

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Lovelock Court, 320' N of the c/l
Millner Road
(10 Lovelock Court)
11th Election District
5th Council District

Mark E. Kraus, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* **Case No. 05-433-A**

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Mark E. Kraus, and his wife, Denise M. Kraus. The Petitioners request a variance from Section 1B01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a rear yard setback of 19 feet in lieu of the required 35 feet from the tract boundary for a proposed addition. In addition, the Petitioners request approval of an amendment to the Final Development Plan of Perry Hall Gardens, for Lot 16, only, accordingly. 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.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this case, Joan DiTommaso, who resides on the adjacent property, known as 12 Lovelock Court, requested that a hearing be held and thus, the matter was scheduled before the undersigned on May 3, 2005.

ORDER RECEIVED FOR FILING

Date

By

Appearing at that hearing in support of the request were Mark and Denise Kraus, property owners. Joan DiTommaso and Genevieve Ledbetter appeared as interested citizens/Protestants.

Testimony and evidence offered disclosed that the subject property is a roughly square shaped parcel located on the west side of Lovelock Court, just east of Lovebird Court and Millner Road in Perry Hall. The property contains a gross area of 0.250 acres, more or less, zoned D.R.3.5, and is improved with a one-story, single-family dwelling. The Petitioners have owned and resided on the property for approximately 9 years. Due to the recent arrival of their fourth child (born in April 2005), the Petitioners propose to construct a two-story addition to the rear of the home to accommodate their growing needs. The addition will allow for the expansion of the existing kitchen and walkout basement, as well as provide a new master bedroom and fourth bedroom on the second floor. As shown on the site plan, the addition will be located on the rear, southwest side of the home. Variance relief is necessary due to the irregular shape of the property and the layout and location of the existing dwelling thereon.

As shown on the site plan, Lovelock Court ends in a cul-de-sac in front of the subject property, which contributes to the lot's unusual shape and configuration. Moreover, the orientation of the house on the lot places the southwest corner of the home in close proximity to the rear property line. The Petitioners testified that the rear of their property slopes downward and adjoins property owned by Baltimore County's Board of Education, which is densely forested for some 30 to 40 feet. Moreover, the property owners who will be most affected by the proposed addition, Rudy and Sarah Grue, have no objections to the proposal. (See Petitioner's Exhibit 2).

As noted above, the adjacent property owner, Joan DiTommaso, appeared in opposition to the request. She resides immediately north of the subject site at 12 Lovelock Court. Her property is separated from the subject lot by a 10-foot wide paved access strip that leads to the Board of Education property and a 10-foot wide drainage and utility easement to the rear of the homes on Lovelock Court. Ms. DiTommaso expressed concerns about existing water runoff problems in her rear yard which she believes were contributed to by the Petitioners, and that any

relief granted should be conditioned upon their improving this runoff problem. She indicated that she has called upon several County agencies, including the Department of Environmental Protection and Resource Management (DEPRM) and the Board of Education to investigate her complaint. However, they have not offered any solutions, other than suggesting that she obtain a survey and a civil engineer's opinion as to the cause of the drainage problem. Ms. DiTommaso opined that allowing the Petitioners to construct the proposed addition could make the situation worse. She submitted photographs received into evidence as Protestant's Exhibit 1 which show the area where water ponds along the pathway and the Board of Education property.

In response to the issues raised by Ms. DiTommaso, Mr. Kraus admitted that he filled in portions of his rear yard in 2002 for the protection of his family. He argued that he did not divert water runoff towards her property and that the drainage problems on Ms. DiTommaso's property are not as a result of any action on his part. He further stated that his addition will have rain gutters and downspouts and that all water runoff will be diverted south between his property and the Grues' property, which naturally slopes in that direction.

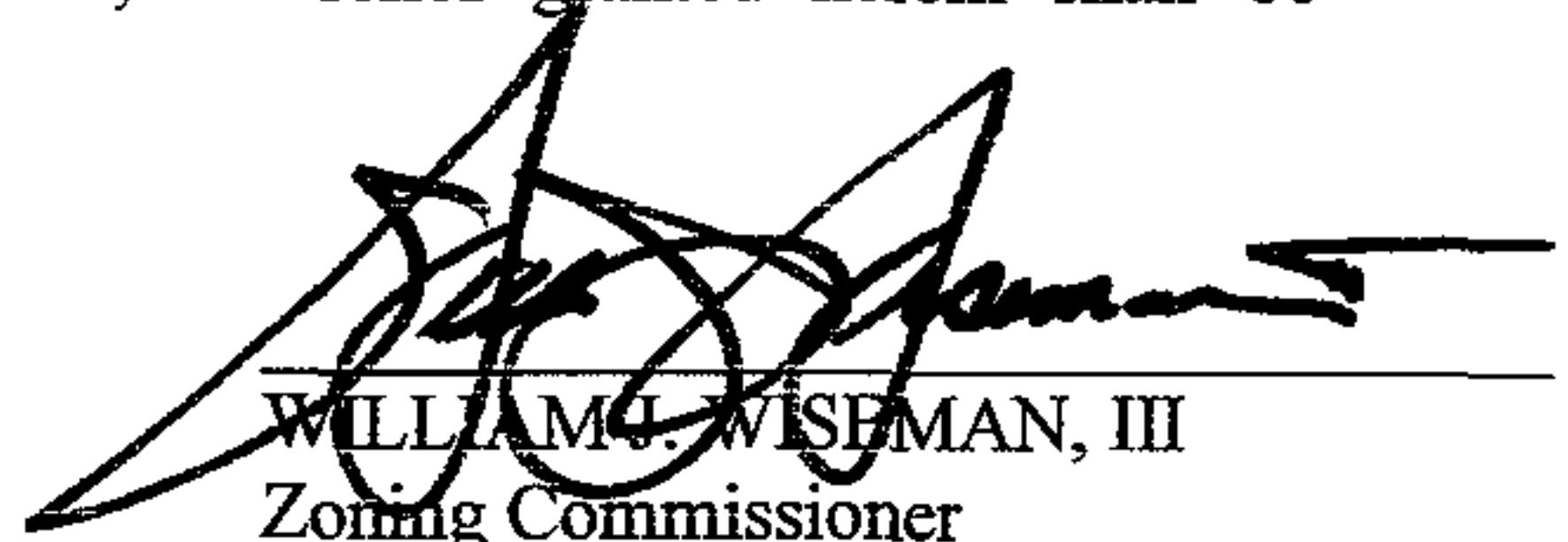
After due consideration of the testimony and evidence presented, I am persuaded that variance relief should be granted. Although I appreciate the concerns raised by Ms. DiTommaso, it would appear from the photographs submitted that the Petitioners' property is at a higher elevation than hers, and thus, it is expected that water runoff from the subject property would flow in that direction. However, it is clear that a drainage problem exists and perhaps further investigation into the overall condition of the drainage and utility easement to the rear of the properties is warranted. Thus, I suggest that Ms. DiTommaso follow-up on this issue with the Department of Public Works to determine if some sort of maintenance or repair might be necessary. In any event, I find that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors who would be most affected by the proposal have no objections. Thus, I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. and Cromwell v. Ward, 102

Md. App. 691 (1995) for relief to be granted that there will be no detriment to adjacent properties, or the health, safety and general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of May 2005 that the Petition for Administrative Variance seeking relief from Section 1B01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a rear yard setback of 19 feet in lieu of the require 35 feet from the tract boundary for a proposed addition, and to amend the Final Development Plan of Perry Hall Gardens, Lot 16, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at his 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.


WILLIAM M. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING

Date

5/19/05

By



Zoning Commissioner

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



Baltimore County

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

May 19, 2005

Mr. & Mrs. Mark E. Kraus
10 Lovelock Court
Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Lovelock Court, 320' N of the c/l Millner Road
(10 Lovelock Court)
11th Election District – 5th Council District
Mark E. Kraus, et ux - Petitioners
Case No. 05-433-A

Dear Mr. & Mrs. Kraus:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has 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. Rudy Grue
8 Lovelock Court, Baltimore, Md. 21236
Ms. Joan DiTommaso
12 Lovelock Court, Baltimore, Md. 21236
People's Counsel; Case File

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10 Lovelock Court
which is presently zoned DR 3.5

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) 1301.2.C.2 BCZR & V.B.5.2 CMDP

To permit an addition with a rear yard setback of 19' in lieu of the required 35' from the tract boundary. And to amend the Final Development Plan of Perry Hall Gardens, Lot #16.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Reviewed By JF Date 3-3-05

Estimated Posting Date 3-13-05

ORDER RECEIVED FOR FILING
DATE 05/18/05
CASE NO. 433-A

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 10 Lovelock Court
City Baltimore State MD Zip Code 21236

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):

- We are expecting our 4th child in April 2005.
- We currently own a 3 bedroom home, including ours.
 - Kids Room #1 10 x 10
 - Kids Room #2 10 x 11
- Children are too young for bunk beds.
- Can't afford a 4 or 5 bedroom home in our area.
- We really like Balto. Co., specifically Perry Hall, and want our children in this school system.
- A second story addition isn't possible as it would require a whole house remodel & we can't afford temporary housing.
- My husband has lived in Balto. County his whole life, 35 yrs, and we have lived here our married lives, 10 1/2 yrs.

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.

Mark E. Kraus
Signature

Mark E. Kraus
Name - Type or Print

Denise M. Kraus
Signature

Denise M. Kraus
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of February, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mark E. Kraus + Denise M. Kraus
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Andrea M. Brown
Notary Public

My Commission Expires MY COMMISSION EXPIRES JUNE 22, 2008

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

City

State

Zip Code

10 Lovelock Court
Baltimore MD 21236

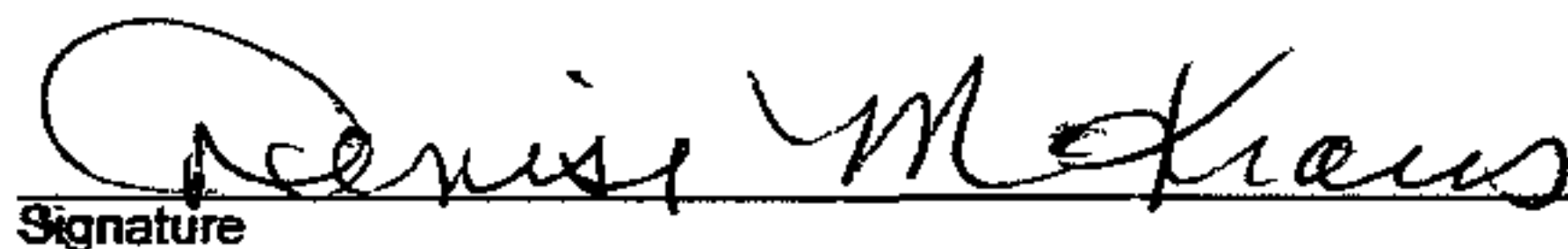
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- We are expecting our 4th child in April 2005.
- We currently own a 3 bedroom home, including ours.
 - Kids Room #1 10 x 11
 - Kids Room #2 10 x 10
- Children are too young for bunk beds.
- Can't afford a 4 or 5 bedroom home in our area.
- We really like Balto. Co., specifically Perry Hall, and want our children in this school system.
- A second story addition isn't possible as it would require a whole house remodel and we can't afford temporary housing.
- My husband has lived in Balto Co. his whole life & we have lived here our married lives, 10.42 years.

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

Mark E. Kraus
Name - Type or Print


Signature

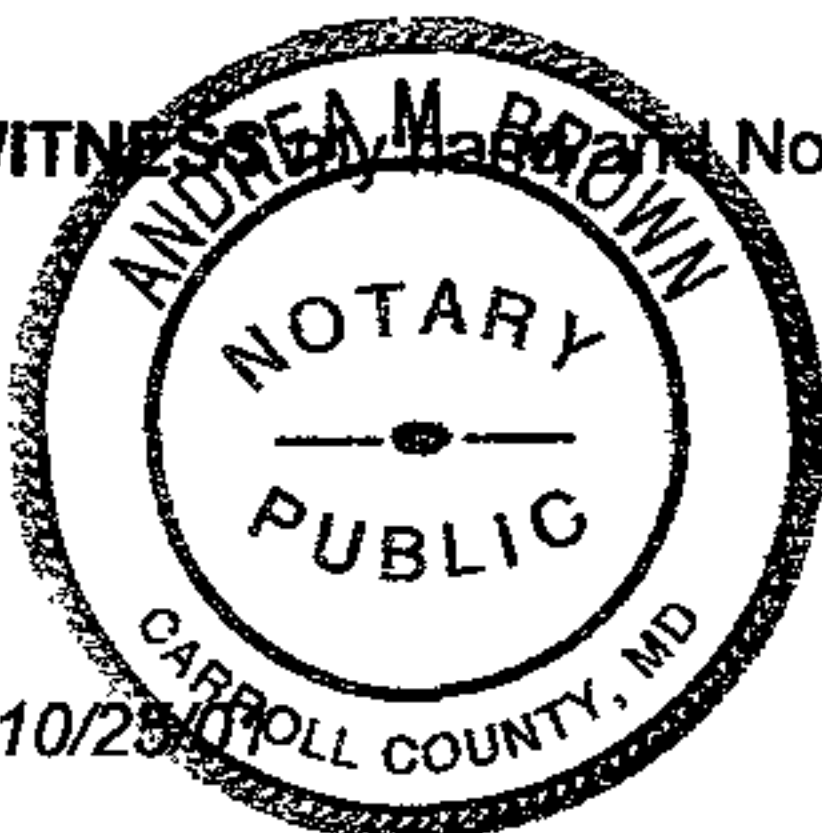
Denise M. Kraus
Name - Type or Print

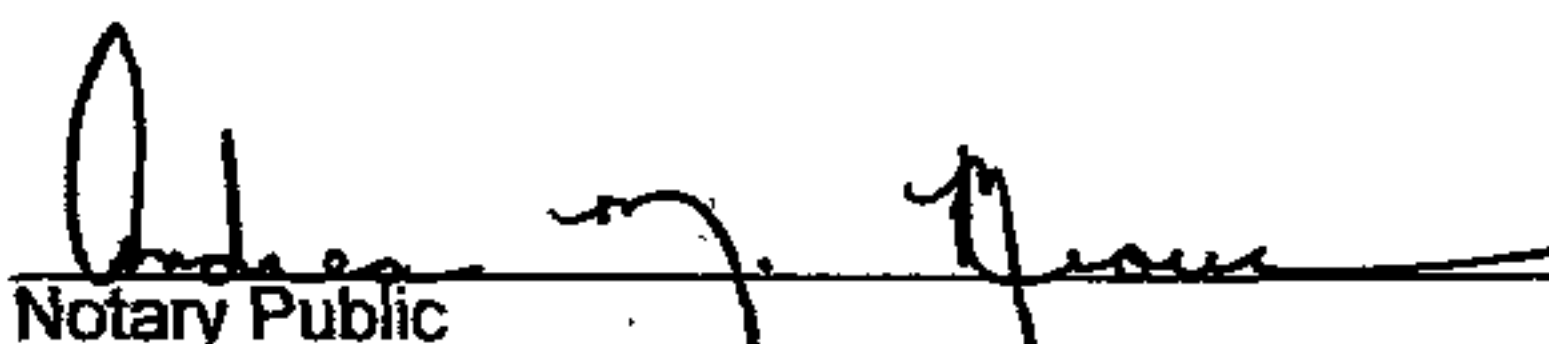
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of February, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mark E. Kraus + Denise M. Kraus
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESSES




Notary Public

My Commission Expires MY COMMISSION EXPIRES JUNE 22, 2008



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10 Lovelock Court
which is presently zoned DR 3.5

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) 1301.2.C.2 BCZR & V.B. 5.8 CM OP

To permit an addition with a rear yard setback of 19' in lieu of the required 35' from the tract boundary. And to amend the Final Development Plan of Perry Hall Gardens, Lot # 16.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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. 05-433-A

Reviewed By JF Date 3-3-05

REV 10/25/01

Estimated Posting Date 3-13-05

Zoning Description for 10 Lovelock Court, Baltimore, Maryland 21236

Beginning at a point on the West side of Lovelock Court which is 50' feet wide at a distance of ± 320 feet North of the centerline of the nearest improved intersecting street Millner Road which is 60' feet wide. *Being Lot # 16, Block B, Section # 2 in the subdivision of Perry Hall Gardens as recorded in Baltimore County Plat Book # 39, Folio # 58, and containing 0.250 acres. Also known as 10 Lovelock Court and located in the 11 Election District, 5 Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 442758

DATE 3-3-05 ACCOUNT 001-006-6150

AMOUNT \$ 115.00

RECEIVED FROM MARK KRAUS

16 LOVELLSEA COURT Item # 423

FOR Admin. Expenses + Freight

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE TIME
3/04/05 3/04/05 10:57:00
ED MDP MARK MPT MD
RECEIPT # 00000 3/05/2005
amt 5.528 /ADMIN EXPENSE
P.M. 4272
Total amt 115.00
PAID BY J.M. DE
Baltimore County, Maryland

CASHIER'S VALIDATION

No.

DATE 08/08/00 ACCOUNT

ACCOUNT

AMOUNT

RECEIVED COAL DITCHMAS
FROM:

FOR MYL DELAND - CASE NO. 05-133-0

DISTRIBUTION
WHITE, CASHIER

PAUL & JOEY

YELLOW-CROWNED NIGHTINGALE

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PLANNING ACTUAL

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CARRIER'S VALIDATION

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: #05-433-A
10 Lovelock Court
w/side of Lovelock Court at the distance of 320 feet +/- north of the centerline of Miller Road
11th Election District — 5th Councilmanic District
Legal Owner(s): Mark E. & Denise M. Kraus

Variance: to permit an addition with a rear yard setback of 19 feet in lieu of the required 35 feet from the tract boundary, and to amend the Final Development Plan of Perry Hall Gardens, Lot #16 only.

Hearing: Tuesday, May 3, 2005 at 11:00 a.m. in Room 487, County Courts Building, 481 Bosley 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.
JT 4/7/14 April 19 47354

CERTIFICATE OF PUBLICATION

4/20/2005

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 4/19/2005.

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

J. Wilkinson
LEGAL ADVERTISING

RE: Case No.: 05-433-A

Petitioner/Developer: _____

MARK & DENISE KRAUS

Date of Hearing/Closing: 5/3/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

RECEIVED

MAY 2 2005

ZONING COMMISSIONER

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 located at _____

10 LOVELOCK CT.

The sign(s) were posted on _____

4/18/05

(Month, Day, Year)

Sincerely,

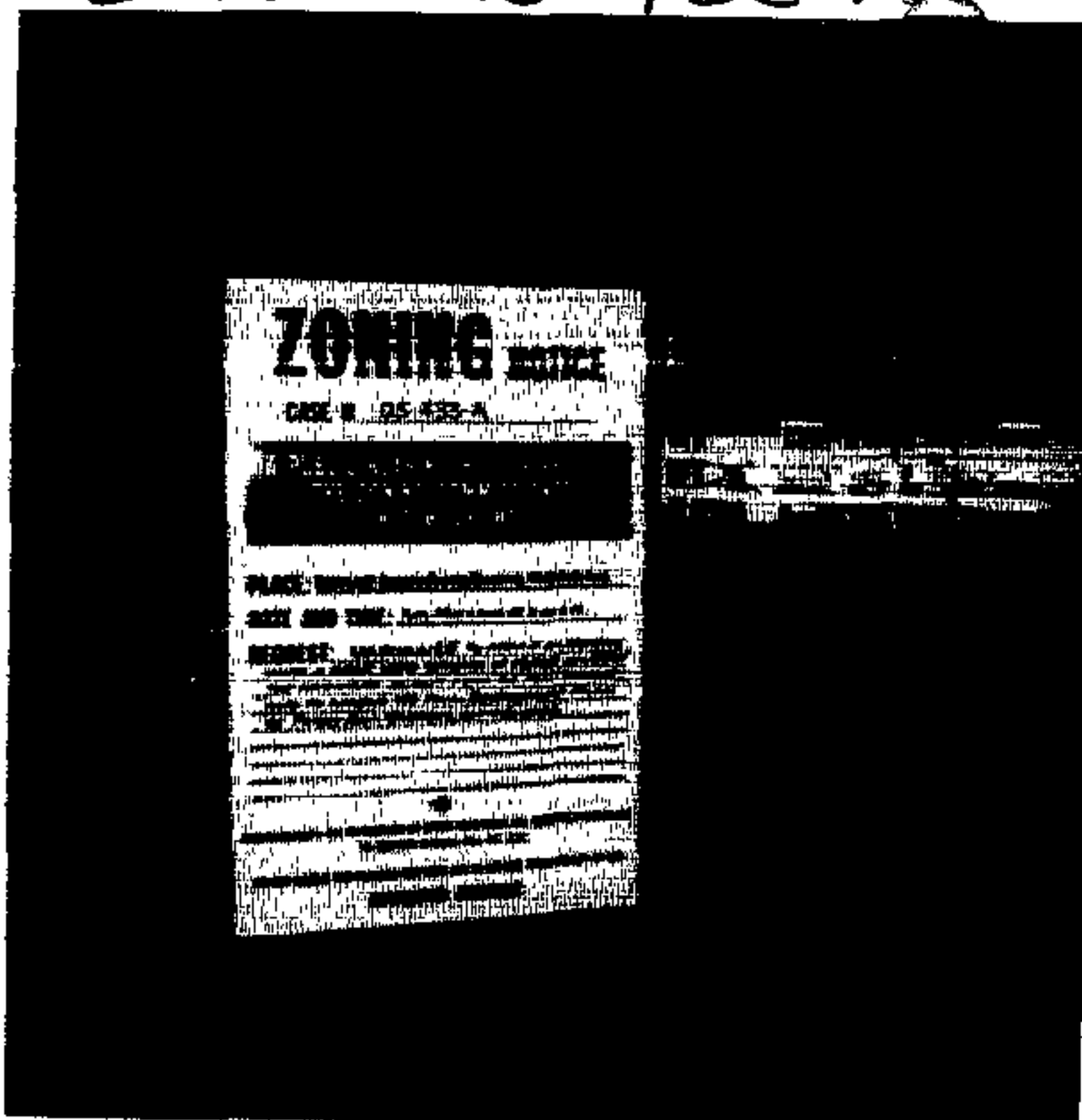
Richard E. Hoffman 4/18/05
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



10 LOVELOCK CT.

POSTED 4/18/05

Richard E. Hoffman 4/18/05

RE: Case No.: 05-433-A

Petitioner/Developer: _____

MARK & DENISE KRAUS

Date of Hearing/Closing: 3/28/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 located at _____

10 LOVELOCK CT.

The sign(s) were posted on 3/13/05
(Month, Day, Year)

CASE # 05-433-A

Sincerely,

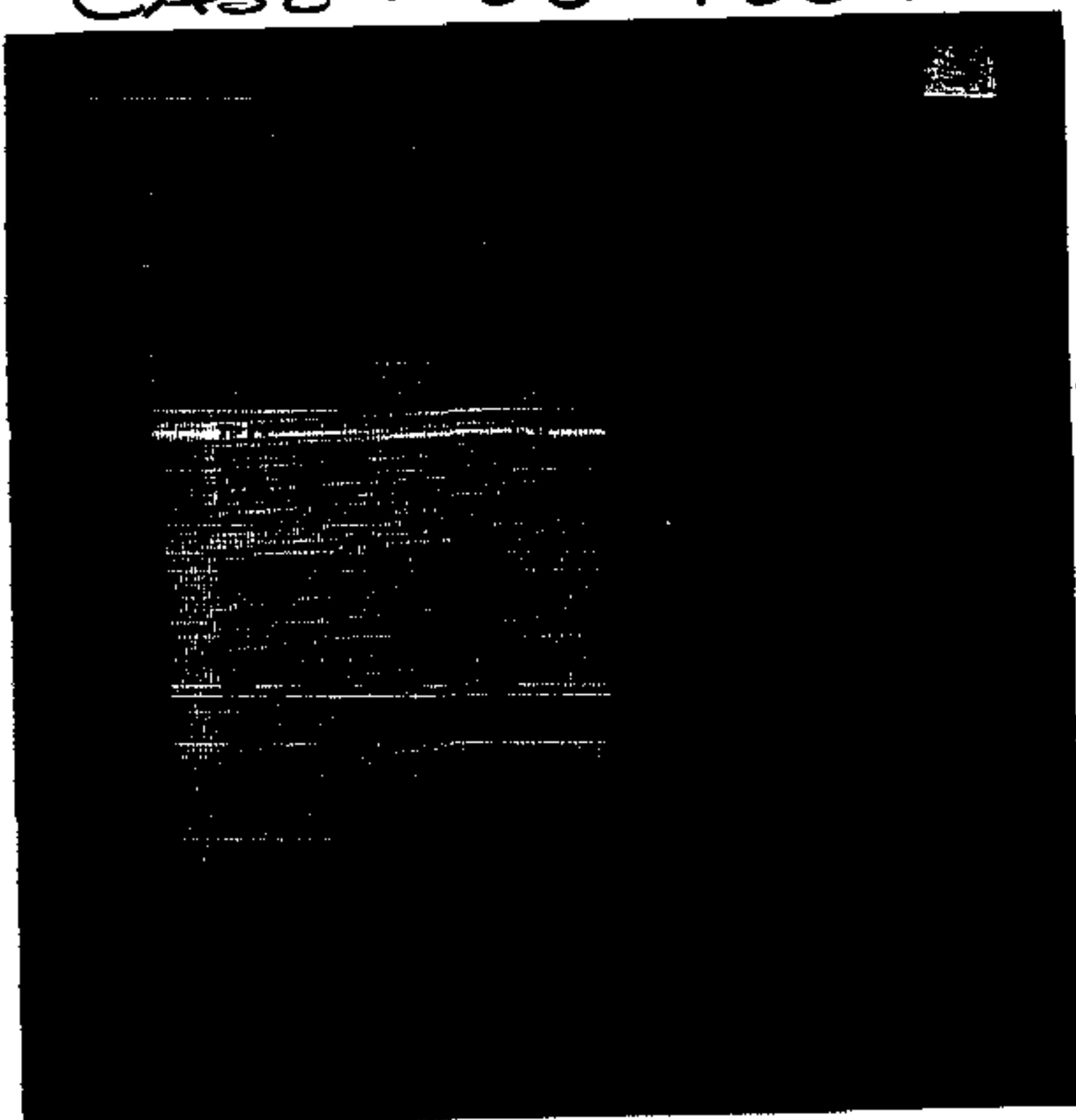
Richard E. Hoffman 3/13/05
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



10 LOVELOCK CT.
POSTED 3/13/05
Richard E. Hoffman 3/13/05



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

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

March 28, 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: 05-433-A

10 Lovelock Court

W/side of Lovelock Court at the distance of 320 feet +/- north of the centerline of Miller Road

11th Election District – 5th Councilmanic District

Legal Owners: Mark E. & Denise M. Kraus

Variance to permit an addition with a rear yard setback of 19 feet in lieu of the required 35 feet from the tract boundary, and to amend the Final Development Plan of Perry Hall Gardens, Lot #16 only.

Hearing: Tuesday, May 3, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Kraus, 10 Lovelock Ct., Baltimore 21236
Joan DiTommaso, 12 Lovelock Ct., Baltimore 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 18, 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, April 19, 2005 Issue - Jeffersonian

Please forward billing to:
Mark & Denise Kraus
10 Lovelock Court
Baltimore, MD 21236

410-529-7535

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: 05-433-A

10 Lovelock Court

W/side of Lovelock Court at the distance of 320 feet +/- north of the centerline of Miller Road

11th Election District – 5th Councilmanic District

Legal Owners: Mark E. & Denise M. Kraus

Variance to permit an addition with a rear yard setback of 19 feet in lieu of the required 35 feet from the tract boundary, and to amend the Final Development Plan of Perry Hall Gardens, Lot #16 only.

Hearing: Tuesday, May 3, 2005 at 11:00 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**

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



Baltimore County

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

March 28, 2005

Mark E. Kraus
Denise M. Kraus
10 Lovelock Court
Baltimore, MD 21236

Dear Mr. & Mrs. Kraus:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-433-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 Joan DiTommosso concerning the above-proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. 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 Jun Fernando at 410-887-3391.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Joan DiTommosso, 12 Lovelock Court, Baltimore 21236

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



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 433 -A

Address 10 LOVELOCK CT.

Contact Person: JUN FERNANDO

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3-3-05

Posting Date: 3-13-05

Closing Date: 3-28-05

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- 433 -A

Address 10 LOVELOCK CT.

Petitioner's Name MARK & DENISE KRAUS

Telephone 410-529-7535

Posting Date: 3-13-05

Closing Date: 3-28-05

Wording for Sign: To Permit an addition with a rear yard setback of
19' in lieu of the required 35' from the tract boundary. And
to amend the Final Development Plan of Perry Hall Gardens, Lot #16.

WCR - Revised 6/25/04

**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: 05-433-A
Petitioner: Mark and Denise Kraus
Address or Location: 10 Lovelock Court

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mark and Denise Kraus
Address: 10 Lovelock Court
Baltimore, MD 21236

Telephone Number: 410-529-7535

**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

April 25, 2005

Mark E. Kraus
Denise M. Kraus
10 Lovelock Court
Baltimore, Maryland 21236

Dear Mr. and Mrs. Kraus:

RE: Case Number: 05-433-A, 10 Lovelock Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 3, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

March 9, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 14, 2005

Item No.: 418, 419, 420, 422, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433.

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.

Acting Lieutenant Don W. Muddiman
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

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



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

Maryland Department of Transportation

Date: 3-8-05

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

RE: Baltimore County
Item No. 433 JRF

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 Grédlein 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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr *JDO*

DATE: April 13, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 7, 2005

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

05-416

05-417

05-418

05-420

05-421

05-422

05-424

05-425

05-426

05-428

05-431

05-432

05-433

Reviewers: Sue Farinetti, Dave Lykens

Formal Demand
BW
5/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 18, 2005

RECEIVED

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

MAR 22 2005

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-433 – Administrative Variance**

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

Prepared By:

Mark A. Cunningham

Division Chief:

John J. Lender

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 23, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2005
Item Nos. 417, 418, 420, 421, 422, 425,
426, 427, 428, 429, 430, 431,
432, 433

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

RWB:CEN:cp

cc. File



FORMAL DEMAND FOR HEARING

CASE NUMBER: 05-433-A

Address: 10 Lovelock Court

Petitioner(s): Mark + Denise Kraus

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Juan DiTommaso
Name - Type or Print

() Legal Owner OR () Resident of
12 Lovelock Court

Address
Baltimore MD 21236
City State Zip Code

410-256-0638
Telephone Number

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

Juan DiTommaso 3/28/05
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

John Reisinger
Baltimore County Building Eng.

I am requesting a hearing because of the water problem in my yard. My neighbor regraded his property and the water improvement for storm drainage to suppose to come down. The Environment & Protection people came out & told me that I would have to get a survey of what is County property & what is my neighbors. My neighbor told me that survey would cost me \$500.00 because he just had one done. My neighbor has gotten upset because the County was coming down to check things out after I thought we had worked it out. I have spoken to many departments of the County & nothing has been resolved. The addition may cause additional problems.

Joan Pitomasso

My neighbor desires to construct an addition on their home which will make this situation worse his address is 10 Lovelock Court.

Per.....

Mr. and Mrs. Mark Kraus
10 Lovelock Court
Baltimore, Maryland 21236
February 18, 2005

Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

Dear Zoning Commissioner of Baltimore County

On February 11, 2005, our architect and contractor, Steve Graefe of Graefe Builders, visited your office with the necessary paperwork for permits for an addition we would like to add to our residence. He was informed that we would need to file for a petition for Administrative Variance to the Zoning Commissioner of Baltimore County. Mr. Graefe then proceeded to inform us of this requirement on Tuesday, February 15, 2005. We then immediately called your office to schedule the appointment necessary for us to bring in the required paperwork. To our dismay, we could not obtain an appointment until March 10, 2005.

Although we understand there are procedures that need to be followed, we would like to know if there is any way in which we can speed up this process. According to the Zoning Review Hearing Checklist, individual homeowners may not be required to advertise in newspapers or have a public hearing but are still subject to the posting period of a 15 days. This ordinarily would not be an issue, however, we are expecting our 4th child in April. Our other three children are almost 5 ½ years old, nearly 4 years old and 19 months old. We currently have 3 bedrooms, including ours, which does not allow room for the 4th child. One of our bedrooms is only 8 x 10 and the other is 10 x 12. We can not have bunk beds yet due to the age of the children, and because of the prices of houses in the area, we can't afford to move to another house that will fit our needs. We really love Baltimore County, specifically the Perry Hall area in which we live, and would like to remain in the area. We anticipated starting the addition by March in order to have the major portions of the project completed prior to the arrival of our new baby and to minimize the dust exposure to the infant.

In talking with our neighbors about this project, they are willing to sign a petition stating they support us in this project. If need be, we would even ask "neighbors" on the adjacent street to sign it as well since the Zoning Review Hearing Checklist states anyone within 1,000 feet can protest and outside the 1,000 feet they can try to challenge it. Other than the one street adjacent to ours, we have no other neighbors as our property borders a Baltimore County Easement / common ground area.

Is it possible to schedule an appointment sooner than the currently scheduled one of March 10, 2005? If we bring this petition signed by all of our neighbors to the appointment, can we avoid any more delays in the process (i.e. the 15 day posting period, advertising or hearings)? We would greatly appreciate any assistance you can offer to expedite this process. Although we understand you have requirements that must be met, we only hope you appreciate and understand our predicament and our desire to enhance our residence to accommodate our growing family and our need for this process to start as soon as possible.

Thank you in advance for your attention and understanding regarding this matter. Feel free to contact us anytime. We can be reached at home 410-529-7535. Or, you may call my cell phone 410-262-0801 or Mark's work number 410-751-1750. We hope to hear from you as quickly as possible.

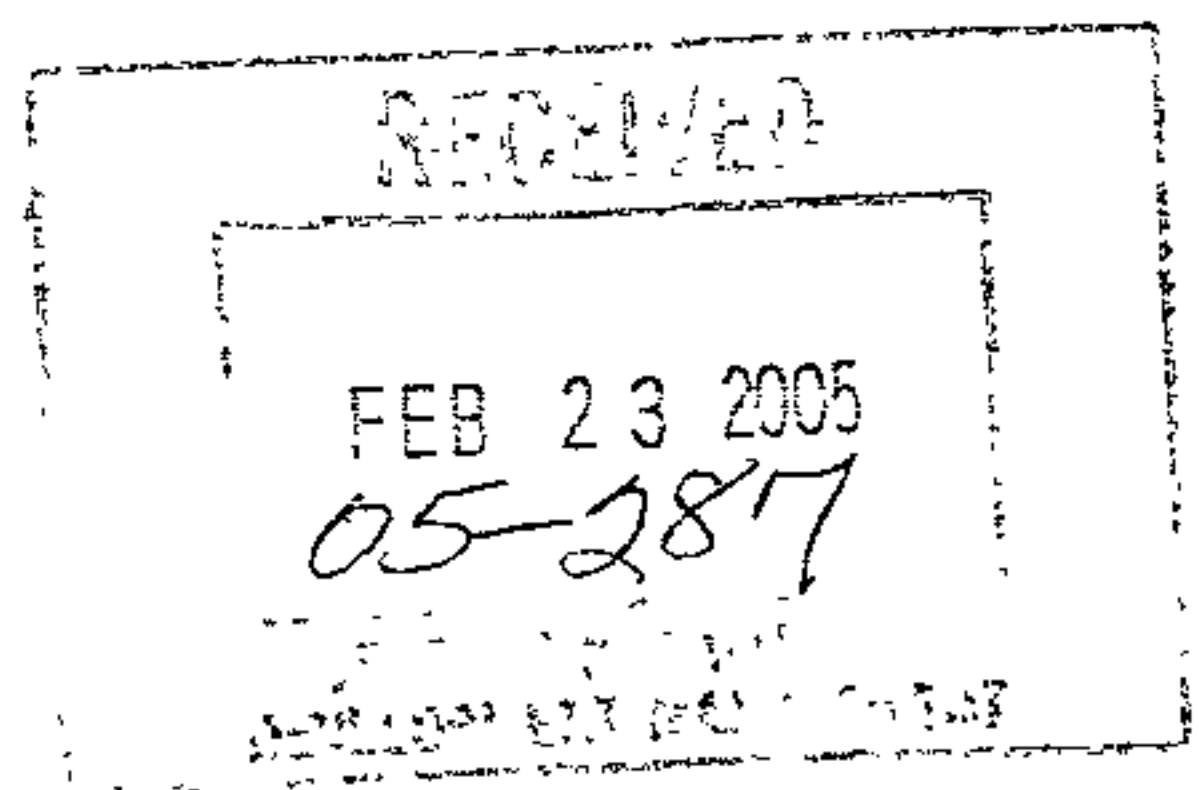
Sincerely,

Denise M. Kraus

Denise M. Kraus

*Kitty -
Call Ms. Kraus.
Have someone meet
her immediately to fill out
her Admin. Variance app.
Let's move this through now.
She will have to follow all
posting requirements etc...
Please help her.*

*Accepted one week
early (3-3-05)
case # 05-433-A
JRF*



2.25.05
spoke to Mrs Kraus & she is going to fill out appl.
& call for apt.

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 - 11 Account Number - 1700002116

Owner Information

Owner Name:	KRAUS MARK EDWARD KRAUS DENISE MARIE	Use:	RESIDENTIAL
Mailing Address:	10 LOVELOCK CT BALTIMORE MD 21236-1423	Principal Residence:	YES
		Deed Reference:	1) /11520/ 73 2)

Location & Structure Information

Premises Address
10 LOVELOCK CT

Legal Description

10 LOVELOCK CT WS
PERRY HALL GARDENS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:	Plat Ref:
63	20	459			2	B	16	3		39/ 58

Special Tax Areas

Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1976	1,577 SF	10,998.00 SF	04
Stories	Basement	Type	Exterior
1	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:	42,990	47,990		
Improvements:	113,120	130,860		
Total:	156,110	178,850	171,270	178,850
Preferential Land:	0	0	0	0

Transfer Information

Seller: KRAUS MARK EDWARD	Date: 04/08/1996	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11520/ 73	Deed2:
Seller: HEMING JOSEPH A	Date: 06/30/1994	Price: \$135,000
Type: IMPROVED ARMS-LENGTH	Deed1: /10626/ 357	Deed2:
Seller: HEMING JOSEPH A	Date: 12/28/1992	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 9526/ 387	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:

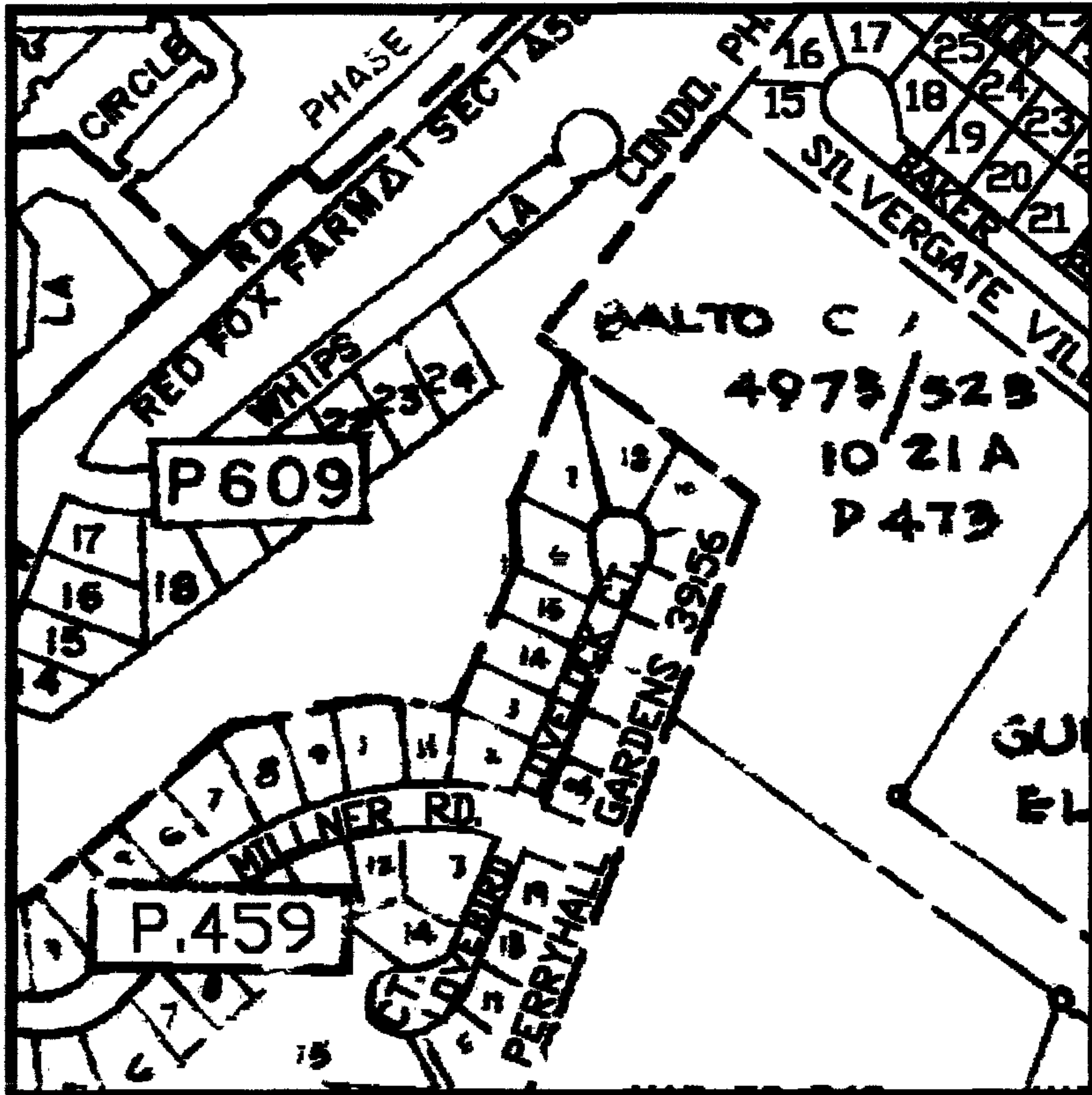
* NONE *



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

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

District - 11 Account Number - 1700002116



Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning
 web site at www.mdp.state.md.us/webcom/index.html

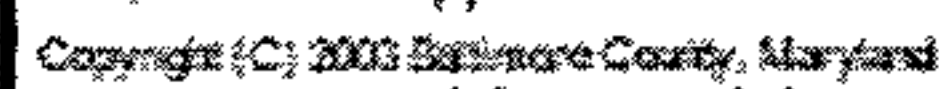
DATE 5/2/05

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
JOAN DITOMMASO	12 horelock Ct.	BALTIMORE MD	
GENEVIEVE Ledbetter	5811 Arizona Ave	BALTIMORE MD	
	5811 Arizona Ave		

DATE 5/2/05

denise.kraus@excite.com

▶



*Comprehensive Manual of Development
Codes (C.M.D.P.)
(From area of study house
to tract boundary)*

V.B.5 TRACT BOUNDARY RELATIONSHIP

V.B.5.a. WINDOW TO TRACT BOUNDARY

Where any window faces any tract boundary that is not a street line prior to development, the window shall be a minimum of 35 feet from the tract boundary except in residential transition areas or small subdivisions as governed by Subsection 1B02.3 of the Zoning Regulations. See Figure 5-4.

V.B.5.b. BUILDING TO TRACT BOUNDARY

Any portion of a building must be a minimum distance of 30 feet from any tract boundary that is not a street line prior to development except in Residential Transition Areas or small subdivisions as governed by Subsection 1B02.3 of the Zoning Regulations.

* REFERENCE SECTION
1B01.2.C.2.a
B.C.Z.R.

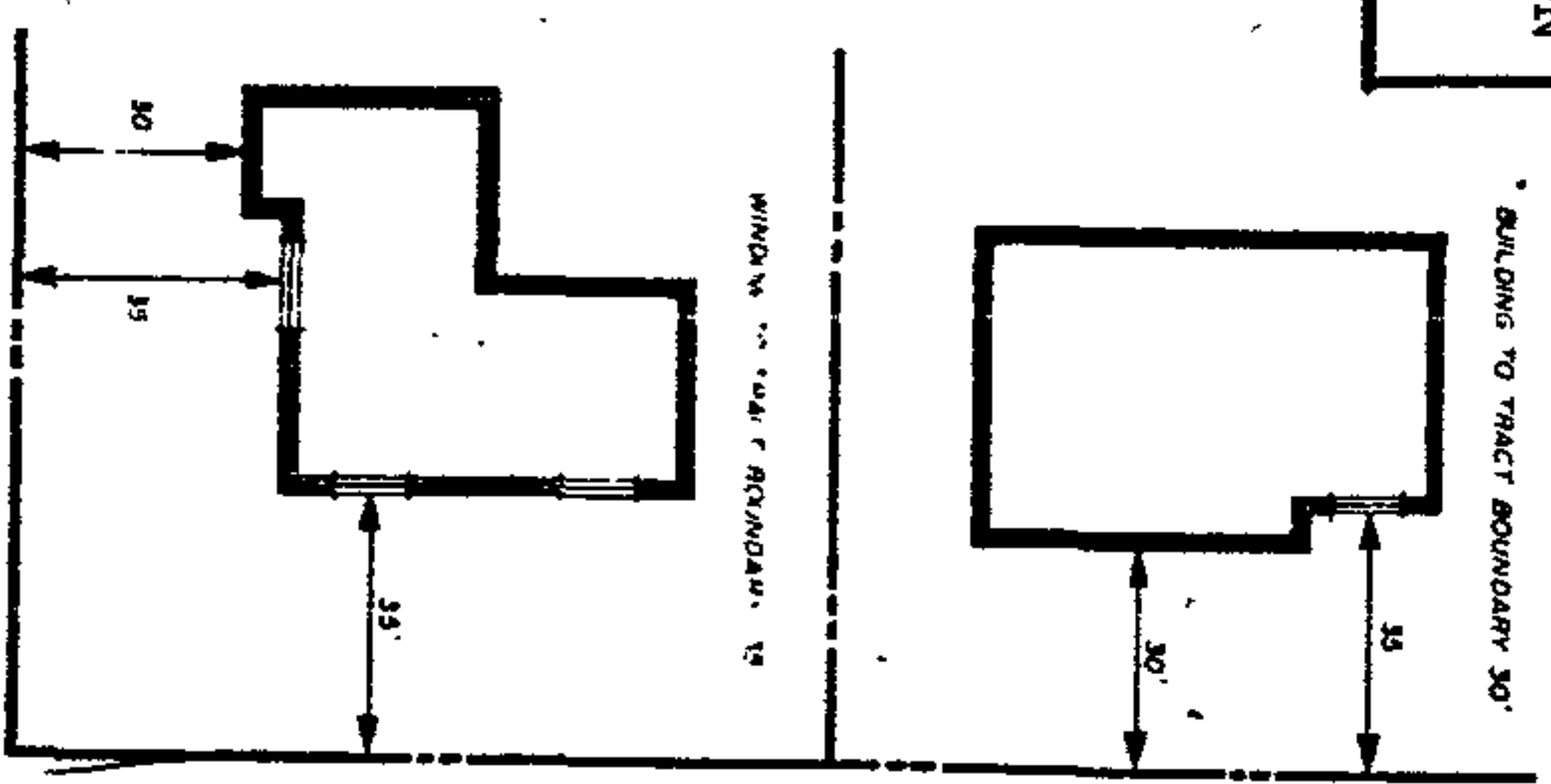


Figure 5-4

*DR 7.3
304 and 400*

Case No.:

05-433 A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Photographs of water run off
No. 2	Letter of Support	
No. 3	Photo's	
No. 4	A B & C Water? Water "Ponds"	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



no tent

1 A
County Property
128 added.

11-29 2005 11-29 11-29

Chgo. 1401

663



Protestant

1B
Property between

#8 + #16

2000-2001

1991

1991



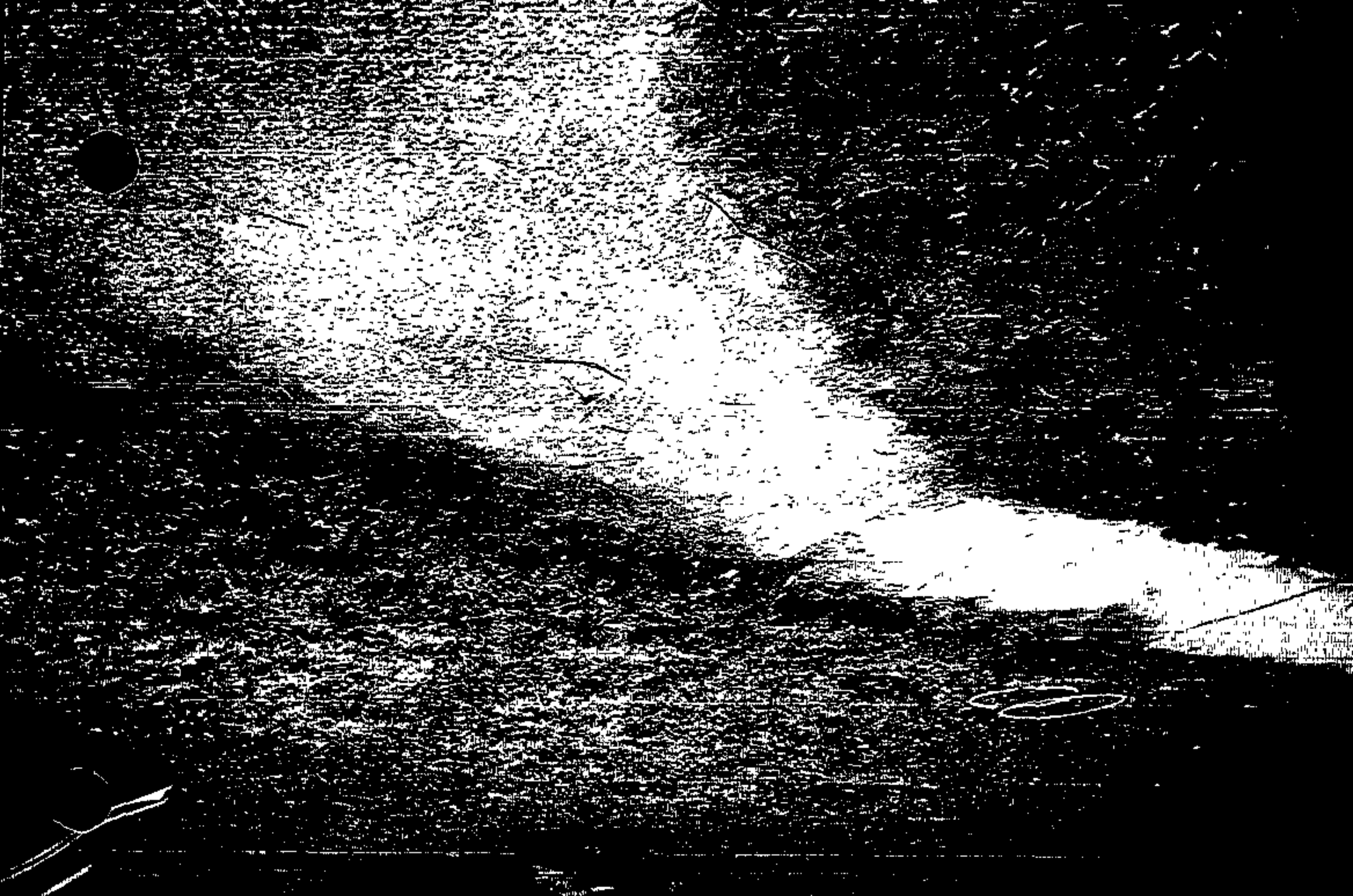
Protestant

10

12-1-2000 11:11

<No. 5161>

080





Protestant

IE

11-21-2000

Ch. 129

665

مجلس

... ..

Figure 1

[illegible]

THE
NEW YORK
LIBRARY

[illegible]

Protestant
1844

SECRET

$$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$$

23



Protestant
IF

2000 2000 2000 2000 2000 2000 2000 2000 2000 2000

2000 2000 2000 2000 2000 2000 2000 2000 2000 2000

2000 2000 2000 2000 2000 2000 2000 2000 2000 2000



Director Timothy Kotroco
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

Petition for Mark and Denise Kraus 10 Lovelock Court Baltimore, Maryland 21236 Case #05-433-A

Director Timothy Kotroco.

Our names are Rudolph Grue and Sarah Grue. We live at 8 Lovelock Court and are next door neighbors to Mark and Denise Kraus, 10 Lovelock Court. We have no objections to the 10 x 27 foot proposed two story addition requested by the Kraus family.

RUDOLPH L. GRUE JR
Printed Name

Rudolph L. Grue Jr
Signature

3/10/05
Date

SARAH J. GRUE
Printed Name

Sarah J. Grue
Signature

3/10/05
Date

PETITIONER'S

EXHIBIT NO. 2



3A

10-1-21
11C

10-1-21
10-1-21





3C

LOOKING
OFF OPEN PORCH
AT REAR OF
PROPERTY









1000 1000 1000

40
County Property
Where water
Ponds



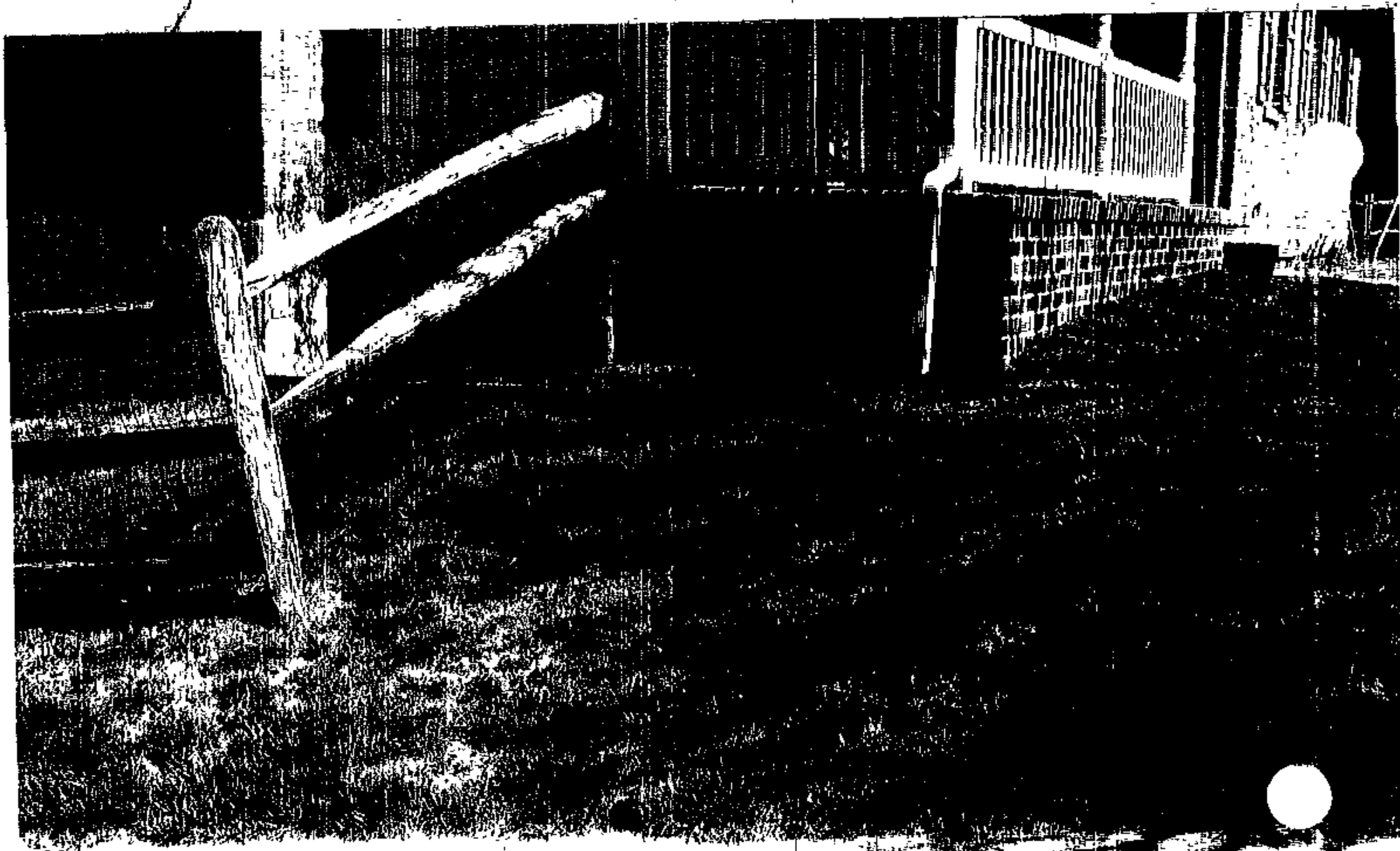
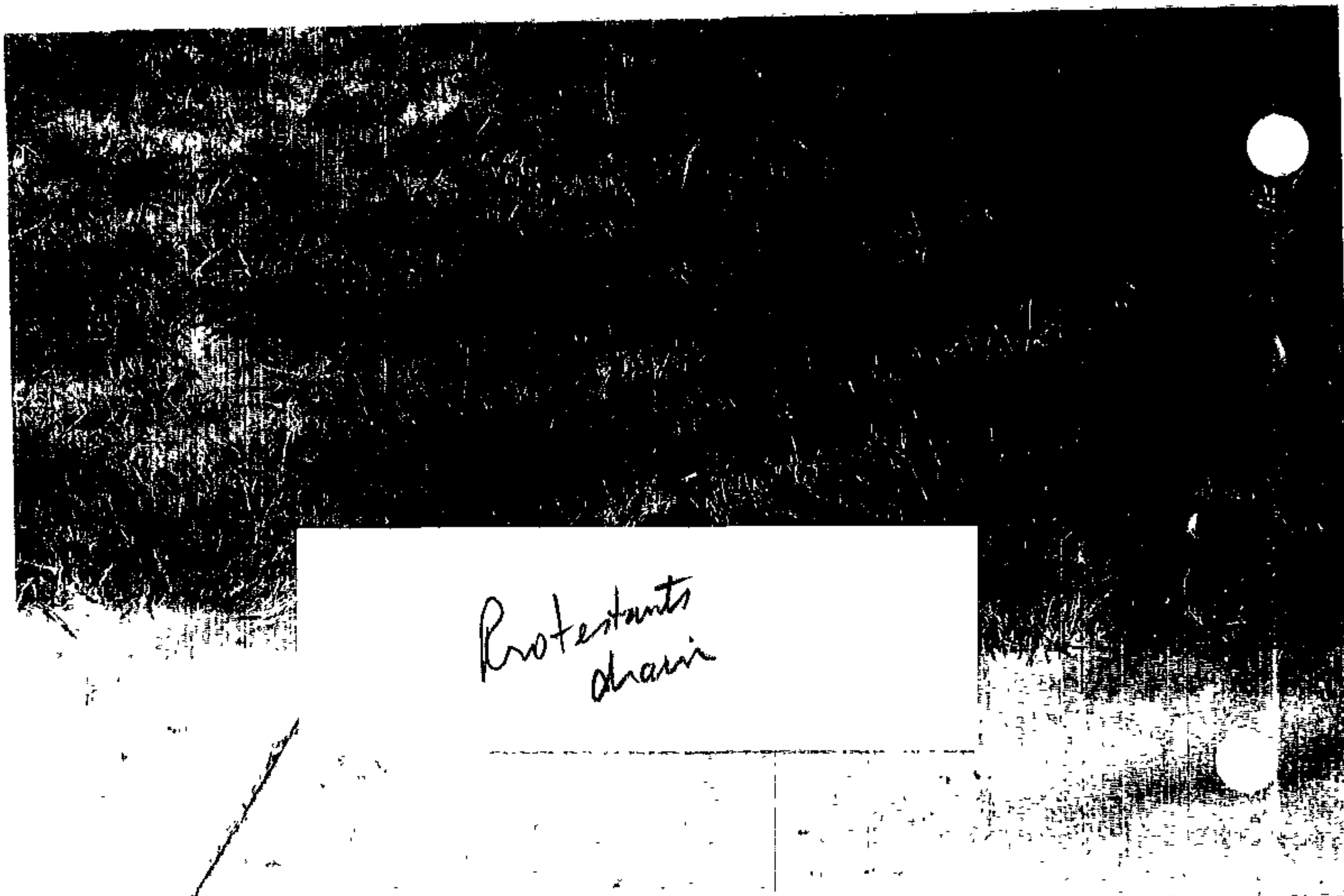
Protestants
Home + Property



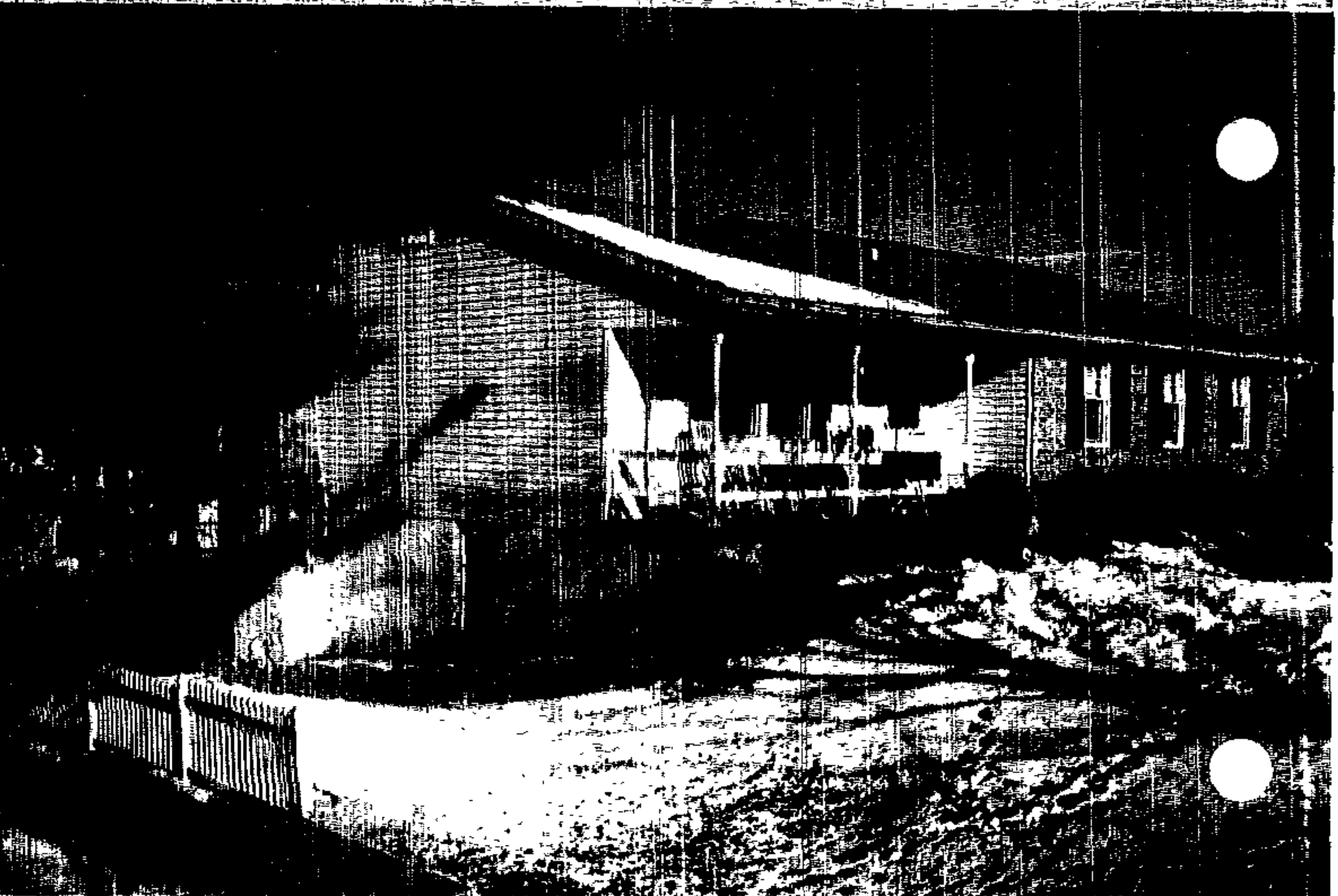
Path to School

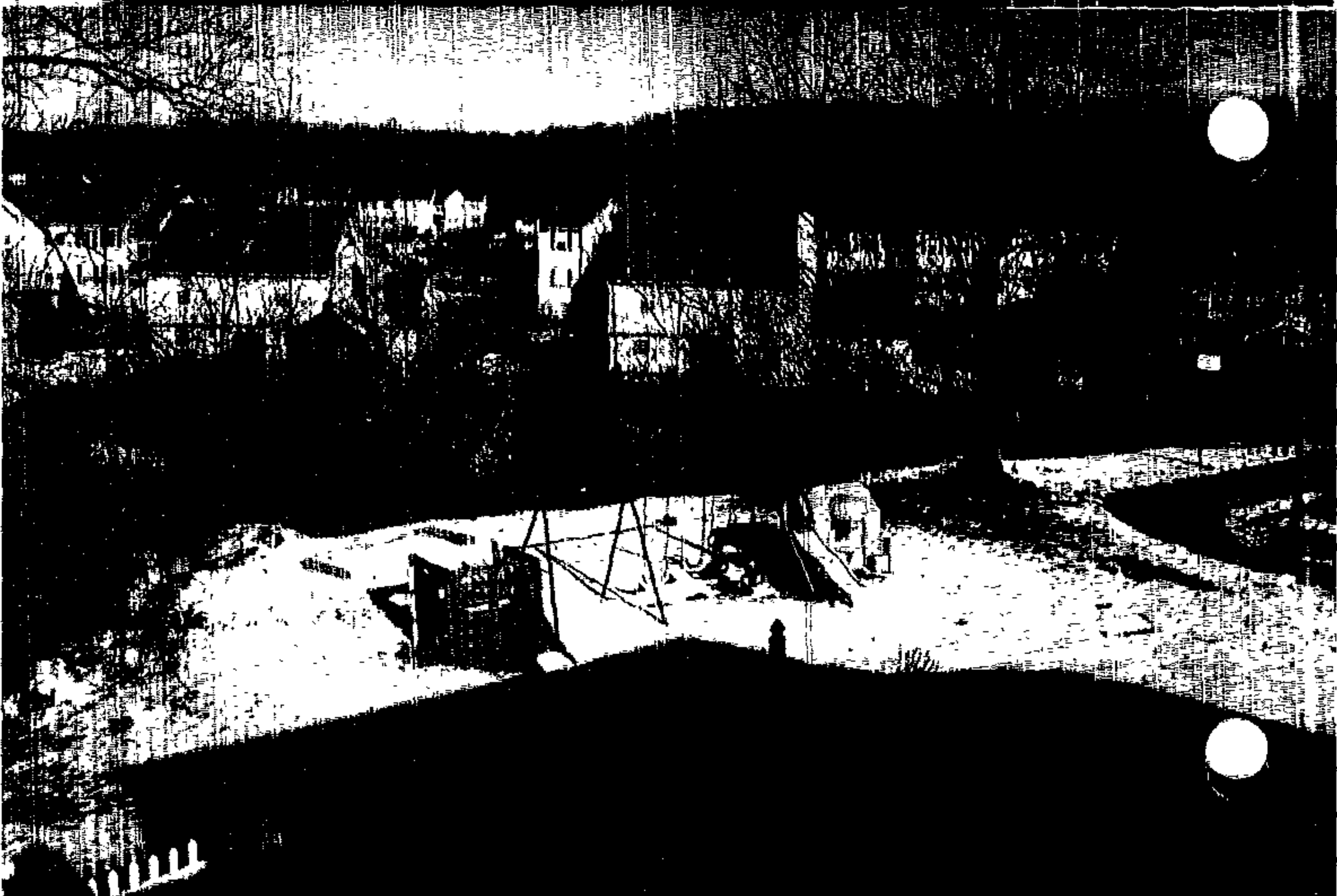


From School











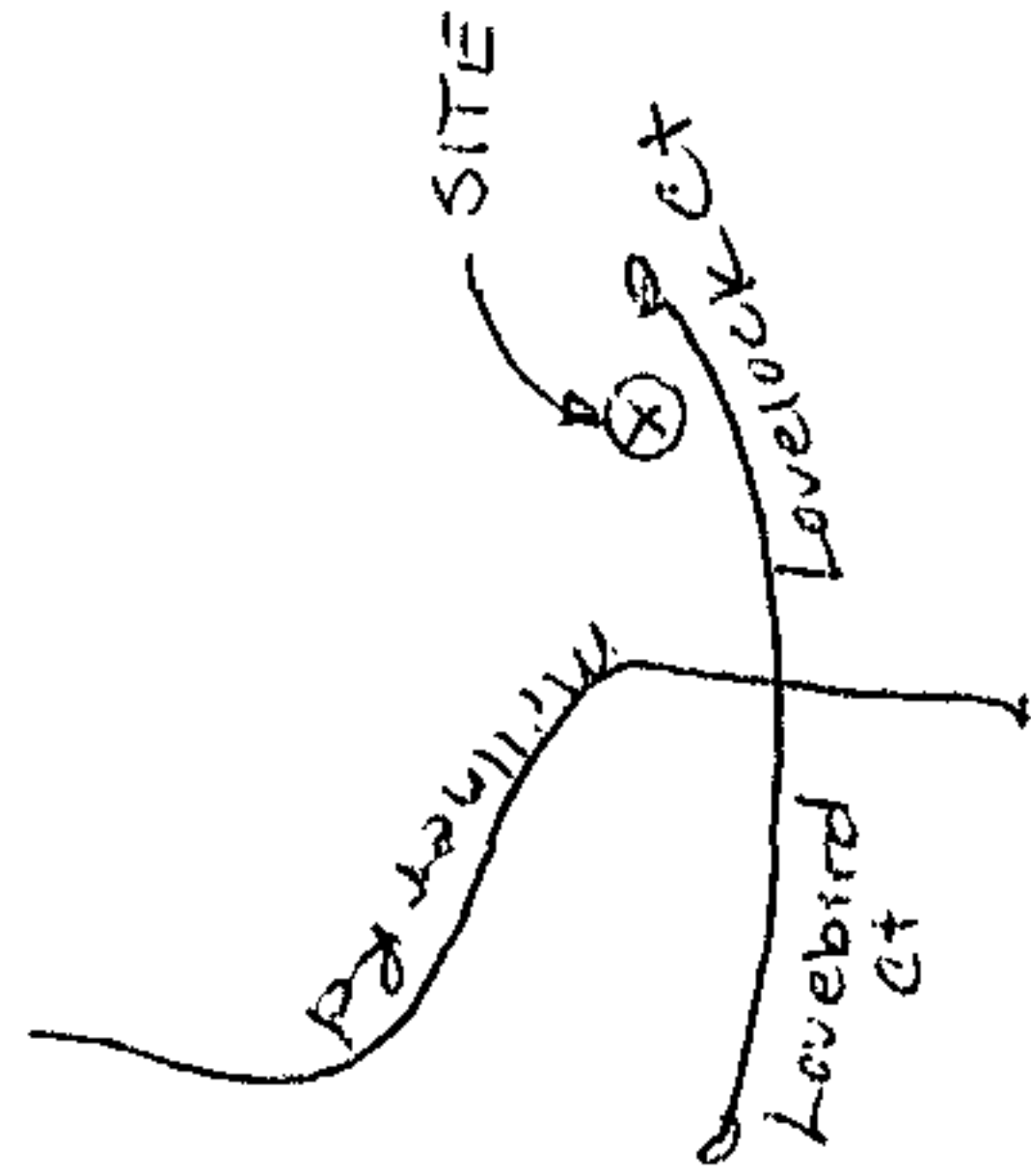
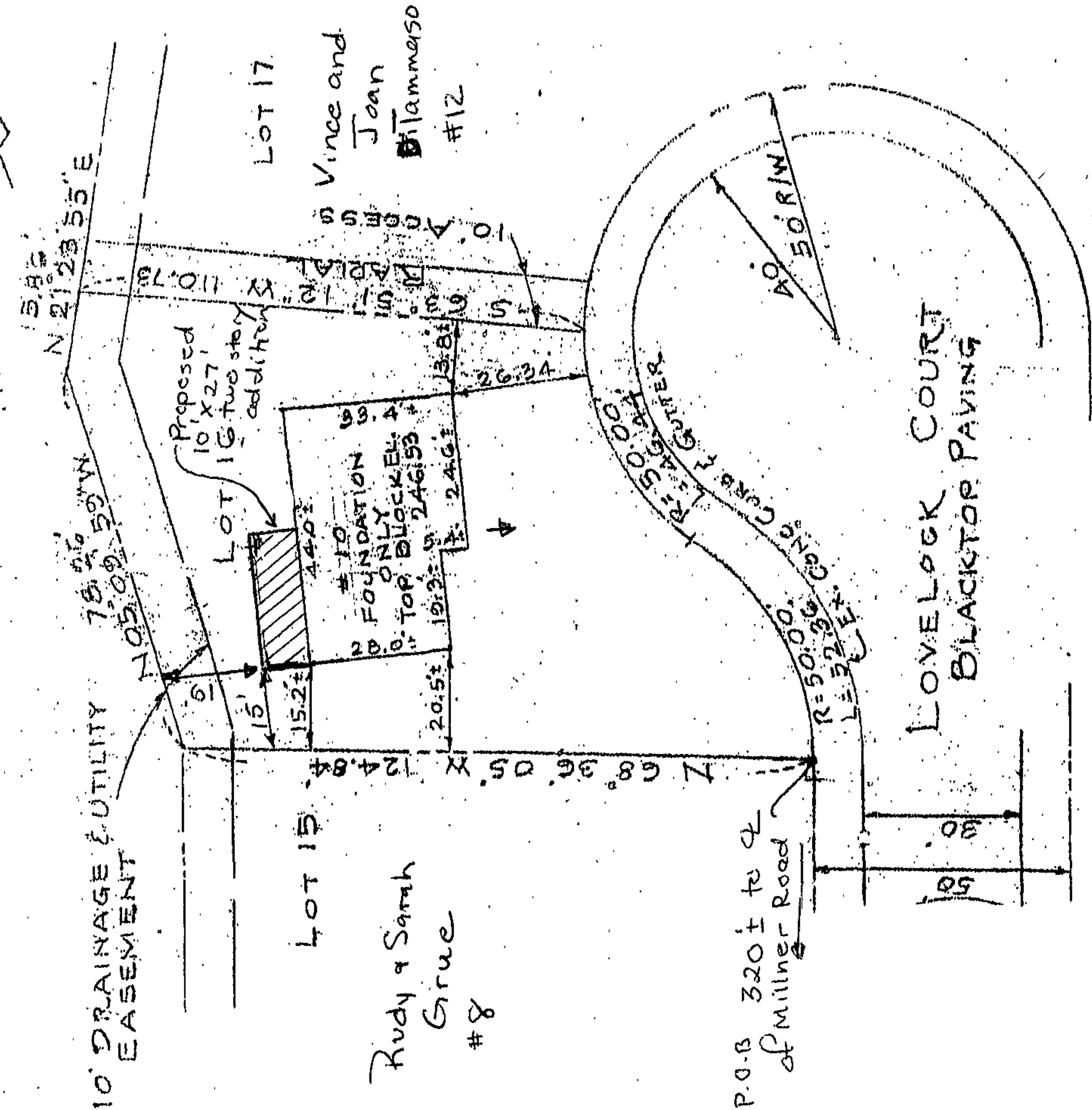
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 10 Lovelock Court SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Perry Hall Gardens

PLAT BOOK # 39 FOLIO # 58 LOT # 16 SECTION # 2

OWNER Mark and Denise Kraus



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11TH

COUNCILMANIC DISTRICT 5TH

1" = 200' SCALE MAP # NE-11-G

ZONING DR 3.5

LOT SIZE 0.250 ACRES 10,890 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 JF ITEM # 433 CASE # 05-433-A

PETITIONER'S

EXHIBIT NO. 1

PREPARED BY DMK SCALE OF DRAWING: 1" = 30'