

IN RE: PETITION FOR ADMIN. VARIANCE
NE/Corner Morgan Elis Way
and Trumps Mill Road
14th Election District
6th Councilmanic District
(101 Morgan Elis Way)

Brenda A. & Anthony E. DiFabbio
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-496-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 Brenda A. and Anthony E. DiFabbio. The administrative variance is requested for property located at 101 Morgan Elis Way in Baltimore County. The administrative variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the 1/3 rear yard closest to the road and with a height of 20 ft., in lieu of the required 1/3 rear yard farthest from the road and the required 15 ft. height, respectively. 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 having filed a Petition for Administrative Variance and the subject property having been posted on April 9, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated April 8, 2005, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Office of Planning dated April 18, 2005, a copy of which is attached hereto and made a part hereof.

RECEIVED FOR PLANNING
4/27/05
[Signature]

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

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.

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, I find that the requested variance should be GRANTED.

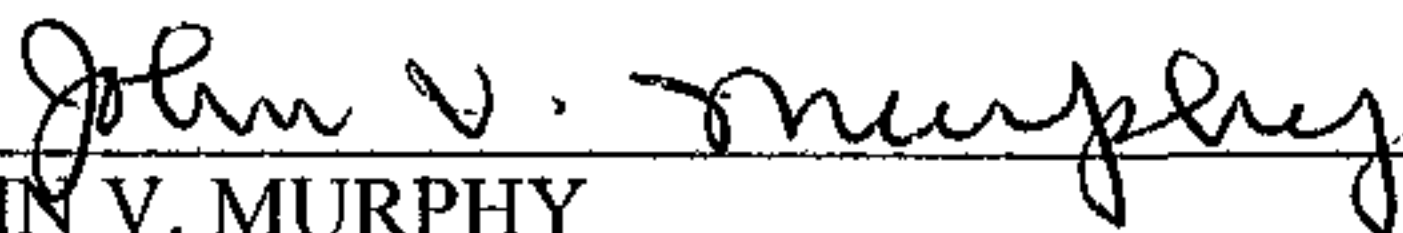
THEREFORE, IT IS ORDERED, this 27 day of April, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be

FILED
4/27/05
J. R. [Signature]

located in the 1/3 rear yard closest to the road and with a height of 20 ft., in lieu of the required 1/3 rear yard farthest from the road and the required 15 ft. height, respectively, be and is hereby GRANTED, 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. The Petitioners shall comply with the ZAC comments submitted by the Bureau of Development Plans Review dated April 8, 2005, a copy of which is attached hereto and made a part hereof;
3. The Petitioners shall comply with the ZAC comments submitted by the Office of Planning dated April 18, 2005, a copy of which is attached hereto and made a part hereof;
4. When applying for a building permit, the site plan field 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
4/27/05
By [Signature]

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

April 27, 2005

Mr. & Mrs. Anthony E. DiFabbio
101 Morgan Elis Way
Baltimore, Maryland 21206

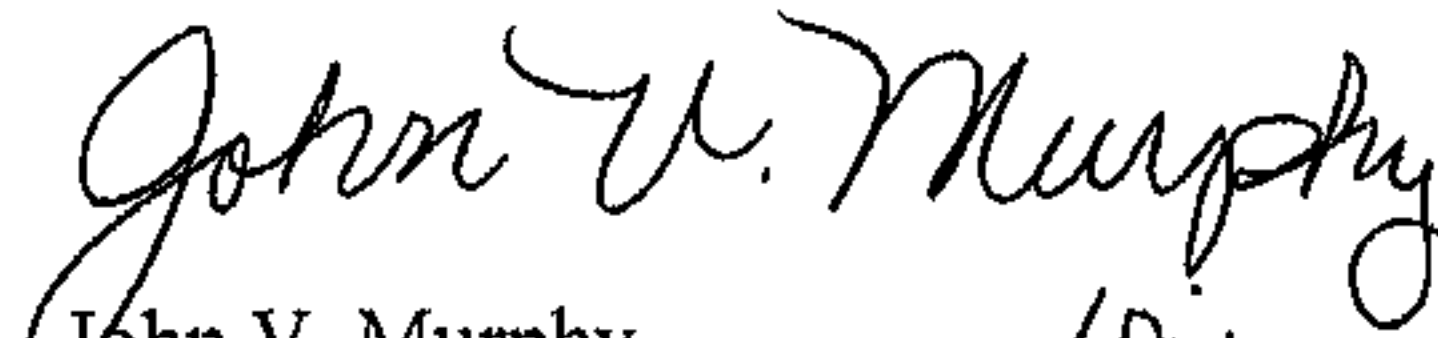
Re: Petition for Administrative Variance
Case No. 05-496-A
Property: 101 Morgan Elis Way

Dear Mr. & Mrs. DiFabbio:

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 101 Morgan Ellis Way Bal'do, Md. 21206
which is presently zoned Residential (RA3.5)

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)

accessory structure (garage) be located ^{400.1 and 400.3} in the $\frac{1}{3}$ rear yard closest to the road and with a height of 20 ft, in lieu of the required $\frac{1}{3}$ rear yard farthest from the road and the required 15' height, respectively.

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 05-496-A day of May, 2005, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Anthony Emidio DiFabbio

Name - Type or Print

Anthony Emidio DiFabbio

Signature

Brenda Ann DiFabbio

Name - Type or Print

Brenda Ann DiFabbio

Signature

101 Morgan Ellis Way (410) 882-8290

Address

Telephone No.

Baltimore BA., Md. 21206

City

State

Zip Code

Representative to be Contacted:

Anthony Emidio DiFabbio

Name

101 Morgan Ellis Rd (410) 882-8290

Address

Telephone No.

Baltimore BA., Md. 21206

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 05-496-A

Reviewed By BH Date 7/30/05

REV 10/25/01

Estimated Posting Date 4/16/05

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

Address 101 Morgan Ellis Way
City Baltimore State MD Zip Code 21206

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):

Zoning regulations met because:

- 1) Entry to the property will be made from the side street of the property (corner lot) property.
- 2) The structure (garage) will be higher than allowed by normal zoning regulations
- 3) The structure is to be built on the residence's property where Baltimore County has a prohibition.

The current house size does not accommodate needed living space. The basement at this point and time is unfinished and is holding much storage. The owner needs to relocate said storage to finish said basement to obtain more living space in the house. The owner has need of a (wood) shop and an (music) studio which will be utilized in the needed structure. Lot #29 is a corner lot and the owner wishes to enter into his property by way of the side street. Trumps Mill Rd is lightly traveled and has many private drive ways present in the neighborhood already. There is no residence to the rear of the property and nothing across Trumps Mill Rd. from the future construction site. The garage will have an upstairs loft because the owner needs more space as mentioned and so the structure will be 20 ft. high. Note that the construction site is in a fenced in area and with in the owner's private property.

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.

Anthony Emidio DiFabbio
Signature

Anthony Emidio DiFabbio
Name - Type or Print

Brenda Ann DiFabbio
Signature

Brenda Ann DiFabbio
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

Brenda Ann DiFabbio and Anthony Emidio DiFabbio
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

MELISSA S. MOORE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 17, 2006

Melissa S Moore
Notary Public

My Commission Expires Oct. 17, 2006

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 101 Morgan Ellis Way
City Baltimore BA. State md. Zip Code 21206

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):

Zoning regulations cannot be met because:

- 1) Entry to the property will be made from the side street of said property instead of the front of the (corner lot) property.
- 2) The structure (garage) will be higher than allowed by normal zoning regulations
- 3) The structure is to be built on the residence's property where Baltimore County has a prohibition.

The current house size does not accommodate needed living space. The basement at this point and time is unfinished and is holding much storage. The owner needs to relocate said storage to finish said basement to obtain more living space in the house. The owner has need of a (wood) shop and an (music) studio which will be utilized in the needed structure. Lot #29 is a corner lot and the owner wishes to enter into his property by way of the side street. Trumps Mill Rd is lightly traveled and has many private drive ways present in the neighborhood already. There is no residence to the rear of the property and nothing across Trumps Mill Rd. from the future construction site. The garage will have an upstairs loft because the owner needs more space as mentioned and so the structure will be 20 ft. high. Note that the construction site is in a fenced in area and within the owner's private property.

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.

Anthony Emidio DiFabbio
Signature

Anthony Emidio DiFabbio
Name - Type or Print

Brenda Ann DiFabbio
Signature

Brenda Ann DiFabbio
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

Brenda Ann DeFabbio and Anthony Emidio DiFabbio
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

MELISSA S. MOORE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 17, 2006

Melissa S Moore
Notary Public

My Commission Expires Oct. 17, 2006



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 101 Morgan Elis Way Balto. Md. 21206
which is presently zoned Residential (DR3.5)

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) 400.1 and 400.3 to permit an accessory structure (garage) be located in the $\frac{1}{3}$ rear yard closest to the road and with a height of 20 ft. in lieu of the required $\frac{1}{3}$ rear yard farthest from the road and the required 15 ft. height, respectively.

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

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.

Legal Owner(s):

Anthony Emidio DiFabio
Name - Type or Print

Anthony Emidio DiFabio
Signature

Brenda Ann DiFabio
Name - Type or Print

Brenda Ann DiFabio
Signature

101 Morgan Elis Way (410) 882-8290
Address Telephone No.

Baltimore BA., Md. 21206
City State Zip Code

Representative to be Contacted:

Anthony Emidio DiFabio
Name

101 Morgan Elis Way (410) 882-8290
Address Telephone No.

Baltimore BA. Md. 21206
City State Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 05-496-A

Reviewed By BN Date 3/30/05

REV 10/25/01

Estimated Posting Date 4/10/05

ZONING DESCRIPTION

Zoning description for 101 Morgan Elis Way Baltimore BA. Md. 21206

Beginning at a point at the north east intersection side of Morgan Elis Way and Trumps Mill Rd both are 50 feet wide. Being lot #29 in the subdivision of Trumps Mill Estate as recorded in Baltimore County plat # 72, folio # 104 containing **.17 acres**. Also known as 101 ^{Morgan Elis Way} and located in the 14th Election District, 6th Councilmanic District.

No. 43000

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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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THE UNIVERSITY OF CHICAGO

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附录二

CERTIFICATE OF POSTING

RE: Case No. : 05-496 - A

Petitioner/Developer: ANTHONY

& BRENDIA DiFABIO

Date of Hearing/Closing: 4/25/05

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 101 MORGAN ELLIS WAY

This sign(s) were posted on April 9, 2005
(Month, Day Year)

Sincerely,

Martin Ogle 4/9/05
(Signature of Sign Poster and Date)

Martin Ogle

Sign Poster

5016 Castlestone Drive

Address

Balto. Md 21237

(443-629-3411)

P

NT

lm000252 (1152x864x24b jpeg)



Yacht Club 4/9/05

Item Number or Case Number: 05-176-17

Petitioner: Anthony E. DiFabbio

Address or Location: 101 Morgan Ellis Way Baltimore, Md. 21206

PLEASE FORWARD ADVERTISING BILL TO:

Name: Anthony E. DiFabbio

Address: 101 Morgan Ellis Way
Baltimore, Md. 21206

Telephone Number: (410) 882-8290

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 496 -A Address 101 Morgan Ellis Way
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/30/05 Posting Date: 4/10/05 Closing Date: 4/25/05

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- 496 -A Address 101 Morgan Ellis Way
Petitioner's Name Anthony & Brenda DiFabbio Telephone 410 - 882-8270
Posting Date: 4/10/05 Closing Date: 4/25/05

Ordering for Sign: To Permit an accessory structure (garage) with a height of 20 ft. and in the rear 1/3 yard closest to the road in lieu of the required 15 ft. height and 1/3 rear yard farthest removed from the road, respectively.

**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

Anthony Emidio DiFabbio
Brenda Ann DiFabbio
101 Morgan Elis Way
Baltimore, Maryland 21206

Dear Mr. and Mrs. DiFabbio:

RE: Case Number: 05-496-A, 101 Morgan Elis Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 30, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



April 14, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: April 11, 2005

Item No.: 487, 488, 489, 490, 491, 493, 493, 495, 496, 497, 502, 503

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 8, 2005
Department of Permits & Development
Management

FROM: Dennis A. Kennedy, ^{DAK} Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 28, 2005
Item No. 496

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The garage doors may not face Trumps Mill Road.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 496-04182005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{JDO}
DATE: May 24, 2005, 2005
SUBJECT: Zoning Items # See List Below

RECEIVED

MAY 25 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of April 11, 2005

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

05-486 *Granted 6/1/05*
JM 05-488 *PP (5/10)*
~~05-490 *PP (5/11)*~~
05-494 *Granted 4/27/05*
05-495 *ad carry*
05-496 *Granted 4/27/05*
05-498 *JM (5/17)*
05-500 *ad carry*
~~05-501 *PP (5/18)*~~
05-504 *Granted 5/4/05*

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 18, 2005

RECEIVED

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

APR 20 2005

SUBJECT: 5-496 – Administrative Variance

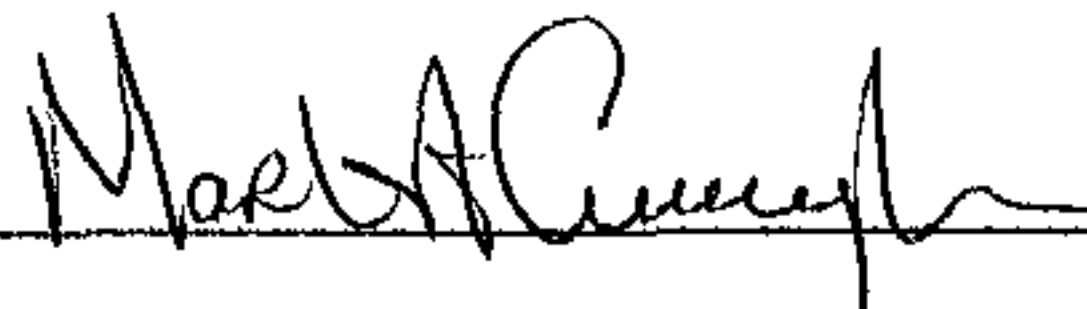
ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 20 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

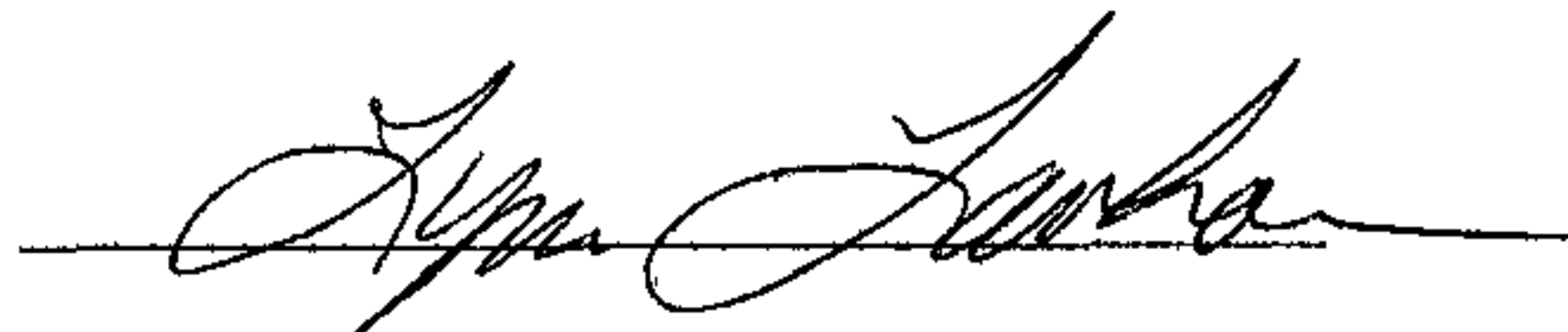
1. The proposed garage shall be no closer than 18 feet from the Trumps Mill Road property line. This setback is required so as to prevent the over-hang of vehicles across the sidewalk/public right-of-way.
2. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.
4. Submit elevations (all sides) of the proposed accessory structure to his office for review and approval prior to the issuance of any building permit.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: MAC

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



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

Maryland Department of Transportation

Date: 4.8.05

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

RE: Baltimore County
Item No. 496 BPR

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

**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

May 10, 2005

Anthony E. DiFabbio
101 Morgan Elis Way
Baltimore, MD 21206

Dear Mr. DiFabbio:

Re: Spirit and Intent - case #05-496-A; 101 Morgan Elis Way; 14th Election District

Your recent letter to the Zoning Office was forwarded to me for reply. Based upon the information you provided, the following has been determined. In the subject case referenced above, the Zoning Commissioner granted a 24'x24' garage with a 20' height to be located in the third part of the rear yard closest to the road. You are requesting to replace the approved two-story garage with 12'X24' shed and to locate the shed in approximately in the same area as the approved garage - 3 feet from the street side property line.

In the opinion of this reviewer, your request meets the Spirit and Intent of the subject case noted above. The Zoning Commissioner's restrictions #1, 2, and 4, and the Office of Planning ZAC comments #2- 4 still apply.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, I can be reached at 410-887-3391.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruno Rudaitis", is written over a horizontal line.

Bruno Rudaitis
Planner II
Zoning Review

BR:br

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

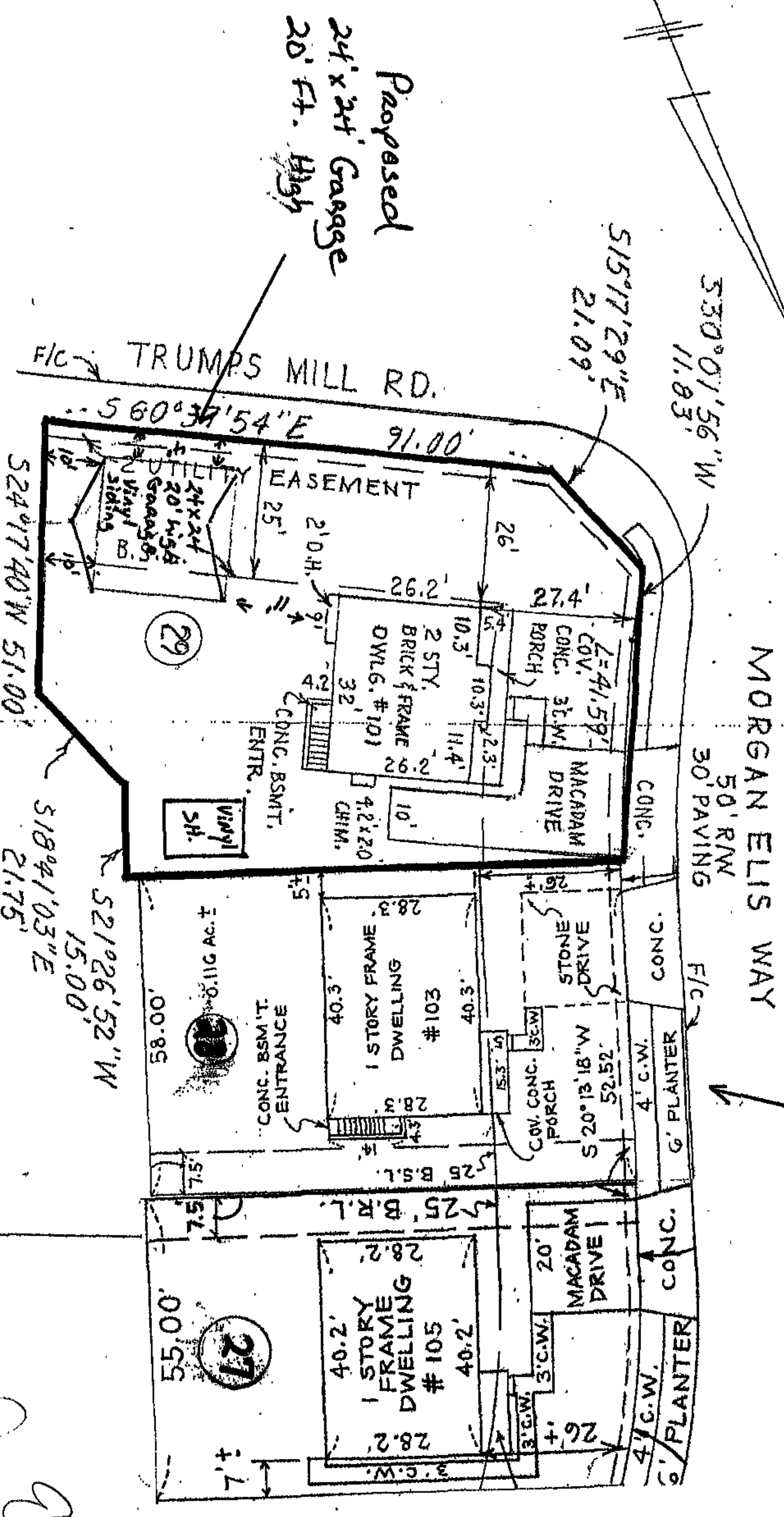


PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 101 Morgan Elis Way
SUBDIVISION NAME Trumps Mill Estates
PLAT BOOK # 72 FOLIO # 104 LOT # 29 SECTION # 1/4
OWNER Anthony & Brenda DiFabio

COMMUNITY PANEL NO. 240010 04108
ZONE "C"
THIS PROPERTY IS NOT LOCATED
IN A FLOOD HAZARD ZONE

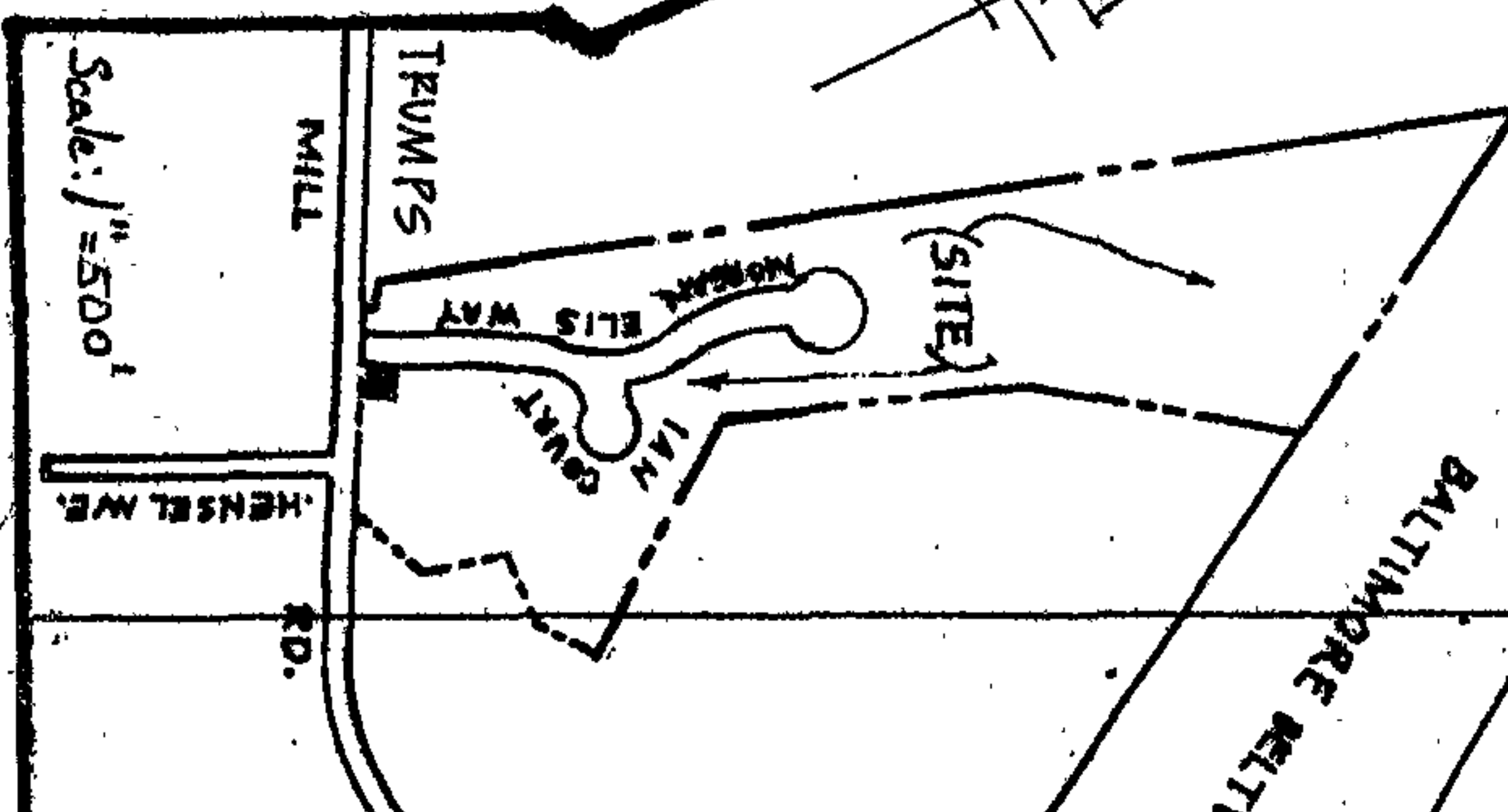
Robert Lewis Krach
103 Morgan Elis Way
Lot # 28



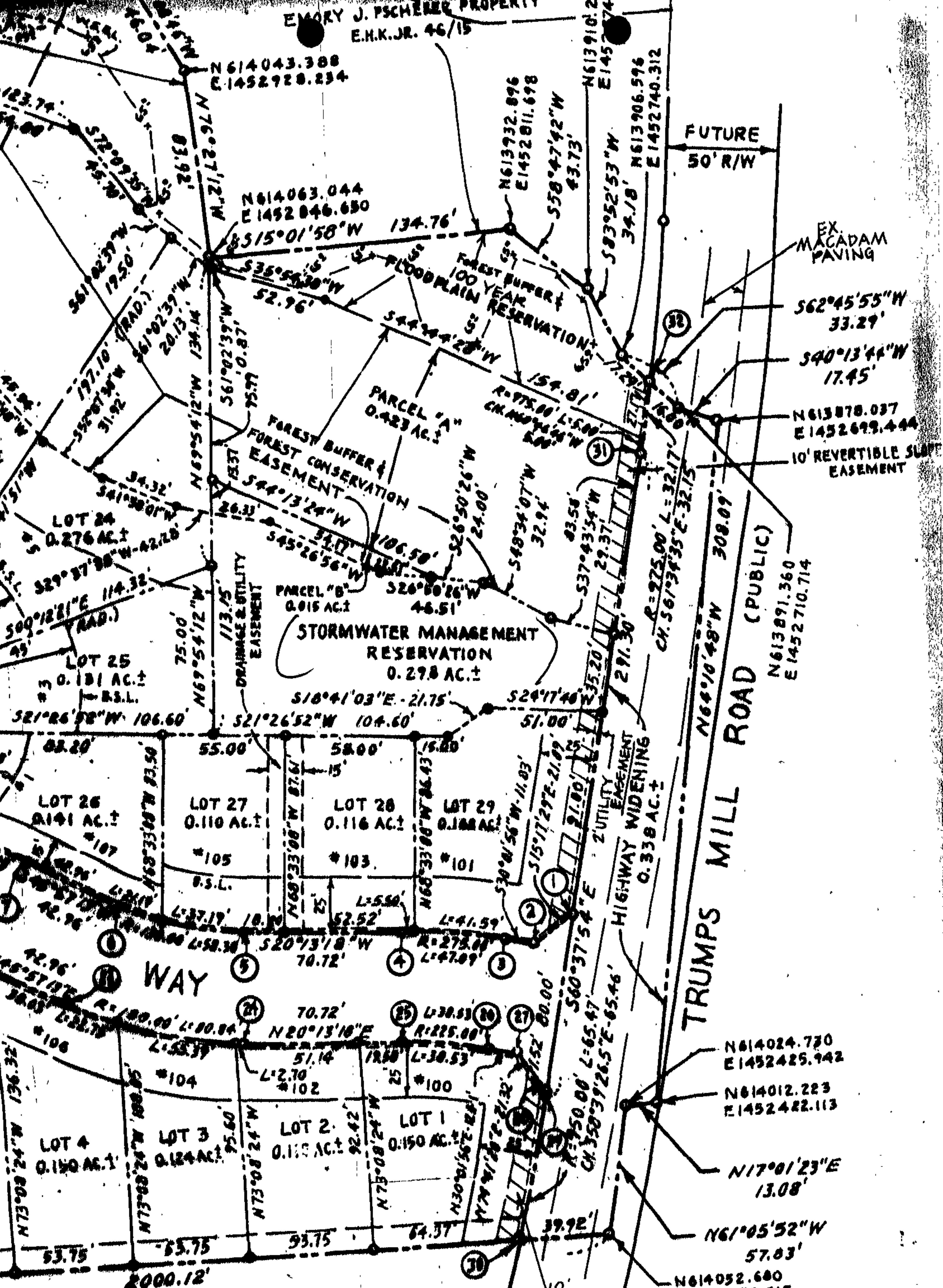
PREPARED BY Anthony E. DiFabio

SCALE OF DRAWING: 1" = 30'

[Handwritten signature]
#494

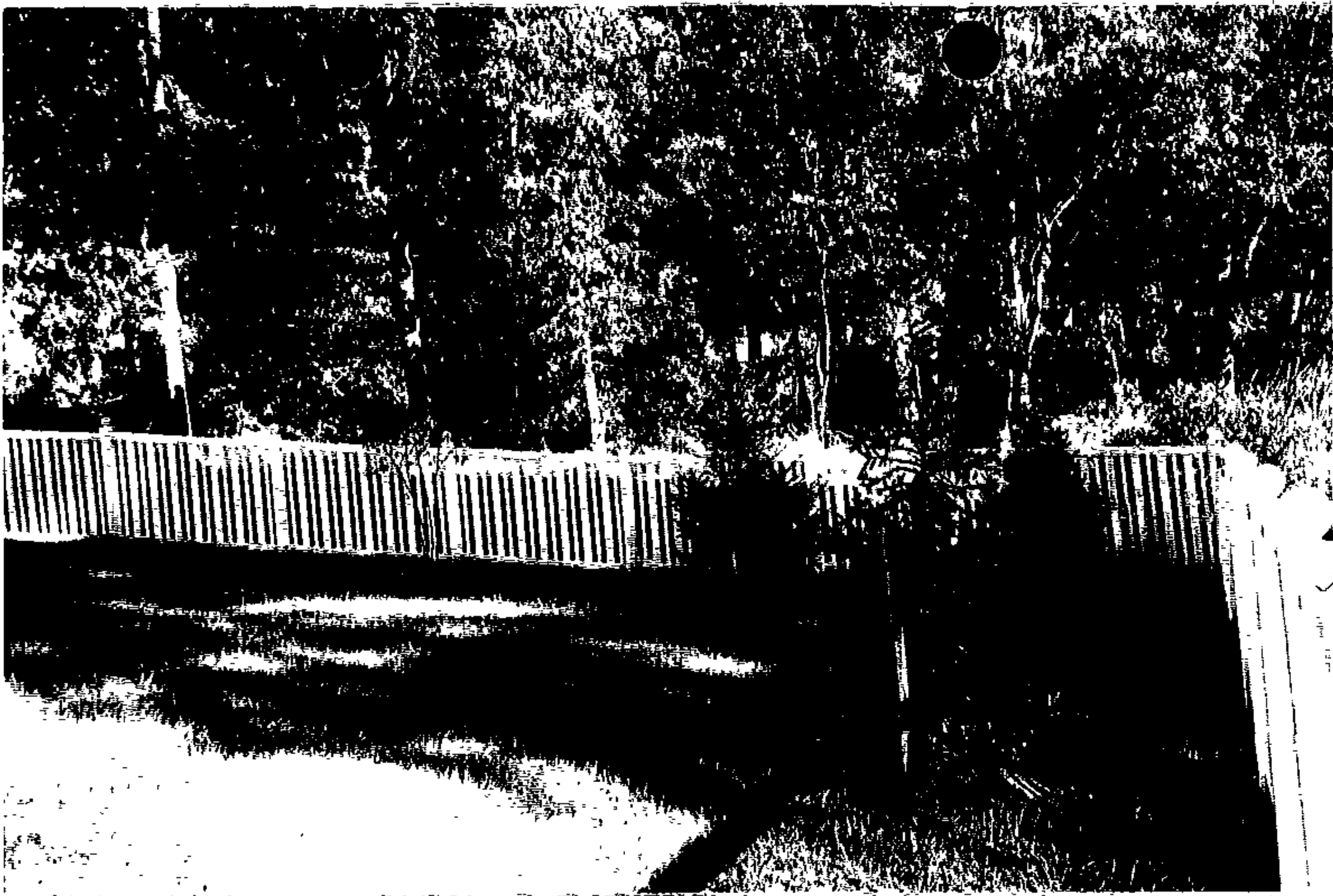


LOCATION INFORMATION			
ELECTION DISTRICT	#14th		
COUNCILMANIC DISTRICT	6th		
1" SCALE MAP #	NE5F		
ZONING	DA3.5		
LOT SIZE	0.168	ACREAGE	SQUARE FEET
SEWER	☒ PUBLIC	☐ PRIVATE	
WATER	☒		
CHESAPEAKE BAY CRITICAL AREA	☐	YES	☒ NO
100 YEAR FLOOD PLAIN	☐	YES	☒ NO
HISTORIC PROPERTY / BUILDING	☐	YES	☒ NO
PRIOR ZONING HEARING	None		

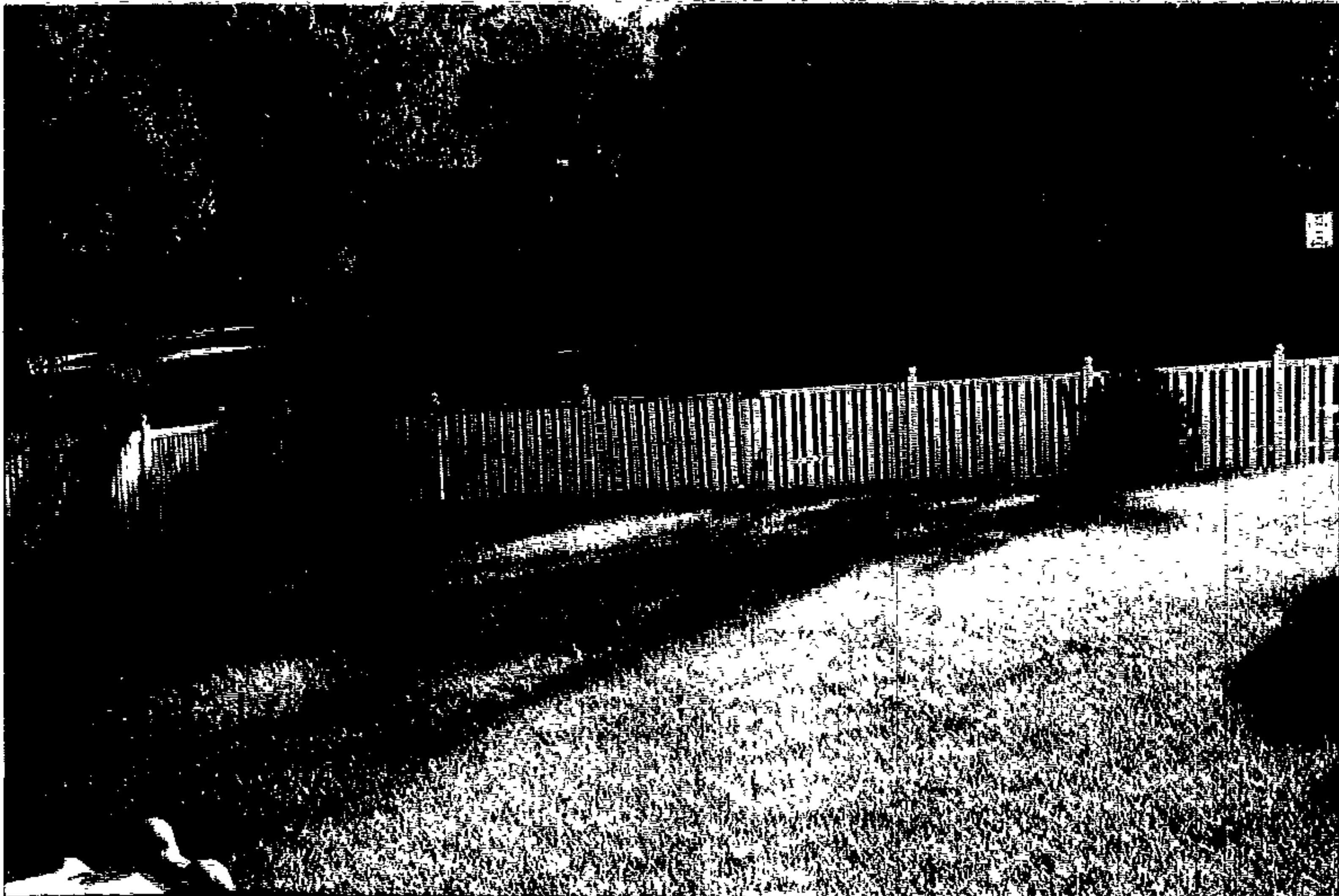


DENSITY CALCULATIONS

RTY ZONED OR 3.5 MAP REF. N.E.-S.E.
 AREA OF SITE = 17.726 AC. ±
 WAY WIDENING = 0.338 AC. ±
 AREA = 17.388 AC. ±
 F LOTS ALLOWED = $17.726 \times 3.5 = 62$
 F LOTS PROPOSED FOR SALE = 29
 F PARKING SPACES REQUIRED = 2 PER LOT
 F PARKING SPACES PROVIDED = $2 \times 29 = 58$



1) This first picture shows inside the yard where the garage is to be placed. To the right of the picture is the driveway gate. You can also see woods and common ground belonging to Balto. Co. to the rear of my property.



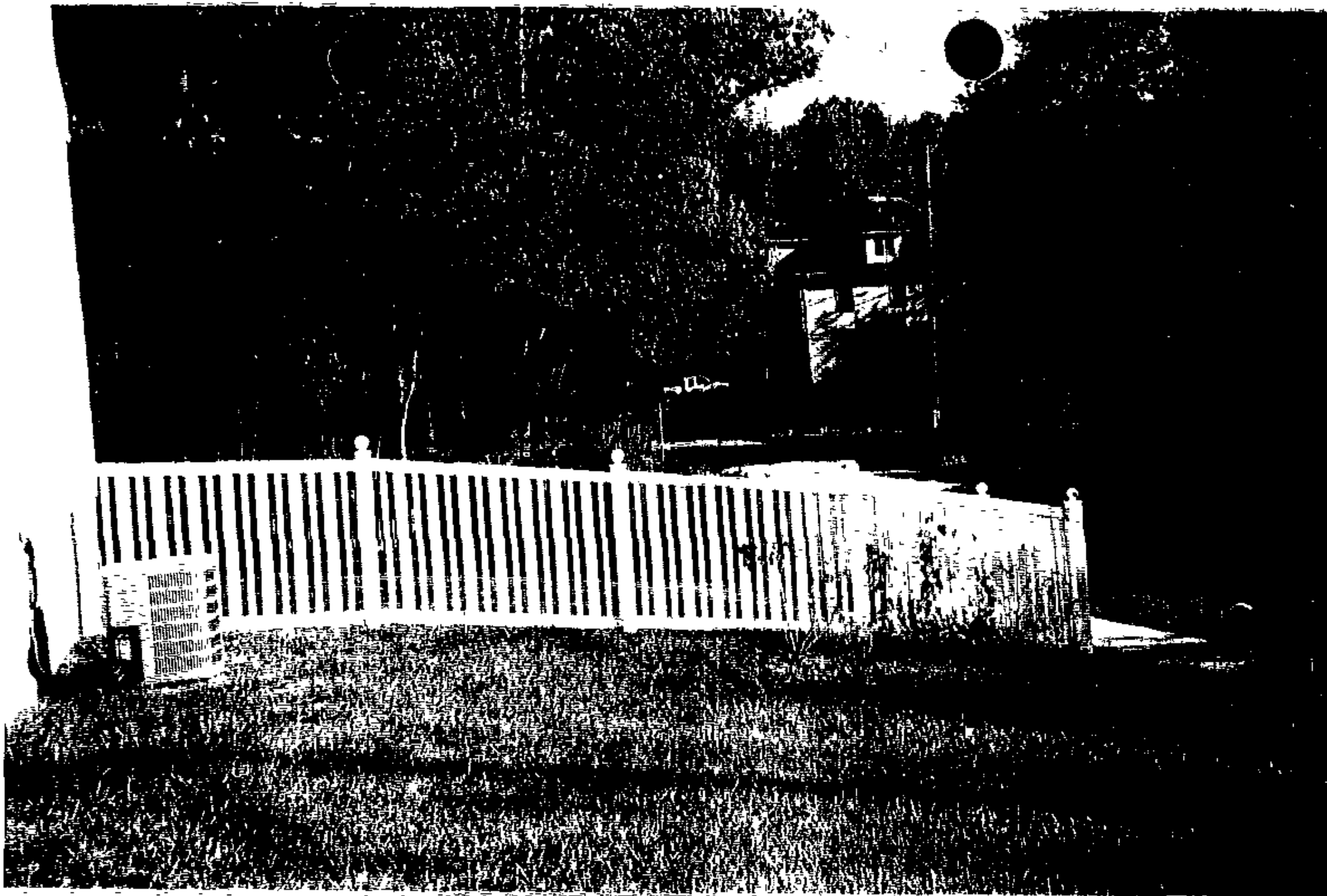
2) this picture shows the gate which will be where to enter the garage. The left is the common ground. The right is my home / house. Across the street is a vacant lot then the other house.



3) I'm standing inside the yard showing my house and the location where the garage is planning to be placed



4) I'm inside the yard with the driveway gate behind me showing my inlaw's house, patio and shed on the opposite side of the yard. This is another angle showing garage's future site.



5) I'm standing in front to the east side of my house showing the garage site which is inside my yard. This shows Trumps Mill Rd and another private residence which is across the street and on the other side of the woods



6) You can see behind my property. There is an access to a sediment pond and then woods all belonging to Balto. Co. You can see Trumps Mill Rd and my driveway gate.



7) I'm standing on the common ground to the rear of my property with the woods behind me showing the garage site which is in my yard.



8) This shows the common ground and the access to the sediment pond.



9) I'm standing inside my yard looking towards the common ground and the woods. There is a private home on the other side of the woods which is hard to see.



10) I'm standing across the street with my back towards the vacant lot (flood Plain) showing the driveway gate which would be the entrance to the garage.

