THE CONTROL OF THE STATE OF THE

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Catanna Avenue, 206 ft. E
centerline of Jeanne Avenue
13th Election District
1st Councilmanic District
(1948 Catanna Avenue)

John Swann, IV

Petitioner

- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 05-364-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 owner of the subject property, John Swann, IV. The variance request is for property located at 1948 Catanna Avenue in the western area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a side yard setback of 10 ft. in lieu of the minimum required 15 ft., an existing rear yard setback of 30 ft. in lieu of the minimum required 40 ft., and a sum of side yard setbacks of 25 ft. in lieu of the minimum required 40 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 30, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) 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 Petitioner.

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, by the Deputy Zoning Commissioner for Baltimore County, this 15 day of February, 2005, that a variance from 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a side yard setback of 10 ft. in lieu of the minimum required 15 ft., an existing rear yard setback of 30 ft. in lieu of the minimum required 40 ft., and a sum of side yard setbacks of 25 ft. in lieu of the minimum required 40 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning said property to its original condition;

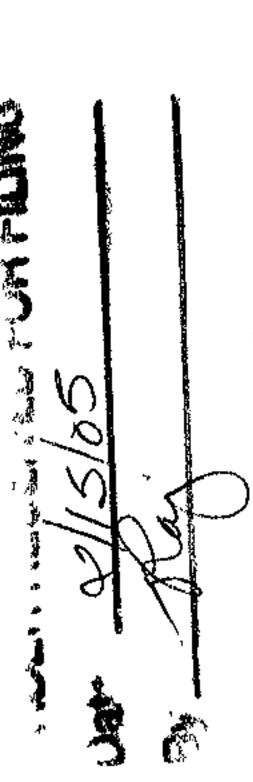
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



### Zoning Commissioner

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



### Baltimore County

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

February 14, 2005

Mr. John Swann, IV 1948 Catanna Avenue Baltimore, Maryland 21227

> Re: Petition for Administrative Variance Case No. 05-364-A Property: 1948 Catanna Avenue

Dear Mr. Swann:

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: Emmanuel Jackson 3038 Rolling Road Baltimore, MD 21244





REX 10/25/01

## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property l	located at 1948 Catanna Ave
	which is presently zoned $DR2$
This Petition shall be filed with the Department of Permowner(s) of the property situate in Baltimore County and who made a part hereof, hereby petition for a Variance from Section addition with a side yard setback of	nits and Development Management. The undersigned, ich is described in the description and plat attached beret
made a part hereof, hereby petition for a Variance from Sec	tion(s) DO 3 C L DC30 LA Agrant a la
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It from a will be work used and b	THE TEET IN THE OF THE MINIMON VEG
15 feet, an existing rear yard set b required to feet, and a sum of side minimum required 40 feet.	ack of 30 teef in the of the minimum
regulred to reet, and a som of side	VARA JET DALITY OF AS TEET IN HEO OF
•	
of the zoning regulations of Baltimore County, to the zoning of this petition form.	law of Baltimore County, for the reasons indicated on the
Property is to be posted and advertised as prescribed by the	zoning regulations.
l, or we, agree to pay expenses of above Variance, advertising, portions and restrictions of Baltimore County adopted pursuant	nating etc. and further sares to and are to be bounded by the -
•	I/We do solemnly declare and affirm, under the penalties
	perjury, that I/we are the legal owner(s) of the property whis the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legai Owner(s):</u>
Name - Type or Print	Name - Type or Print
Signature	Signature) Suamula
	- Cignature
Address Telephone No.	Name - Type or Print
City State Zlp Code	Signature
Attorney For Petitioner:	1948 Cafquna tue 410536
	Address
Varne - Type or Print	City State Zip C
Signature	Representative to be Contacted:
, after a faire	Emmanuel Jackson
mpany	Name
Idres: Telephone No.	3038 Rulling R1) 41038289 Address Telephone
	Address Telephone 2124
State Zip Code	City State Zip C
Public Hearing having been formally demanded and/or found to be day of that the subject matter of the subject	required, it is ordered by the Zoning Commissioner of Baltimore Co his petition be set for a public hearing, advertised, as required by the zo
egulations of Baltimore County and that the property be reposted.	ina bannon na sar ior a bublic liestiliid' sovettised' as tedrited by the 50
503	學一起
8 7	Zoning Commissioner of Baltimore County
CASE NO	lewed By

**Estimated Posting Date** 

# Affidavit in Support of Administrative Variance

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

competent to testify thereto in the event that a p	ublic hearing is sched	uled in the future with re	egard thereto.
That the Afflant(s) does/do presently reside at		2974 NWG 1	Her
- · · · · · · · · · · · · · · · · · · ·	Address 131/to.	MD.	21227
	City	State	Zip Code
That based upon personal knowledge, the folio Variance at the above address (indicate hardshi	ip or practical difficulty	7):	_
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Raising a family. Currently, I residently after 15 years the current structure as	e here with my s is offers less co Arose to purchase	wife and teening. ondert and very a wa portion of an	e than girls, he sering cramped. I'ving space, en pty lot   proparty Net
to me with the idea of extending the major sacrificas was made to put house that we have outgrown wo allowing me to extend on the e.	irchise this lot lived be a trem	property and to consider cons	pontinue to 112 in a pont of Also by not siller an financial wast
raising a family and the price of	· not going to be	USERCE. WITH the	current expense of
empty lot   property. For the follo	ming. the unit upti	ion for Expansion	is on the side ofthe
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to end of proparty line	C	) will done total of 3	ofeet from side of hou
[NH] B	H		
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	· 1	l, Affiant(s) will be req	uired to pay a reposting and
John Swam III			•
Som swam to	Signa	OŤUTA	- <del></del>
Signature	Oigi ii	atur <del>o</del>	
John Swann M			
Name - Type or Print	Nam	e - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:		
I HEREBY CERTIFY, this 15 day of Dec	rember	2004 before m	e, a Notary Public of the State
of Maryland, in and for the County aforesaid, pe	rsonally appeared	- <u></u>	
John Swann, III			
the Affiant(s) herein, personally known or satisfa	actorily identified to me	e as such Affiant(s).	CMCVD: 6 (2) CONSIDERA
		NETTAR	CACARA GE GRESONI Y PUBLIC STATE OF MARYER TO
AS WITNESS BOOK PROPERTY CONTRACTOR CONTRACT		Philips Carrie	PIRAKER FRANCISCO ACTION REPORT OF THE
So SIBSONE	1111	11 11.1	
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MV C	Notary Publi		<b>x</b>
My C	My Commis	sion Expires /-/9-2	08

REV 10/2

# 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	1948 Catanna Aug	; ;
	Address Balto. m.D.	2/227.
	City	Zip Code
That based upon personal knowledge, the follo	wing are the facts upon which I/we base the requip or practical difficulty):	est for an Administrative
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Kaising a family. Currently, I reside	e here with my wife and teenage T	200 91713 1. K-200.7
9448 13 VAMOS THE MUSTERNT STOUCTURE US	s is ottober issi comfort over anim relain	change though a function
To me with the idea of extending the	arose to purchase a portion of an em	A ILLIAN AND AREA IN
Major sacrifices was made to pu	irchise this lot I property and to co-	without to live in a
allowing me to extend on the	wild be a tremendous hardship a	man Cine do la Colore
anda waste of space that is now	mpty lot / property could be considered not going to be used. With the cur	rent expense of
"">INS A family and the price of	real estate fooley, I cannot afford	to move. After
many mours of thinking and plans	ming the only uption for Expansion is o	n the side of the
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	e 0 - (best aption) will be total of 30 fe	et from side of hous
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That the Affiant(s) acknowledge(s) that if a fo	ormal demand is filed, Affiant(s) will be required	to pay a reposting and
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advertising fee and may be required to provide a	additional information.  Signature	
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Signature  Signature  Signature  State OF MARYLAND, COUNTY OF BALTIN	Signature  Name - Type or Print  MORE, to wit:	
Signature  Signature  Some Swann kn  Name - Type or Print  I HEREBY CERTIFY, this 15 day of Decorpt of Maryland, in and for the County aforesald, per	Signature  Name - Type or Print  MORE, to wit:	
Signature  John Swann M  Name - Type or Print  I HEREBY CERTIFY, this 15 day of Decord of Maryland, in and for the County aforesaid, per the Swann M  John S	Signature  Name - Type or Print  MORE, to wit:  2004 , before me, a prsonally appeared	Notary Public of the State
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Signature  John Swann M  Name-Type or Print  STATE OF MARYLAND, COUNTY OF BALTIM  I HEREBY CERTIFY, this 15 day of Decorder Maryland, in and for the County aforesald, per the Affiant(s) herein, personally known or satisfation.	Signature  Name - Type or Print  Nore, to wit:    Control   200 \( \frac{200}{200} \), before me, a prisonally appeared  actorily identified to me as such Affiant(s).	Notary Public of the State
Signature  Signature  John Sugnn M  Name-Type or Print  STATE OF MARYLAND, COUNTY OF BALTIM  HEREBY CERTIFY, this 15 day of Declar of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfation.	Signature  Name - Type or Print  MORE, to wit:  2004, before me, a print actorily identified to me as such Affiant(s).  NOTARY PUB My Commission	Notary Public of the State  MAG. GRESCE!  HC STATE OF MAGE!  A Expires January 19, 2008
Signature  John Swann M  Name-Type or Print  STATE OF MARYLAND, COUNTY OF BALTIM  I HEREBY CERTIFY, this 15 day of Decorder Maryland, in and for the County aforesald, per the Affiant(s) herein, personally known or satisfation.	Signature  Name - Type or Print  MORE, to wit:  2004, before me, a print actorily identified to me as such Affiant(s).  NOTARY PUB My Commission	Notary Public of the State  MAG. GRESCH!  HIC STATE OF MAGES 19, 2008
Signature  Tom Sugna Man Name - Type or Print  STATE OF MARYLAND, COUNTY OF BALTIM HEREBY CERTIFY, this 15 day of Ded of Maryland, in and for the County aforesaid, pe  Tohn Sugna Till the Affiant(s) herein, personally known or satisfa	Signature  Name - Type or Print  MORE, to wit:  2004, before me, a print	Notary Public of the State  MA G. GRISCH!  HC STATE OF MARCH. 1  n Expires January 19, 2008
Signature  John Swann M  Name-Type or Print  STATE OF MARYLAND, COUNTY OF BALTIM  I HEREBY CERTIFY, this 15 day of Decorder Maryland, in and for the County aforesald, per the Affiant(s) herein, personally known or satisfation.	Signature  Name - Type or Print  MORE, to wit:  2004, before me, a print actorily identified to me as such Affiant(s).  NOTARY PUB My Commission	Notary Public of the State  MA G. GRISCH!  HC STATE OF MARCH. 1  n Expires January 19, 2008
Signature  Tom Sugna Man Name - Type or Print  STATE OF MARYLAND, COUNTY OF BALTIM HEREBY CERTIFY, this 15 day of Ded of Maryland, in and for the County aforesaid, pe  Tohn Sugna Till the Affiant(s) herein, personally known or satisfa	Signature  Name - Type or Print  MORE, to wit:  2004, before me, a print	Notary Public of the State  MA G. GRISCH!  HC STATE OF MARKET 19, 2008



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

fo	r the property l	located at 1948 Catanna And
		which is presently zoned $DR$ 2
This Petition shall be filed with the D	 Department of Perm	——————————————————————————————————————
owner(s) of the property situate in Baltin made a part hereof, hereby petition for a	nore County and while Variance from Sect	its and Development Management. The undersigned, legal ich is described in the description and plat attached hereto and tion(s)
addition with a ride	to 1 for the	ich is described in the description and plat attached hereto and tion(s) 1BO2, 3, C, 1, BCZR, to permit a proposed ) feet in lieu of the minimum required 15 feet feet in lieu of the minimum required 40 feet, 5 feet in lieu of the minimum required 40 feet, 5 feet in lieu of the minimum required 40 feet,
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orange of 3-111 Or a fore your	Of OC	a seco in the out sing minimum regulated to the
of the zoning regulations of Baltimore Conference of this petition form.	ounty, to the zoning	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised a l, or we, agree to pay expenses of above Varegulations and restrictions of Baltimore Cou	HIGHER STRIKERS KA	
	 	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:	<i>}</i>	Legal Owner(s):
		John Swannie
Name - Type or Print	i <del></del>	Name - Type or Print
Signature	<u>'</u>	Signature Summer
Address	 	
Addiess	Telephone No.	Name - Type or Print
City	Zip Code	Signature 1948 CGFANNA Ave 110536918
Attorney For Petitioner:	i	Address Telephone No.
Name - Type or Print		State Zin Code
realing - Type Of Fallit	 	Zip Couc
Signature	<u> </u>	Representative to be Contacted:
Company	· · · · · · · · · · · · · · · · · · ·	Name Name
Address		3038 Pulling M) 403828440
	Telephone No.	Address  Address  Mail  Address  Mail  Address  Address
City	Zip Code	City State Zip Code
A Public Hearing having been formally demand this day of the regulations of Baltimore County and that the proper	led and/or found to be at the subject matter of the ty be reposted.	required, It is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
•		Zoning Commissioner of Baltimore County
CASE NO	Rev	lewed By JNP Date 1/20/05
REV 10/25/01	Esti	mated Posting Date 1/30/0

O5-364-A

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### CERTIFICATE OF POSTING

	RE: Case No. : <u>65-344-4</u>					
	Petitioner/Developer:					
	SWANN					
	Date of Hearing/Closing: 2/14/05					
Baltimore County Department of Permits and Development Manageme County Office Building, Room 111 111 West Chesapeake Avenue	nt					
Attention:						
_adies and Gentlemen:						
This letter is to certify under the penal sign(s) required by law were posted co at						
This sign(s) were posted on(Mo	onth, Day Year)					
	Sincerely,  Signature of Sign Poster and Date)  Martin Ogle  Sign Poster  5016 Castlestone Drive  Address  Balto. Md 21237  (443-629-3411)					

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Matter Ogl 1/30/05

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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# Department of Permits and Development Management

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



### Baltimore County

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

February 14, 2005

John Swann IV 1948 Catanna Avenue Baltimore, Maryland 21227

Dear Mr. Swann:

RE: Case Number: 05-364-A, 1948 Catanna Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 20, 2005.

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,
U. Calliala (S)

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

**Enclosures** 

c: People's Counsel
Emmanuel Jackson 3038 Rolling Road Baltimore 21244



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

### 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 28, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: 226,360-864)366-367

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.

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

Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

co: File



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

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



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

### Maryland Department of Transportation

Date: 1.25.05

**Baltimore County** 

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

Item No. 3と4

RE:

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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

1. 1. Gredler

Engineering Access Permits Division

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr J<sup>D</sup>

DATE:

February 11, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 31, 2005

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

05-360

05-361

05-363

05 264

05-366

05-367

Reviewers:

Sue Farinetti, Dave Lykens

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

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** February 1, 2005 CEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

FEB - 1 2005

ONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-364 and 5-367

Administrative Variances

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

MAC/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** February 9, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For February 7, 2005

Item No. 364

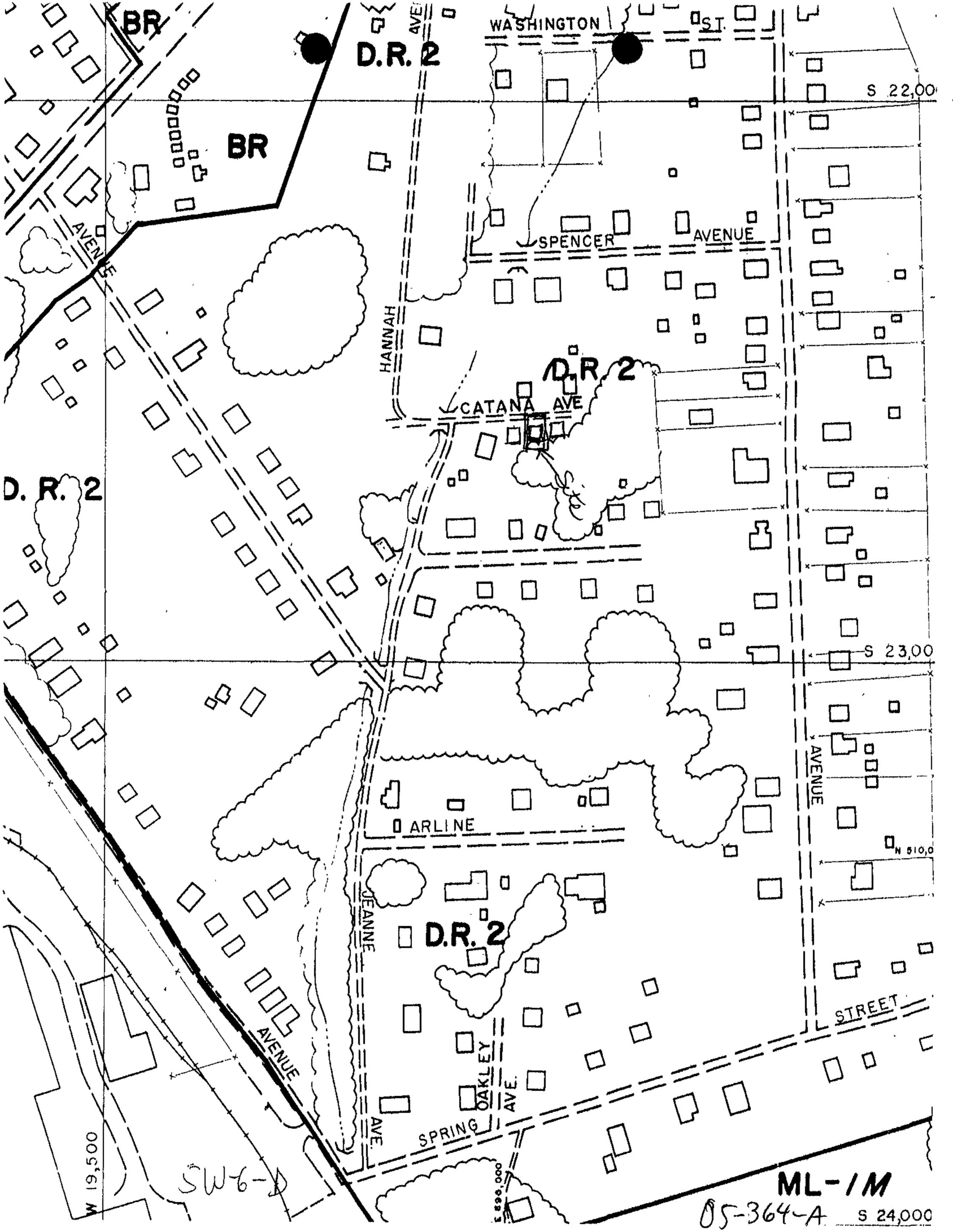
The Bureau of Development Plans Review has reviewed the subject-zoning items.

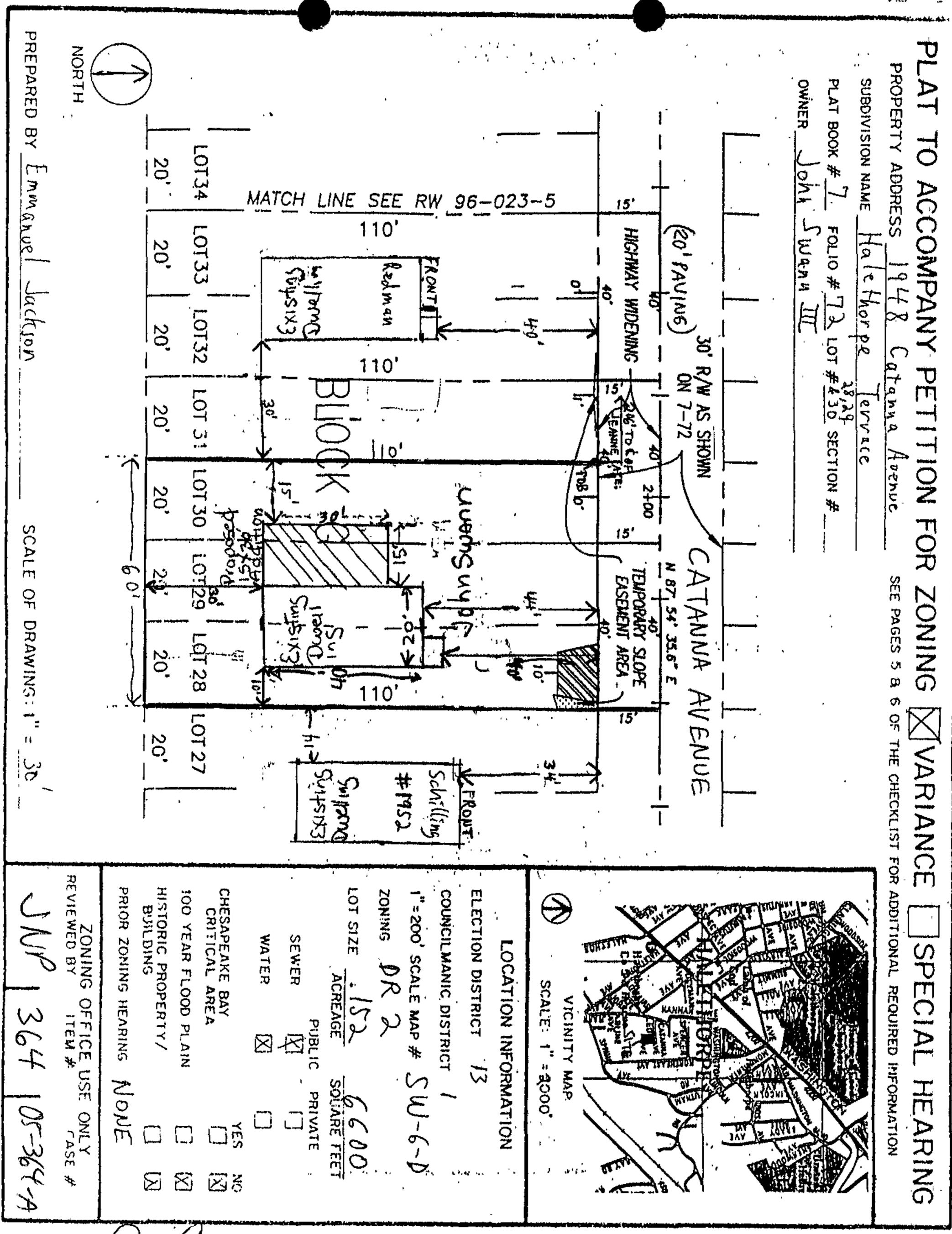
A minimum 40 feet right-of-way for Catanna Avenue shall be shown and the requested variances shall be modified accordingly.

RWB:CEN:cp

cc: File

ZAC-02072005-COMMENT ITEM 364-02092005.doc





Det With



Room adelition on right side facing houself 15 wide 30' deep

Propose room addition

05-364A



Propose room appetion 15 wile 30' cleepson right side of house

1 DS-364-A



4) 4 2) 4)

05-364-A



left sule of house front from front

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