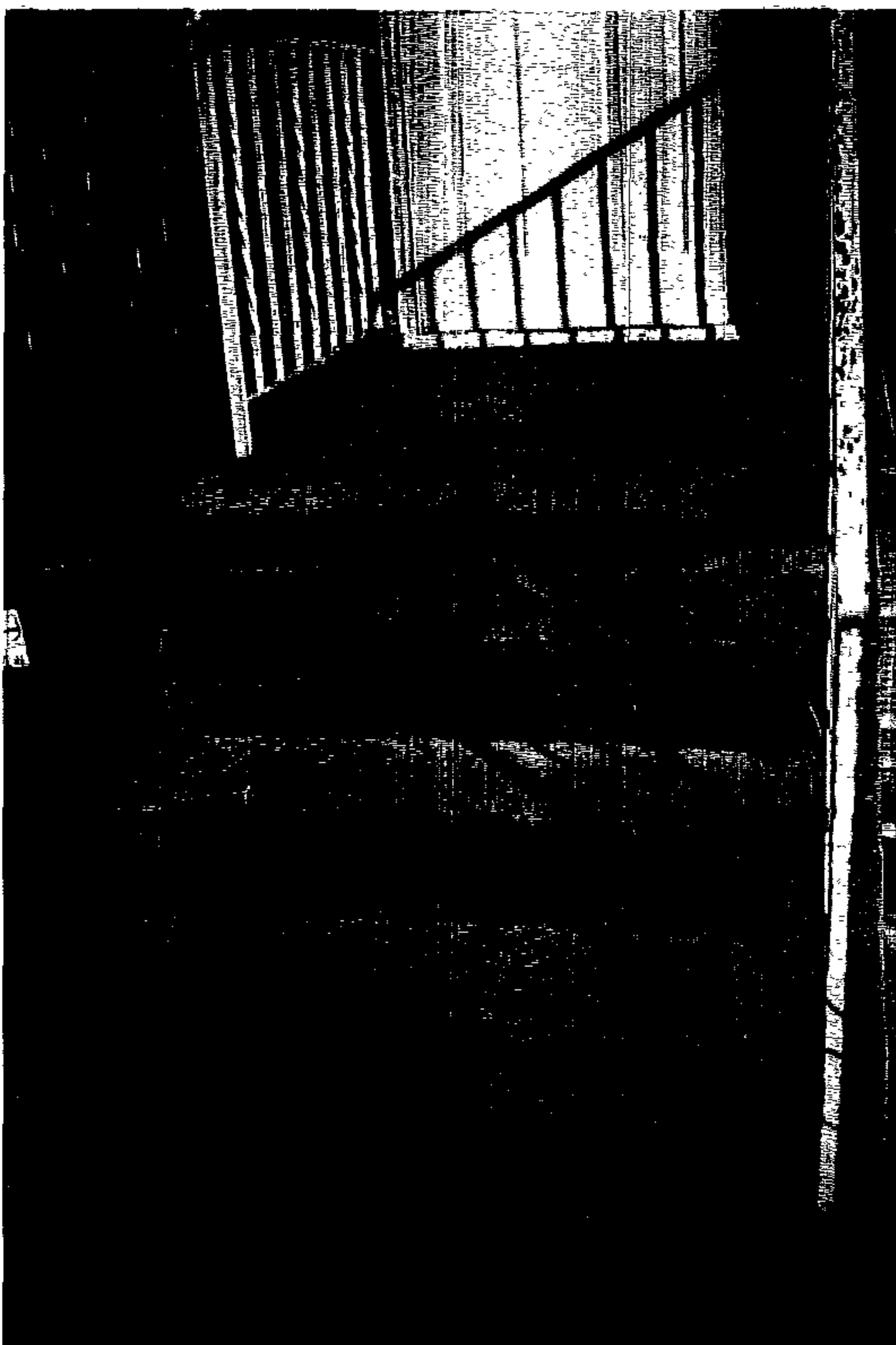
3302 - 3304 Acton Rd.

2D



2nd

This is Mrs. McKendricks deck  
which is similar to the deck  
we wish to have - ours is to go  
the length of the house

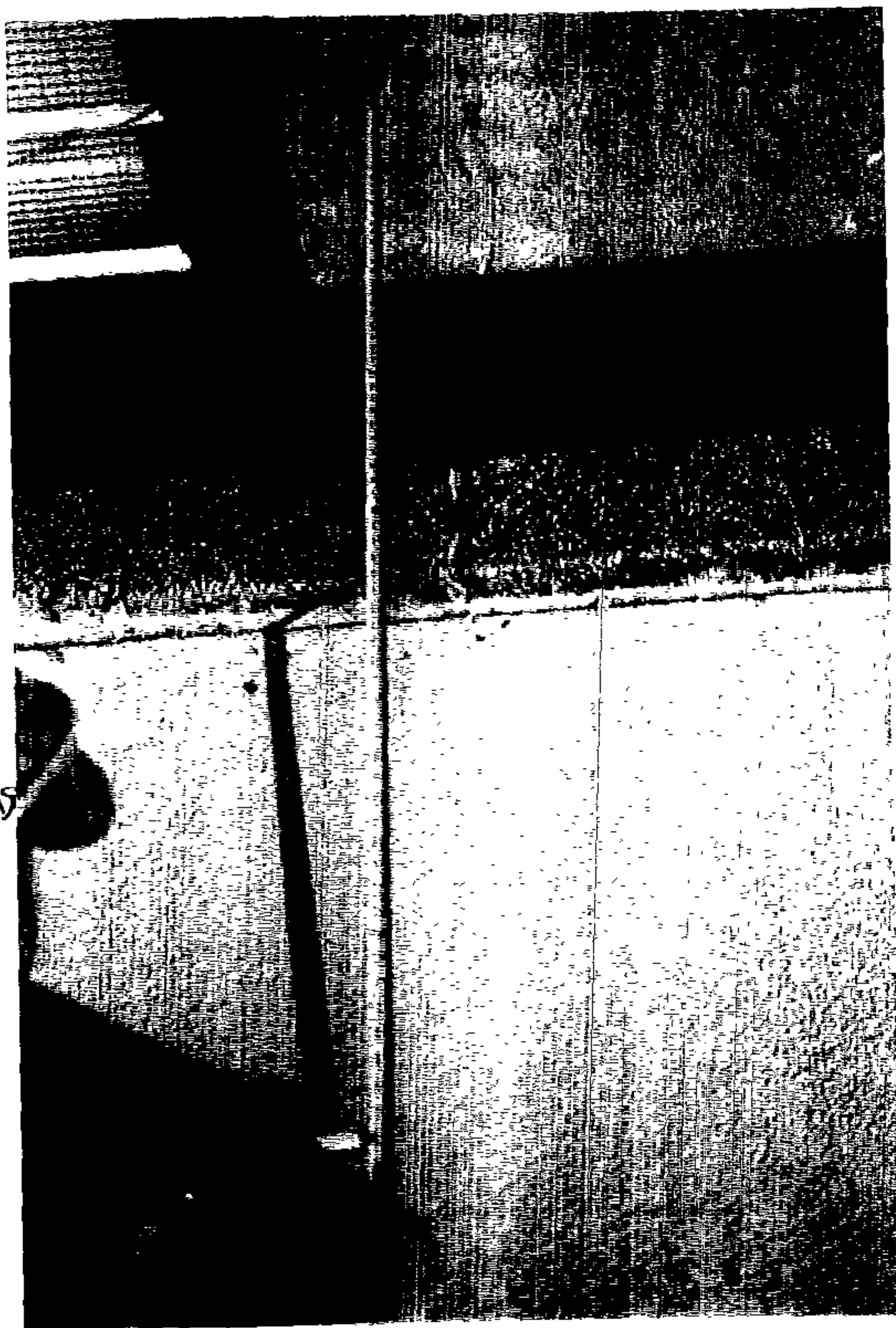


This is  
just the  
damaged  
patch which  
needs to be  
replaced

271

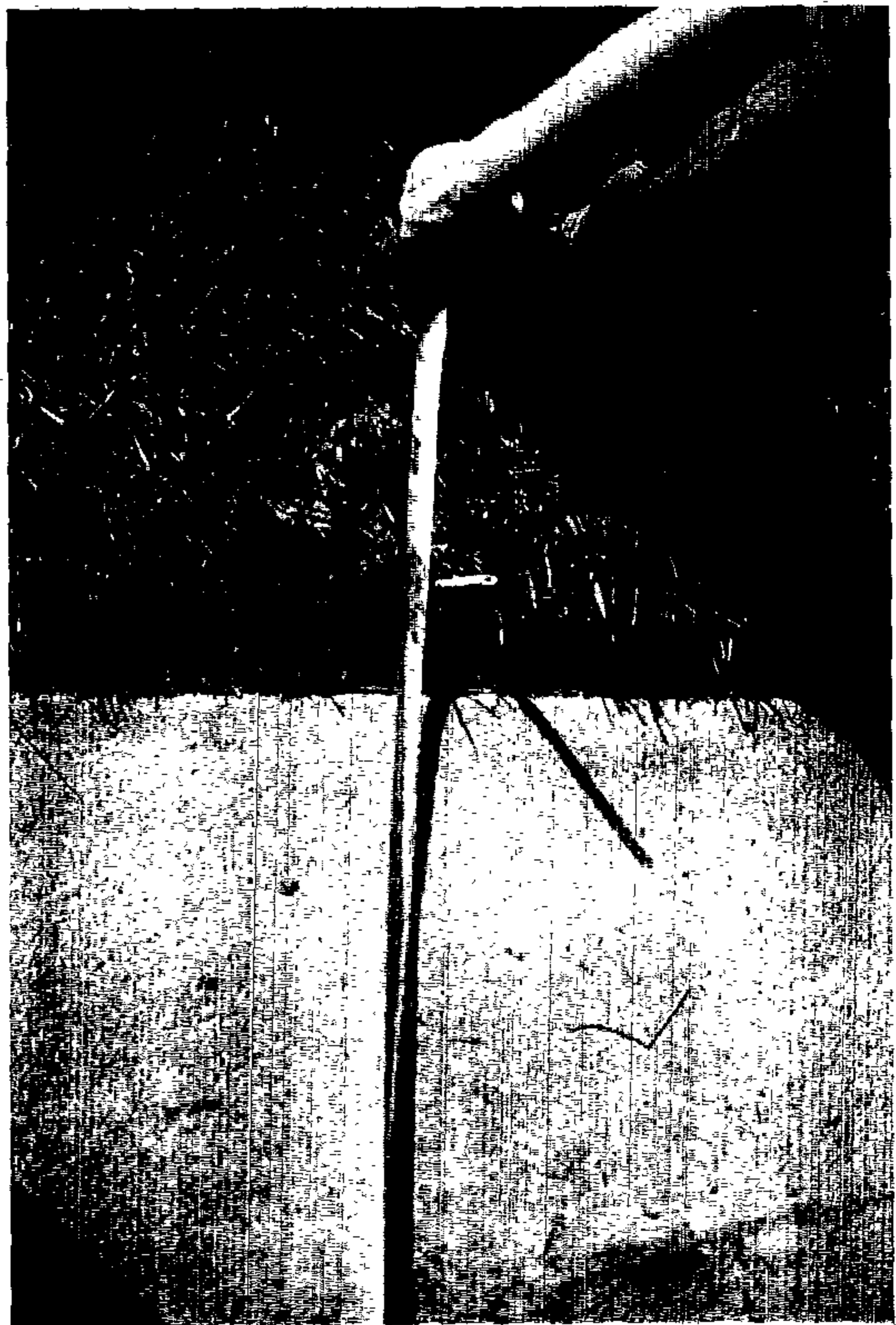


This is left  
from the  
wall which  
would be too  
small to put  
a table & chairs  
and use  
effectively





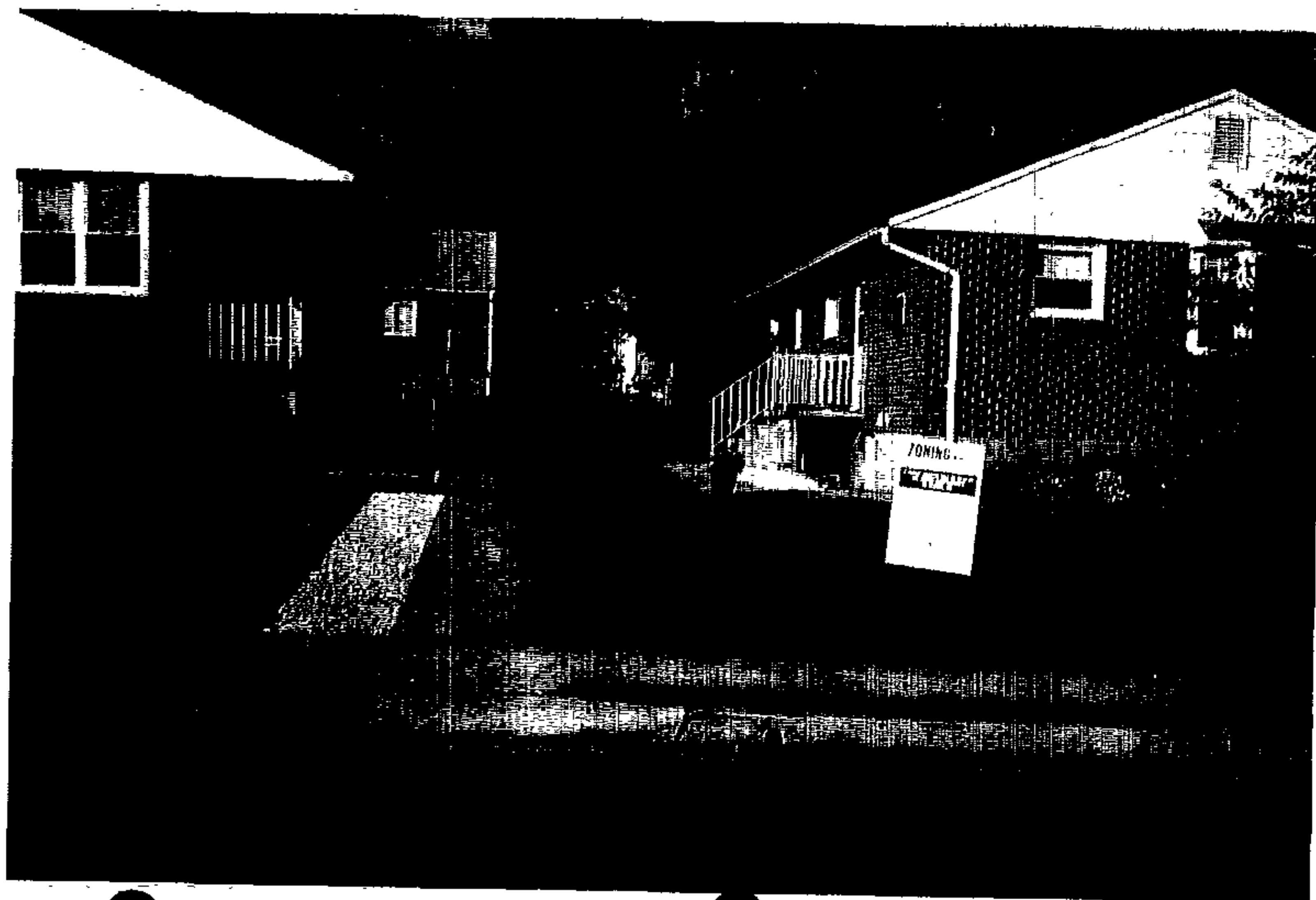
This is the 10ft we  
are requesting.  
A deck any smaller  
would be too small.



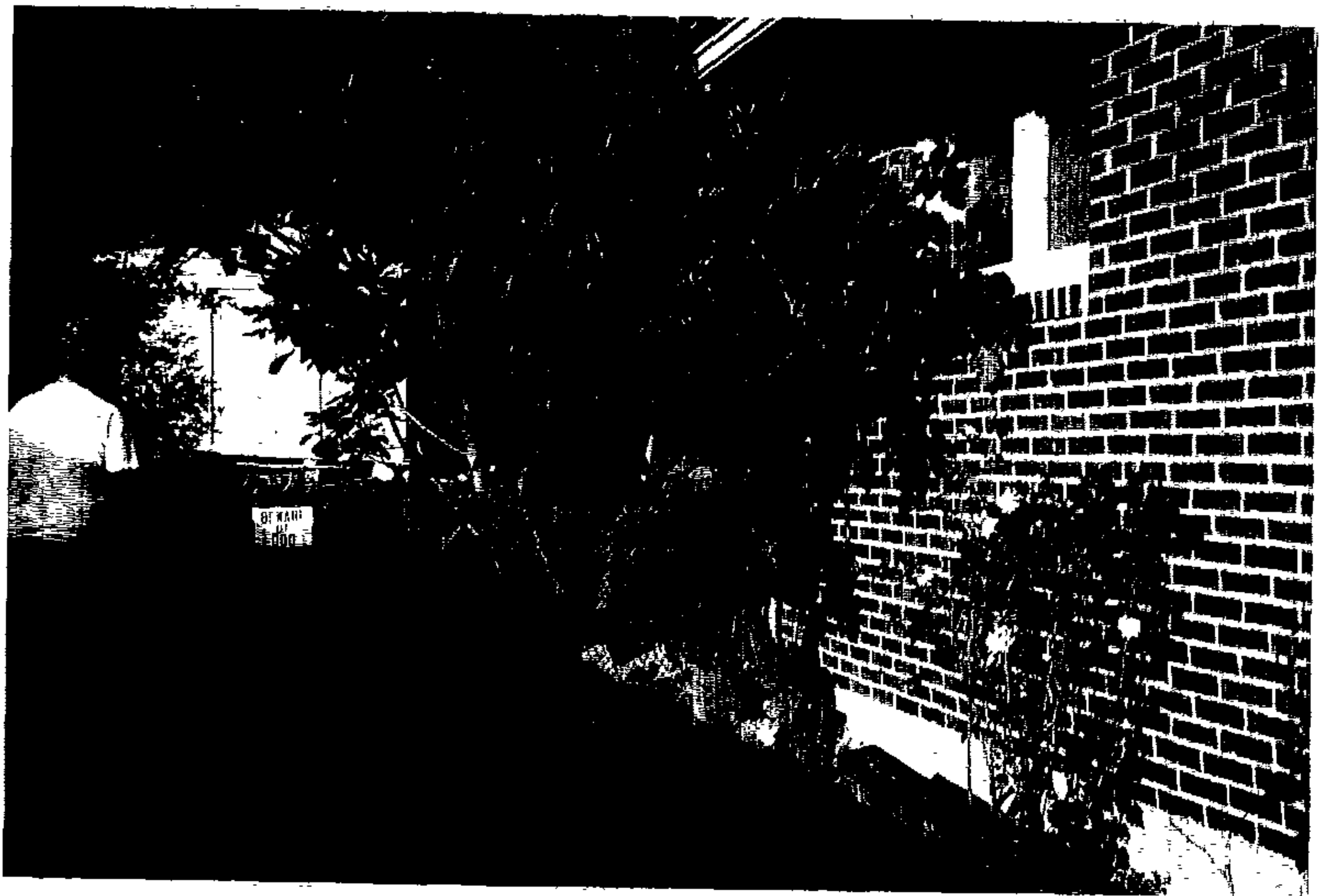


This shows the distance from the house to edge of sidewalk which is where we would like to put the deck to.

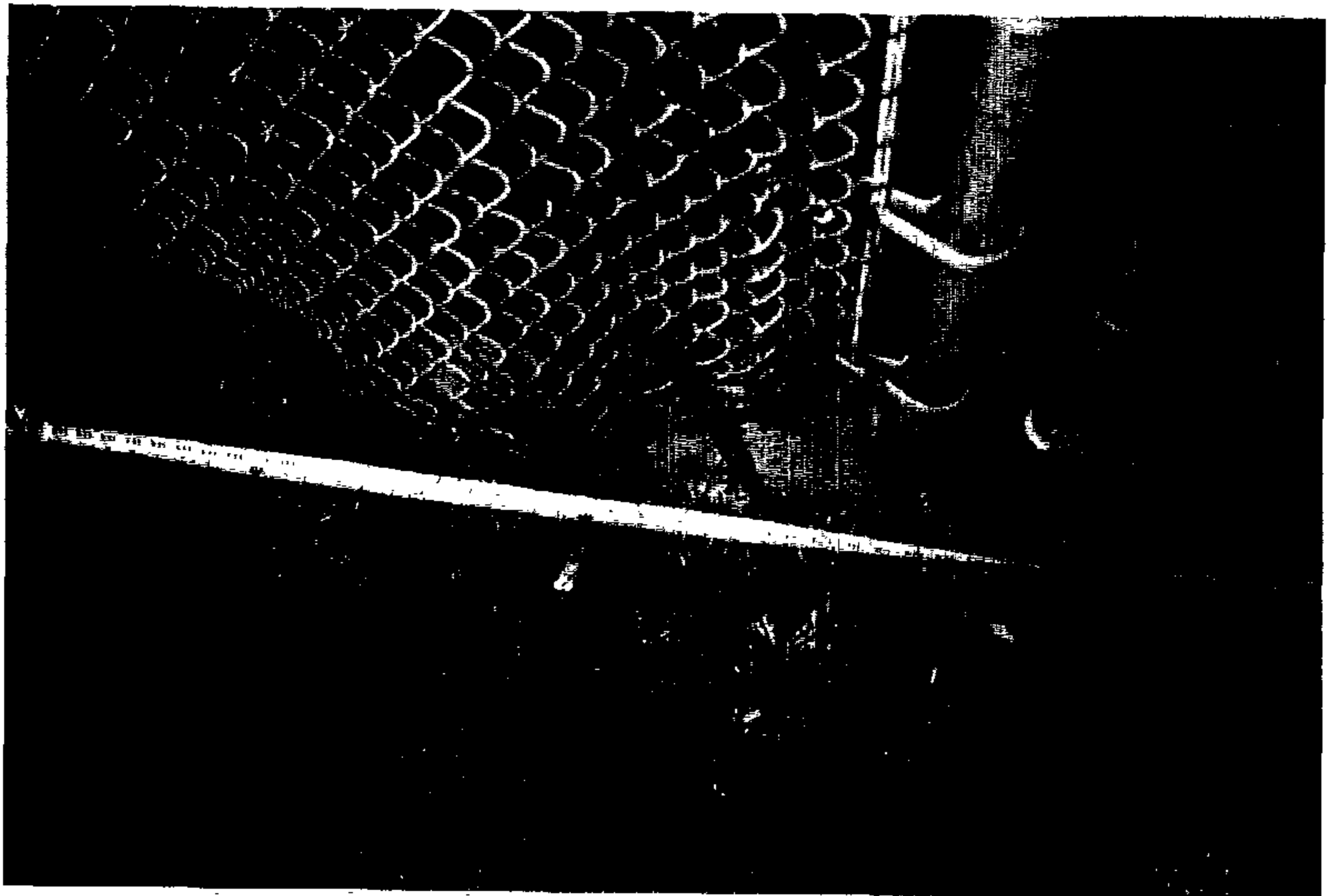
This also shows the uniqueness of our home as our front + back are actually on the sides of our home



This is back of house where bedrooms are  
there is no outside access for a deck



a 6 ft. deck would mean taking<sup>g</sup>  
out this fig tree which has been  
here for 6 years and has finally  
matured



This shows the 10 feet out where the steps to the backyard will go so we don't need to remove the fig tree. *get*