IN RE: PETITION FOR ADMIN. VARIANCE W/S of Larchmont Drive, 380 ft. S centerline of Park Drive 2nd Election District 1st Councilmanic District **(2613 Larchmont Drive)** John T. Martin, Jr. *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-554-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 T. Martin, Jr. The administrative variance is requested for property located at 2613 Larchmont Drive in the western area of Baltimore County. The administrative variance request is from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of ½ ft. in lieu of the required 7.5 ft. to construct a deck with a hot tub. 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 May 8, 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 Office of Planning dated May 16, 2005, a copy of which is attached hereto and made a part hereof.

Thereafter, this Deputy Zoning Commissioner wrote a letter to the Petitioner dated June 3, 2003 requesting that he comply with the comments submitted by the Office of Planning. The Petitioner provided all requested information to the Office of Planning and this office. See

correspondence dated June 21, 2005 with accompanying notice of posting and letter of support from neighbor.

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 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, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this 26 day of July, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of ½ ft. in lieu of the required 7.5 ft. to construct a deck with a hot tub, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 7/26/05
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

July 26, 2005

Mr. John T. Martin, Jr.
2613 Larchmont Drive
Baltimore, Maryland 21207

Re: Petition for Administrative Variance
Case No. 05-554-A
Property: 2613 Larchmont Drive

Dear Mr. Martin:

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 2613 LARCHMONT DR

which is presently zoned D.R.-5.5

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) 301.1A to permit a side yard setback of ½ ft. in lieu of the required 7.5 ft. to construct a deck with a hot tub.

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

Legal Owner(s):

JOHN T. MARTIN JR.
Name - Type or Print

Signature

Name - Type or Print

Signature

2613 LARCHMONT DR 410 298 3119
Address Telephone No.

BALTO MD. 21207
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No

City State Zip Code

RECEIVED FOR FILING
5/26/05

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. 05-554-A

Reviewed By BR **Date** 4/27/05

Estimated Posting Date 5/8/05

REV 10/25/01

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 2613 LARCHMONT DR
Address

BALTIMORE MARYLAND 21207
City State Zip Code

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):

1) PROPOSED DECK WOULD NOT BE OF SUFFICIENT SIZE AREA TO ACCOMODATE HOT TUB
2 UNLESS GRANTED, HOT TUB ENCLOSURE WOULD BLOCK BEDROOM WINDOW
3 UNLESS GRANTED, HOT TUB ENCLOSURE WOULD BLOCK SLIDING DOOR ON SUN ROOM.
4 DECK WOULD BE TOO SMALL FOR EVEN TABLE & CHAIRS
5 DECK WILL GREATLY IMPROVE APPEARANCE OF AREA AND YARD.
6 RESTRICTION WOULD CREATE AN UNUSEABLE ~~YARD~~ AREA IN YARD.

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

JOHN T. MARTIN JR.
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of MARCH, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARYLAND

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 8/7/06

REV 10/25/01

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 2613 LARCHMONT DR.
Address

BALTIMORE MARYLAND 21207
City State Zip Code

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):

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6 RESTRICTION WOULD CREATE AN UNUSEABLE ~~YARD~~ AREA IN YARD.

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Signature

Signature

JOHN T. MARTIN JR.
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of MARCH, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARYLAND

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 8/7/06

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2613 LARCHMONT DR.

which is presently zoned D.R.-5.5

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) 301.1A to permit a side yard setback of ½ ft. in lieu of the required 7.5 ft. to construct a deck with a hot tub.

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):

JOHN T. MARTIN JR.
Name - Type or Print

Signature

Name - Type or Print

Signature

2613 LARCHMONT DR — 410 298 3119
Address — Telephone No

BALTO — MD. — 21207
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. 05-554-A

Reviewed By BR **Date** 4/27/05

Estimated Posting Date 5/8/05

REV 10/25/01

File No. 04-0172H

Exhibit "A"
Legal Description

Beginning for the same at a point on the South side of Larchmont Drive as now laid out 50 feet wide (said point being situated North 47 degrees 06 minutes East 135 feet from a point on the South 42 degrees 54 minutes East 626.47 foot line of the land described in a Deed from Evert Rider and Emma F. Rider, his wife, to Lee Homes, Inc., and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1866, folio 66, and 476.47 feet distant from the beginning thereof) and running thence from said place of beginning and binding on the South side of Larchmont Drive North 42 degrees 54 minutes West 58 feet; thence leaving said Drive by a line drawn at right angles thereto South 47 degrees 06 minutes West 135 feet to a point on the South 42 degrees 54 minutes East 626.47 foot line above mentioned; thence binding on said line South 42 degrees 54 minutes East 58 feet; thence running by a line drawn at right angles thereto North 47 degrees 06 minutes East 135 feet to the place of the beginning.

Being the same property conveyed to Record Owner(s) by deed recorded February 24, 1998 in Liber 12680 at folio 235 among the aforesaid Land Records.

Parcel I.D.: (01)01-19-271490
Property Address: 2613 Larchmont Drive, Baltimore, Maryland 21207

#554

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 443685

DATE 4/27/03 ACCOUNT R001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: [illegible]

FOR: [illegible]

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

[illegible]

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS	ACTUAL	TIME	MCD
4/28/2003	4/27/2003	16:46:03	1

RECEIVED WILSON, ARIC JR.
FOR: RECEIPT # 222991 4/27/2003 OWN
Appt 0 See ZONING VERIFICATION
CK NO. 00385
Rcpt Tot $65.00
465.00 CK $.00 CA
Baltimore County, Maryland

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Ave., Room 111
Towson, MD 21204

Date: 5-10-05

Attention: Ms. Kristen Matthews:

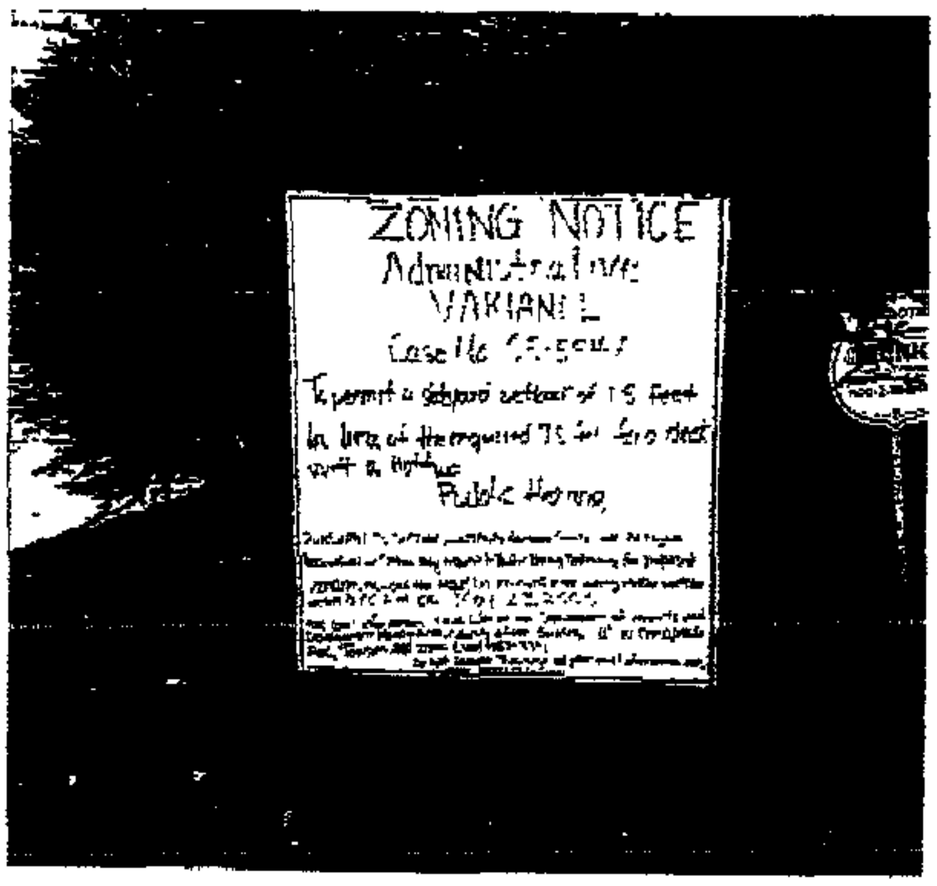
Re: Case No.: 05-554-A

Petitioner/Developer John Martin

Date of Hearing/Closing: May 23, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2613 Larchmont Drive Baltimore, MD 21207

The sign(s) were posted on 5-8-05
(Month, Day, Year)



Debra L. Starrett
(Signature of Sign Poster)

Debra L. Starrett
(Printed Name of Sign Poster)

2417 Snowden Creek Rd.
(Street Address of Sign Poster)

Marriottsville, MD 21104
(City, State, Zip Code of Sign Poster)

(410) 812-4741
(Telephone Number of Sign Poster)

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 - 554 - A

Petitioner: JOHN T. MARTIN

Address or Location: 2613 LARCHMONT DR BALTO MD. 21207

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN T. MARTIN

Address: 2613 LARCHMONT DR
BALTO MD. 21207

Telephone Number: 410 298 3119

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05-554 -A Address 2613 Larchmont Dr.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/27/05 **Posting Date:** 5/8/05 **Closing Date:** 5/23/05

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 05-554 -A Address 2613 Larchmont Dr.

Petitioner's Name John Martin Telephone 410-298-3119

Posting Date: 5/8/05 **Closing Date:** 5/23/05

Wording for Sign: To Permit a side yard setback of ½ ft. in lieu of the required 7.5 ft. for a deck with a hot tub.

WCR - Revised 6/25/04

REAR YARD LOOKING FRONT

2643 LARCHMONT DR

#554

REAR YARD LOOKING FRONT

2613 LARCHMONT DR

#554

REAR YARD LOOKING TO FRONT

2613 LARCHMONT DR

#5-5-4

FRONT TO REAR

2613 CLARCHMONT DR

#554

ANGULAR FRONT TO REAR FROM NEIGHBORS

2613 LARCHMONT DR

#554

FRONT TO REAR SIDE OF HOUSE

SHED TO BE REMOVED

2613 LARCHMONT DR

#554

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 23, 2005

John T. Martin, Jr.
2613 Larchmont Drive
Baltimore, Maryland 21207

Dear Mr. Martin:

RE: Case Number: 05-554-A, 2613 Larchmont Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 27, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 16, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 16, 2005
Item No. 542, 543, 545, 550, 552, 553, 554, 555, 563

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

Dak:CEN:clw
cc: file
ZAC-NO COMMENTS-05162005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: May 24, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 9, 2005

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

05-543
05-546
05-550
05-551
05-552
05-554
05-555

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: May 16, 2005

RECEIVED
MAY 17 2005
ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): Case(s) **5-554** – Administrative Variance

It is incumbent upon the petitioner to demonstrate to the Zoning Commissioner that there are special circumstances or conditions existing on the subject site that are peculiar to the subject land or structure where strict compliance of the BCZR would result in practical difficulty and unreasonable hardship. In addition, the petitioner should be required to provide a letter of support from the adjoining property owner adjacent to the proposed addition, as the addition may create an encroachment and yard maintenance issue.

Prepared By: Maps A Cumup

Division Chief: Lyn Lanham

MAC/LL

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

SHA
Driven to Excel
State Highway Administration
Maryland Department of Transportation

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

Date: 5·6·05

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

RE: Baltimore County
Item No. 554 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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

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

June 3, 2003

Mr. John T. Martin, Jr.
2613 Larchmont Drive
Baltimore, Maryland 21207

Re: Petition for Administrative Variance
Case No. 05-554-A
Property: 2613 Larchmont Drive

Dear Mr. Martin:

I was given your requested administrative variance for review and approval. Upon my review of your file, it came to my attention that the Zoning Advisory Committee (ZAC) comment prepared by the Office of Planning does not support your request unless you comply with the recommendations set forth in the summary. I am enclosing a copy of this ZAC comment for your review.

It would be appreciated if you would respond to their recommendation in writing to the undersigned. Once I receive your reasons supporting your request, I can then make my decision and prepare an Order.

Thank you for your attention and cooperation in this matter. Should you have any questions regarding this matter, please feel free to contact my office at 410-887-3868.

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Mark Cunningham, Office of Planning

Mr. Dave Green
Baltimore County Government
Planning Office

June 21, 2005

Re: Case # 05-554-A
Property 2613 Larchmont Drive
Property Owner John T Martin Jr.

Dear Mr. Green,

Thank you so much for taking the time in speaking with me today regarding our Administrative request for a variance. The following are attached in this fax as requested as well as a more detail circumstance of our peculiar or unreasonable hardship.
Attached:

- Letter (notorized) from adjourned neighbor
- Certificate of Posting as required

Please note that the lot known as 2613 Larchmont has a stand alone 2 story cape cod situated approximately ½ between adjourning neighbors. The house sets back about 1/3 to the front of the curb. In 2004 a 12x16 sunroom built by Universal Systems with all permits per code was constructed at a cost of $35,000. on the south/west (close to the 2615 neighbor) a 46" window and a 6' patio door was installed for future deck to have a hot tub placed. We were in the process to contract and obtain permit for the deck and any specific requirements when we determined the 7 and ½' within property line. We attempted to see if the deck could be configured in any other manner. The opposing neighbor would have the same situation and if we were to place the hot tub place within a deck less then 7 ½' it would impede means of egress of less then 2' of the patio door. This would certainly be of concern as well as to place in the middle of the yard with elevated walkways or too large of a deck wrapping around the house/sunroom and impede other means of egress from basement levels. This corner (of proposed deck)of the fenced in yard is a "dead spot" for not only us but for our neighbors as well at 2615. Our home runs with eave edge with curb and theirs sits with rake edge to curb. It is unique to me and would provide a better means of privacy. They stated they are comfortable with our plan of a privacy fence with lattice for not only us but our consideration as well. The material will be of white vynal and will certainly improve both views. We are both mature adults and consider our neighbors, community and wish to comply with all county requirements and hope you understand our situation with further detail if needed. The proposed deck would not impede on their lawn or garden maintenance, privacy by any means.

We greatly appreciate your attention to the matter and await your decision so we may proceed with or great plans of remaining in Baltimore County that we reside in.

If you have any questions please do not hesitate to contact me at 202.438.5254. This is my work number and I can always be reached at.

Sincerely,

Sissy Martin

April 24, 2005

This letter is to acknowledge of the intent of my current neighbor John Theodore Martin Jr. to construct a deck to the back of his home known as 2613 Larchmont Drive, Baltimore Maryland 21207. This deck is intended to extend to the fence adjacent to my property known as 2615 Larchmont Drive Baltimore Maryland 21207.

I have reviewed the drawings to be submitted to Baltimore County Government for a variance for the intended work.

I Nathan Lamont Rivers do not have any objections to the location for the deck to the property/fence line between our two properties.

If you have any questions please do not hesitate to call or write to my attention.

Signed: Nathan L. Rivers Date: 04.24.05

I Stephanie Ann Wheeler Notary Public have witnessed the signature.

My commission expires:

STEPHANIE ANN WHEELER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 3, 2009

SAWheeler

PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [ ] SPECIAL HEARING

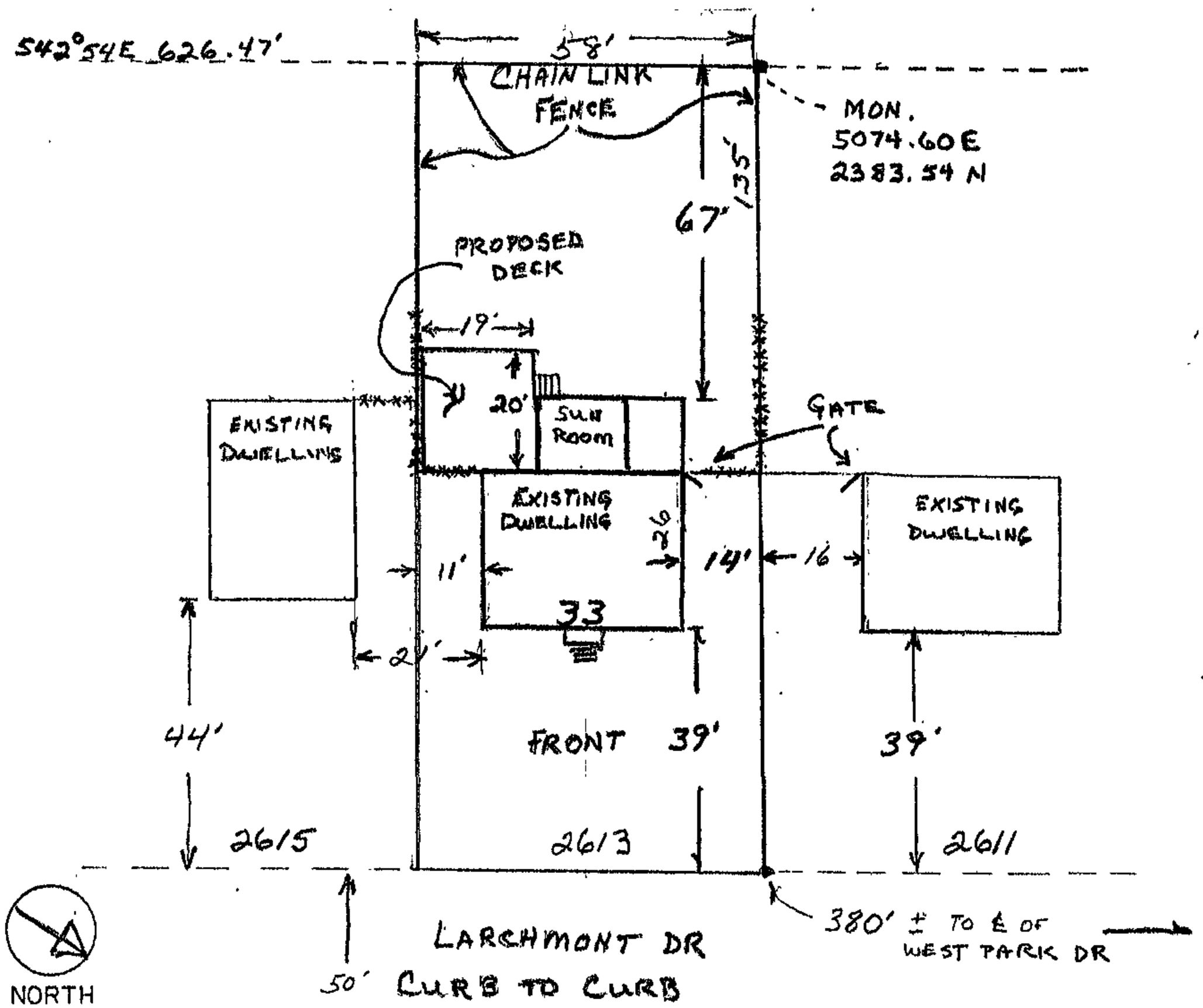
PROPERTY ADDRESS 2613 LARCHMONT DR

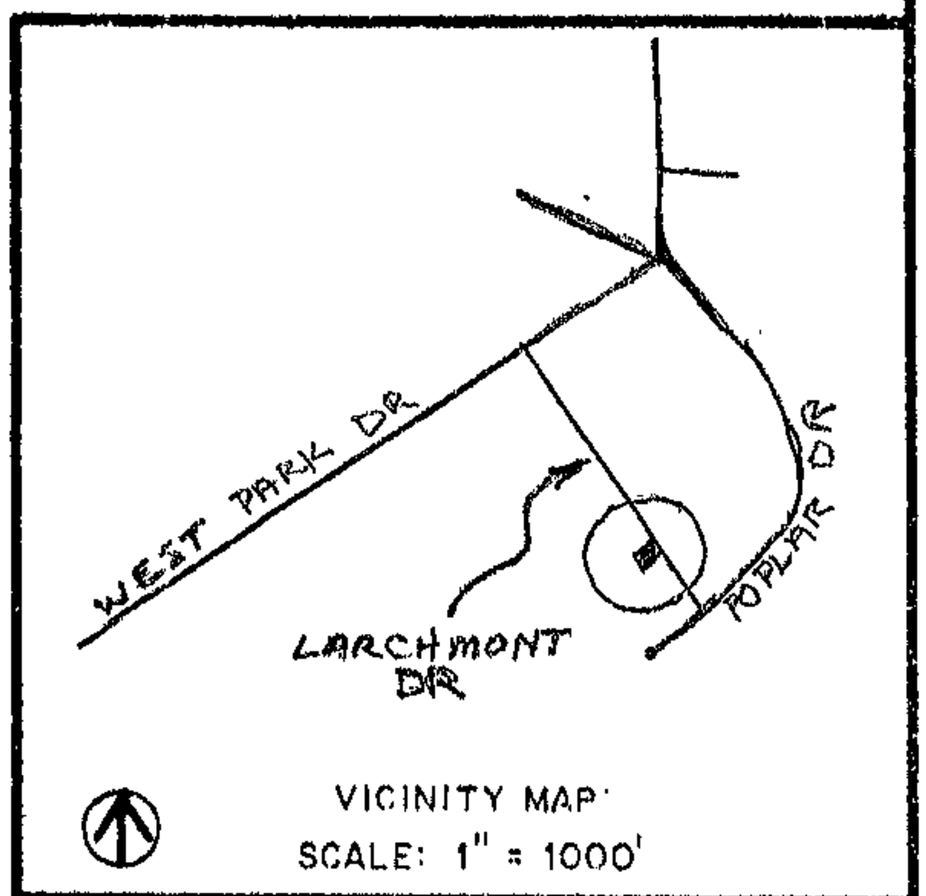
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME LARCHMONT MANOR

PLAT BOOK #17/13 FOLIO #235 LOT #20 SECTION #

OWNER JOHN T. MARTIN JR





LOCATION INFORMATION

ELECTION DISTRICT 2ND

COUNCILMANIC DISTRICT 1

1"=200' SCALE MAP #088B3

ZONING DR 5.5

LOT SIZE ACREAGE / 7,830.00 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	[X]	[ ]
WATER	[X]	[ ]

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	[ ]	[X]
100 YEAR FLOOD PLAIN	[ ]	[X]
HISTORIC PROPERTY/ BUILDING	[ ]	[X]
PRIOR ZONING HEARING		

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
GN	554	05-554-A

Pet Exp #1

PREPARED BY OWNER JOHN MARTIN

SCALE OF DRAWING: 1" = 30'

DISTRICT 01 ACCT # 0101540280 PARCEL 439

MAP 88 GRID 21 LOT 21 GROUP 80 PLAT REF 17/13

DEED REF. D/16160/703

NATHAN LAMONT RIVERS 2615 LARCHMONT DR

MELISSA L. RIVERS

DISTRICT 01 ACCT # 0119850350 PARCEL 439

MAP 88 GRID 21 LOT 19 GROUP 80

DEED REF. D/11084/588

ADJACENT PARCELS

DISTRICT 01 ACCT # 0101540280 PARCEL 439

MAP 88 GRID 21 LOT 21 GROUP 80 PLAT REF 17/13

DEED REF. D/16160/703

NATHAN LAMONT RIVERS 2615 LARCHMONT DR

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DISTRICT 01 ACCT # 0119850350 PARCEL 439

MAP 88 GRID 21 LOT 19 GROUP 80

DEED REF. D/11084/588

ADJACENT PARCELS

PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [ ] SPECIAL HEARING

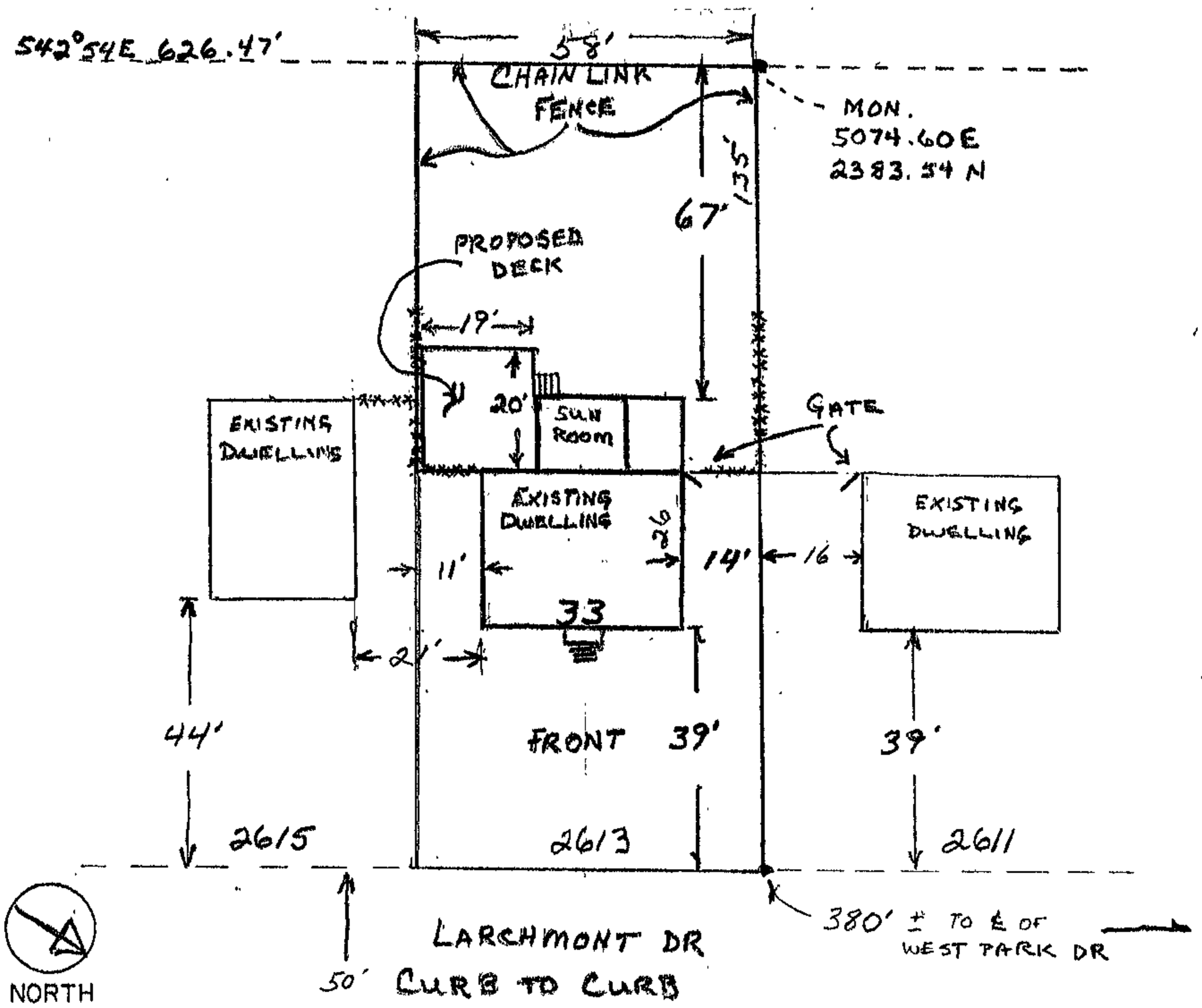
PROPERTY ADDRESS 2613 LARCHMONT DR

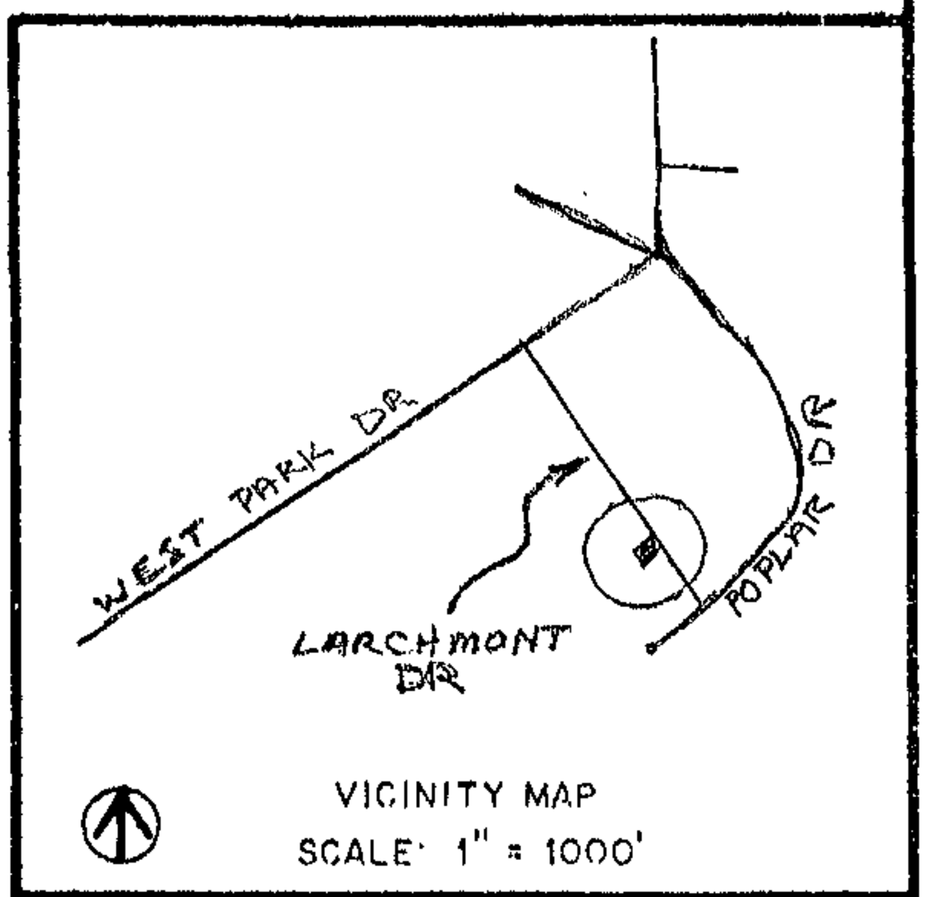
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME LARCHMONT MANOR

PLAT BOOK # 17/13 FOLIO # 235 LOT # 20 SECTION # ____

OWNER JOHN T. MARTIN JR





LOCATION INFORMATION

ELECTION DISTRICT 2ND

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 088B3

ZONING DR 5.5

LOT SIZE ____ ACREAGE 7,830.00 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	[X]	[ ]
WATER	[X]	[ ]

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	[ ]	[X]
100 YEAR FLOOD PLAIN	[ ]	[X]
HISTORIC PROPERTY/ BUILDING	[ ]	[X]

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

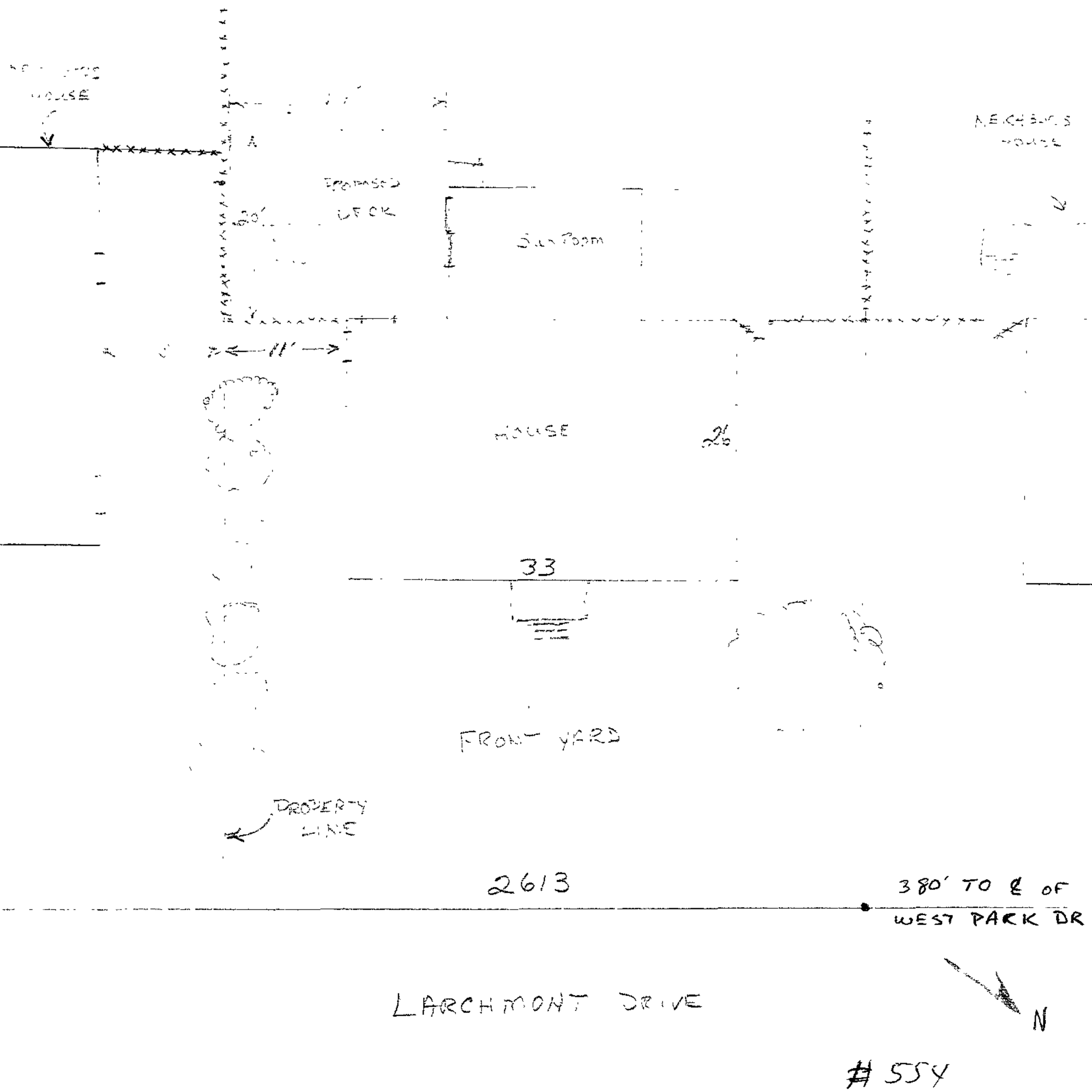
REVIEWED BY	ITEM #	CASE #
SR	554	05-554-A

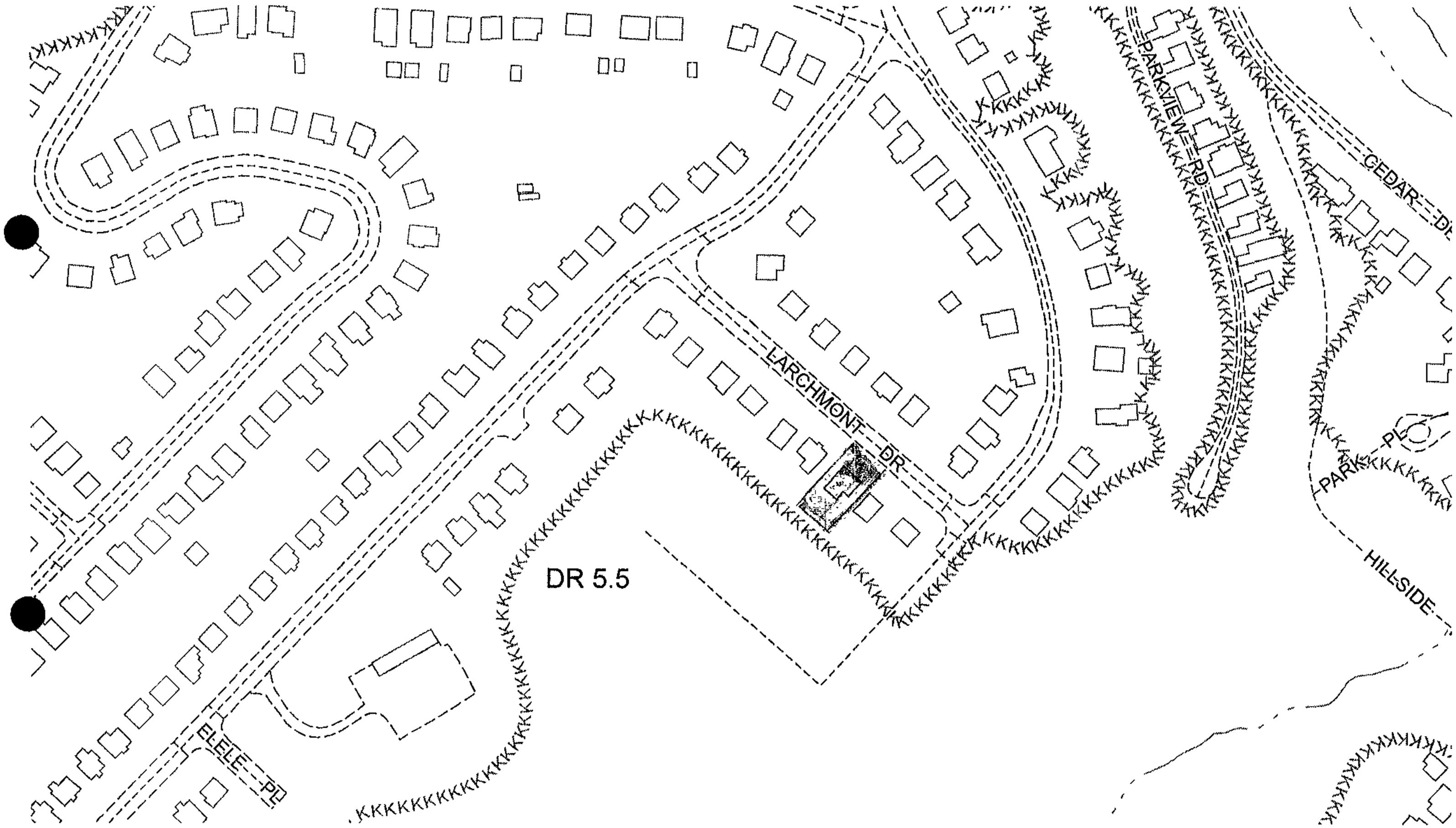
Pet Exh #1

PREPARED BY OWNER JOHN MARTIN

SCALE OF DRAWING: 1" = 30'

NOT TO EXACT SCALE




PARKVIEW RD
CEDAR DR
LARCHMONT DR
PARK PL
HILLSIDE
ELELE PL
DR 5.5

#554 08883