

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

S/side of Kelly-Case Lane, 100 ft. west
of c/l of Cedar Lane
15th Election District
6th Councilmanic District

**(1208 Kelly-Case Lane &
Lots 160 & 161 Kelly-Case Lane)**

Kelly and Casey Porter
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
CASE NO. 06-140-SPHA
& 06-141-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Kelly and Casey Porter, Petitioners.

In case 06-140-SPHA, the Petitioner is requesting special hearing and variance relief for property owned at 1208 Kelly-Case Lane in the Essex area of Baltimore County. The variance request is filed pursuant to Section 1A04.3.B.1.a from the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an existing lot with a dwelling with an area of 0.918 acres in lieu of the required 1.5 acres. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the density on these lots (156-159) and confirm that the overall density of the surrounding neighborhood is not affected.

In case 06-141-SPHA, the Petitioner is requesting special hearing and variance relief for property located at Lots 160 and 161 Kelly-Case Lane in the Essex area of Baltimore County. The variance request is filed pursuant to Section 1A04.3.3.1a. & 2.3 from the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an existing lot with an area of 0.459 acres in lieu of the required 1.5 acres and permit 30 ft. side yard setbacks in lieu of 50 ft. The special hearing

ORDER RECEIVED FOR FILING

Date 11-10-05

By [Signature]

request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve that overall density is not affected.

The properties were posted with Notice of Hearing on October 15, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on October 13, 2005 for case 06-141-SPHA and October 20, 2005 for 06-140-SPHA, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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."

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Permits and Development Management dated September 23, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Frank Lee, professional surveyor, William Wheatley and Casey Porter, Petitioner. Debra Dopkin, Esquire represented the Petitioner. There were no protestants or interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

These cases were consolidated by agreement such that any evidence presented on one case applies to both. Ms. Dopkin proffered that the Petitioners own six fifty-foot wide lots (lots 156 through 161) in the Evergreen Subdivision, which was recorded in the land records of the County in 1924. All lots are zoned RC 5. Lot numbers 157, 158 and 159 are improved by a single-family dwelling. The dwelling is located on lot 158 as shown in Petitioner's exhibit 1. Ms. Dopkin indicated that the well for the home is located on lot 157 while the septic system for the home is located on lot 159. Lots 156, 160 and 161 are unimproved wooded lots.

The Petitioner would like to split off lots 160 and 161 into a new lot, which could be sold as a building lot. The combined width of this lot has an area of 0.459 acres while 1.5 acres is required under the RC 5 regulations. In addition, the new home would have side yard setbacks of 30 feet. The width of this lot is 100 feet. The RC 5 regulations require 50-foot property line

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Date 11-10-05
By [Signature]

zoning history of the area by way of a zoning map marked with ten or more variance cases in which homes were allowed to be built on undersized lots (see exhibit 8).

The Petitioner is aware that the new building lot would not be allowed until public water and sewer is available and operational at the new lot.

Findings of Fact and Conclusions of Law

If the six lots are taken together, they do not meet the 1.5 acre lot size required recently in the revised RC 5 regulations. Dividing the property as proposed, of course, reduces the size of the lots further. Yet, from all the evidence it is clear that a significant part of the community is built on undersized lots. The proposed division will not change the pattern of development in the neighborhood. Nor will it significantly change the density of the area when the Essex Sky Park is factored in. A building permit for the new building lot would not be allowed until public water and sewer is available and operational at the new lot.

The two lots which the Petitioners want to break off are completely undeveloped wooded lots. There is simply no evidence that these lots were merged with the other four as opposed to the fact that the other four lots have well, house, septic, sheds etc and are generally cleared. I find that lots 160 and 161 are not merged with the other lots from a zoning perspective.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were created many years before the RC 5 regulations were imposed and as such are impacted differently from lots in the area created after the RC regulations began. I also find strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no land available to increase the area of either lot. If the proposed lot moves to include lot 159, that would mean the septic system for the house on lot 158 could belong to some stranger. That's not

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Date 11-10-05
By [Signature]

a good idea when it comes to maintenance of septic systems. The resulting 100-foot new lot cannot practically meet the 50-foot side yard setback requirements. I find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances when looking at the overall neighborhood density including the Essex Sky Park. Finally, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. There are at least 10 other variance cases in the area in which homes have been permitted on undersized lots. Many are built on 50-foot wide lots. This new home will be built on 100-foot wide lot. This will not adversely affect the pattern of development of the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10 day of November, 2005:

In case no. 06-140-SPHA that the Petitioners' request for the variance filed pursuant to Section 1A04.3.B.1.a from the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an existing lot with a dwelling with an area of 0.918 acres in lieu of the required 1.5 acres, be and is hereby GRANTED; and

The special hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the density on these lots (156-159) and confirm that the overall density of the surrounding neighborhood is not affected, be and are hereby GRANTED; and

ORDER RECEIVED FOR FILING
Date 11-10-05
By [Signature]

IT IS FURTHER ORDERED that the Petitioners' request for the variance in case no. 06-141-SPHA filed pursuant to Section 1A04.3.3.1a. & 2.3 from the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an existing lot within an area of 0.459 acres in lieu of the required 1.5 acres and permit 30 ft. side yard setbacks in lieu of 50 ft., be and is hereby GRANTED; and

The special hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve that overall density is not affected, be and are hereby GRANTED subject to the following conditions:

1. A building permit for the new building lot (160 & 161) shall not be issued until public water and sewer is available and operational at the new lot.
2. The Petitioner shall comply with the ZAC comment received from the Bureau of Plans Review dated September 23, 2005 attached hereto.

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:dlw

ORDER RECEIVED FOR FILING
Date 11-10-05
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

November 10, 2005

Deborah Dopkin, Esquire
409 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing and Variance
Case Nos. 06-140-SPHA & 06-141-SPHA
Properties: 1208-Kelly-Case Lane and
Lots 160 & 161 Kelly-Case Lane

Dear Ms. Dopkin:

Enclosed please find the decision rendered in the above-captioned case.

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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw
Enclosure

c: Kelly and Casey Lynn Porter, 1208 Kelly-Case Lane, Baltimore, MD 21221
Frank Lee, 719 Chesaco Avenue, Baltimore, MD 21237
William Wheatley, 14595 London Lane, Bowie, MD 20715
People's Counsel; Case File

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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at LOTS 160 & 161 KELLY CASE LN.
which is presently zoned R.C.-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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

THAT OVERALL DENSITY IS NOT EFFECTED.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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):

(Kelly Porter) Kelly Porter
Name - Type or Print _____
Signature _____
Casey Lynn Porter
Name - Type or Print _____
Signature _____
1208 Kelly Case Lane
Address _____ Telephone No. _____
Baltimore MD 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By STF Date 09-07-05

Case No. 06-141-SPHA

9/15/98

ORDER RECEIVED FOR FILING



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at LOTS 160 & 161 Kelly Case Lane
which is presently zoned RC-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) 1 A 04.3.3.1 a & b to APPROVE AN

EXISTING LOT WITH AN AREA OF 0.459 ACRES IN LIEU OF THE
REQUIRED 1.5 ACRES & PERMIT 30 FT SIDE YARD SETBACKS
IN LIEU OF 50 FT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE PRESENTED AT THE HEARING

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

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By 507 Date 09.07.05

ORDER RECEIVED FOR FILING
11-10-05
06-141-SP4A
09/07/05

ZONING DESCRIPTION

Zoning Description For ^{Lot 160} Kelly-Case Lane
¹⁶³

Beginning at a point on the South side of Kelly-Case Lane, which is 30 feet wide at a distance of 100 feet west of the centerline of the nearest improved intersecting street Cedar Lane which is 30 feet wide. Being Lots #~~160~~¹⁶⁰.~~161~~¹⁶¹, in the subdivision known as Evergreen Park as recorded in Baltimore County Plat Book #7, Folio# 174, containing 20,000 square feet. Also known as ^{Lot 160} Kelly-Case Lane and located in the 15th Election District, 6th Councilmanic District.

OG-141-SHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

06-141-SPH A.

No. 449424

DATE 09.07.05 ACCOUNT R.001.006 G150

AMOUNT \$ 130⁰⁰

RECEIVED
FROM:

CASEY LYNN POTTER

FOR:

LOTS 160 & 161 KELLY CASE LN.
SPECIAL HEATING & COOL.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

[Signature]

PAID RECEIPT

06/10/05 06:00 PM 0000
7/12/2005 7/12/2005 08:22:04 4
06/10/05 06:00 PM 0000 RXN
CASHIER # 392097 7/12/2005 06:00
Dept 5 528 ZONE VERIFICATION
P. NO. 449424
Per pt. tot \$130.00
BALANCE OK \$.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-141-SPHA

Petitioner/Developer: KELLY &
CASE & PORTER

Date Of Hearing/Closing: 10/31/05

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 1208 KELLY CASE LANE

This sign(s) were posted on October 15, 2005

(Month, Day, Year)

Sincerely,

Martin Ogle 10/15/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

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: #06-141-SPHA

Lots 160-161 Kelly Case Lane

S/side of Kelly Case Lane, 100 feet west of Cedar Lane

15th Election District - 6th Councilmanic District

Legal Owner(s): Kelly (Butler) Porter & Casey Lynn Porter

Variance: to approve an existing lot with an area of 0.459 acres in lieu of the required 1.5 acres and permit 30 feet sideyard setbacks in lieu of 50 feet. **Special Hearing:** to determine that overall density is not affected.

Hearing: Monday, October 31, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

10/098 Oct 13 70717

CERTIFICATE OF PUBLICATION

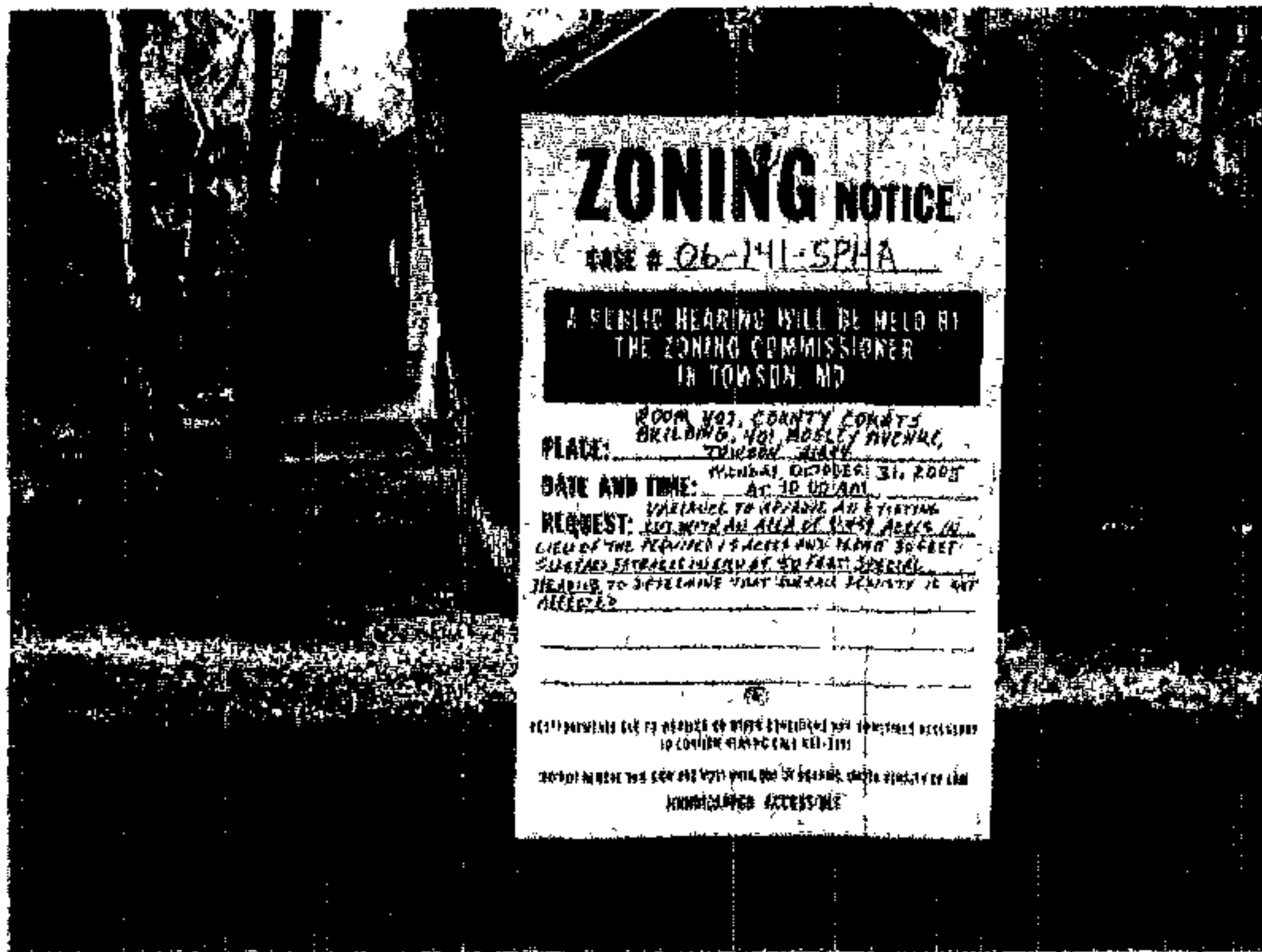
10/13/2005

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 10/13/2005.

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

S. Wilkinson

LEGAL ADVERTISING



Walter Ogle October 15, 2005

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
Lot 160-161 Kelly-Case Lane; S/side Kelly * ZONING COMMISSIONER
Case Lane, 100' W c/line Cedar Lane *
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Kelly (Butler) & Casey Porter *
Petitioner(s)* BALTIMORE COUNTY
* 06-141-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September, 2005, a copy of the foregoing Entry of Appearance was mailed to Kelly Porter, 1208 Kelly Case Lane, Baltimore, MD 21221, Petitioner(s).

RECEIVED

SEP 24 2005

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

September 22, 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: 06-141-SPHA

Lots 160-161 Kelly Case Lane
S/side of Kelly Case Lane, 100 feet west of Cedar Lane
15th Election District – 6th Councilmanic District
Legal Owners: Kelly (Butler) Porter & Casey Lynn Porter

Variance to approve an existing lot with an area of 0.459 acres in lieu of the required 1.5 acres and permit 30 feet sideyard setbacks in lieu of 50 feet. Special Hearing to determine that overall density is not affected.

Hearing: Monday, October 31, 2005 at 10:00 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:kllm

C: Kelly Porter & Casey Lynn Porter, 1208 Kelly Case Lane, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 15, 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
Thursday, October 13, 2005 Issue - Jeffersonian

Please forward billing to:
Casey Lynn Porter
45 Strawhat Road, Apt. 3D
Owings Mills, MD 21117

410-905-5441

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: 06-141-SPHA

Lots 160-161 Kelly Case Lane
S/side of Kelly Case Lane, 100 feet west of Cedar Lane
15th Election District – 6th Councilmanic District
Legal Owners: Kelly (Butler) Porter & Casey Lynn Porter

Variance to approve an existing lot with an area of 0.459 acres in lieu of the required 1.5 acres and permit 30 feet sideyard setbacks in lieu of 50 feet. Special Hearing to determine that overall density is not affected.

Hearing: Monday, October 31, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
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
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: x 06-141-SPHA
Petitioner: CASEY LYNN PORTER / KELLY ANN PORTER
Address or Location: Kelly Case Lane Essex MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: CASEY LYNN PORTER
Address: 45 STRAW HAT Apt #3D
Owings Mills MD 21117
Telephone Number: 410-905-5441

Revised 2/20/98 - SCJ

06-141-SPHA

**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*

October 31, 2005

Kelly Porter
Casey Lynn Porter
1208 Kelly Case Lane
Baltimore, Maryland 21221

Dear Ms. Porter:

RE: Case Number: 06-141-SPHA

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 7, 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.", written in a cursive style.

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

September 22, 2005

ATTENTION: Zoning review planners

Distribution Meetings of: **September 26**, 2005

Item No.: 127, 138, **141**, 143-144, 146-154

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant J.D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 23, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For October 3, 2005
Item No. 141

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

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the 40-foot right-of-way for Kelly Case Lane centered on the existing 30-foot-wide right-of-way.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 141-09232005.doc

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



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

Maryland Department of Transportation

Date: 9.21.05

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

RE: Baltimore County
Item No. 141 JRA

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

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

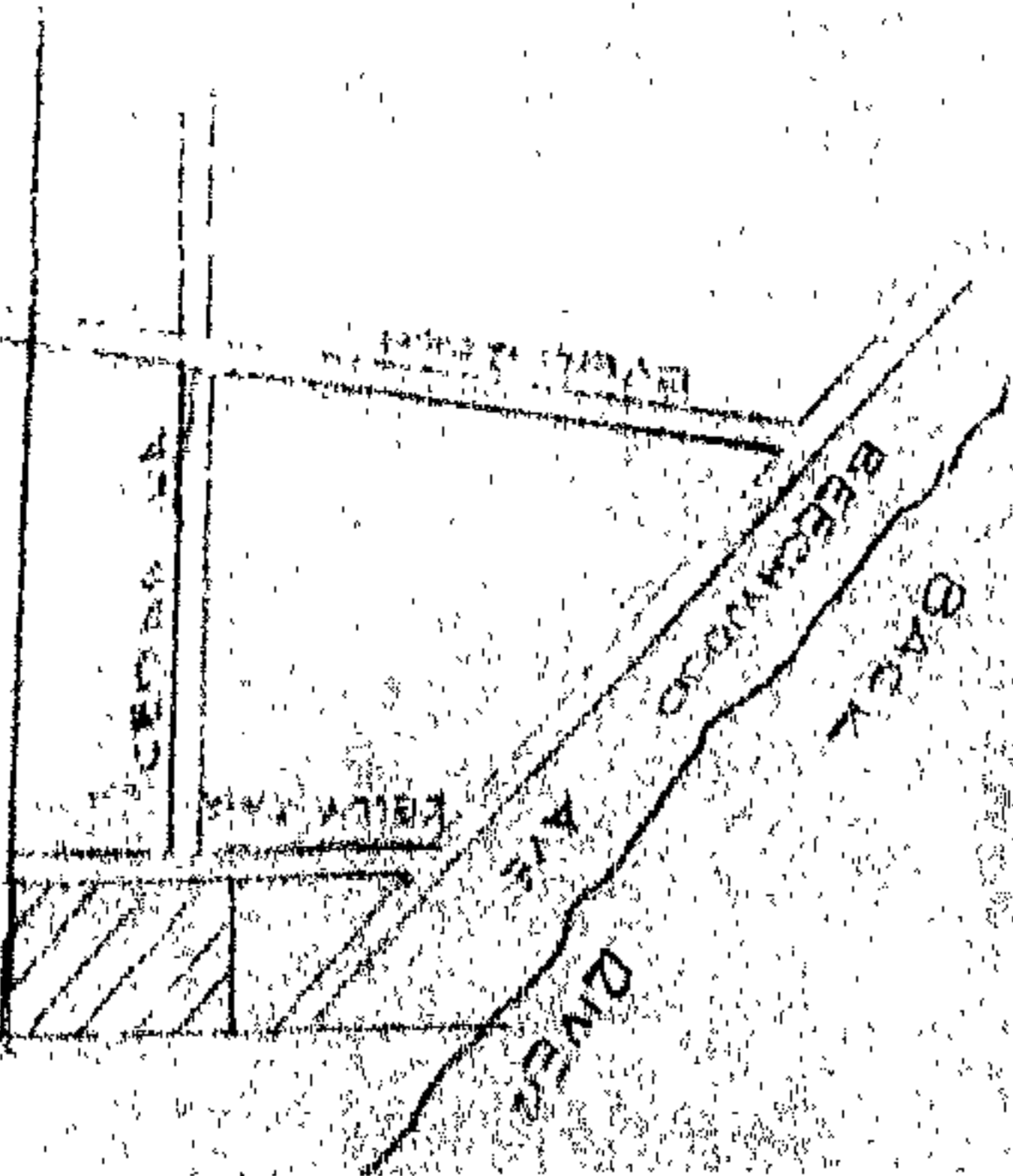
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS Lot 1604 Kelly - Case Lane SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Evergreen Park

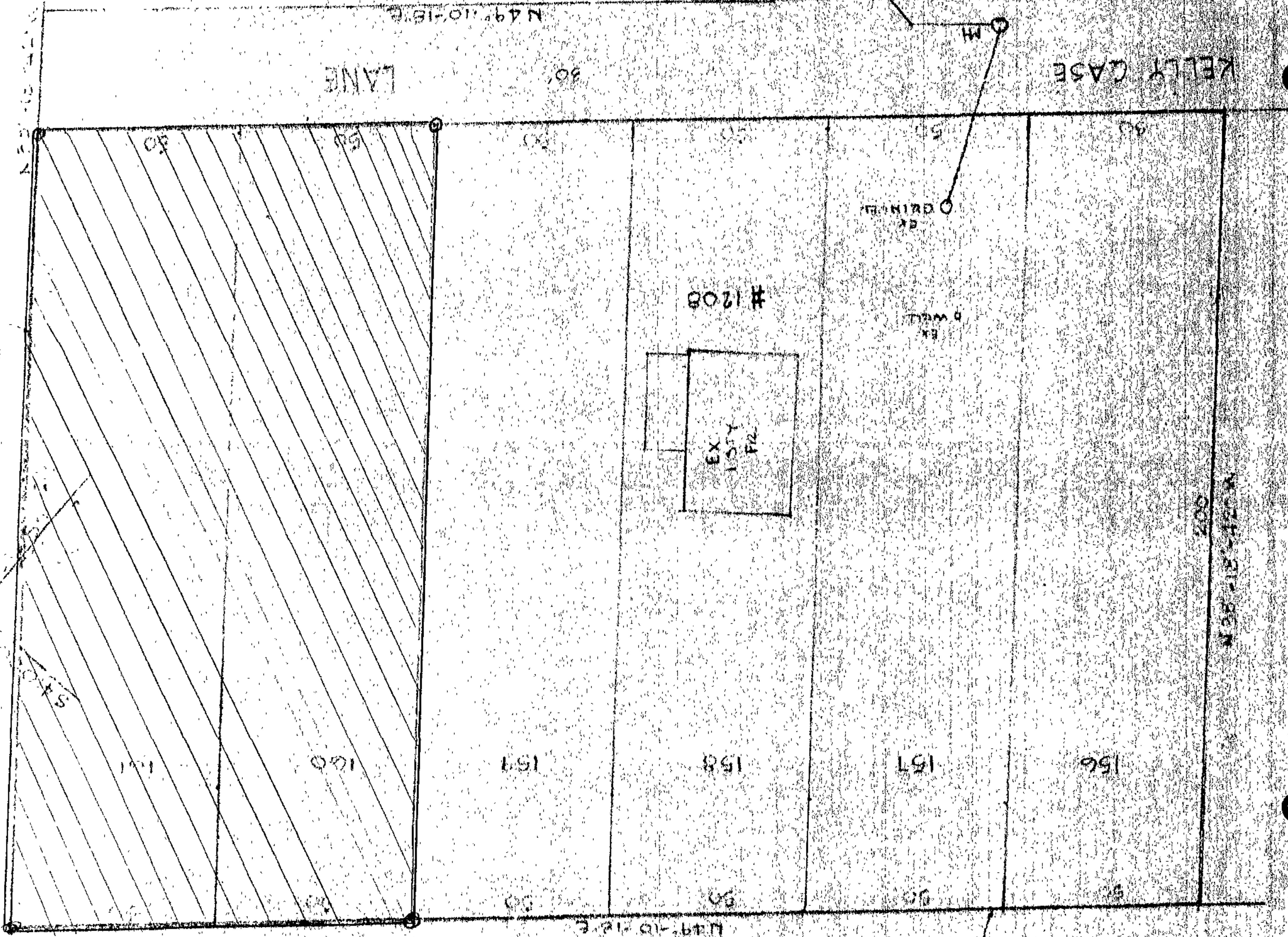
PLAT BOOK # 7 FOLIO # 124 LOT # 156-159 SECTION # A/17

OWNER Kelly Ann (Butler) Porter and Cassy Lynn Porter



OUTLINE

RC 20



KELLY CASE

ZONING RC 20

2" SEWER
CEDAR LANE

54.130
54.130
54.130



PREPARED BY

Chp

SCALE OF DRAWING: 1" = 30'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 104 C 3

ZONING RC - S

LOT SIZE 20.063

ACREAGE 50.481 FT

SEWER PUBLIC

WATER

CHESAPEAKE BAY

CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/

BUILDING

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY

ITEM #

CASE #

06-741 SPAN

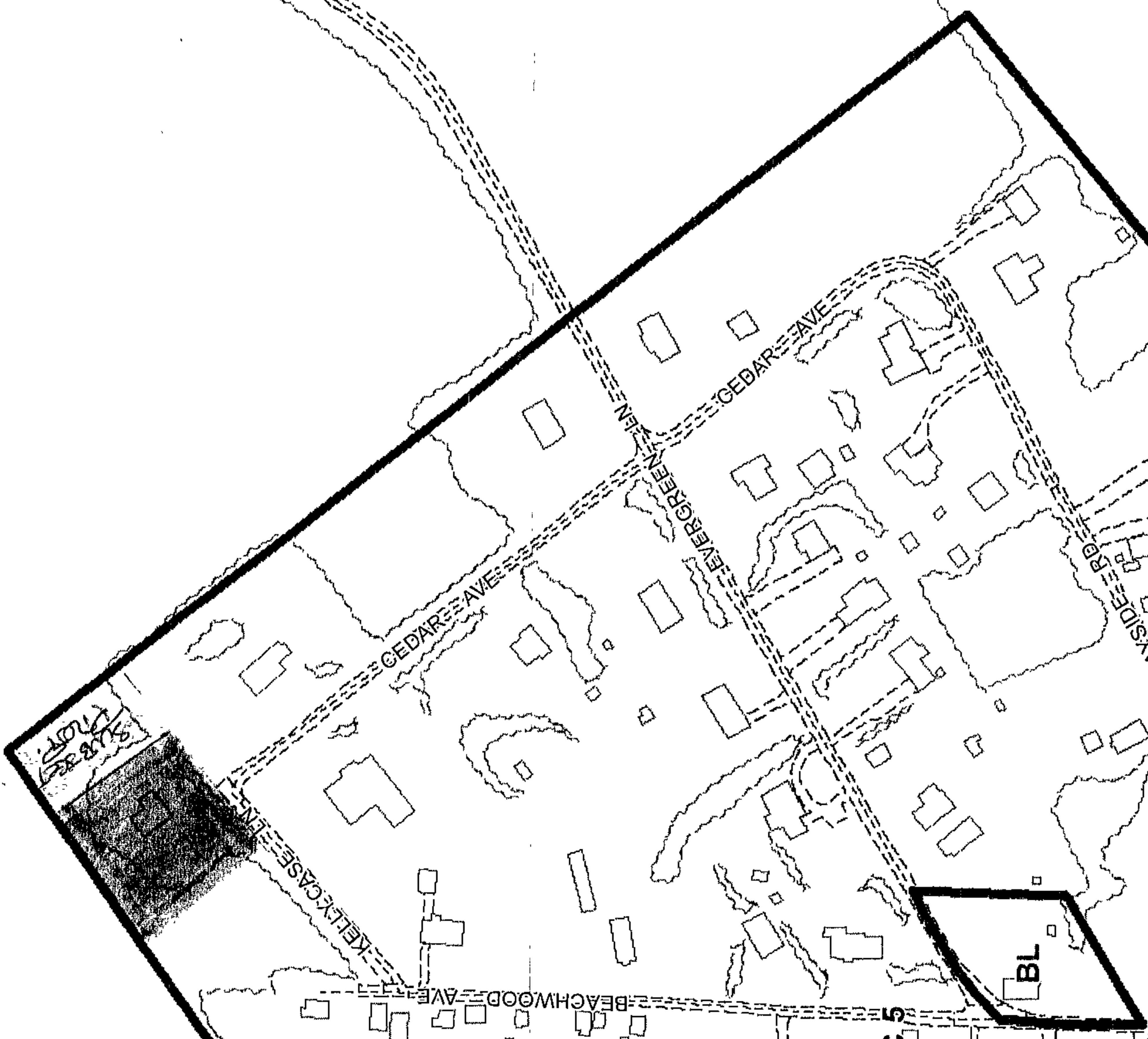
0001

OC-141-SP4H

RC 20

ROAD # 10423
MILWOOD BEACH

map # 10423



BL

RC 5

BEACHWOOD AVE