

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND VARIANCE – NE/S Kenlea Avenue,
 324' E of the c/l Trumps Mill Road * ZONING COMMISSIONER
 (7410 Kenlea Avenue)
 14th Election District * OF BALTIMORE COUNTY
 6th Council District * Case No. 05-253-SPHA
 Donald L. Little, et ux
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Donald L. Little, and his wife, Martha B. Little, through their attorney, Bruce A. Kent, Esquire. The Petitions were filed in response to a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management relative to the use of the subject property. In this regard, the Petitioners requested a special hearing to approve the use of a converted pool house as a secondary dwelling and a finding that the overall density in the neighborhood will not be adversely affected. In addition, variance relief was also requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1.5 feet for a "secondary dwelling" in lieu of the required 10 feet. Subsequent to filing the Petitions, the Littles sold the property to Danny L. McCarthy and his wife, Cynthia A. McCarthy. The McCarthys wish to pursue the relief requested as set forth above to continue the use of the subject property as proposed. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Danny and Cynthia McCarthy, property owners, Donald Little, prior owner of the subject property, and Bruce A. Kent, Esquire, attorney for the Petitioners. Appearing in opposition to the request were neighboring and adjacent property owners Andrea Swift and Patrick Gilden, who submitted a

UNDER RECEIVED FOR FILING

Date

By

Petition signed by numerous (24) residents from the surrounding community indicating their opposition to the request.

Testimony and evidence offered disclosed that the subject property is a large, square-shaped parcel, located on the north side of Kenlea Avenue, just east of Kenwood Avenue in Parkville. The property is comprised of five lots, each 25' x 150' in dimension, identified as Lots 184 through 188 of Overlea Hills. Collectively, the property contains a gross area of .43 acres (18,750 sq.ft.), more or less, zoned D.R.5.5, and is improved with a 1½-story dwelling, an in-ground swimming pool, which features an adjacent deck, and a detached garage/pool house building. It is the pool house/garage structure that is at issue in the instant case.

In this regard, Mr. Little testified that he purchased the subject property in May 2002 from James A. Mulcare, Jr. and his wife. At that time the main dwelling contained an upstairs apartment unit in which Mr. Mulcare's mother resided, and the Mulcare's son resided in the pool house. Testimony indicated that the apartment unit was added to the house in approximately 1985 and that the pool house with its amenities was added onto the west side of the garage in 1991. Apparently the pool house was added without benefit of a building permit. In any event, shortly after the Littles purchased the property, Mr. Little removed the stove from the upstairs apartment unit and converted the main house back to a single-family residence. Mr. Little testified that his daughter and son-in-law, Hope and Josh Phillips, occupied the main house while he and his wife took up residence in the pool house. Mr. Little testified that he and his wife resided in the pool house from 2001 until they sold the property in November 2004 to Mr. & Mrs. McCarthy. He testified that no one had ever complained about their use of the pool house as a residence, nor did anyone complain about the previous owner's son residing in the pool house. Mr. Little does not believe the use has adversely affected the neighborhood and identified other homes on Kenlea Avenue that are used as multi-family dwellings. He further testified that the driveway is large enough to accommodate up to eight vehicles and therefore, parking is not a problem.

Mr. & Mrs. McCarthy seek approval to permit the continued use of the pool house as a secondary dwelling unit. They testified that they purchased the property in reliance upon the

multiple listing advertising such a right and submitted into evidence a copy of the Multiple Listing for the property, dated August 28, 2001, marked as Petitioner's Exhibit 2. Obviously, this listing was used by the Mulcares and later by the Littles when they sold the property to the McCarthys. Mr. & Mrs. McCarthy testified that they were told the pool house was an "in-law house" and that they planned to rent it to their adult daughter or others to provide extra income and improve their financial situation. They were advised that there were zoning issues relative to this use; however, were reassured by the Littles that through these proceedings, a favorable outcome would result and they would be allowed to rent out the property. They testified that their property is twice as large as other lots in the neighborhood and indicated that it can easily support two dwelling units. They further testified that they would suffer a practical difficulty if the relief requested was denied.

As noted above, Patrick Gilden and Andrea Swift appeared in opposition to the request. Mr. Gilden lives immediately adjacent to the subject property on the side where variance relief is requested. He testified that the McCarthy family had circulated a notice throughout the community introducing themselves and explaining their intention to use the pool house for additional living quarters. Mr. Gilden indicated that he initially filed the complaint with Code Enforcement because there was no clarification as to how the pool house was going to be used. He stated that he had no objections to family members living in the pool house; however, did not want it being leased to the general public.

Andrea Swift lives across the street from the subject property and has lived in her home for 26 years. She testified that Mr. Mulcare built the pool house 13 years ago and that he approached her at that time and discussed his plans and that she did not object, for so long as it was never rented. She indicated that there were seven members of the Mulcare family who lived together in the main house without any problems and that the pool house was used off and on as living quarters. She further testified that Mr. & Mrs. Little lived in the pool house for the three years that they owned the property, but no one else.

Turning first to the variance request, the Petitioners seek relief to allow a side yard setback of 1.5 feet in lieu of the required 10 feet for the existing garage/pool house structure. In

this regard, it bears emphasis to point out that the garage itself has existed at its current location since 1926. Although the pool house was added in 1991, relief is requested in essence to legitimize the side yard setback of the existing garage. Obviously, strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners in that the structure cannot be relocated elsewhere on the property. Moreover, the garage has existed where located for nearly 80 years. Thus, I am persuaded to grant the requested variance.

As to the Petition for Special Hearing, the Petitioners seek relief to allow the continued use of a converted pool house as a "secondary dwelling" unit and confirmation that the overall density in the neighborhood will not be adversely affected. This is the more difficult issue. As noted above, the subject property is zoned D.R.5.5 and multi-family dwelling units on one lot are not permitted. Thus, use of the pool house as separate living quarters is strictly prohibited. Moreover, the Office of Planning recommended a denial of the request, as it would be contrary to the spirit and intent of the B.C.Z.R. and result in a detriment to the public good. At the hearing, both Mr. Gilden and Ms. Swift pointed out that the community is a family-oriented neighborhood and that they would not oppose the occasional use of the pool house by a family member, given the history of the use on this property. Their primary concern was the future use of the "secondary dwelling" and they wanted assurance that it would not be used for public rental purposes.

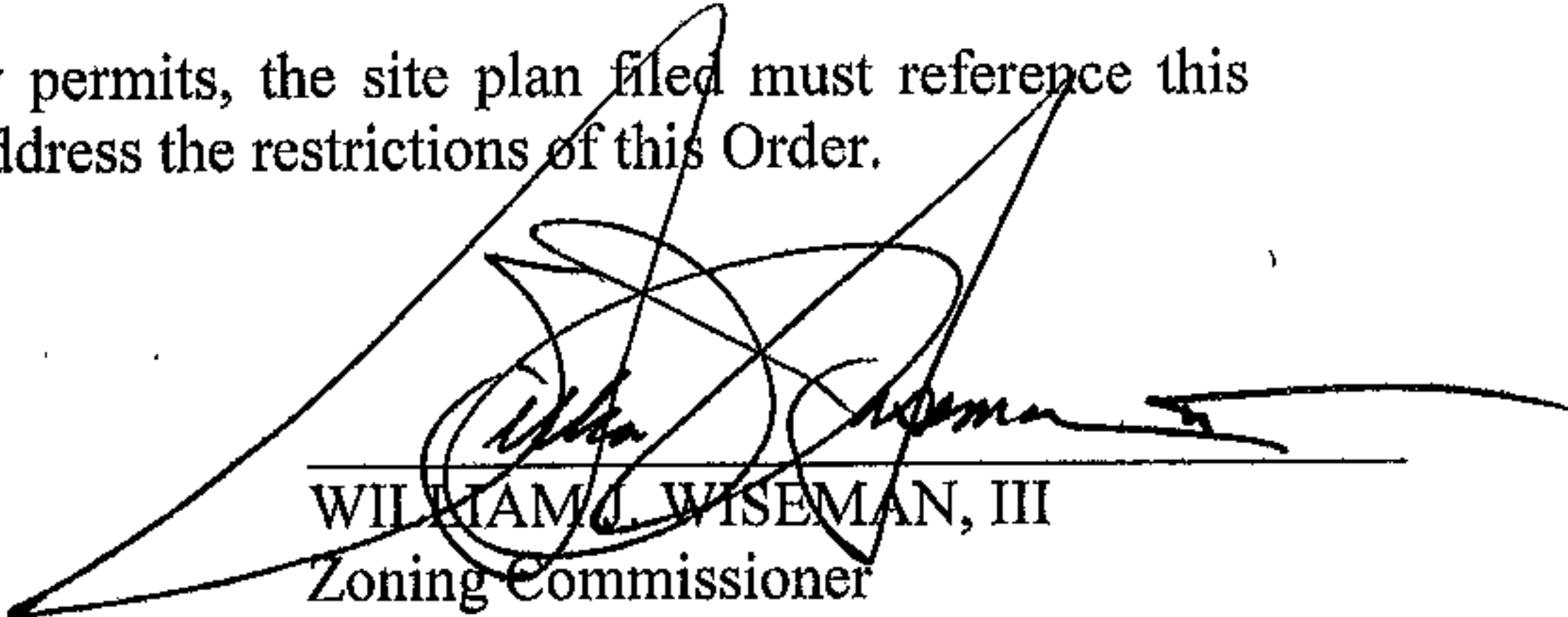
After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing; however, will limit use of the pool house/guest house to family members, only. In this regard, within sixty (60) days of the date of this Order, the Petitioners shall record in the Land Records of Baltimore County a covenant to the deed for their property restricting the use of the pool house/guest house to a family member and no others. Said covenant shall contain the proviso that such use shall terminate upon the sale of the property and no subsequent purchaser shall maintain the "secondary dwelling unit" on the property without a subsequent special hearing. A copy of the recorded covenant shall be submitted to the Department of Permits and Development Management for inclusion in the case file.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted, subject to the terms and conditions set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of January 2005 that the Petition for Special Hearing to approve the use of a converted pool house as a secondary dwelling and a finding that the overall density in the neighborhood will not be adversely affected, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1.5 feet in lieu of the required 10 feet for a "secondary dwelling," in accordance with Petitioner's Exhibit 3A, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within sixty (60) days of the date hereof, the Petitioners shall record in the Land Records of Baltimore County a covenant to the deed for their property restricting the use of the pool house/guest house to a family member and no others. Said covenant shall contain the proviso that such use shall terminate upon the sale of the property and no subsequent purchaser shall maintain the "secondary dwelling unit" on the property without a subsequent special hearing. A copy of the recorded covenant shall be submitted to the Department of Permits and Development Management for inclusion in the case file.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING

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
William J. Wiseman III, Zoning Commissioner

January 25, 2005

Bruce A. Kent, Esquire
5517 Oregon Avenue
Arbutus, Maryland 21227

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/S Kenlea Avenue, 324'E of the c/l Trumps Mill Road
(7410 Kenlea Avenue)
14th Election District – 6th Council District
Donald L. Little, et ux; Danny L. McCarthy, et ux, Contract Purchasers - Petitioners
Case No. 05-253-SPHA

Dear Mr. Kent:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Danny McCarthy
7410 Kenlea Avenue, Baltimore, Md. 21236
Mr. Donald Little, 188-1 East Reservoir Road, Woodstock, Va. 22664
Mr. Patrick Gilden, 7414 Kenlea Avenue, Baltimore, Md. 21236
Ms. Andrea Swift, 7413 Kenlea Avenue, Baltimore, Md. 21236
Code Enforcement Division, DPDM; Office of Planning
People's Counsel; Case File

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7410 Kenlea Ave. Balto. MD 21236
which is presently zoned _____

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

use of ^{converted} pool house as a secondary dwelling, AND A FINDING THAT
THE OVERALL DENSITY IN THE NEIGHBORHOOD WILL NOT
BE ADVERSELY AFFECTED PER W.C.R.

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

I, or we, agree to pay expenses of above Special Hearing, 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 _____

Legal Owner(s):

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

Address _____

City _____

Representative to be Contacted:

Name _____

Address _____

City _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____

City _____ State _____ Zip Code _____

Name _____

Address _____

City _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JCM Date 11-17-04

Case No. 05-253 SPHA

ORDER RECEIVED FOR FILING
Date 11/18/04
By [Signature]



Petition for ^{VIOLATION} Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7410 KENLEA AVE.

which is presently zoned DR5.5

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) 1B02, 3.C.1; BCZR, TO PERMIT A

SIDEYARD SETBACK OF 1.5ft. FOR A "SECONDARY DWELLING" IN
LIEU OF THE REQUIRED 10ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE PRESENTED AT HEARING.

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

Case No. 05-253 SPHA

REV 9/15/98

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JM

Date 11.17.07

Zoning Description for 7410 Kenlea Avenue

BEING KNOWN AND DESIGNATED as Lots 184, 185, 186, 187 and 188 as shown on Plat of Overlea Hills, which Plat is recorded among the Land records of Baltimore County in Plat Book WPC No. 7 folio 192.

The improvements thereon being known as No. 7410 Kenlea Avenue.

Located in the 14th Election District, 6 Councilmanic District.
Beginning at a point on the North East side of Kenlea Ave. which is 24 Feet wide at the distance of 324 Feet East of the centerline of the nearest improved intersecting Street Trumps Mill Rd. which is 24 Feet wide.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

253

No. 60892

DATE 11-17-04 ACCOUNT 001-006-6100

AMOUNT \$ 130.00

RECEIVED FROM LITTLE 7410 KENLEA
FOR VAPR Ave

DISTRIBUTION
WHITE CASHIER

PINK AGENCY

YELLOW CUSTOMER

PAID RECEIPT

BUSINESS NAME TIME DAY
11/18/2004 11:27:00 AM 07-000001
SERV BY WALKER DON 100
SUBJECT 100000 11/17/2004 9714
NOT 5 FOR DOWNS VERIFICATION
TOTAL 00000

Book Tot \$130.00
\$130.00 CR 1.00 CA
Baltimore County, Maryland

CASHER'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: #05-253-SPHA

7410 Kenlea Avenue
N/east side of Kenlea Avenue, 324 feet +/- east of
Trumps Mill Road

14th Election District - 6th Councilmanic District

Legal Owner(s): Danny M. and Cynthia A. McCarthy

Special Hearing: to permit use of pool house as secondary dwelling and a finding that the overall density in the neighborhood will not be adversely affected. Variance: to permit side yard setback of 1.5 feet for a secondary dwelling in lieu of the required 10 feet.

Hearing: Tuesday, January 18, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bostley Avenue, Towson 21204.

WILLIAM WISEMAN

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.
J1/1/605 Jan. 4 34520

CERTIFICATE OF PUBLICATION

1/6/2005

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 1/4/2005.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. : 05-253 SPHA

Petitioner/Developer: DAUNY :

CYNTHIA MCCARTHY

Date of Hearing/Closing: 1/18/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at 7410 KENLEA AVENUE

This sign(s) were posted on January 3 2005
(Month, Day Year)

Sincerely,

Martin Ogle 1/3/05
(Signature of Sign Poster and Date)

Martin Ogle

Sign Poster

5016 Castlestone Drive

Address

Balto. Md 21237

(443-629-3411)

740X111C10106

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

Martin Ogle 1/3/05

**Department of Permits and
Development Management**



Baltimore County

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

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

December 2, 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: 05-253-SPHA

7410 Kenlea Avenue

N/east side of Kenlea Avenue, 324 feet +/- east of Trumps Mill Road

14th Election District – 6th Councilmanic District

Legal Owners: Danny M. and Cynthia A. McCarthy

Special Hearing to permit use of pool house as secondary dwelling and a finding that the overall density in the neighborhood will not be adversely affected. Variance to permit side yard setback of 1.5 feet for a secondary dwelling in lieu of the required 10 feet.

Hearing: Tuesday, January 18, 2004 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Bruce Kent, 5517 Oregon Avenue, Arbutus 21227
Danny & Cynthia McCarthy, 7410 Kenlea Avenue, Baltimore 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 3, 2005.**
- (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, January 4, 2005 Issue - Jeffersonian

Please forward billing to:

Danny & Cynthia McCarthy
7410 Kenlea Avenue
Baltimore, MD 21236

410-668-0799

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: 05-253-SPHA

7410 Kenlea Avenue

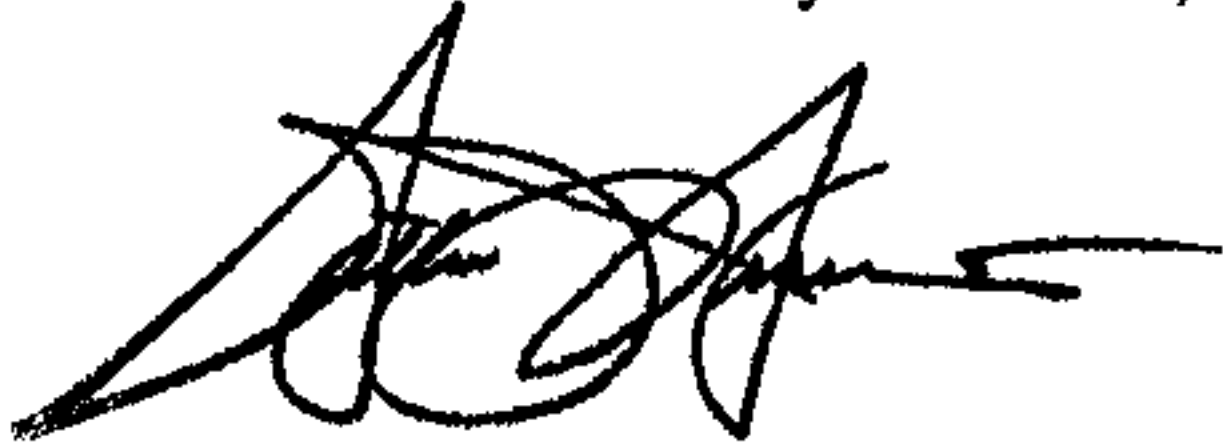
N/east side of Kenlea Avenue, 324 feet +/- east of Trumps Mill Road

14th Election District – 6th Councilmanic District

Legal Owners: Danny M. and Cynthia A. McCarthy

Special Hearing to permit use of pool house as secondary dwelling and a finding that the overall density in the neighborhood will not be adversely affected. Variance to permit side yard setback of 1.5 feet for a secondary dwelling in lieu of the required 10 feet.

Hearing: Tuesday, January 18, 2004 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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

253

Petitioner.

Donald L. Little

Address or Location.

7410 Kenlea Ave. Balt. md. 21236

PLEASE FORWARD ADVERTISING BILL TO

Name.

Donald L. Little

Address

7410 Kenlea Ave

Baltimore, md 21236

Telephone Number

410-661-8656

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



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

January 12, 2005

Bruce A. Kent, Esquire
Law Office of Bruce A. Kent
5517 Oregon Avenue
Arbutus, Maryland 21227

Dear Mr. Kent:

RE: Case Number: 05-253-SPHA, 7410 Kenlea Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 17, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Danny L. and Cynthia A. McCarthy 7410 Kenlea Avenue Baltimore 21236





Governor

Fire Department

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



Neil J. 1

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

November 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 29, 2004

Item No.: 251, 253, 255-266

Pursuant to your request, the referenced plan(s) have been reviewed 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

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
DEPRM

DATE: December 10, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 29, 2004.

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

05-251

05-253

05-255

05-256

05-259

05-261

05-263

05-264

05-265

Reviewers: Sue Farinetti, Dave Lykens

BW
11/18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 10, 2004

RECEIVED

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

DEC 13 2004

ZONING COMMISSIONER

SUBJECT: 7410 Kenlea Avenue

INFORMATION:

Item Number: 5-253

Petitioner: Donald Little

Zoning: DR 5.5

Requested Action: Variance/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and has determined that it amounts to the construction of two dwellings on one lot. As such, this office recommends that the request be **DENIED**.

Prepared by: Marta A. Cunniff

Division Chief: Lynn Farhan

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 9, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For December 6, 2004
Item Nos. 251, 253, 255, 256, 257,
258, 259, 260, 261, 263, 264, 265,
and 266

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
7410 Kenlea Avenue; NE/side of Kenlea	*	ZONING COMMISSIONER
Avenue, 324' E of Trumps Mill Road		
14 th Election & 6 th Councilmanic Districts	*	FOR
Legal Owner(s): Donald & Martha Little		
Petitioner(s)	*	BALTIMORE COUNTY
	*	05-253-SPHA

* * * * *

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
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 1st day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to Bruce A Kent, Esquire, 5517 Oregon Avenue, Arbutus, MD 21227, Attorney for Petitioner(s).

RECEIVED

DEC 2 2004

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 34-1175	Property No. 1413 027840	Zoning:
Name(s): Donna Little Martha Little		
Address: 7410 Kenlea Ave Balto MD 21236		
Violation Location: same		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCZR 161 102.1 1B01.1A

You must eliminate the second dwelling unit by removing cooking facilities from the pool house OR

have an appointment to file multiple zoning variances with Zoning Review (410-887-3391) to maintain two independent dwellings.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 9/18/04	Date Issued: 8/18/04
--------------------------	-------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Derek Propolis

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR:

AGENCY



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 04 1175	Property No. 1413027840	Zoning:
Name(s): Donald Little Martha Little		
Address: 7410 Remles Ave Balto MD 21236		
Violation Location: Sgm		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCZR 101 102.1 1B01.1A 428 431

① Remove the commercial vehicle from the property (van with ladder + light) BY 2/29/04
If light + ladder removed, license remove van by 3/9

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 2/29 + 3/9	Date Issued: 2/19/04
-----------------------------	-------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Derek Propolis

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR:

AGENCY

CODE ENFORCEMENT REPORT

DATE: 1/1/ INTAKE BY: _____ CASE #: 04-1175 INSPEC: _____

COMPLAINT
LOCATION: _____

Add as Complaint Record
ZIP CODE: _____ DIST: _____

COMPLAINANT
NAME: Andrea Swift PHONE #: (H) 410-882-2224 (W) 410-955-1052

ADDRESS: _____ ZIP CODE: _____

PROBLEM: _____

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____
OWNER/TENANT
INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: 10/4
Added compl in computer &
left same PIO for DP.
S02

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

10/29/04

10/14/04

To: LAVETTE STREET
Balto. Co. Code Inspections & Enforcement
County Office Building
111 W. Chesapeake Ave.
Towson, md. 21204
Fax # 410-887-2824

From: Donald L. Little Ph. 410-661-8656
7410 Kenlea Ave. Fax: 410-668-3644
Balto. md. 21236

Correction Notice # 04-1175
This Notice will ~~expire~~ expire on 10/18/04.
I called for an extension, but was told
that Mr. D. Propolis will be out for a
number of weeks.
I have applied for a Special Hearing but
The earliest date they could give me is
Nov. 5, 2004 at 2PM.
I therefore need an extension of time
on this notice.
Thank you for your help in this matter.

Donald L. Little

OK JF

CODE ENFORCEMENT REPORT

DATE: 8/16/04 INTAKE BY: PC CASE #: 4-1175 INSPEC: 14

COMPLAINT LOCATION: 7410 KENNETH A

ZIP CODE: 21236 DIST: _____

COMPLAINANT NAME: PATRICK GILMAN PHONE #: (H) 882-1801 (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: USING POOL HOUSE FOR INGROUND
POOL AS A LIVING QUARTERS

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____
OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: 1413027840 ZONING: _____

INSPECTION:

OPEN

REINSPECTION:

DONALD LEO LITTLE
NANCY B

REINSPECTION:

~~SAME~~ SAME

REINSPECTION:

DATE: 08/17/2004

STANDARD ASSESSMENT INQUIRY ()

TIME: 15:37:39

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
14 13 027840	14	3-0	04-00	H	NO		06/15/04

LITTLE DONALD LEO DESC-1.. IMPSLT 184-188

LITTLE MARTHA B DESC-2.. OVERLEA HILLS

7410 KENLEA AVE PREMISE. 07410 KENLEA

AVE

00000-0000

BALTIMORE

MD 21236-4318 FORMER OWNER: LITTLE DONALD LEO

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	34,930	34,930		FCV	ASSESS	ASSESS
IMPV:	76,570	121,080	TOTAL..	141,172	141,172	126,336
TOTL:	111,500	156,010	PREF...	0	0	0
PREF:	0	0	CURT...	141,172	141,172	126,336
CURT:	111,500	156,010	EXEMPT.		0	0
DATE:	06/99	07/02				

---- TAXABLE BASIS ---- FM DATE

ASSESS: 141,172 08/21/03

ASSESS: 126,336

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 08/17/2004

STANDARD ASSESSMENT INQUIRY

TIME: 15:37:48

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
14 13 027840	14	3-0	04-00	H	NO		06/15/04
LOT.... 184	BOOK....	0007	MAP.....	0081	LOT WIDTH.....	125.00	
BLOCK..	FOLIO...	0192	GRID....	0017	LOT DEPTH.....	100.00	
SECTION..			PARCEL..	0017	LAND AREA..	18750.000	S
PLAT..					YEAR BUILT.....	26	

-----TRANSFER DATA-----

NUMBER..... 234013
 DATE..... 05/22/02
 PURCHASE PRICE..... 0
 GROUND RENT..... 0
 DEED REF LIBER..... 16437
 DEED REF FOLIO..... 0310
 CONVEYED IND..... 9
 TOT-PART TRAN IND..... T
 GRANTOR ACCT NO.. 14-13-027840

CRITICAL NEW CONST CARD
 AREAS CODE YEAR NO

04131

-----EXEMPT DATA-----

STATUS.....
 CLASS CODE..... 000
 STATE EXEMPT CODE..... 000
 COUNTY EXEMPT CODE..... 000
 CURR STATE EX ASMT.... 0
 PRIOR STATE EX ASMT... 0
 CURR COUNTY EX ASMT... 0
 PRIOR COUNTY EX ASMT.. 0

-----STRUCTURE-----

CODE SQ. FEET

1320

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

CODE ENFORCEMENT REPORT

DATE: 2, 18, 04 INTAKE BY: DJP CASE #: 04-1175 INSPEC: 14

COMPLAINT
LOCATION: 7414 Kenlea AV

ZIP CODE: 21236 DIST: _____

COMPLAINANT
NAME: Anon PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: untagged vehicle

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____
OWNER/TENANT
INFORMATION: _____

TAX ACCOUNT #: 14-18-049150 ZONING: _____

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

Baltimore County Department Of Zoning
Towson, MD 21204

February 17, 2004

To Whom It May Concern:

Thanks for your fine work! Recently, I noticed an excessive amount of untagged motor vehicles parked in residential lawns and driveways in the Linover neighbor, zone 21236.

Here is a list of untagged cars, vans, and trucks parked in residential driveways and:

02 -	5159 Terrace Drive.....	Buick with damaged frontend
NCF	5136 Alberta Ave.....	Ford Pickup Truck
NCF	2 Linhigh Avenue.....	White Ford Van
NCF	110 Leslie Avenue.....	Chevy
NCF	113 Leslie Avenue.....	Oldsmobile & Nissan
NCF	115 Leslie Avenue.....	Chevy Van
NCF	101 Elinor Avenue.....	Lincoln Continental
NCF	211 Sipple Avenue.....	WTS Van (Commercial)
NCF	215 Sipple Avenue.....	Volvo
99,01	221 Sipple Avenue.....	Isuzu Trooper
00	135 Lyndale Avenue.....	Ford Ranger P/Up
NCF	5115 Meridy Avenue.....	Chevy S10 P/Up
NCF	7522 Kenlea Avenue.....	Jeep Wrangler
NCF	7414 Kenlea Avenue.....	Van
02	137 Sipple Ave.....	Basketball net/stand obstructing sidewalk (1 year)

Again, thanks for helping to improve this neighborhood.

DATE: 02/19/2004

STANDARD ASSESSMENT INQUIRY (1)

TIME: 14:49:10

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
14 13 027840	14	3-2	04-00	H	NO		02/13/04

LITTLE DONALD LEO DESC-1.. IMPSLT 184-188

LITTLE MARTHA B DESC-2.. OVERLEA HILLS

7410 KENLEA AVE PREMISE. 07410 KENLEA

AVE

00000-0000

BALTIMORE

MD 21236-4318 FORMER OWNER: LITTLE DONALD LEO

----- FCV -----			----- PHASED IN -----			
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	34,930	34,930		FCV	ASSESS	ASSESS
IMPV:	76,570	121,080	TOTAL..	141,172	141,172	126,336
TOTL:	111,500	156,010	PREF...	0	0	0
PREF:	0	0	CURT...	141,172	141,172	126,336
CURT:	111,500	156,010	EXEMPT.		0	0
DATE:	06/99	07/02				

---- TAXABLE BASIS ----		FM DATE
04/05 ASSESS:	141,172	08/21/03
03/04 ASSESS:	126,336	06/04/03
02/03 ASSESS:	111,500	07/31/02

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

[Click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 14 Account Number - 1413027840

Owner Information

Owner Name: MCCARTHY DANNY L
MCCARTHY CYNTHIA ANN
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 7410 KENLEA AVE
BALTIMORE MD 21236-4318
Deed Reference: 1) /20953/ 395
2) /20953/ 387

Location & Structure Information

Premises Address
7410 KENLEA AVE

Legal Description

LT 184-188
7410 KENLEA AVE
OVERLEA HILLS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
81	17	17					184	82		7/ 192

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1926	1,320 SF	18,750.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	34,930	34,930		
Improvements:	76,570	121,080		
Total:	111,500	156,010	141,172	156,010
Preferential Land:	0	0	0	0

Transfer Information

Seller: LITTLE DONALD LEO	Date: 11/09/2004	Price: \$215,000
Type: IMPROVED ARMS-LENGTH	Deed1: /20953/ 395	Deed2: /20953/ 387
Seller: LITTLE DONALD LEO	Date: 05/22/2002	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /16437/ 310	Deed2:
Seller: MULCARE, JAMES A, JR	Date: 11/07/2001	Price: \$162,000
Type: IMPROVED ARMS-LENGTH	Deed1: /15735/ 253	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

CASE NAME _____
CASE NUMBER 05-253-S P14A
DATE 1-18-05

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME	CASE NUMBER	DATE

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.:

05-253 SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	PHOTO'S OF SUBJECT PROPERTY 1-A - SHOWS POOL HOUSE - 2nd day 1-B - MAIN RESIDENCE	PETITIONERS LETTER TO NEIGHBORHOOD - DESIRE TO RENT 2ND HOME - POOL HOUSE
No. 2	MULTIPLE LISTING 8/28/01 - LARGE HOME & GUEST HOUSE - WITH ALL AMENITIES	VIOLATION NOTES
No. 3	SITE LOCATION - IMPROVEMENTS 3-A - EXISTENCE OF IMPROVEMENTS 3-B - MEASUREMENT - SET BACKS 3-C - SITE PLAN	10/01 - 26 NEIGHBOR'S WHO PETITION AGAINST RELIEF
No. 4	PHOTO - INSIDE POOL HOUSE (secondary residence kitchen)	PHOTO'S OF SUBJECT PROPERTY DENOTING CLUTTER
No. 5	5 A thru 5 PHOTO'S OF FRONT BACK & SIDES OF THE POOL HOUSE	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 7410 KENLEA AVENUE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME OVERLEA HILLS

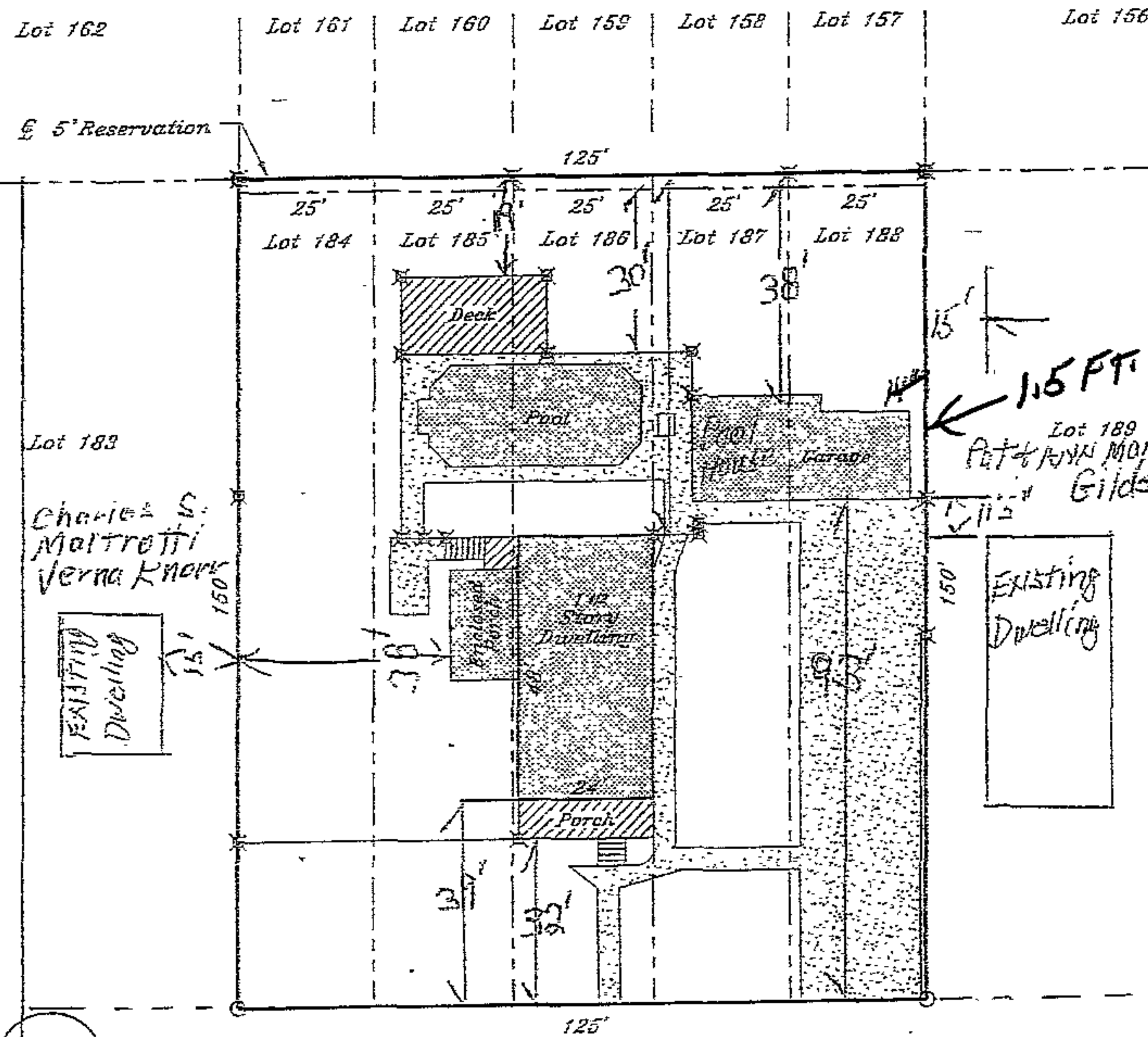
PLAT BOOK # 7 FOLIO # 192 LOT # 188 SECTION # 184-

OWNER

Owner: Donald & Martha Little

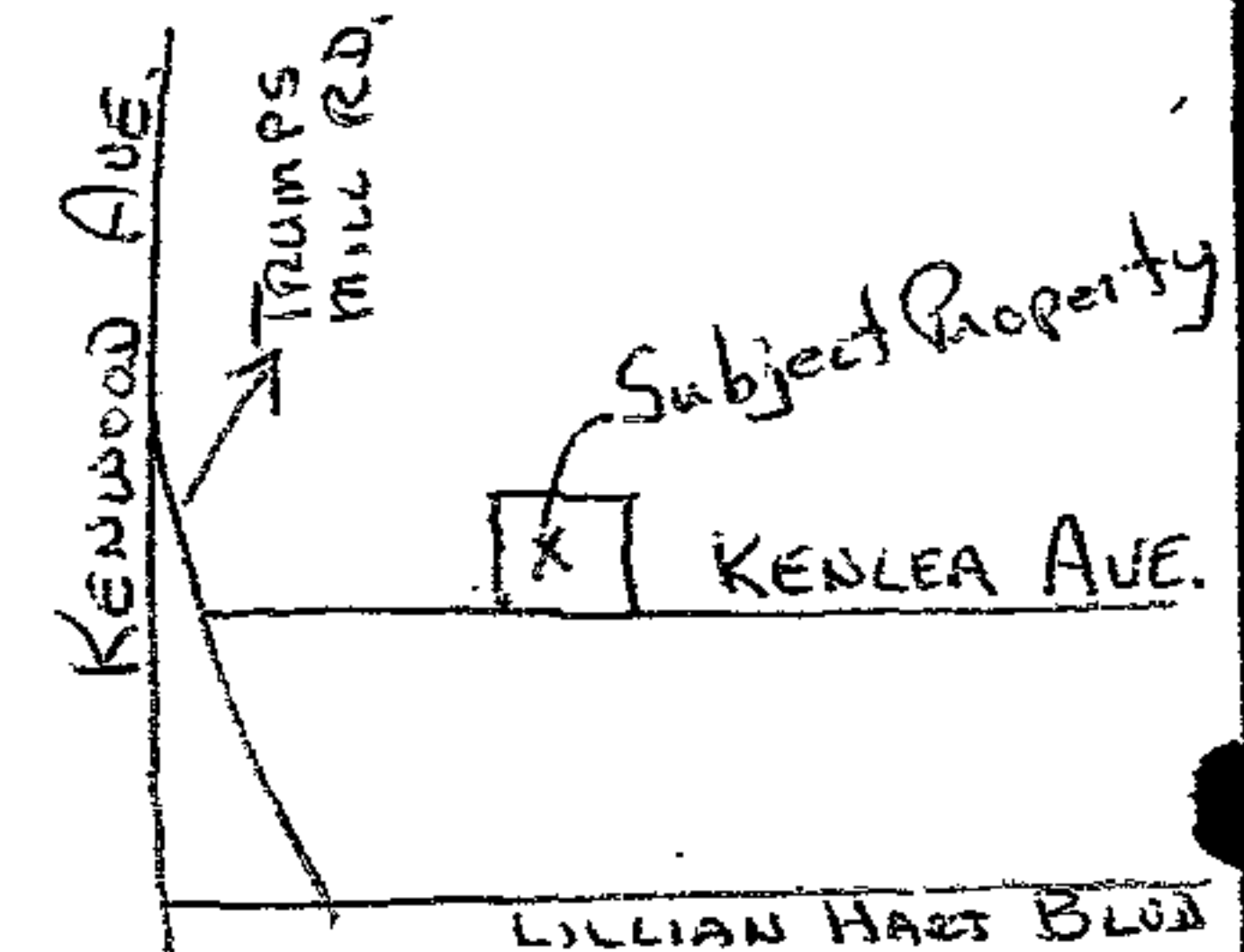
Lot Number: 184, 185, 186, 187 & 188
Block/Section: -
Plat Reference: Book: 7 Page: 192
Title of Plat: Overlea Hills

Scale: 1" = 30'



7410 KENLEA AVENUE

Dwelling lies in Flood Zone C



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 14
COUNCILMANIC DISTRICT 6
1" = 200' SCALE MAP # NE 6C
ZONING DR 5.5
LOT SIZE 0.43

ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

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 #

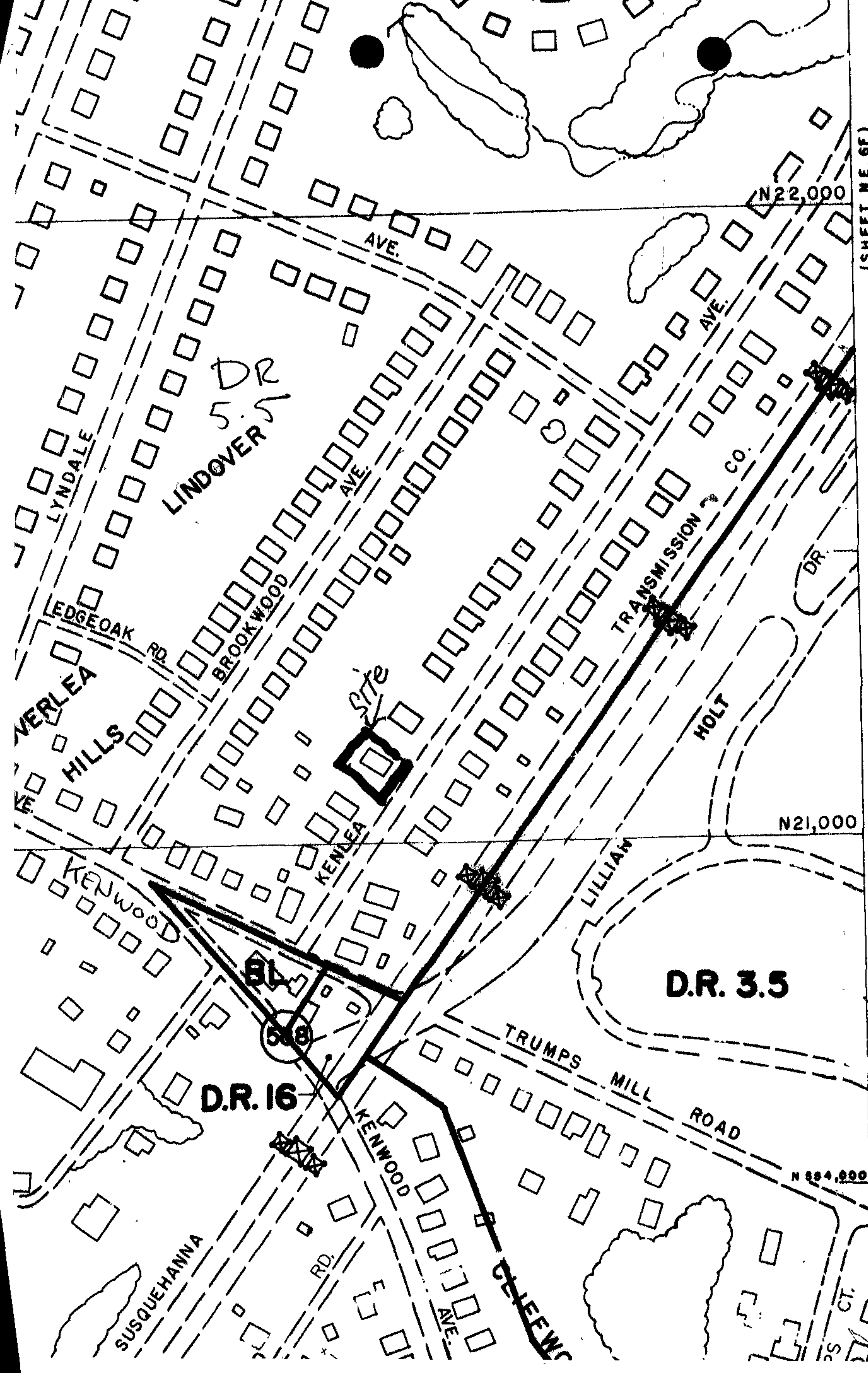
05
1253

PREPARED BY

SCALE OF DRAWING: 1" =

67M
1"=200'

(SHEET NE. 6F)



N22,000

N21,000

N 224,000

D.R. 16

D.R. 3.5

Site

PHOTOGRAPH ADDENDUM

Borrower/Client	PHILLIPS, JOSHUA				
Property Address	7410 KENLEA AVENUE				
City	BALTIMORE	County	BALTIMORE	State	MD
Zip Code	21236-4318				
Lender	PRIMARY RESIDENTIAL MORTGAGE, INC.				

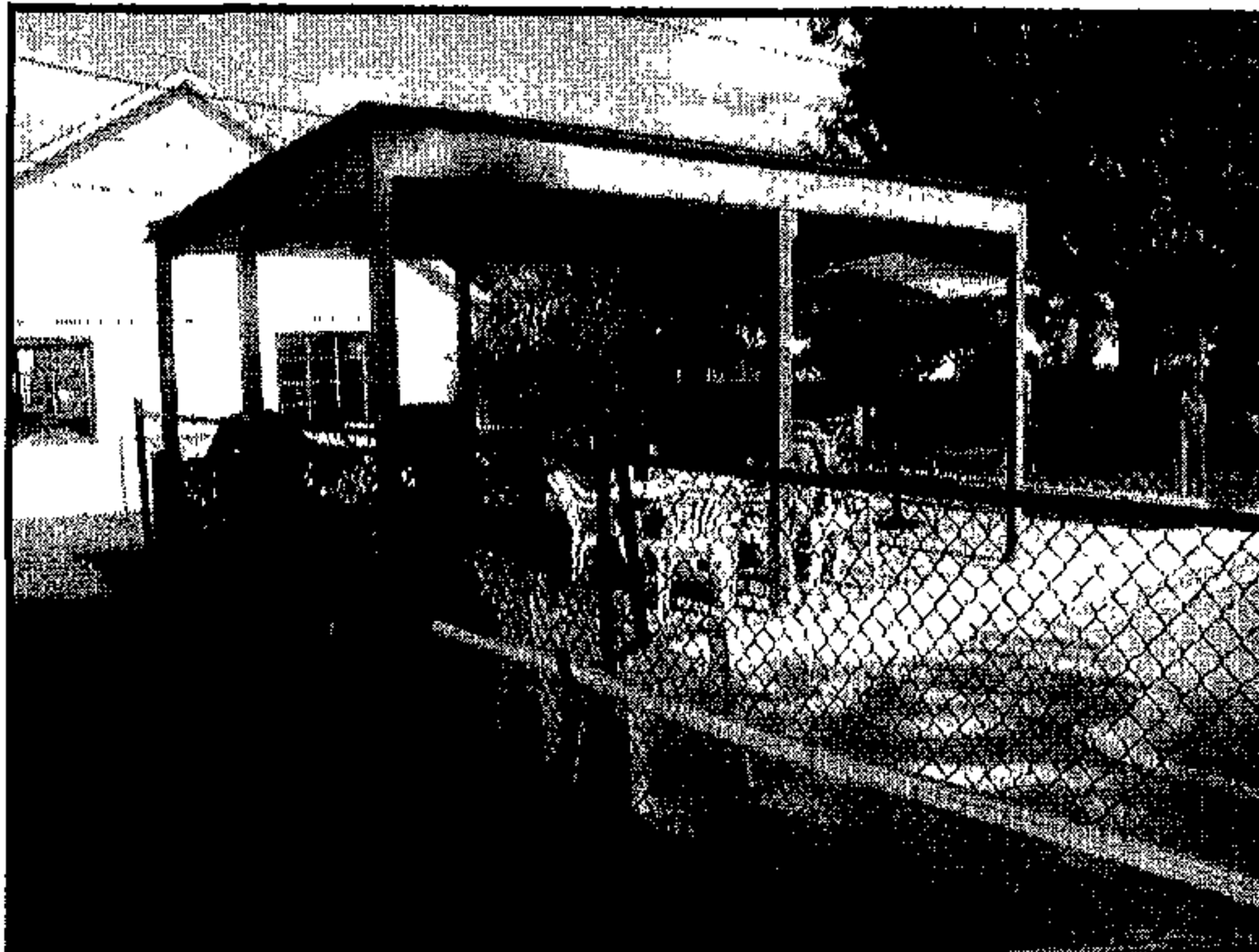


SUBJECT IN-LAW APT.

- SECONDARY HOME
POOL HOUSE



SUBJECT PATIO & POOL



SUBJECT COVERED DECK

PHOTOGRAPHS
EXHIBIT 1-A

Subject Photo Page

Borrower/Client PHILLIPS, JOSHUA			
Property Address 7410 KENLEA AVENUE			
City BALTIMORE	County BALTIMORE	State MD	Zip Code 21236-4318
Lender PRIMARY RESIDENTIAL MORTGAGE, INC.			

**Subject Front**

7410 KENLEA AVENUE
 Sales Price REFINANCE
 GLA 1,784
 Total Rooms 8
 Total Bedrms 4
 Total Bathrms 2
 Location SUBURBAN
 View HOMES/AVG
 Site 0.43 ACRES/TAX A:
 Quality SIDING/AVG
 Age 77 YRS +/-

**Subject Rear****Subject Street**

APPROVED BY
 1-13

MLS#: BC4000607

Short Listing

7410 KENLEA AVE, NOTTINGHAM, MD 21236-4318

STATUS: ACTIVE

Ownership: Fee Simple, Sale

Legal Sub: OVERLEA HILLS

Adv Sub: OVERLEA HILLS

Lot-SF: 18750

Lot-Acres: 0.43

#Lvls: 3 #Fpls: 0

Main Entrance:

Tax Map:

TOTAL

MAIN

UPR1

UPR2

LWR1

LWR2

SCHOOLS

BR: 4

BR: 1

BR: 3

BR: 0

BR: 0

BR: 0

ES:

FB: 2

FB: 1

FB: 1

FB: 0

FB: 0

FB: 0

MS:

HB:

HB:

HB:

HB:

HB:

HB:

HS:

Main: Living Room

Main: Bedroom-Master

Main: Den

Main: Kitchen

Upper 1: Bedroom-Second

Upper 1: Bedroom-Third

Upper 1: Bedroom-Fourth

LIST PRICE: \$169,900

Classification: Residential

List Type: Excl. Right

Old Map: BC36G1

TBM Map: 000000

Area: N/A

Age: 75

Year Built: 1926

Finished SF: 0

Folio: 192

HOA FEE:

GROUND RENT:

TAXES: \$1,794

Tax Year: 2000

Tax ID#: 04141413027840

Model:

Liber: 7

#Garage/Carport Spaces: /

#Assigned Spaces:

Basement: YES, Full, Unfinished

Parking: Drvwy/Off Str

Heat: Hot Water, Zoned, Natural Gas

Cool: Ceiling Fan(s), Wall Unit, Electric

TV/Cable/Comm: CATV/Dwelling

Extra Unit Description: In - Law Suite, 1 bedroom

INTERIOR: Dishwasher, Dishwasher, Dryer, Exhaust Fan, Oven/Range-Gas, Oven-SCC, Washer, Home Warranty, Shades/Blinds, W/W

Carpeting, Den/Stdy/Lib, Florida/Sun Rm, Laundry-Kit Lvl, Main Lvl BR, Kit-Country, Kit-Table Space, Dble Pane Wnd, Screens, Storm Door(s)

EXTERIOR: Alum/Steel Siding, Alum/Steel Siding, Vinyl Siding, Shingle-Asphalt, Deck, Fenced - Rear, Pool (In-Ground), Porch-front, Landscaping, Guest House

REMARKS: Well maintained large home situated on .43 acre lot with Guest House/In-law Suite. New Roof '96, new kitchen range. Enjoy lazy summer days in the beautiful Florida/Sunroom Addition. Private rear yard complete with in-ground pool with new liner. Guest house with all amenities. Super large driveway. Covered Front Porch. A Must See Home!!!

DIRECTIONS: KENWOOD AVE. TO LILLIAN HOLT DRIVE TO TRUMPS MILL TO KENLEA.

Broker: O'CONOR, PIPER & FLYNN ERA

Brkr Code: OPF11

Brkr Office: (410)931-9000

Brkr Fax: (410)931-9013

Home: (410)569-8820

Cell:

Listing Agent: MICHAEL DIPAUULA

Agt Office:

Pager: (410)890-0256

Show Instructions: Call Office, All Days

Owner: PRIVATE PRIVATE

Showing Contact: CALL-OPF ERA CALL OPF-ERA

List Date: 22-JUL-2001

Orig Price: \$169,900

Update Date: 22-JUL-2001

Prior Price:

Update Type: New

Disclosures: Prop Disclaimer

Documents:

Cur Finance Type:

New Finance Types:

WATER

Water Oriented: N

Water Access: N

Water View: N

Waterfront: N

Phys Dock Conveys: N

Nav Water:

Vacation Prop: NO

H: (000)000-0000

H: (410)931-9000

DOM-MLS: 37

DOM-PROP: 37

O: (000)000-0000

O: (410)931-9000

SubComp: 3.0

Dual: Y

BuyComp: 3.0

DesR:

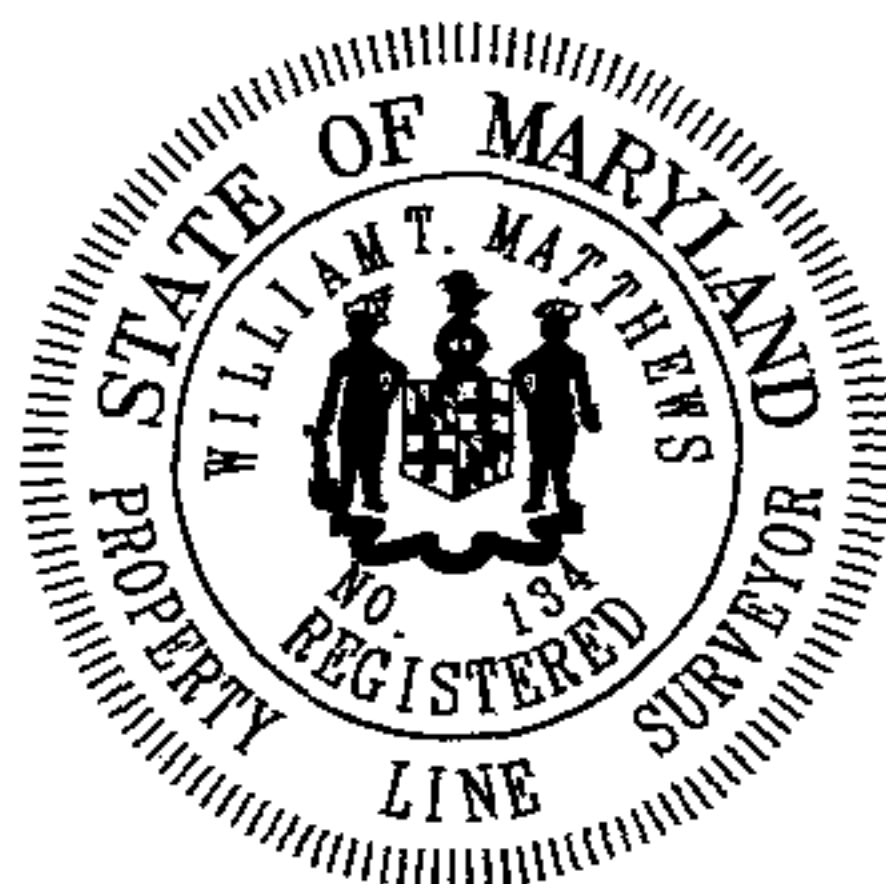
Add'l:

VarC: N

Property Condition: Shows Well

Possession: Negotiable

PETITIONER'S
EXHIBIT 2



Location Drawing

Scale: 1" = 30'

This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, dwellings or other existing or future improvements nor does this plat purport to reflect setbacks or other distances with any specific level of accuracy. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. The approximate location of the dwelling is shown in relation to the apparent property lines for the property known as

7410 Kenlea Avenue
 Baltimore County, Maryland

William T. Matthews 10/25/01

Ruxton Design Corporation

8422 Bellona Lane
 Suite 300

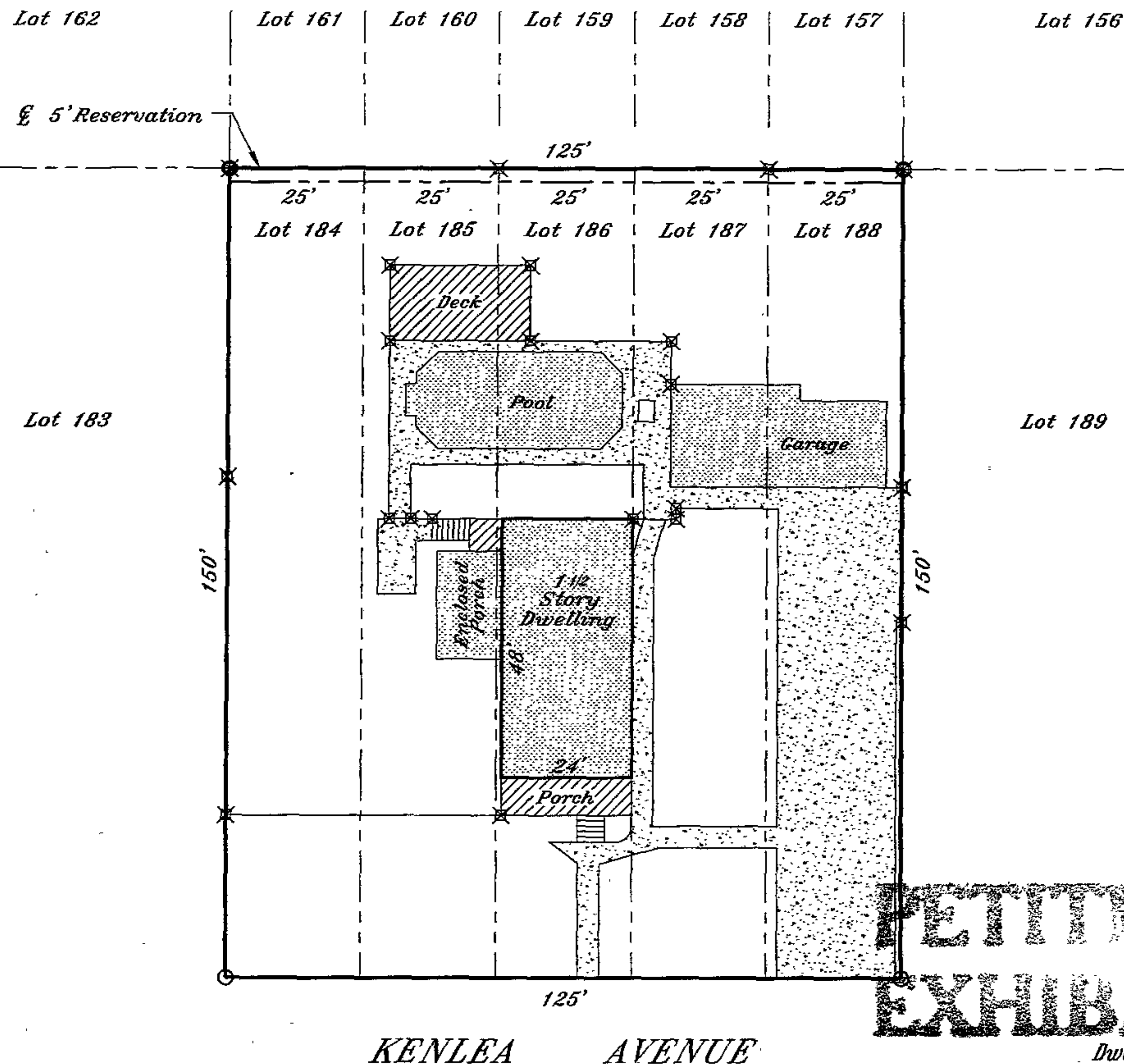
Towson, Maryland 21204

410-823-5000

410-823-0115 fax

rdc@ruxtondesign.com

www.ruxtondesign.com



KENLEA AVENUE

PETITIONER'S
 EXHIBIT 3A

Dwelling lies in Flood Zone C

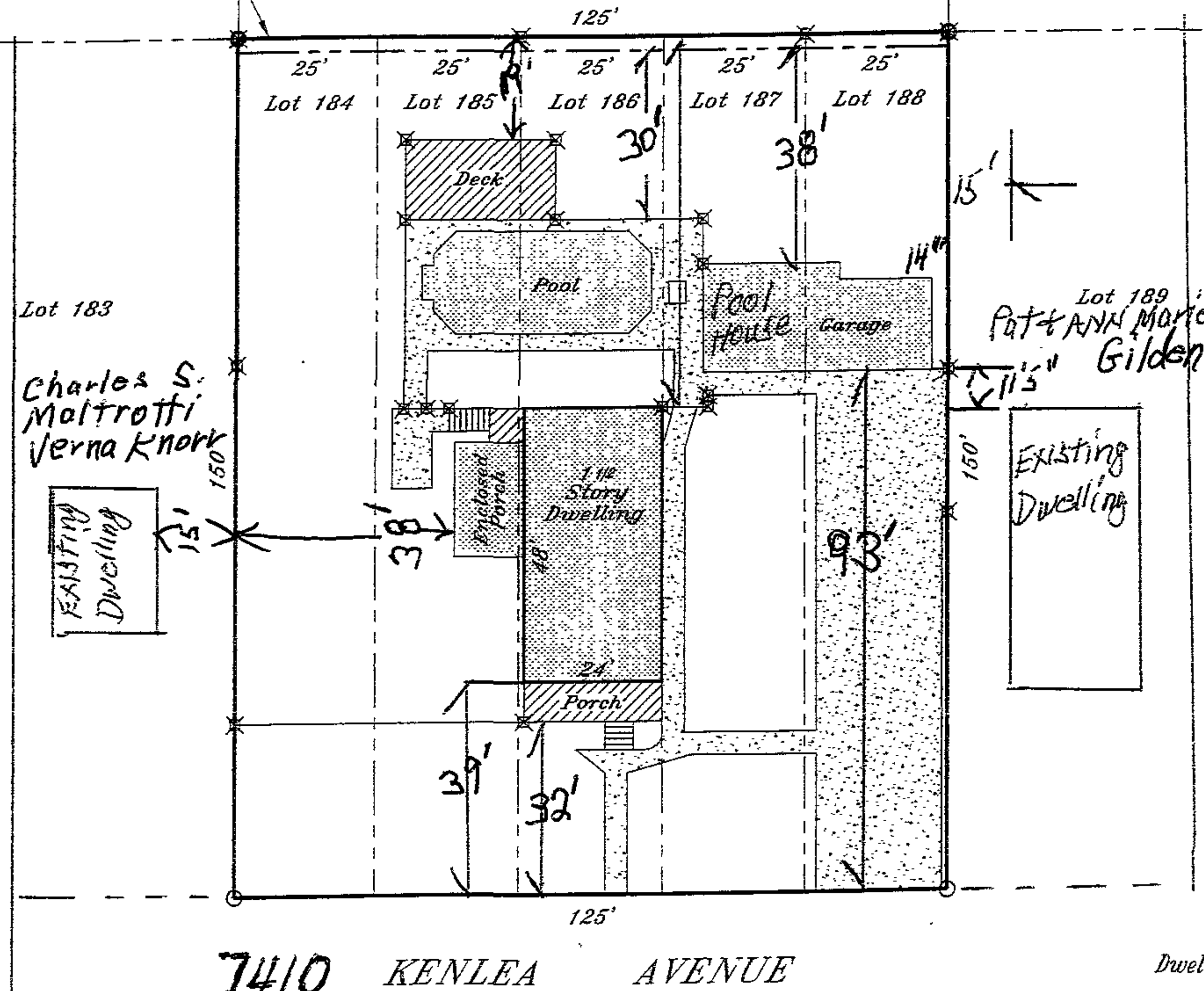
Scale: 1" = 30'

Owner: Donald & Martha Little

Lot Number: 184, 185, 186, 187 & 188
Block/Section: -
Plat Reference: Book: 7 Page: 192
Title of Plat: Overlea Hills

Lot 162 Lot 161 Lot 160 Lot 159 Lot 158 Lot 157 Lot 156

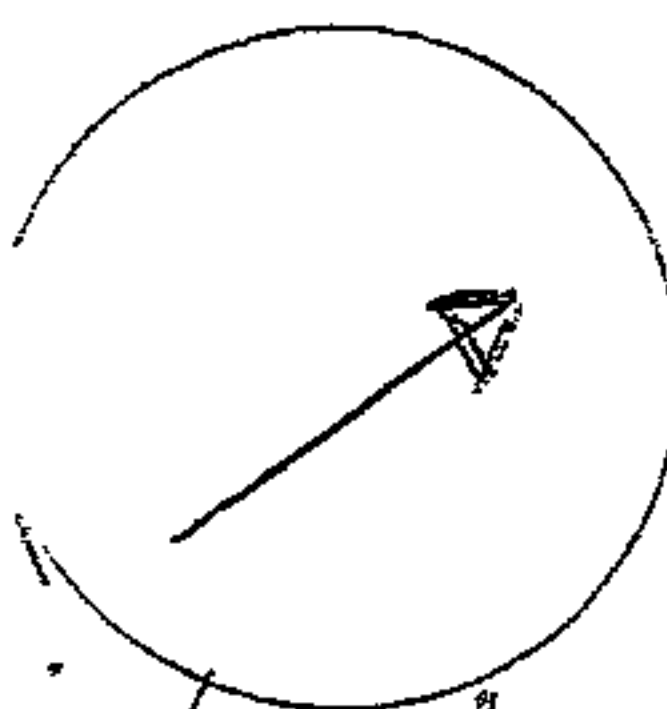
5' Reservation



Charles S. Maltrotti
Verna Knorr

Lot 189
Pat & Ann Marie Gilden

PETITIONER'S
EXHIBIT 3B
Dwelling lies in Flood Zone C



NORTH Prepared By

7410 KENLEA AVENUE

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 7410 KENLEA AVENUE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME OVERLEA HILLS

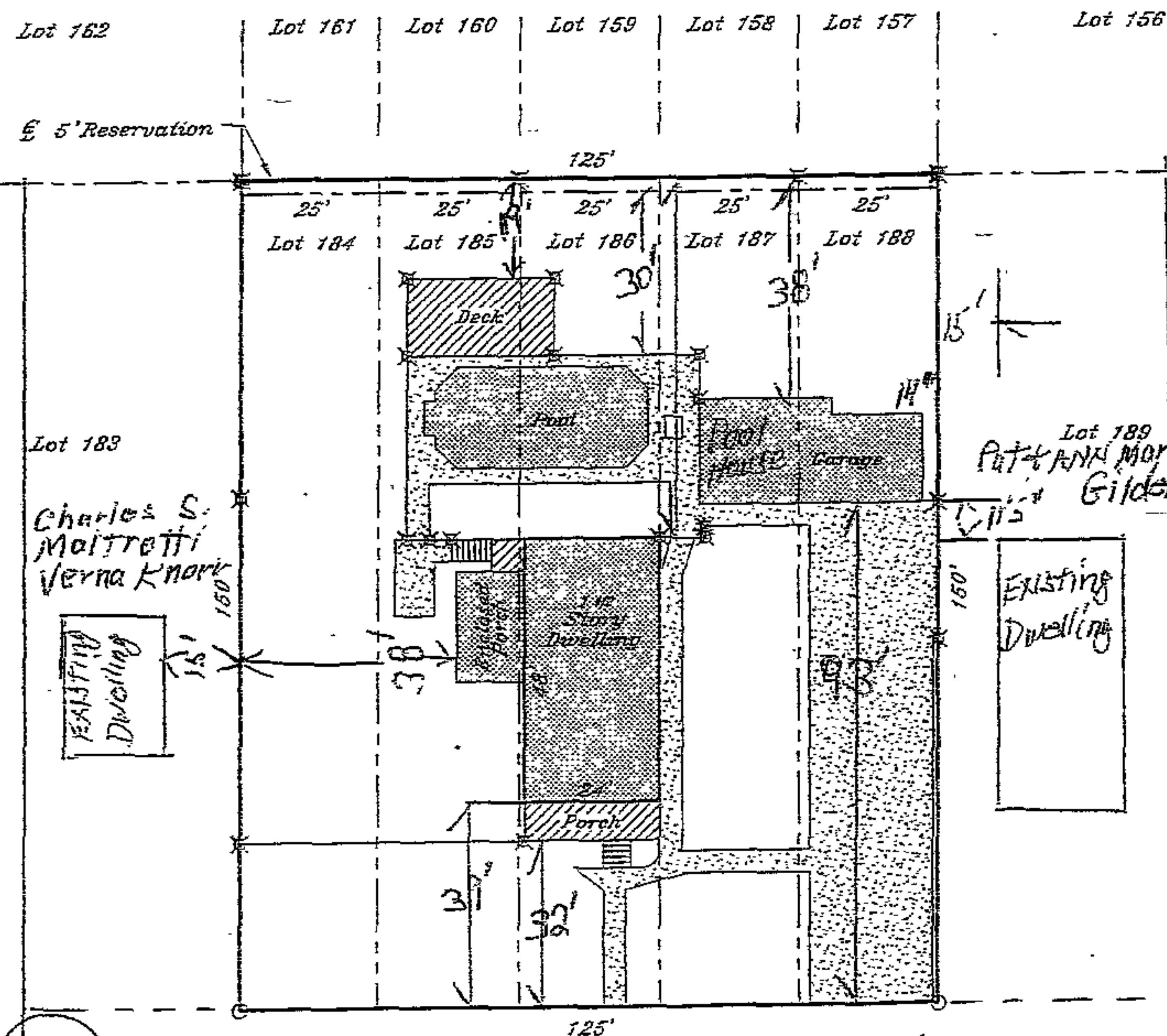
PLAT BOOK # 7 FOLIO # 192 LOT # 188 SECTION # 184-

OWNER

Scale: 1" = 30'

Owner: Donald & Martha Little

Lot Number: 184, 185, 186, 187 & 188
Block/Section: -
Plat Reference: Book: 7 Page: 192
Title of Plat: Overlea Hills



7410 KENLEA AVENUE

Dwelling lies in Flood Zone C



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT

1" = 200' SCALE MAP #

ZONING

LOT SIZE 0.43

ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
----------------------	--------------------------	-------------------------------------

HISTORIC PROPERTY/BUILDING	☐	☒
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PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PREPARED BY

SCALE OF DRAWING: 1" =

EXHIBIT 3C



PETITIONER'S

EXHIBIT 4

INSIDE Pool House



PETITIONER'S

EXHIBIT 5-A



TESTIMONER'S

EXHIBIT 5-B



PETITIONER'S

EXHIBIT 5-C



PETITIONER'S
EXHIBIT 5-D

To Our New Neighbors,

Please allow us to introduce ourselves: Our names are Danny & Cynthia McCarthy, Shannon, age 20, Christina, age 19, Alicia, age 17, Danielle, age 10 and our last child, a boy, baby Daniel(D.J.) age 1.

We would like to take this opportunity to say how excited and thankful we are about the purchase of our new home. We will do our best to be an asset to the community. We hope you will find us to be neighbors you will enjoy living near.

When we entered into negotiations for the purchase of Kenlea, we were very excited because it seemed that our hope, dreams and prayers for a new and larger home for our family were becoming a reality. The one thing that was of particular interest to us was that the residence came with an additional living space (where the Little's had been residing for the previous three years) that would help provide extra income and greatly improve our financial situation.

However, we soon discovered the problem that had ^{arisen} ~~arisen~~ with zoning issues towards the end of August. We were reassured by the Little's that they were optimistic that the proper proceedings would result in a favorable outcome; meaning that our family would be able to rent out the property.

With four girls, we were hoping to rent out the dwelling to our oldest daughter. There was also some consideration given to other persons who we felt might be suitable in the event our daughter wasn't quite financially ready. (In the very least, we wanted her to be able to use the dwelling for a bedroom.) We are very proud to say that at age 20, she is only two semesters away from graduating with a B.A. in Mass Communications from Towson University.

After having the opportunity to familiarize ourselves with our surroundings, my husband and I believe that the combination of several problems areas that the Little's were responsible for ^{may have led to complaints} such as:

1. Clutter on the surrounding second unit dwelling where they resided.
2. Illegally stationed vehicles, in some cases not properly tagged.
3. The possible presence of activity surrounding a business on the premises that was not lawful which may have resulted in the complaint against the second dwelling from one of our neighbors.

**PROTESTANTS
EXHIBIT NO. 1**

**PETITIONER'S
EXHIBIT**

We would like to take this opportunity to apologize for the stress and aggravation these circumstances may have caused you and state that we feel that we would have felt the same way and in fact have felt some of those same feelings since taking possession of the property on 11/02.

We would like to respectfully ask you to reconsider your position in light of this letter if indeed these circumstances are what led to the complaints. We give our word that we will adhere to the highest standards of moral living with sensitivity and thoughtfulness to all of our surrounding neighbor's needs. We would also not allow any of the conditions that previously existed to become a problem again.

In addition, anyone that the property would be rented to, whether our daughters, close friend of the family, etc. would be held to the same high standards. They would be expected to be quiet and be neighbors that did not draw any extra attention to themselves or the community.

We should mention that without the income of the second unit, our monthly budget will be very challenging. We have petitioned for a ^{special} ~~speedy~~ hearing with the commissioner with the hope of finding that the unit will not have an overall negative density effect on the community. Shortly after receiving this letter, we will be posting a sign informing the community of the date and time of our hearing.

If you could find it in your hearts to support us in this matter, it would be greatly appreciated and a great blessing to the health and welfare of our family. Please don't hesitate to call us if you have any questions or concerns about this situation. Regardless of the outcome we would still hope to hear from you.

Sincerely,

The McCarthy Family

P.S.

Some of the previous conditions may still temporarily exist. We were hoping to be gracious to the Little's. Mrs. Martha recently was diagnosed with a terminal illness as well as a broken hip. We have begun some of the clean up ourselves and hope Mr Pat will continue soon. If not we will finish but please understand the things belong to the Little's.

7410 Kenlea

9/17/04, OWNER CAME TO OFFICE, HAD WRONG PAPERS FROM ZONING, DOES SEEM TO WANT TO FOLLOW THRU, EXTENSION GRANTED, P/U 10/18/04, DP/CP **10/4/04 3RD. COMPL. CAME IN.....LEFT P/U SAME FOR DP.....HF **10/14/04 REC'D FAX FROM MR LITTLE REQUESTION EXT, CASE EXTENDED UNTIL DP RETURNS FROM VACATION. P/U 10/27/04. LRS***

ATE IS 11/5/04 FOR 2 DWELLING RE. EXTEND, THEY HAVE DONE ALL THEY CAN., P/U ON 11/9/04. DP/SS

11/12/04, PER JOE MERREY APPLICANT HAD EVERYTHING DONE BUT SIGNATURES ON 1 PIECE OF PAPER, J.M. EXPECTING PHONE CALL, P/U 11/17/04, DP/CP **11/18/04 CASE NO\$ 05-253A. ISSUED CHECK IN 45 DAYS. SPOKE W/BOTH COMPLS. SWIFT ADVISED, SON OF OWNER, LIVING IN BASEMENT, RUNS SATILLITE BUSINESS W/UP TO 4 BUSINESS VEHICLES, IS IN MORNING, PARKING ON PROP & IN STREET. SPOKE W/LITTLE, ADVISED HIM OF MY REPORT

& THAT IF IT IS TAKING PLACE. IT MUST STOP AS TO COMM. VEHS. & DELIEVERIES. ADVISED HEARING OFFICER DOSEN'T WANT TO HEAR OF OTHER VIOLS. WHEN HES ASKING US FOR A FAVOR. ADVISED MS.SWIFT OF MY CALL TO OWNER. P/U 1/4/05. COMPLS. UPDATED. DP/SS

11/30/04, LOOKED AT FAX FROM ANDREA SWIFT AS TO SDAT OWNERSHIP RECORDS SHOWING THIS ADDRESS UNDER NEW OWNERSHIP, MY CHECK OF RECORDS THIS DATE SHOWS A TRANSFER DATE OF 11/9/04, NEW CITATION ISSUED TO NEW OWNERS WITH FINES UP TO HEARING DATE OF 1/18/05, FINE \$14,000, P/U 12/18/04 TO CHECK FOR SERVICE, HEARING PAPERS FILED BY OLD OWNER DO NOT SHOW A CONTRACT PURCHASE, DP/CP **11/30/04, SERVED MS MCCARTHY & SPOKE W/MR LITTLE (OLD OWNER) AS WELL, PER MS MCCARTHY, ROSE IN ZONING WILL LIST THEM AS CONTRACT PURCHASER, HEARING IN LATE DECEMBER PROBABLY, LEFT MESSAGE FOR MS SWIFT, SPOKE W/MR GILDEN AS TO THIS, MS MCCARTHY ALSO ASSURED ME THE SATELLITE BUSINESS IS NO LONGER THERE, DP/CP*** **12/1/04 ON DOCKET FOR 1/18/05 FILE TO D PROPALIS. /JF**.

12/20 Zoning Commissioners hearing set for 1/18/05 9 A.M. - same as violation hearing Post pone violation hearing & await outcome of zoning. Copy of this sent to both complainants

P/U Date	1/31/05		Closed Date	Gary F to update	
Anonymous Complaint	Complainant Updated	Updated by voice message	Unable to update	Update not necessary	
Executive office Complaint	Yes	No	If Yes is Executive memo attached?	Yes	No

PROTESTANTS
EXHIBIT NO. 2

**Opposition to a variance being granted for 7410 Kenlea Avenue; Baltimore, MD
21236**

Case number 05-253-SPHA

This property is currently the subject of active violations.

The following residents oppose and protest the granting of a variance which would permit a side yard setback of 1.5 feet allowing the pool house to be used as a secondary dwelling on the property.

A second dwelling on this property is not consistent with the existing community, nor will it improve or contribute to the community.

We the undersigned are requesting that the pool house not be permitted to be used as a dwelling. We are requesting that the variance not be granted.

Signature	Print Name	Address	Date
<i>Andrea J. Swift</i>	Andrea J. Swift	7413 Kenlea Ave	1/15/05
<i>William F. Swift</i>	William F. Swift	7413 Kenlea Ave.	1/15/05
<i>Mary Swift</i>	MARY SWIFT	7413 Kenlea Ave.	1/15/05
<i>Mary Lou Critcher</i>	Marylou Critcher	7429 Kenlea Ave	1/15/05
<i>William F. Critcher</i>	William F. Critcher	7429 Kenlea Ave	1/15/05
<i>Anne Marie Gilden</i>	Anne-Marie Gilden	7414 Kenlea Ave	1/17/05
<i>Stephanie Cancila</i>	Stephanie Cancila	7418 Kenlea Ave.	1/17/05
<i>Vincent Cancila</i>	Vincent Cancila	7418 Kenlea Ave	1/17/05
<i>Patrick Gilden</i>	Patrick Gilden	7414 Kenlea Ave	1/17/05

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

November 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 29, 2004

Item No.: 251, 253, 255-266

Pursuant to your request, the referenced plan(s) have been reviewed 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

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



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

Maryland Department of Transportation

Date: 11.26.04

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

RE: Baltimore County
Item No. 253 JCM

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,

Steven D. Foster, Chief
Engineering Access Permits Division