

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Stevenson Road, 146 ft. +/-
S centerline of Greenspring Valley Road
3rd Election District
2nd Councilmanic District
(10623 Stevenson Road)

Megan & Edward D. Kenny
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 05-349-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property Megan and Edward D. Kenny. The variance request is for property located at 10623 Stevenson Road in the Stevenson area of Baltimore County. The variance is requested from Sections 1A01.3.B.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a setback of 17 ft. in lieu of the required 35 ft. and to permit an existing garage to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners filed a Petition for Administrative Variance and the subject property was posted on January 21, 2005. Thereafter, a formal demand for hearing was made by an adjacent property owner, Peter deWolf Smith, and the matter was scheduled for a hearing on March 21, 2005. Prior to the scheduled hearing, the Petitioners and Mr. Smith reached a mutual agreement (Declaration of Covenants and Restrictions) relative to this case dated March 1, 2005, a copy of which is attached hereto and made a part of the record of the case.

Because the parties have reached agreement, Mr. Smith has rescinded and withdrawn his request for hearing in this matter. This Deputy Zoning Commissioner is now able to render a decision based upon the documentation presented in the file only.

ORDER RECEIVED FOR FILING

3/4/05

By [Signature]

Zoning Advisory Committee Comments

Zoning Advisory Committee (ZAC) comments were submitted by the following County agencies: A ZAC comment was submitted by the Office of Planning dated February 1, 2005, a copy of which is attached hereto and made a part hereof. A ZAC comment was also submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated February 3, 2005, a copy of which is attached hereto and made a part hereof.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Note Well Judging from the Plat to Accompany, it appears as though the existing garage is located on the south lot line. Section 400.1 of the B.C.Z.R. requires that such structures be at least 2 ½ ft. away from any lot line. In addition, the Plat to Accompany indicates the existing home is 13 ft. from the northern lot line. Section 1A01.3.B.3 of the B.C.Z.R. requires such dwellings to be set back 35 ft. from any lot line. Variances for these structures were not requested herein and are therefore not granted. These structures may be nonconforming or the subject of further requests for variance.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 4 day of March, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1A01.3.B.3 and 400.1 of the

ORDER RECORDED FOR PLANNING
3/4/05
[Signature]

Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a setback of 17 ft. in lieu of the required 35 ft. and to permit an existing garage to be located in the side yard in lieu of the required rear yard, be and it is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments submitted by the Office of Planning dated February 1, 2005, a copy of which is attached hereto and made a part hereof.
3. Compliance with the ZAC comments submitted by DEPRM dated February 3, 2005, a copy of which is attached hereto and made a part hereof.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

3/4/05

Raj

Zoning Commissioner

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



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

March 4, 2005

Mr. & Mrs. Edward D. Kenny
10623 Stevenson Road
Stevenson, Maryland 21153

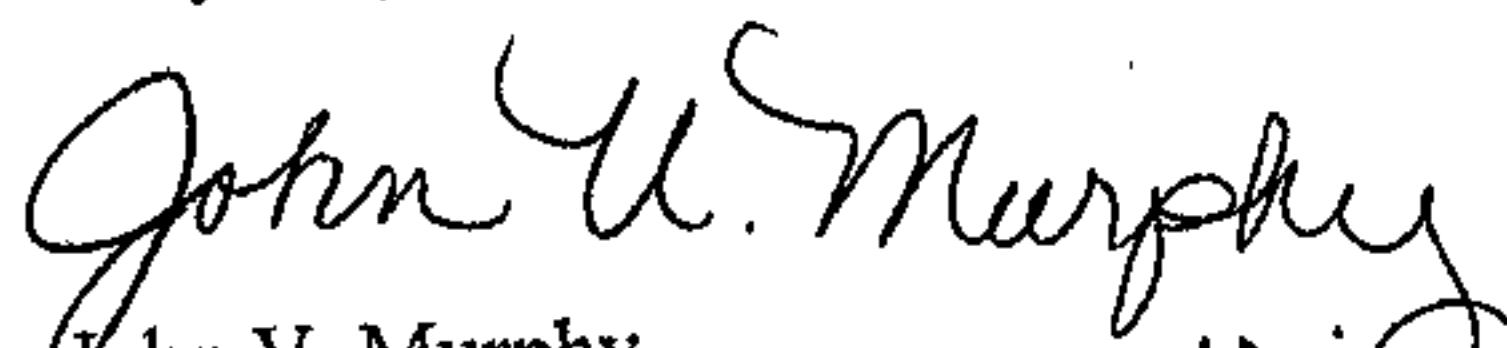
Re: Petition for Administrative Variance
Case No. 05-349-A
Property: 10623 Stevenson Road

Dear Mr. & Mrs. Kenny:

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,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Peter deWolf Smith, 1925 Greenspring Valley Rd., Stevenson, MD 21153-0258
Will Baukhages, 28 E. Cross St., Baltimore, MD 21230





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10623 STEVENSON RD.
which is presently zoned RC-2

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) 1A01.3.B.3; BC2R, AND 400.1; BC2R,
TO PERMIT ~~AND~~ ADDITION WITH A SETBACK ~~OF~~ 17ft. IN LIEU OF
THE REQUIRED 35ft; AND TO PERMIT AN EXISTING GARAGE
TO BE LOCATED IN THE SIDERYARD IN LIEU OF THE
REQUIRED REARYARD,

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):

Edward D. Kenny

Name - Type or Print

Signature

Megan Kenny

Name - Type or Print

Signature

10623 Stevenson Rd 410-553-6688

Address

Telephone No.

Stevenson

MD

21153

City

State

Zip Code

Representative to be Contacted:

WILL BAUKHAGES

Name

28 E. CROSS ST.

410-752-5006

Address

Telephone No.

BALTIMORE

MD

21230

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.

Zoning Commissioner of Baltimore County

CASE NO. 05-349A

Reviewed By JM

Date 1.12.05

Estimated Posting Date 1.23.05

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

10623 STEVENSON RD.
Address
STEVENSON MD
City State Zip Code
21153
~~21093~~

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):

REASONS WHY THE ZONING REGULATIONS CAN NOT BE MET:

1. THE LOT IS ONLY 70' WIDE SO ANY ADDITION WILL NOT COMPLY WITH THE ZONING.
2. THE HOUSE NEEDS ADDITIONAL FAMILY AND BEDROOM SPACE TO MEET REQUIREMENTS OF THE GROWING FAMILY.

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.


Signature
Edward D. Kenny
Name - Type or Print


Signature
Megan Kenny
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of January, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edward D. Kenny and Megan Kenny
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires Oct. 29. 06

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

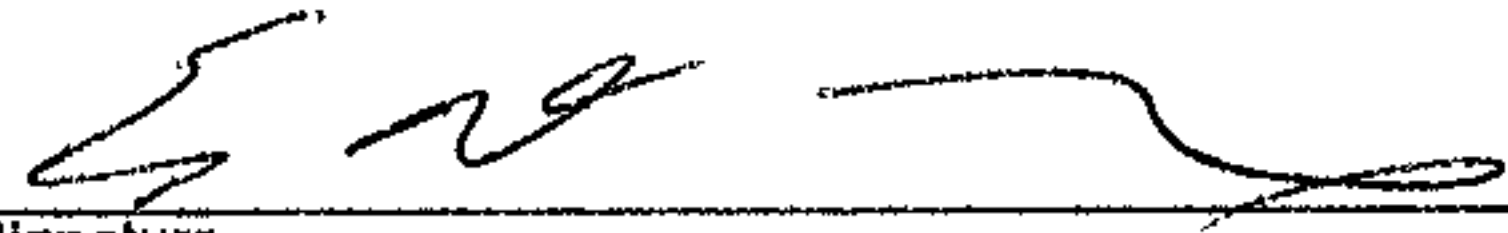
Address 10623 STEVENSON RD.
City STEVENSON State MD Zip Code 21153
~~21093~~

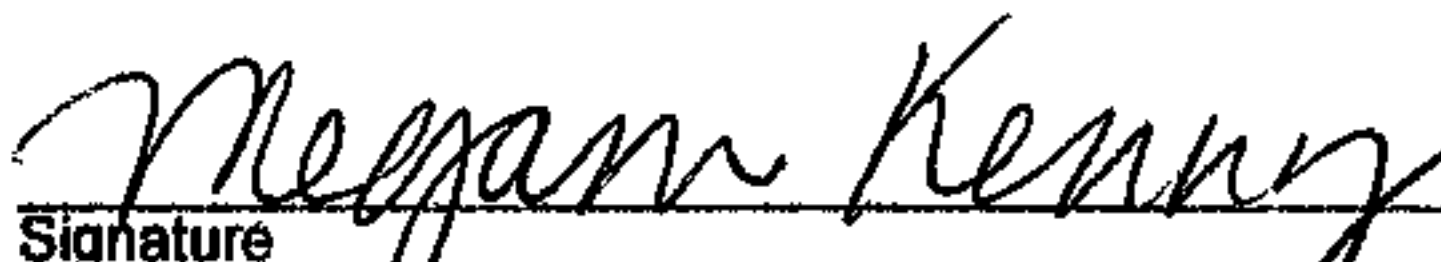
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty):

REASONS WHY THE ZONING REGULATIONS CAN NOT BE MET:

1. THE LOT IS ONLY 70' WIDE SO ANY ADDITION WILL NOT COMPLY WITH THE ZONING.
2. THE HOUSE NEEDS ADDITIONAL FAMILY AND BEDROOM SPACE TO MEET REQUIREMENTS OF THE GROWING FAMILY.

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.


Signature
Edward D. Kenny
Name - Type or Print


Signature
Megan Kenny
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of January, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edward D. Kenny and Megan Kenny
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires Oct 29, 06



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10623 STEVENSON RD.
which is presently zoned RC-2

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) 1A01.3.B.3; BCZR, AND 400.1;
BCZR, TO PERMIT AN ADDITION WITH A SETBACK OF 17 FT. IN LIEU OF
THE REQUIRED 35 FT., AND TO PERMIT AN EXISTING GARAGE TO
BE LOCATED IN THE SIDEYARD IN LIEU OF THE REQUIRED REARYARD.

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):

Edward D. Kenny
Name - Type or Print _____
Signature [Signature] _____
Megan Kenny
Name - Type or Print _____
Signature [Signature] _____
10623 Stevenson Rd 410653
Address _____ Telephone No. 6688
Stevenson Md 21153
City _____ State _____ Zip Code _____

Representative to be Contacted:

Will Baukhages
Name _____
28 E. CROSS ST. 410.752.5006
Address _____ Telephone No. _____
BALTIMORE MD 21230
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. 05-349A

Reviewed By [Signature] Date 1-12-05

REV 10/25/01

Estimated Posting Date 1-23-05

ZONING DESCRIPTION FOR 10623 STEVENSON ROAD

Beginning at a point on the East side of Stevenson Road (formally known as Garrison Forest Road) which is 30' wide at the distance of 146' South of the centerline of the nearest improved intersecting street Greenspring Valley Road which is 30' wide as recorded in Deed Liber No. 17631, Folio 64, beginning on the Northwest corner and running S. 6d 6' E. 70 ft., N. 86d 47' E. 577 ft 6", N. 1d 31' E. 80 ft., S. 85d 50' W. 587 ft. 8", to the place of beginning, containing 43,556 sq. ft. or 1 acre.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 441068

DATE 1-12-85 ACCOUNT 6001-006-6150

AMOUNT \$ 65.00

RECEIVED E. KENNY 11625
FROM SPENCERSON pd

FOR Ad. CAP

DISTRIBUTION
WHITE CASHIER
PINK AGENCY
YELLOW CUSTOMER

PAID RECEIPT

ISSUED AT THE
01/12/85 11:11 AM 14-10682

ISSUED TO: SPENCERSON

ISSUED BY: SPENCERSON

PAID TO: SPENCERSON

PAID BY: SPENCERSON

CASHER'S VALIDATION



FORMAL DEMAND FOR HEARING

CASE NUMBER: 05-349-A

Address: 10623 STEVENSON ROAD

Petitioner(s): EDWARD + MEGAN KENNY

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We PETER deWOLF SMITH
Name - Type or Print

(☒) Legal Owner OR (☐) Resident of
1925 GREENSPRING VALLEY ROAD
Address

STEVENSON MD 21153-0258
City State Zip Code

H-410-653-3577 / W-410-752-7070
Telephone Number

which is located approximately ADJACENT to 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.**

[Signature] 1/29/05
Signature Date

Signature
Revised 9/18/98 - wcr/scj

Date

CERTIFICATE OF POSTING

Date: January 21, 2005

RE: Case Number: 05 349 A

Petitioner/Developer: Edward Kenny

Date of Hearing/Closing: February 7, 2005

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 _____

10623 Stevenson Road

The sign(s) were posted on January 21, 2005

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

5 SHAWAN ROAD SUITE 1
(Street Address of Sign Poster)

COCKEYSVILLE, MD 21030
(City, State, Zip Code of Sign Poster)

410-527-1555
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

**Department of Permits and
Development Management**

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



Baltimore County

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

February 8, 2005

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: 05-349-A

10623 Stevenson Road

E/side of Stevenson Road, 146 ft. +/- south of centerline of Greenspring Valley Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Edward & Megan Kenny

Variance to permit an addition with a setback of 17 feet in lieu of the required 35 feet and to permit an existing garage to be located in the side yard in lieu of the required rear yard.

Hearing: Monday, March 21, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Edward & Megan Kenny, 10623 Stevenson Road, Stevenson 21153

Will Baukhages, 28 E. Cross St., Baltimore 21230

Peter deWolf Smith, 1925 Greenspring Valley Rd., Stevenson 21153-0258

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 5, 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.

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 3, 2005 Issue - Jeffersonian

Please forward billing to:
Edward D. Kenny
10623 Stevenson Road
Stevenson, MD 21153

410-653-6688

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: 05-349-A

10623 Stevenson Road

E/side of Stevenson Road, 146 ft. +/- south of centerline of Greenspring Valley Road

3rd Election District – 2nd Councilmanic District

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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**

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



Baltimore County

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

February 8, 2005

Edward D. Kenny
Megan Kenny
10623 Stevenson Road
Stevenson, MD 21153

Dear Mr. & Mrs. Kenny:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-349-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 by Peter deWolf Smith concerning the above proposed administrative procedure.

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 Joseph Merrey 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: Will Baukhages, 28 E. Cross St., Baltimore 21230
Peter Smith, 1925 Greenspring Valley Road, Stevenson 21153-0258

**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.

For Newspaper Advertising:

Item Number or Case Number: 349
Petitioner: SAME AS BELOW
Address or Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edward D. Kenny
Address: 10623 Stevenson Rd
Stevenson MD 21153
P.O. Box 66

Telephone Number: 410-653-6688 cell: 443-871-0086

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 349 -A

Address 10623 STEVENSON Rd.

Contact Person: J. Murray
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 1.12.05

Posting Date: 1.23.05

Closing Date: 2.7.05

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 05- 349 -A

Address 10623 STEVENSON Rd.

Petitioner's Name EDWARD KENNY

Telephone 410-653-6688

Posting Date: 1.23.05

Closing Date: 2.7.05

Wording for Sign: A VARIANCE
To Permit AN ADDITION WITH A SETBACK OF (35) 17ft.
IN LIEU of The REQUIRED 35 ft., AND TO PERMIT AN
EXISTING GARAGE TO BE LOCATED IN THE SIDEYARD
IN LIEU OF THE REQUIRED REARYARD.

WCR - Revised 6/25/04

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

January 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: 348, 349, 351, 353-358

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.

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

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: 1.21.05

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

RE: Baltimore County
Item No. 349 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. J^{no}
DEPRM

DATE: February 3, 2005

SUBJECT: Zoning Item # 05-349
Address 10023 Stevenson Road

Zoning Advisory Committee Meeting of January 24, 2005.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

The proposed addition must be at least 20-feet from the septic system. An inspection of the septic system will be required prior to building permit approval.

Reviewer: Sue Farinetti

Date: February 3, 2005

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

ORDER RECEIVED FOR FILING

3/4/05

Ray

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 1, 2005

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

SUBJECT: 10623 Stevenson Road

INFORMATION:

Item Number: 5-349

Petitioner: Edward & Magan Kenny

Zoning: RC 2

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the proposal is constructed in accordance with the architectural elevation drawings that were submitted to this office by Arris, A Design Studio Inc., dated 11/05/04.

Prepared by: Mark A. Cunningham

Division Chief: [Signature]

AFK/LL:MAC:

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3/14/05

[Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 9, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For January 31, 2005
Item Nos. 348, 349, 350, 351, 352, 355,
357, 358 and 359

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

RWB:CEN:cp

cc: File

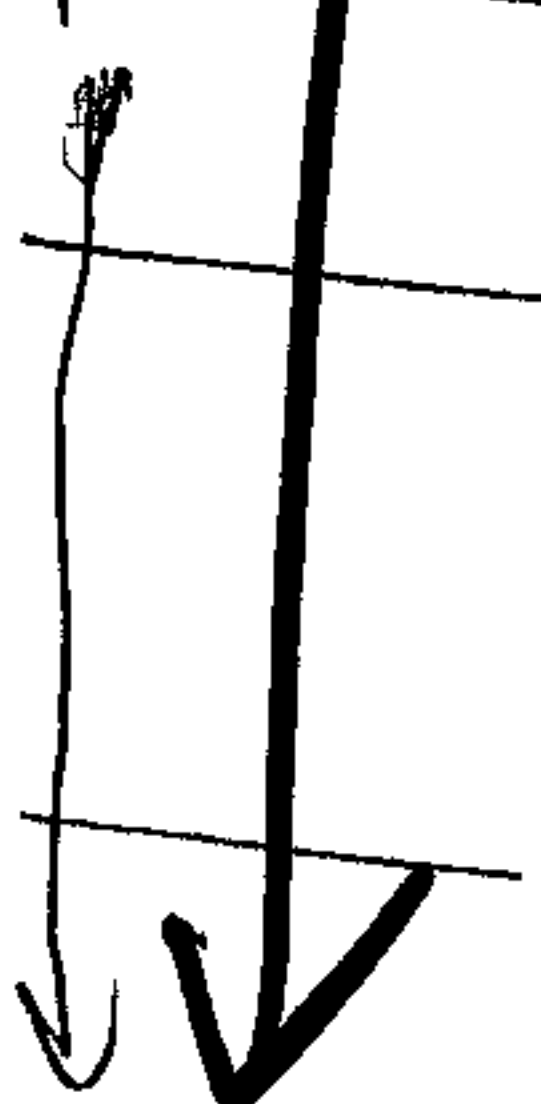
ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. **05-349-A**

Date Completed/Initials

1-12-05

12/5 *Formal demand*



PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; mail copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the biweekly hearing file has been completed; secure all papers under clips in file; send files to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

2-7-05 *UJ*

2-8-05

Mr. Smith → 410-978-5582
Property Address
10623 Stevenson Rd

3/21 @ 9:00
Rm 407

"Reached an Agreement"

IMPORTANT MESSAGE

FOR Robert

DATE 3/3 TIME A.M. / P.M.

M. Ed Kerner

OF

PHONE 443-871-0086

☐ FAX

☐ MOBILE

TELEPHONED	☒	PLEASE CALL	☒
CAME TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	NOTE	☐
RETURNED YOUR CALL	☐	SPECIAL ATTENTION	☐

MESSAGE

status of AV 05-349-

Closed 2/2/05 -

(I have no info on this

SIGNED me

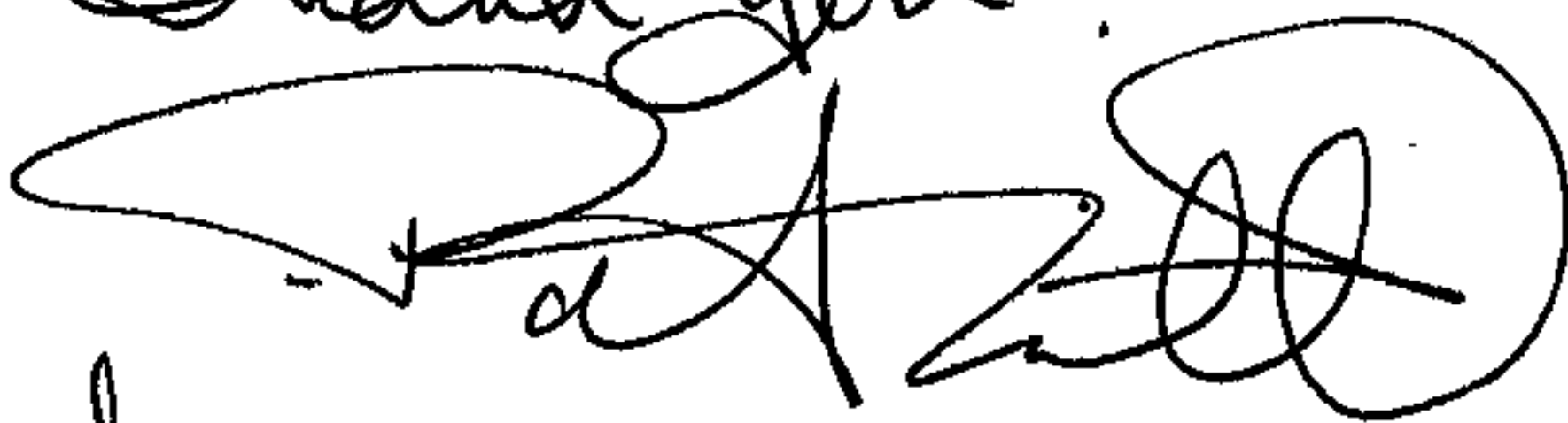
March 3, '05

Re: Case 05-349 A

I hereby rescind and withdraw my request for hearing relative to a zoning variance request in the captioned matter. Mr. and Mrs. Kenny and I have reached a mutually - satisfactory accord; to be recorded in the Land Records.

I urge the Zoning Commissioner to expedite the approval process in this instance: Mr. and Mrs. Kenny have a very brief window of opportunity in which to live an exceptionally valued contractor.

Thank you.



PETER deWolf Smith

1925 Greenspring Valley Road

Stevenson, Ind. 21153-0258

With Mr. Kenny's express approval, a copy of our accord is attached for your review. Thank you.

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Perf

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.
(Type or Print in Black Ink Only - All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

Type(s) of Instruments	☐ Check Box If Addendum Intake Form is Attached. ☐ Deed ☐ Mortgage ☒ Other ☐ Other ☐ Deed of Trust ☐ Lease ☐ Other ☐ Other					
Conveyance Type Check Box	☐ Improved Sale ☐ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms-Length Sale [9] Arms Length [1] Arms-Length [2] Arms-Length [3] Length Sale [9]					
Tax Exemptions (if Applicable)	☐ Recordation ☐ Declaration of Covenants and Restrictions - Not a Conveyance ☐ State Transfer ☐ County Transfer					
Cite or Explain Authority						
Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only			
	Purchase Price/Consideration	\$0.00	Transfer and Recordation Tax Consideration			
	Any New Mortgage		Transfer Tax Consideration			
	Balance of Existing Mortgage		X () % =			
	Other:		Less Exemption Amount -			
	Other:		Total Transfer Tax =			
Fees	Full Cash Value		Recordation Tax Consideration			
			X () per \$500 =			
			TOTAL DUE			
	Amount of Fees	Doc. 1	Doc. 2	Agent:		
	Recording Charge	\$20.00		Tax Bill:		
	Surcharge	\$20.00		C.B. Credit:		
Description of Property	State Recordation Tax			Ag. Tax/Other:		
	State Transfer Tax					
	County Transfer Tax					
	Other					
	Other					
Description of Property	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
						☐ (5)
	Subdivision Name		Lot 3(a)	Block(3b)	Sect/AR(3c)	Plat Ref.
						SqFt/Acreage(4)
	Location / Address of Property Being Conveyed (2)					
	Other Property Identifiers (if applicable)					
	10623 Stevenson Road and 10625 Stevenson Road					
	Residential ☒ or Non-Residential ☐ Fee simple ☐ or Ground Rent ☐ Amount:					
	Partial Conveyance? ☐ Yes ☒ No Description/Amt. of SqFt/Acreage Transferred:					
	If Partial Conveyance, List Improvements Conveyed:					
Transferred From	Doc. 1 - Grantor(s) Name(s)			Doc. 2 - Grantor(s) Names(s)		
	Doc. 1 Owner(s) of Record, if different from Grantor(s)			Doc. 2 Owner(s) of Record, if different from Grantor(s)		
Transferred To	Doc. 1 - Grantee(s) Name(s)			Doc. 2 - Grantee(s) Name(s)		
	New Owner's (Grantee) Mailing Address					
Other Names to be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)		
	EDWARD KENNY and MEGAN S. KENNY					
	PETER deWOLF SMITH					
Contact/Mail Information	Instrument Submitted By or Contact Person					☒ Return to Contact Person
	Name: Peter deWolf Smith					☐ Hold for Pickup
	Firm:					☒ Return Address Provided
	Address: 1925 Greenspring Valley Road, Box 258, Stevenson, MD 21153-0258					
Phone: 410-752-7070						

IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information	☐ Yes ☐ No Will the property being conveyed be the grantee's principal residence?	
	☐ Yes ☐ No Does transfer include personal property? If yes, identify:	
	☐ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).	
Assessment Use Only - Do Not Write Below This Line		
☐ Terminal Verification	☐ Agricultural Verification	☐ Whole ☐ Part ☐ Tran. Process Verification
Transfer Number:	Date Received:	Deed Reference:
Year: 20	20	Geo: Map Sub Block
Land		Zoning Grid Plat Lot
Buildings		Use Parcel Section Occ.Cd
Total		Town Cd. Ex.St. Ex.Cd.
REMARKS:		

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3/4/15
[Signature]
Space Reserved for County Validation

Return After Registration To:

Peter deWolf Smith
1925 Greenspring Valley Road, Box 258
Stevenson, Maryland 21153-0258

DECLARATION OF COVENANTS AND RESTRICTIONS

27
MARCH This Declaration of Covenants and Restrictions, made this 2ND day of February, 2005, by and between **Edward Kenny** and **Megan S. Kenny**, of Baltimore County, State of Maryland, Parties of the First Part, and **Peter deWolf Smith**, of Baltimore County, State of Maryland, Party of the Second Part.

Whereas, by Deed dated October 2, 2003, and recorded among the Land Records of Baltimore County, Maryland in Liber No. 19261, at folio 645, the parties of the first part herein did acquire fee simple title to that certain real property more particularly described by courses and distances in said Deed, which property bears the current improvement address of 10623 Stevenson Road; and,

Whereas, by Deed dated September 19, 2001, and recorded among the Land Records aforesaid in Liber No. 15640, at folio 001, the party of the second part herein did acquire fee simple title to that certain real property more particularly described by courses and distances in said Deed, which property bears the current improvement address of 1925 Greenspring Valley Road (formerly known of record as 10625 Stevenson Road); and,

Whereas, the parties of the first and second parts, as owners of adjacent real properties, are mutually desirous of entering into certain covenants and restrictions which will protect the dominant scenic and rural character of the real property of each, and will prohibit certain future construction absent prior written approval from one party to the other, and which will regulate lighting and illumination issues of mutual interest and import to the parties; and,

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Ray

Whereas, the herein Declaration is being executed in contemplation of construction by the parties of the first part of an addition to their residential structure. As used herein, "Existing Structure" shall be construed to refer to the existing dwelling house situate on said property of the parties of the first part as of the making date of the herein Declaration. As used herein, "New Addition" shall be construed to refer to said contemplated new construction on the property of the parties of the first part, contiguous to the Existing Structure. Both the New Addition and the Existing Structure are depicted on a scaled site plan dated November 5, 2004, by Arris Design Studio, attached hereto labeled as "Exhibit A" and specifically made a part hereof. The parties to the herein Declaration specifically agree that said site plan shall not be used by any of said parties as a basis for establishment of property lines between the properties of said parties. Said site plan is attached hereto for the sole and express purpose of defining the dimensions of both the Existing Structure and the proposed New Addition as of the date hereof.

NOW, THEREFORE, THIS DECLARATION OF RESTRICTIONS Witnesseth, that for and in consideration of the mutual benefits to be derived by each of the parties hereto, the parties hereto hereby covenant and agree as follows:

1. The easternmost façade of the New Addition shall be situate no further easterly than twenty-one feet (21') from the easternmost facade of the Existing Structure, and no portion of the New Addition shall be situate any further north than a line drawn as an easterly extension of the line of the northernmost wall of the Existing Structure.

2. No windows, porches, decks, exterior doors, or other improvements, and no fixtures, openings, and/or improvements which emit or allow transference of light or house sources of light shall be installed on the roof of or on the northernmost façade of the New Addition, and no additional windows, porches, decks, exterior doors, or other improvements, and no additional fixtures, openings, and/or improvements which emit or house sources of light shall be installed on the roof of or on the northernmost façade of the Existing Structure.

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Ray

3. No dormer window(s), windows, decks, exterior doors, or other improvements, and no fixtures and/or improvements which emit or allow transference of light or house sources of light shall be installed on the easternmost façade of the New Addition above the level of the windows of the 2nd-floor master bedroom, and the height of the New Addition shall not exceed the height of the Existing Structure.

4. No floodlights, spotlights, or other sources of concentrated or intense illumination shall be maintained or installed on the Existing Structure, the New Addition, or the existing garage currently situate on the property of the parties of the first part, or in any other location on said property. This restriction shall not be construed to preclude installation of low-voltage patio and garden lighting appurtenant to a ground-level patio contiguous to the easternmost façade of the New Addition.

5. No further improvements, additions, decks, or other structures will be installed, erected, and/or maintained on the property of the parties of the first part east of the easternmost facade of the New Addition without specific written authorization by the party of the second part, his heirs, successors, or assigns. This restriction shall not preclude installation and maintenance by said parties of a ground-level patio contiguous to the easternmost façade of the New Addition.

6. No floodlights, spotlights, or other sources of concentrated or intense illumination shall be maintained or installed on the roof or on the southernmost façade of the improvements situate on the property of the party of the second part or on the roof or on any façade of a garage to be erected to the south of said existing improvements. By execution of the herein Agreement, the parties of the first part consent to the erection of such a garage in future, they do covenant and agree that they will cooperate in any governmental approval process connected with such garage erection, and that they will neither object nor assist any other party in filing objection to erection of such garage. The party of the second part covenants that said garage, when erected, shall have no windows or other light-emitting openings on its southernmost façade.

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Each of the covenants and restrictions contained herein shall run with the land, in perpetuity, and shall be deemed to be binding on the parties hereto, and on the heirs, successors, and assigns of the parties hereto.

Unless agreed upon in writing between the parties, there shall be no exceptions or modifications to the within covenants and restrictions.

Witness the hands and seals of the undersigned on the date first herein stated.

WITNESS:

Sally Ponder

Edward Kenny
Edward Kenny

Sally Ponder

Megan S. Kenny
Megan S. Kenny

Charlene Facello

Peter deWolf Smith
Peter deWolf Smith

State of Maryland, County of Baltimore, to wit:

On this 1 day of March, 2005, before me, Richard J. Oakley, the undersigned officer, personally appeared Edward Kenny and Megan S. Kenny, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Richard J. Oakley
RICHARD OAKLEY
Notary Public
Anne Arundel County
Maryland
My Commission Expires Oct. 29, 2006

NOTARY PUBLIC

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3/4/05
Ray

Page Five

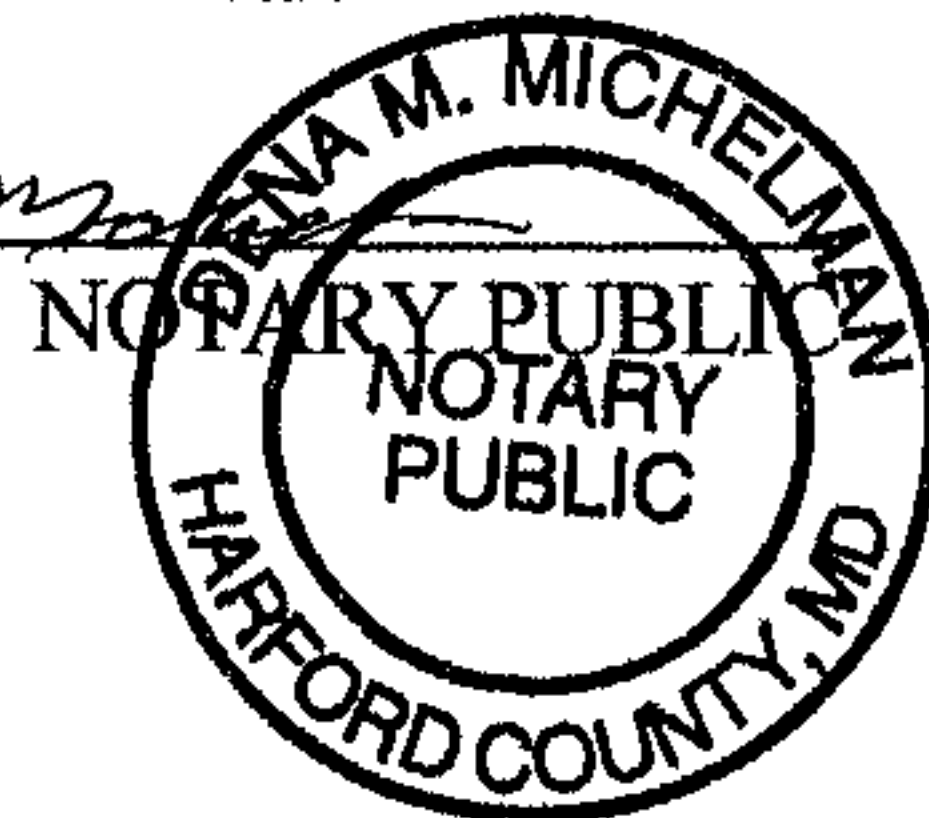
My Commission Expires: _____

State of Maryland, ^{City} County of Baltimore, to wit:

On this 2nd day of March, 2005, before me,
Dena M. Michelman, the undersigned officer, personally
appeared Peter deWolf Smith, known to me (or satisfactorily proven) to
be the person(s) whose name(s) is subscribed to the within
instrument and acknowledged that he executed the same for the
purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Dena M. Michelman



My Commission Expires:

My Commission Expires

8-1-2007

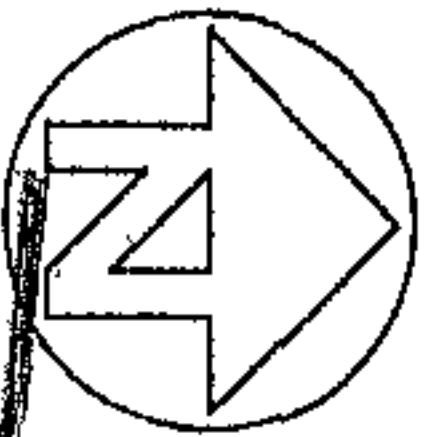
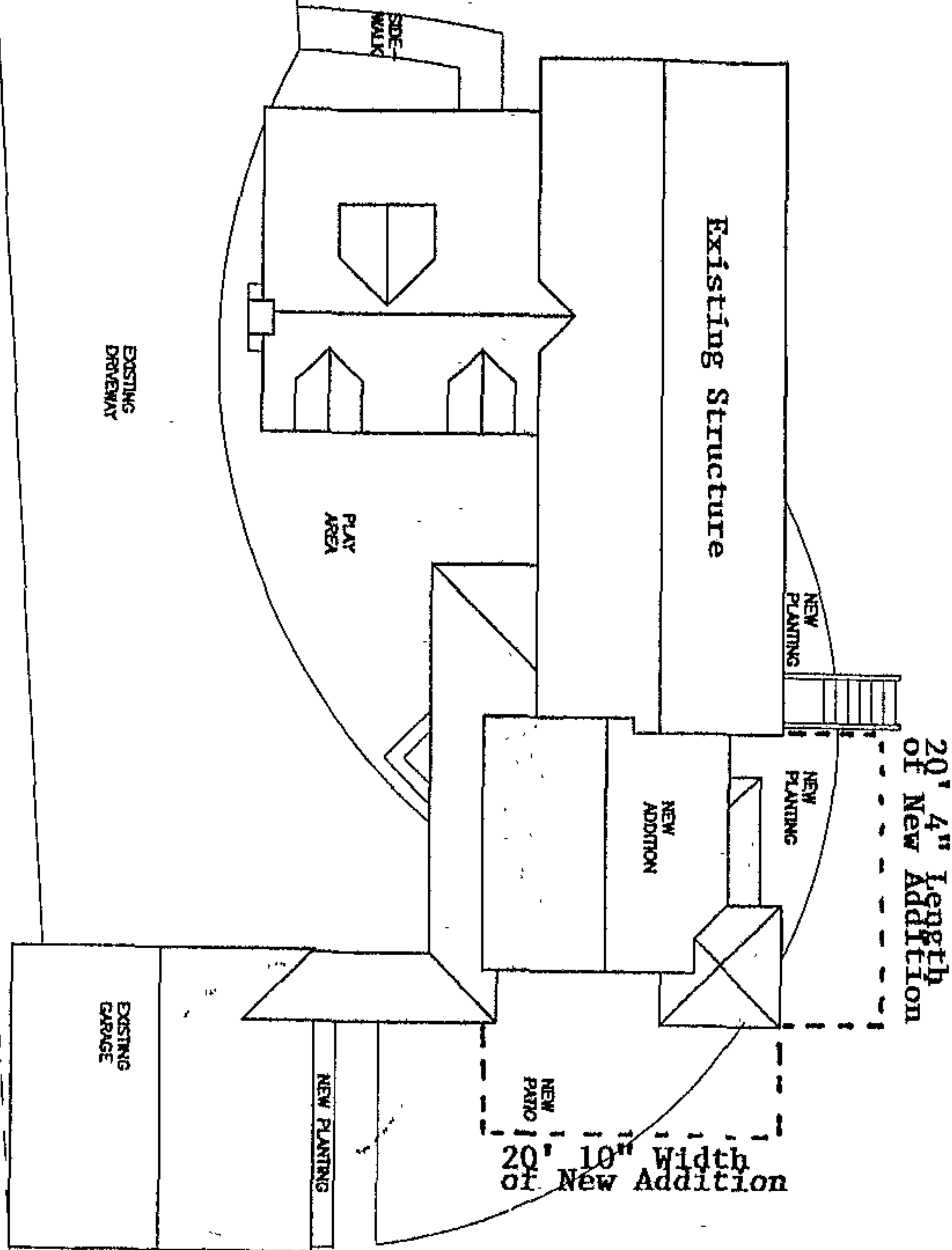
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DATE

3/4/05

BY

Ray



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3/4/05
Ray

Arris a Design Studio, Inc.		Project Name KENNY RESIDENCE			
		Drawing Name SITE PLAN			
1. Cross Street, Suite 201 Baltimore, Maryland 21230 752.5006 phone 410.752.0717 fax		Project No. 033-0104	Date 11/05/04	Drawing No. ST-1	Scale 1"=16'-0"
2004 by Arris, a Design Studio, Inc.		Drawn by WB			

N.W. 11-E

W 28.500

CLUB

RD.

ROAD

SITE

POOL

VALLEY

VALLEY

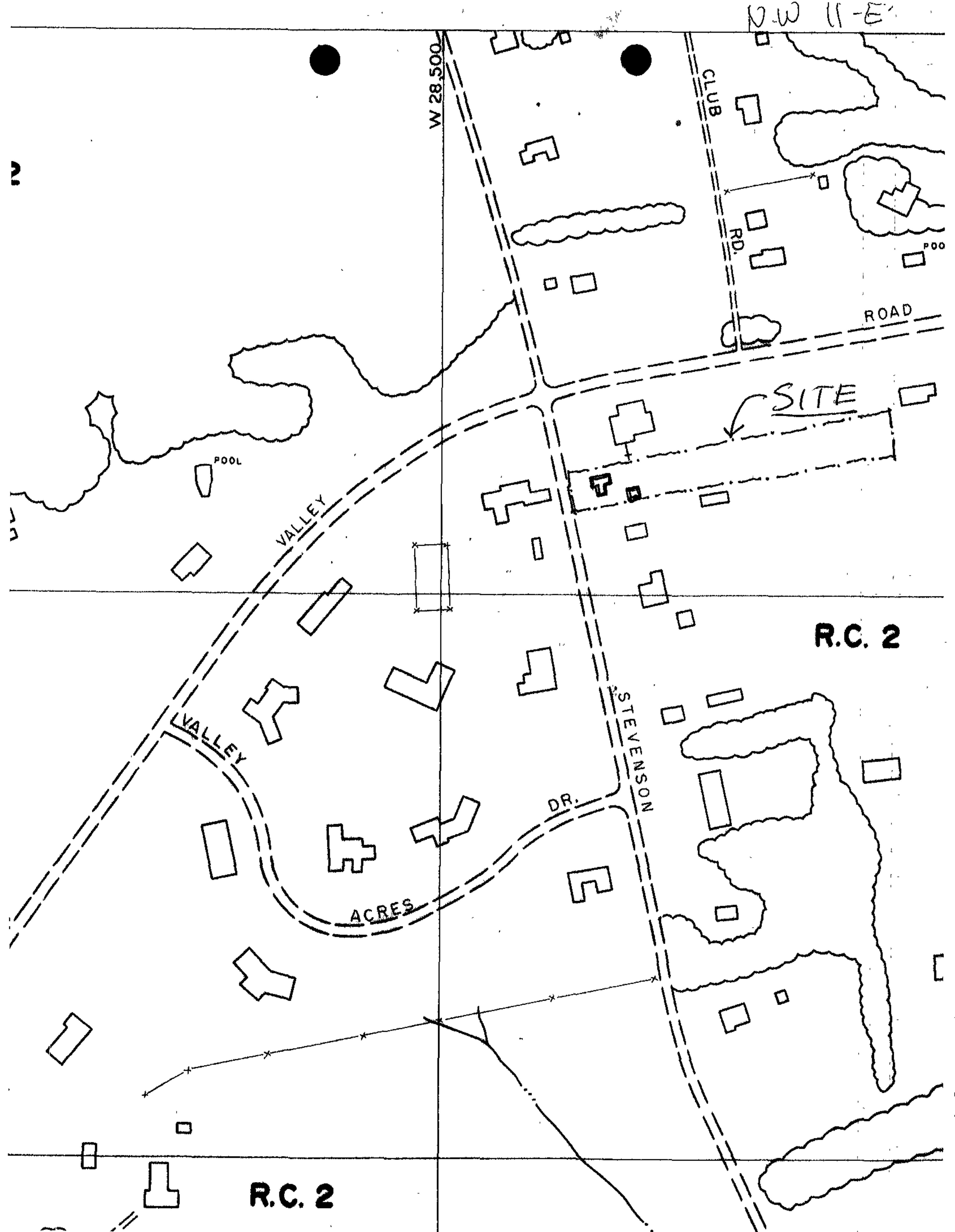
ACRES

DR.

STEVENSON

R.C. 2

R.C. 2



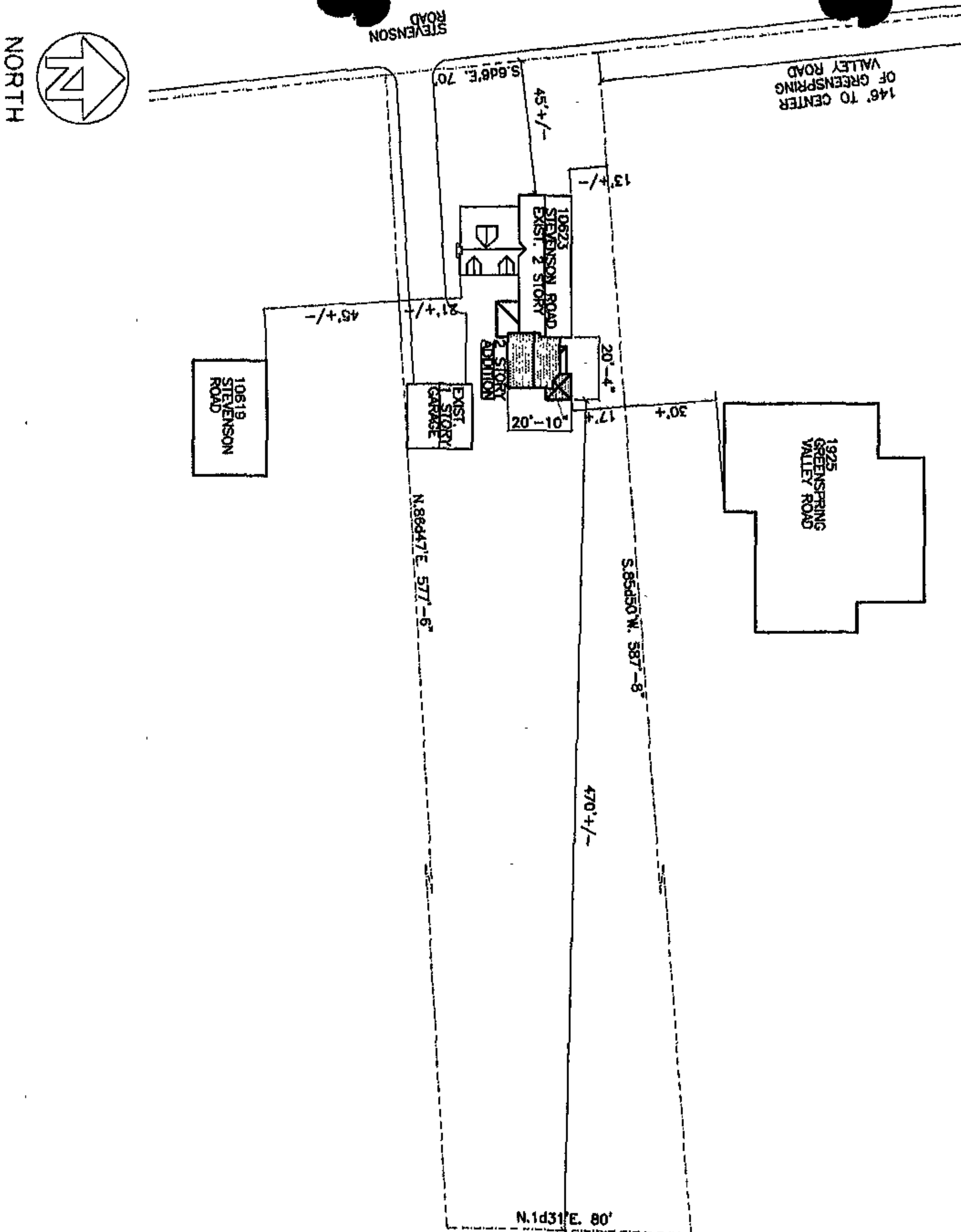
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 10623 STEVENSON RD. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME _____

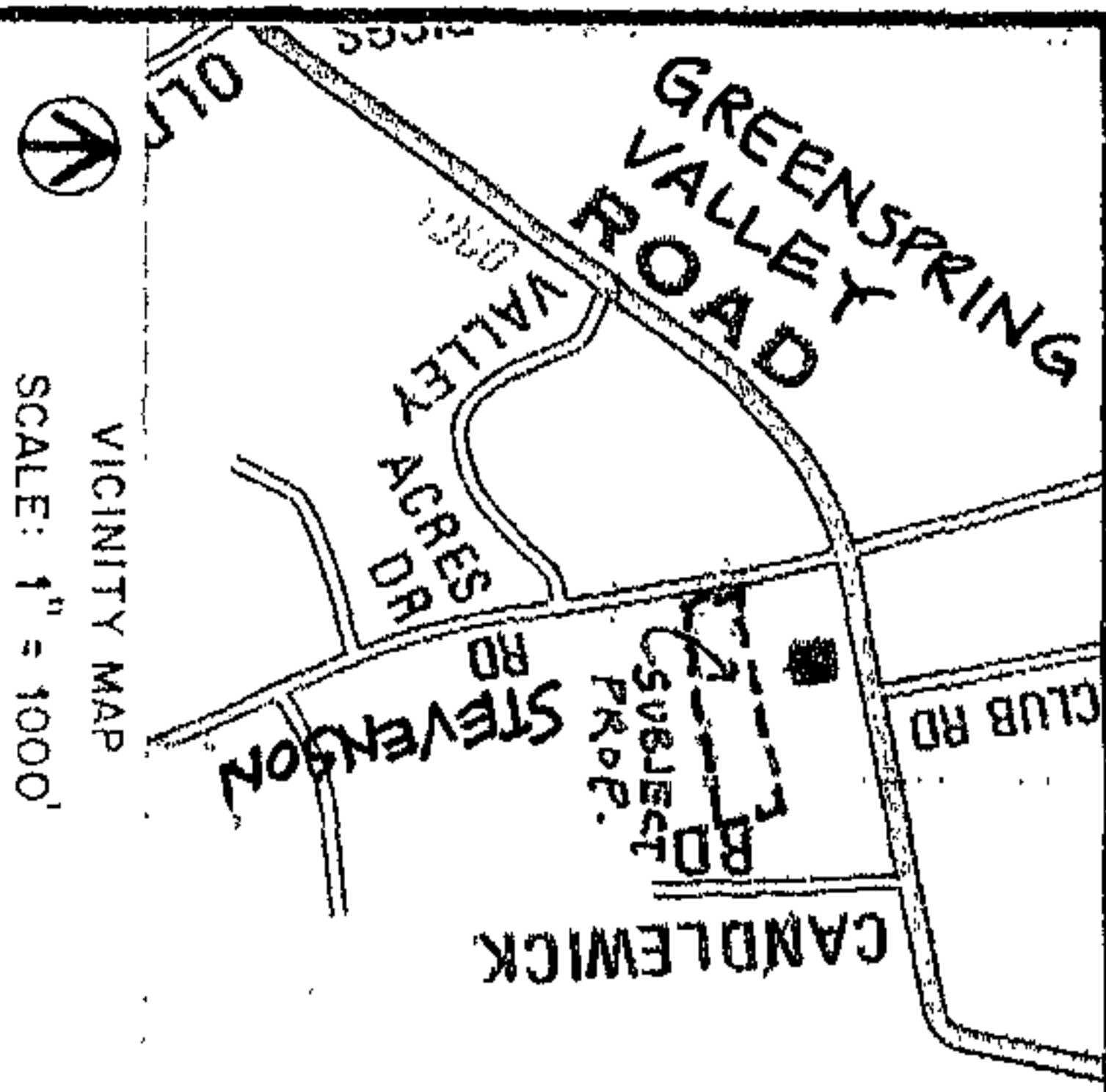
PLAT BOOK # 1763 FOLIO # 64 LOT # _____ SECTION # _____

OWNER _____



PREPARED BY W. BAUKHAGES

SCALE OF DRAWING: 1" = 60'



LOCATION INFORMATION

ELECTION DISTRICT

03

COUNCILMANIC DISTRICT

01

1" = 200' SCALE MAP # NW-11E

ZONING

RC-2

LOT SIZE

1

43,556

ACREAGE

SQUARE FEET

PUBLIC PRIVATE

SEWER

☐

☒

WATER

☐

☒

CHESAPEAKE BAY CRITICAL AREA

☐

☒

100 YEAR FLOOD PLAIN

☐

☒

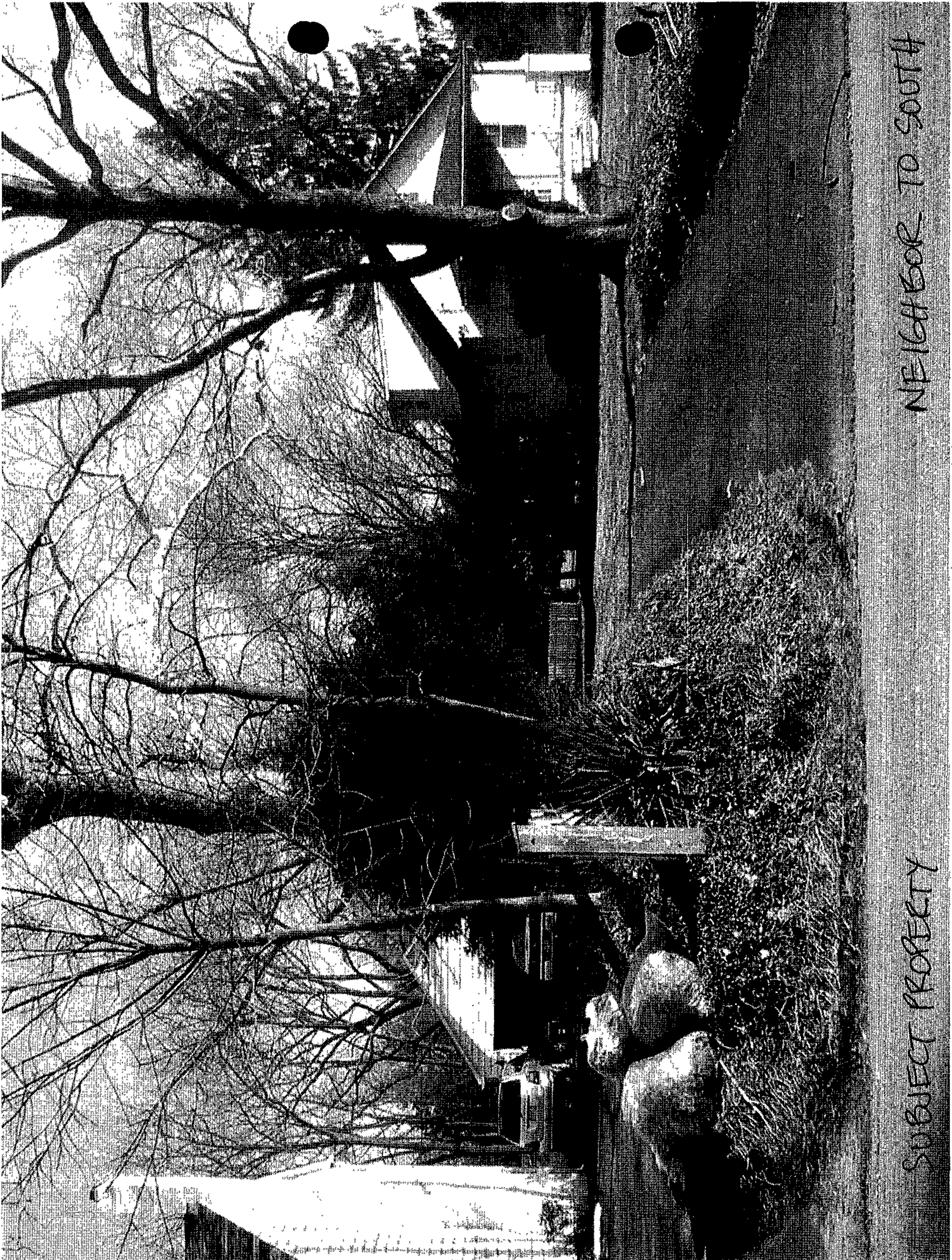
HISTORIC PROPERTY/ BUILDING

☐

☒

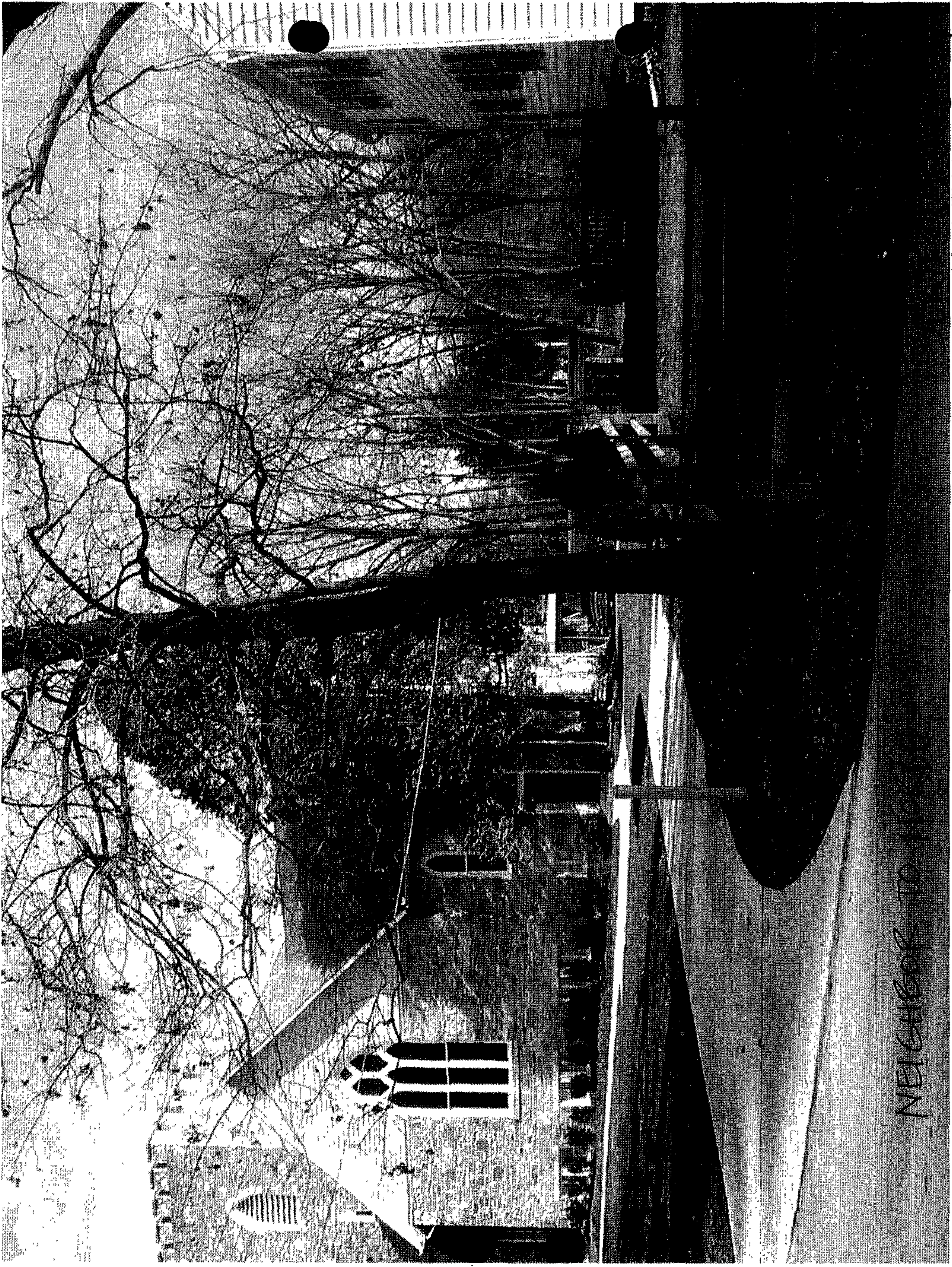
PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

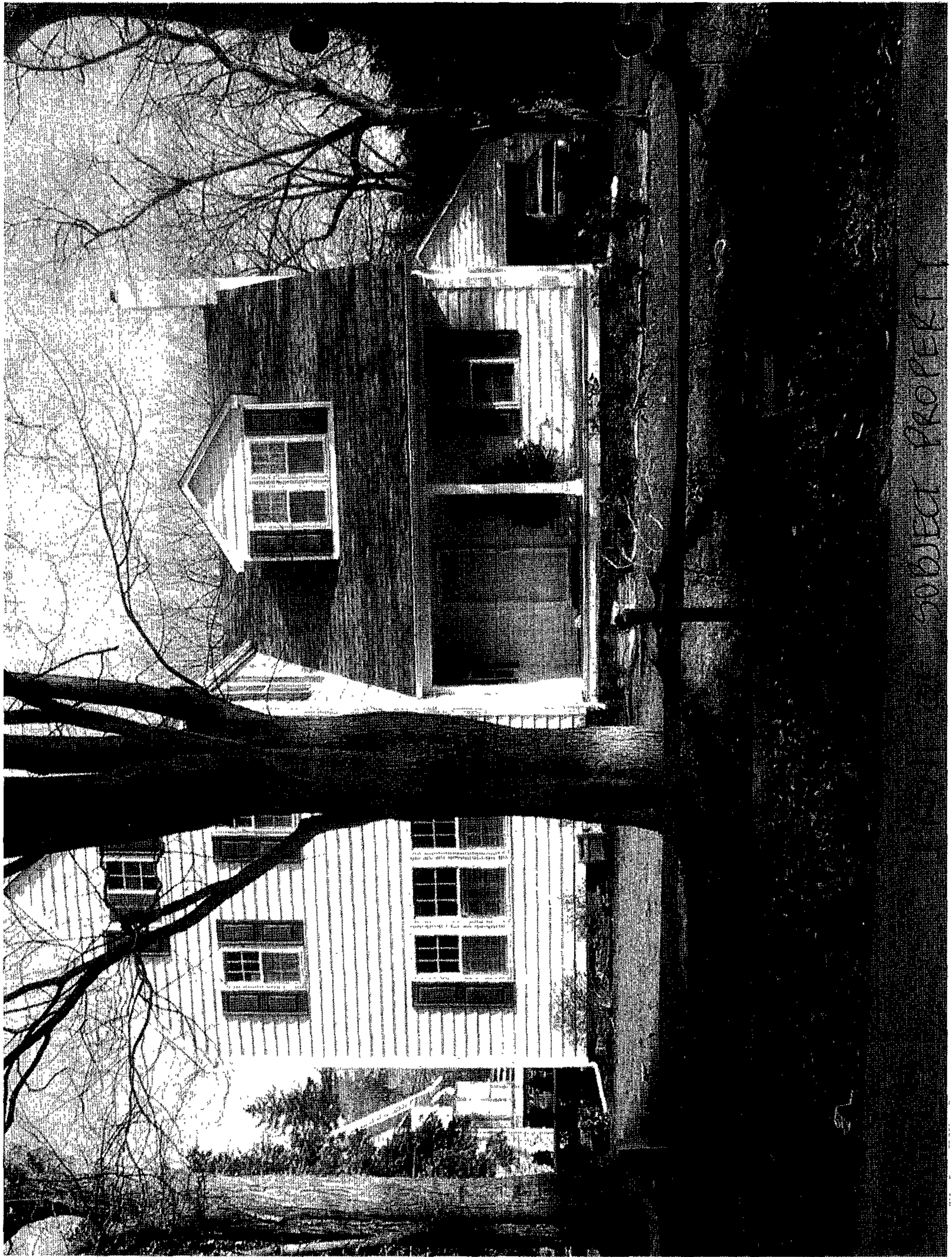


NEIGHBOR TO SOUTH

SUBJECT PROPERTY



NEIGHBOR TO



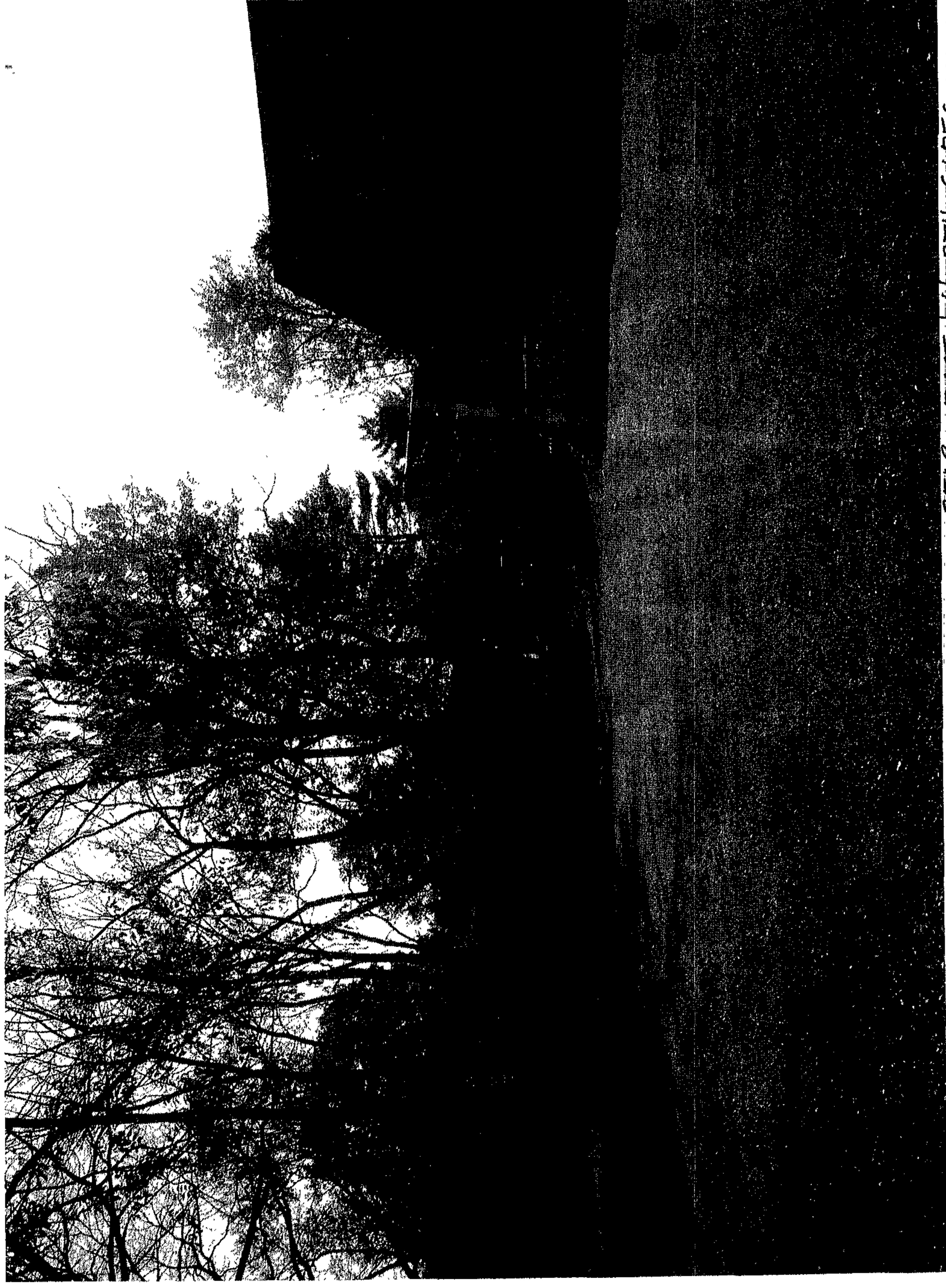
SUBJECT PROPERTY



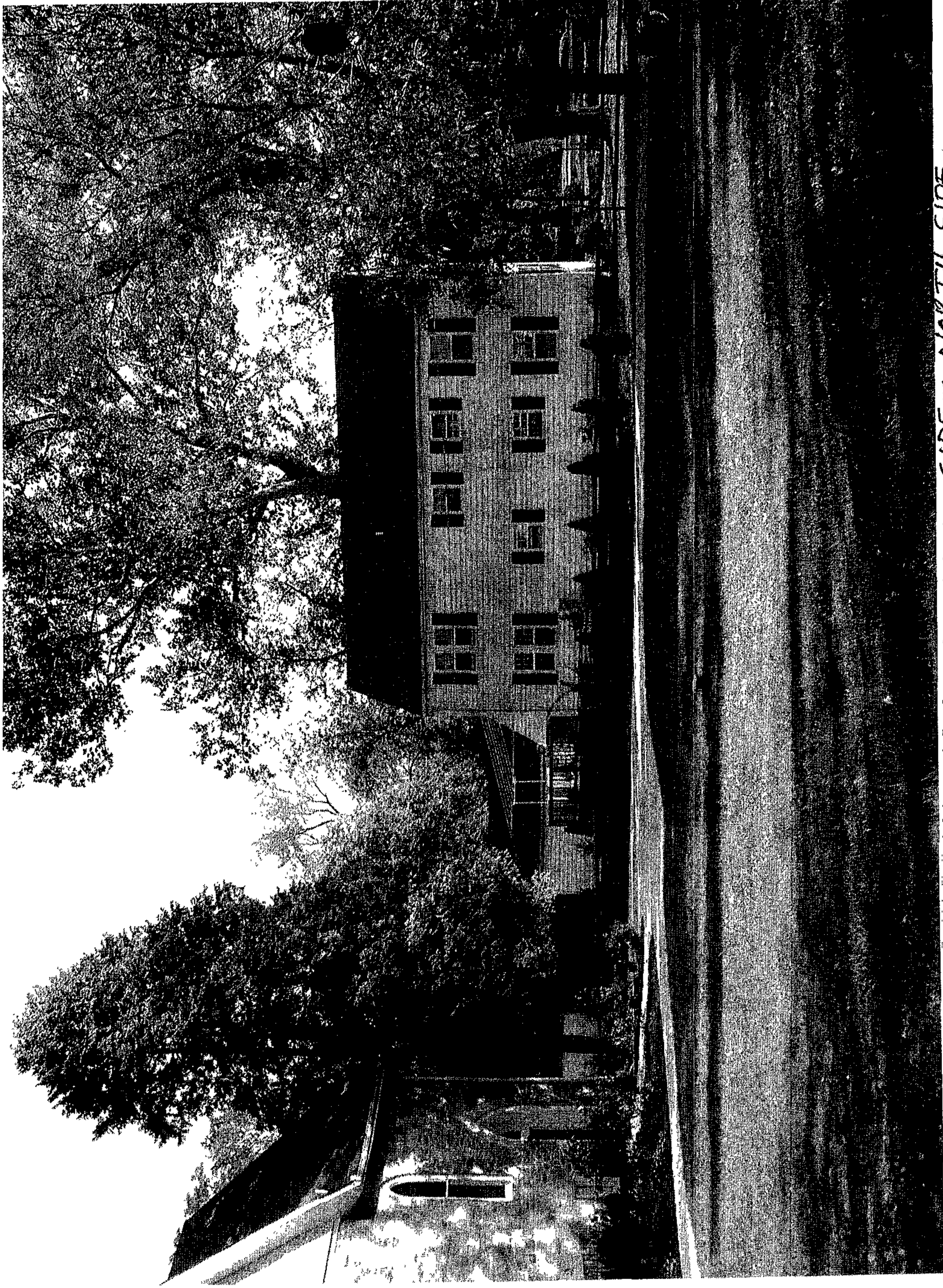
FRONT - WEST SIDE - SOUTH SIDE



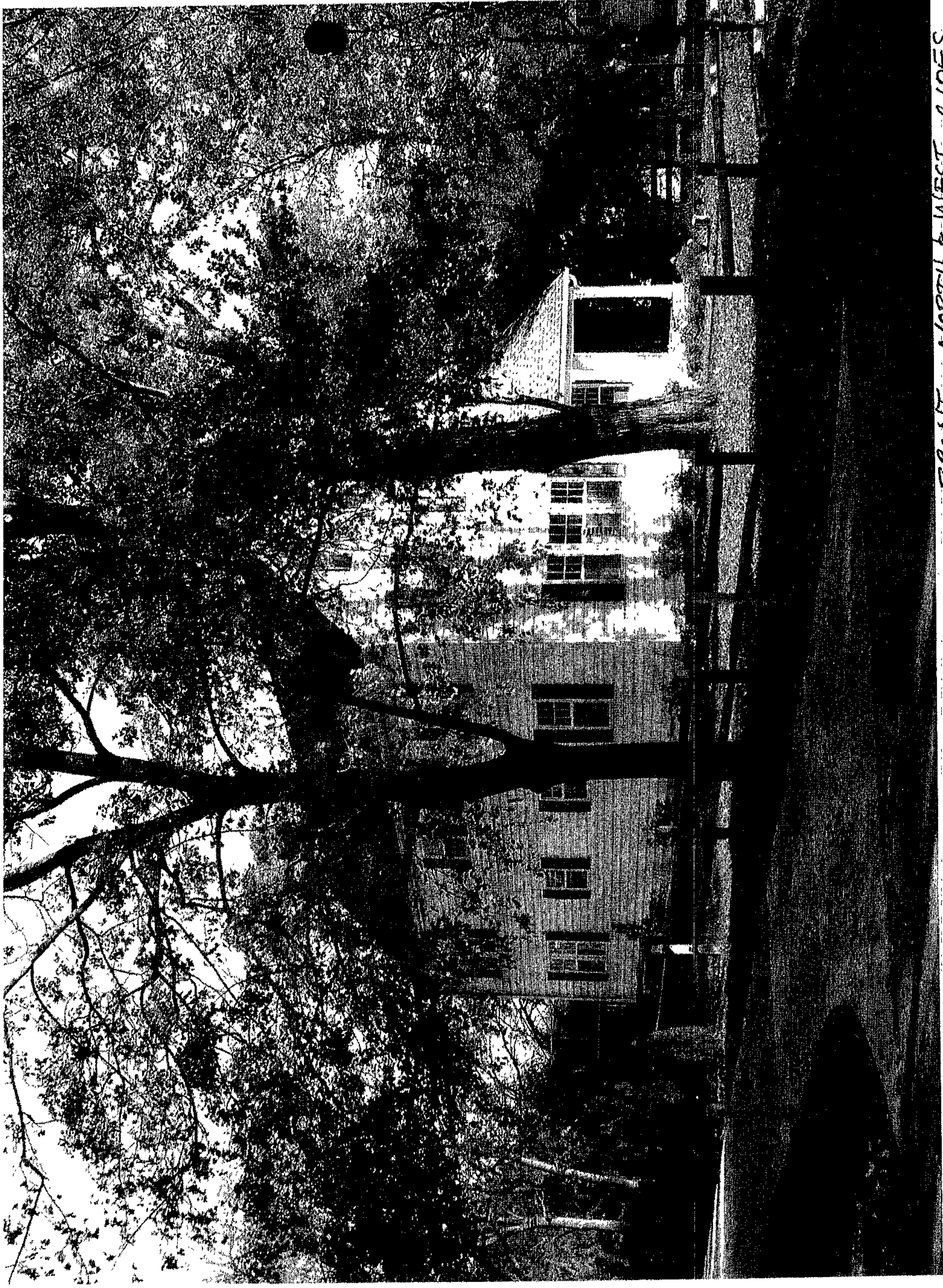
REAR - EAST SIDE



REAR - EAST & NORTH SIDES



SIDE - NORTH SIDE



FRONT - NORTH & WEST SIDES