

IN RE: PETITION FOR VARIANCE

N/E s of Rosedale Heights Avenue, 15 ft.
wide, 187 ft. N/W c/l of Philadelphia Rd.
14th Election District
7th Councilmanic District
(1611 Rosedale Heights Avenue)

Douglas G. and Charlotte Karmasek
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 06-143-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Douglas G. and Charlotte Karmasek. The Petitioners are requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with side yard setbacks of 4 feet and 7.5 feet, respectively, in lieu of the minimum required 10 feet.

The property was 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, to notify any interested persons of the scheduled hearing date.

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

ORDER RECEIVED FOR FILING

Date 11-15-05

By [Signature]

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 (ZAC) 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 variance request was Douglas Karmasek, the Petitioner. There were no protestants or interested citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the subject property is a 0.18-acre lot zoned DR 5.5. The property is improved with a one story single family dwelling in which the Petitioner resides. The Petitioner indicated that he would like to build an addition on the rear of his house to allow his in-laws a place in the future to come and live with he and his wife. However, the present home is too small to allow this to occur. He proposes an addition across the full width of the home (33 feet) extending 16 feet into the rear yard.

However, because of the trapezoidal shape of his lot, the northern corner of the addition would come within 4 feet of the property line. The existing house is 9.5 feet from this line. The southern corner of the addition will come within 7.5 feet of the other property line. He noted that the house is aligned with the southern property line only, which is 7.5 feet from that line.

When asked if he could live with a smaller addition, he noted that in reality his home has a mud room addition on the rear which gives him his only access to the basement. See Petitioner's

DATE 11-15-05 BY [Signature]

Exhibit 2. If he brought the addition to within the 10-foot setback, the addition would be 24 feet wide, which he opined was unreasonably small. As important, extending the side of the existing building would be a far superior architectural design. Again, the existing dwelling does not meet the 10-foot side yard setback requirements. Finally, he presented photographs of his home and neighboring properties, which show similar additions.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure, which is the subject of the variance request. The lot is oddly shaped and the northern property line is not aligned with the Petitioner's house. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. I accept the Petitioner's testimony that an addition that meets the side yard setback of 10 feet will be impracticably small given the very odd entrance to his basement via the mud room on the rear of the dwelling. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur. Finally, I find these variances can be granted in strict harmony with the spirit and intent of the regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. I see no adverse impact on the neighborhood.

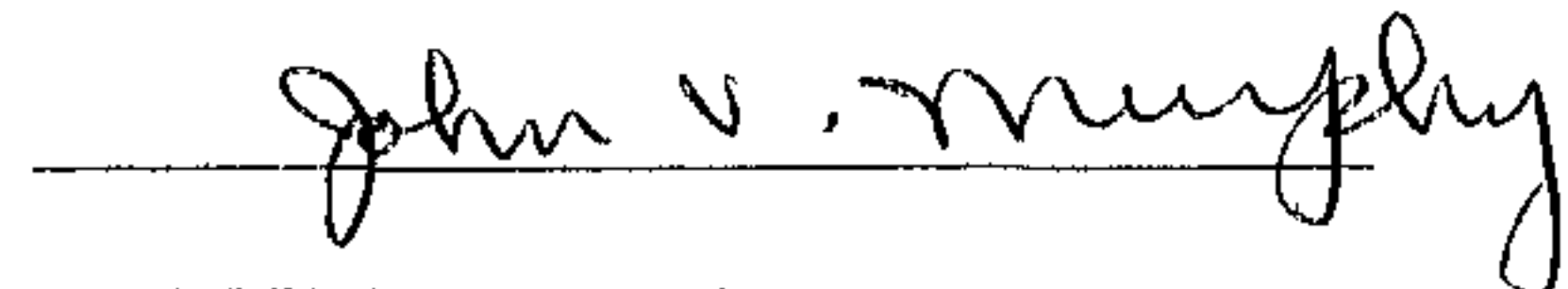
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED, this 15 day of November, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance relief from Section 1B02.3.C.1 of the (B.C.Z.R.), to permit a proposed addition with side yard setbacks of 4 feet and 7.5 feet, respectively, in lieu of the minimum required 10 feet, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

ORDER RECEIVED FOR FILING
Date 11-15-05
By Deputy Zoning Commissioner

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 must be in compliance with the ZAC comments submitted by the Department of Permits and Development Management dated September 23, 2005, a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed 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:dlw

ORDER RECEIVED FOR FILING
Date 11-15-05
By Dana Wiley

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 15, 2005

Douglas G. Karmasek
Charlotte Karmasek
1611 Rosedale Heights Avenue
Baltimore, Maryland 21237

Re: Petition for Variance
Case No. 06-143-A
Property: 1611 Rosedale Heights Avenue

Dear Mr. and Mrs. Karmasek:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1611 ROSEDALE HEIGHTS AVE
which is presently zoned DRS.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 B02.3.C.1, BC2R, to permit a proposed addition with side yard setbacks of 4 feet and 7.5 feet, respectively, in lieu of the minimum required 10 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) PURPOSE OF THE ADDITION = ADDITIONAL SPACE TO PROVIDE HOUSING FOR IN-LAWS

HARDSHIP = CONFIGURATION OF PLAT, EXISTING STRUCTURE ALREADY DOES NOT MEET SET BACKS.

PRACTICAL DIFFICULTY = IF REQUIRED SET BACKS ARE ENFORCED, THE NEEDED SPACE TO PROVIDE ADEQUATE SPACE FOR IN LAWS WOULD BE MINIMAL. OTHER ISSUES TO BE PRESENTED AT 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

Case No.

06-143-A

REV 1/15/98

Legal Owner(s):

DOUGLAS G. KARMASEK

Name - Type or Print

Douglas G. Karmasek

Signature

Charlotte Karmasek

Name - Type or Print

Charlotte Karmasek

Signature

1611 ROSEDALE HEIGHTS AVE

Address

410-866-7838

Telephone No.

BALTIMORE

City

MD

State

21237

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

JNP

Date

9/8/05

Zoning Description

Zoning Description for 1611 Rosedale Heights Avenue.

Beginning a point on the North-East side of Rosedale Heights Avenue which is 15 feet wide at a distance of 187 feet North-West of the centerline of nearest improved intersecting street Philadelphia Road which is 38 feet wide. As recorded in Baltimore County Liber #11581, Folio #431 containing 8,010 square feet. Also known as 1611 Rosedale Heights Avenue and located in the 14th Election District, 7th Councilmanic District.

Metes and bounds:

S 54 27' 00" W 170.83 ft.
S 37 47' 00" E 34.70 ft.
N 60 20' 00" E 185.90 ft.
N 51 57' 00" W 55.00 ft.

06-183-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 449134

DATE

4/18/78

ACCOUNT

K-221006-650

AMOUNT

\$ 65.00

RECEIVED
FROM:

Kenneth - Varone

FOR:

1211 Rosedale Heights Ave

06-143-A (Kromack)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID BY

RECEIVED

DATE

AMOUNT

RECEIVED

DATE

AMOUNT

RECEIVED

DATE

AMOUNT

CASHIER'S VALIDATION

**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: #06-143-A

1611 Rosedale Heights Avenue
N/east side of Rosedale
Heights Avenue, 187 feet
n/west of Philadelphia Road
14th Election District
7th Councilmanic District

Legal Owner(s): Douglas G. &
Charlotte Karmasek

Variance: to permit a pro-
posed addition with side
yard setbacks of 4 feet and
7.5 feet, respectively, in
lieu of the minimum re-
quired 10 feet.

**Hearing: Monday, October
31, 2006 at 2:00 p.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue, Towson 21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions. Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For Information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

10/094 Oc13 70704

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. Wilkins

LEGAL ADVERTISING

RE: Case No.: 06-143-A

Petitioner/Developer: _____

Mrs. & Mrs. KARMASEK

Date of Hearing/Closing: 10/31/05

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

Attention:

Ladies and Gentlemen:

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

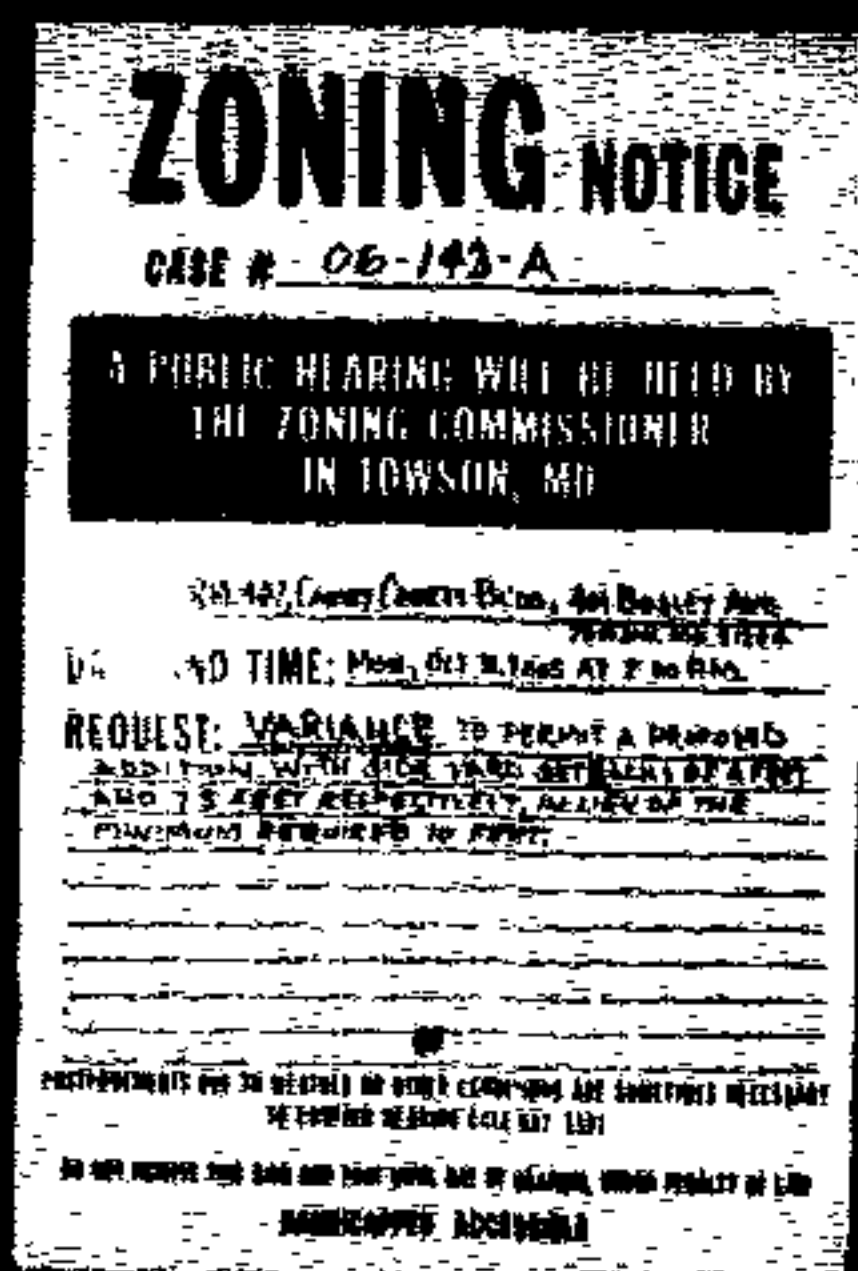
1611 ROSEDALE HEIGHTS AVE.

The sign(s) were posted on _____

10/15/05

(Month, Day, Year)

CASE # 06-143-A



Sincerely,

[Signature] 10/15/05
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

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

(410) 879-3122
(Telephone Number)

1611 ROSEDALE HEIGHTS AVE

POSTED 10/15/05

[Signature] 10/15/05

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 13, 2005 Issue - Jeffersonian

Please forward billing to:

Douglas S. Karmasek
1611 Rosedale Heights Avenue
Baltimore, MD 21237

410-866-7838

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: 06-143-A

1611 Rosedale Heights Avenue

N/east side of Rosedale Heights Avenue, 187 feet n/west of Philadelphia Road

14th Election District – 7th Councilmanic District

Legal Owners: Douglas G. & Charlotte Karmasek

Variance to permit a proposed addition with side yard setbacks of 4 feet and 7.5 feet, respectively, in lieu of the minimum required 10 feet.

Hearing: Monday, October 31, 2005 at 2:00 p.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.



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: 06-143-A

1611 Rosedale Heights Avenue
N/east side of Rosedale Heights Avenue, 187 feet n/west of Philadelphia Road
14th Election District – 7th Councilmanic District
Legal Owners: Douglas G. & Charlotte Karmasek

Variance to permit a proposed addition with side yard setbacks of 4 feet and 7.5 feet, respectively, in lieu of the minimum required 10 feet.

Hearing: Monday, October 31, 2005 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Karmasek, 1611 Rosedale Heights Avenue, Baltimore 21237

- 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.



**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: 06-143-A
Petitioner: KARMASEK
Address or Location: 1611 Rosedale Heights Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: DOUGLAS S. KARMASEK
Address: 1611 ROSEDALE HEIGHTS AVE.
BALTIMORE, MD 21237

Telephone Number: 410-866-7838

Revised 7/11/05 - SCJ

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, ^{DM}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 3, 2005
Item No. 143

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 right-of-way for Rosedale Heights centered on the existing 15-foot-wide right-of-way.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 143-09232005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 4, 2005

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-143-~~Variance~~

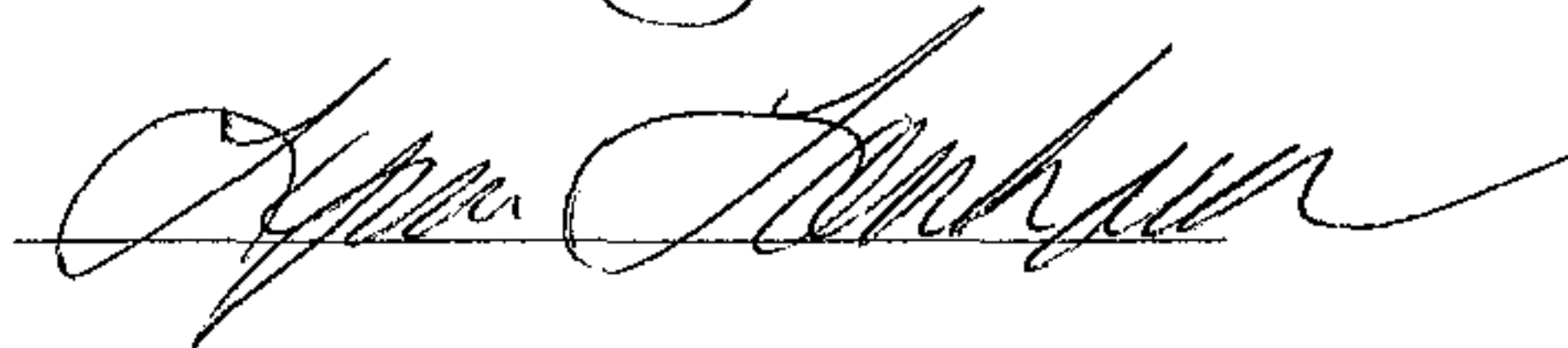
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL



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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 9.21.05

RE: Baltimore County
Item No. 143 JHP

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

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

RE: PETITION FOR VARIANCE * BEFORE THE
1611 Rosedale Heights Ave; NE/side Rosedale
Heights Ave, 187' NW Philadelphia Rd * ZONING COMMISSIONER
14th Election & 7th Councilmanic Districts
Legal Owners: Douglas & Charlotte Karmasek* FOR
Petitioner(s) * BALTIMORE COUNTY
* 06-143-A

* * * * *

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 and all 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, Douglas & Charlotte Karmasek, 1611 Rosedale Heights Avenue, Baltimore, MD 21237, Petitioner(s).

RECEIVED

SEP 20 2005

Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

October 6, 2005

CAROLE S. DEMILIO
Deputy People's Counsel

William J. Wiseman, Zoning Commissioner
John V. Murphy, Deputy Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RECEIVED

OCT - 6 2005

Re: Douglas & Charlotte Karmasek – Legal Owners
1611 Rosedale Heights Avenue
Case No. 06-143-A

ZONING COMMISSIONER

Dear Messrs. Wiseman and Murphy,

This letter is to inform your office of a prior case, Case No. 02-319-A, relating to the above-referenced matter. This case, involving another petition for variance, was denied on January 22, 2003 by the County Board of Appeals.

The Board found that the subject property was not unique, and therefore, did not meet the burden of proof pursuant to BCZR § 307.1 and Cromwell v. Ward. We have attached the CBA Opinion, Order and Amended Order for your reference. In view of the CBA denial, we see no justification for granting the current variance request.

There is also no indication in the present petition or site plan that Petitioners have removed the shed/pavilion which the CBA ordered removed in its February 20, 2003 Amended Order. The current site plan shows a pavilion, shed, and concrete pad.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw
Enclosures

cc: Douglas & Charlotte Karmasek

gm
10/31

October 12, 2005

RECEIVED

OCT 17 2005

ZONING COMMISSIONER

William J. Wiseman, Zoning Commissioner
John V. Murphy, Deputy Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: Douglas & Charlotte Karmasek – Legal Owners
1611 Rosedale Heights Avenue
Case No. 06-143-A

Dear Messrs. Wiseman and Murphy,

This letter is in response to the letter that was sent by the Office of People's Council dated October 6, 2005 that relates to informing your office of a prior case, Case No. 02-319-A.

The newly submitted documents indicate that the structure, shed/pavilion, that was built still exist on the above-referenced property. However, the structure does not rest in its original position. The original position of the shed/pavilion was parallel to back property line and sat two feet from the rear property line, with the pavilion side of the structure resting six inches from the adjacent property line (1609 Rosedale Heights Avenue).

After the ruling was made by the County Board of Appeals, we the petitioners inquired of the CBA if the structure could be relocated in lieu of removing the structure in its entirety. The CBA and Baltimore County Inspections were in agreement that the structure could be relocated on our, the petitioner's, property as long as it met Baltimore County Code and Ordinances.

As seen in the newly submitted documents the structure was moved from its previous location in order to meet current Baltimore County Code and Ordinances. The shed side of the structure now rests three feet from the rear property line and three feet from the adjacent property line. The pavilion side of the structure, which is attached, rests three feet from the adjacent property line as well. Baltimore County Inspections visited the petitioner's property and "signed off" on its new location.

In light of the fact that we had inquired, obtained and complied with the direction of both the CBA and Baltimore County Inspections; there exist several indications that the current site which shows a pavilion, shed and concrete pad is in compliance with both the direction of the CBA and subsequently meets current Baltimore County Code and Ordinances.

In reference to the justification of granting a future variance, we feel that the situation that deals with the actual residence will help to demonstrate that the subject property is unique. This shall be further discussed at the scheduled date of the pending hearing.

Thank you for your consideration in this matter.

Respectfully,

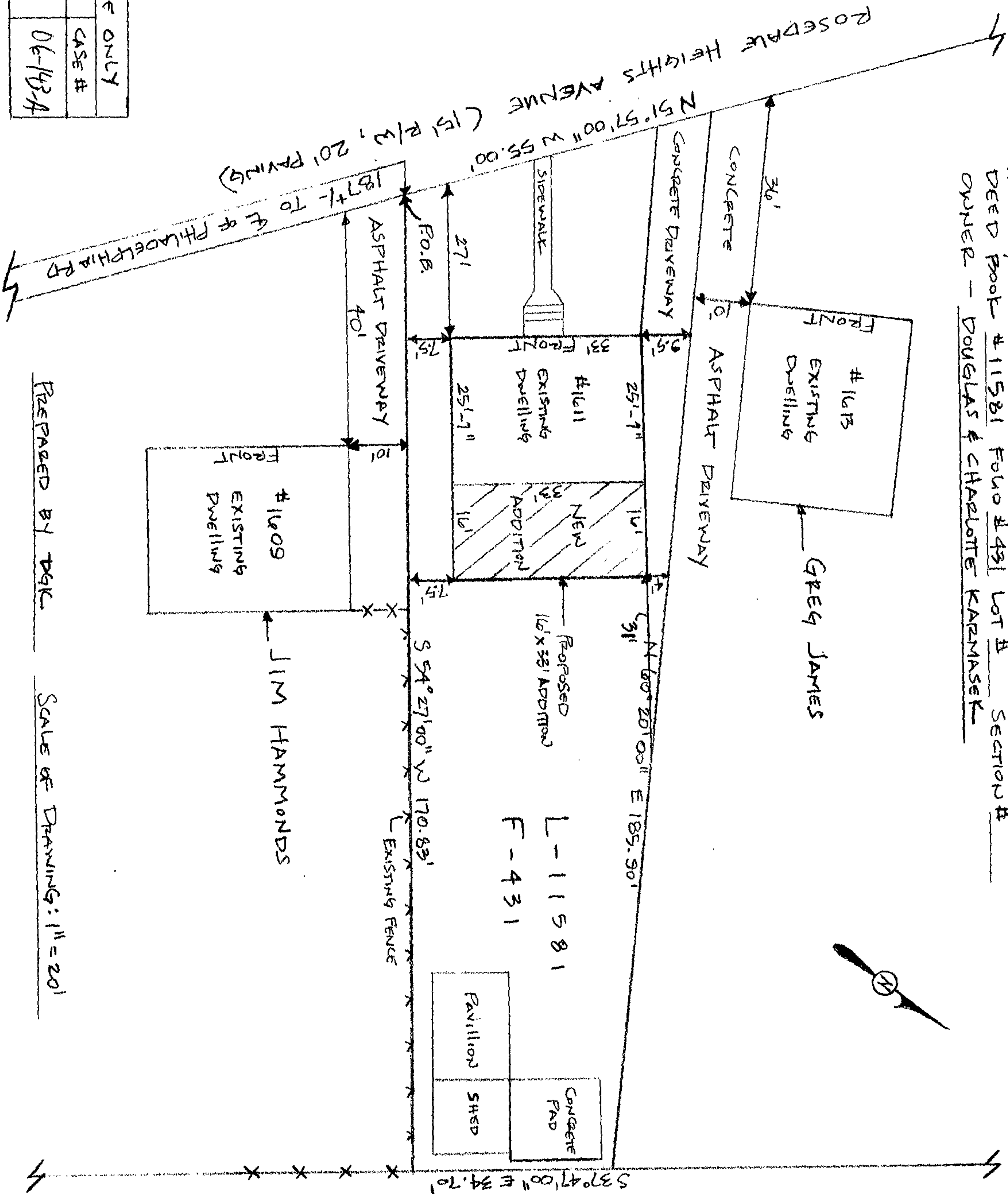

Douglas G. Karmasek
Legal Owner

Cc: Peter Max Zimmerman, People's Counsel for Baltimore County
Carole S. Demilio, Deputy People's Counsel

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

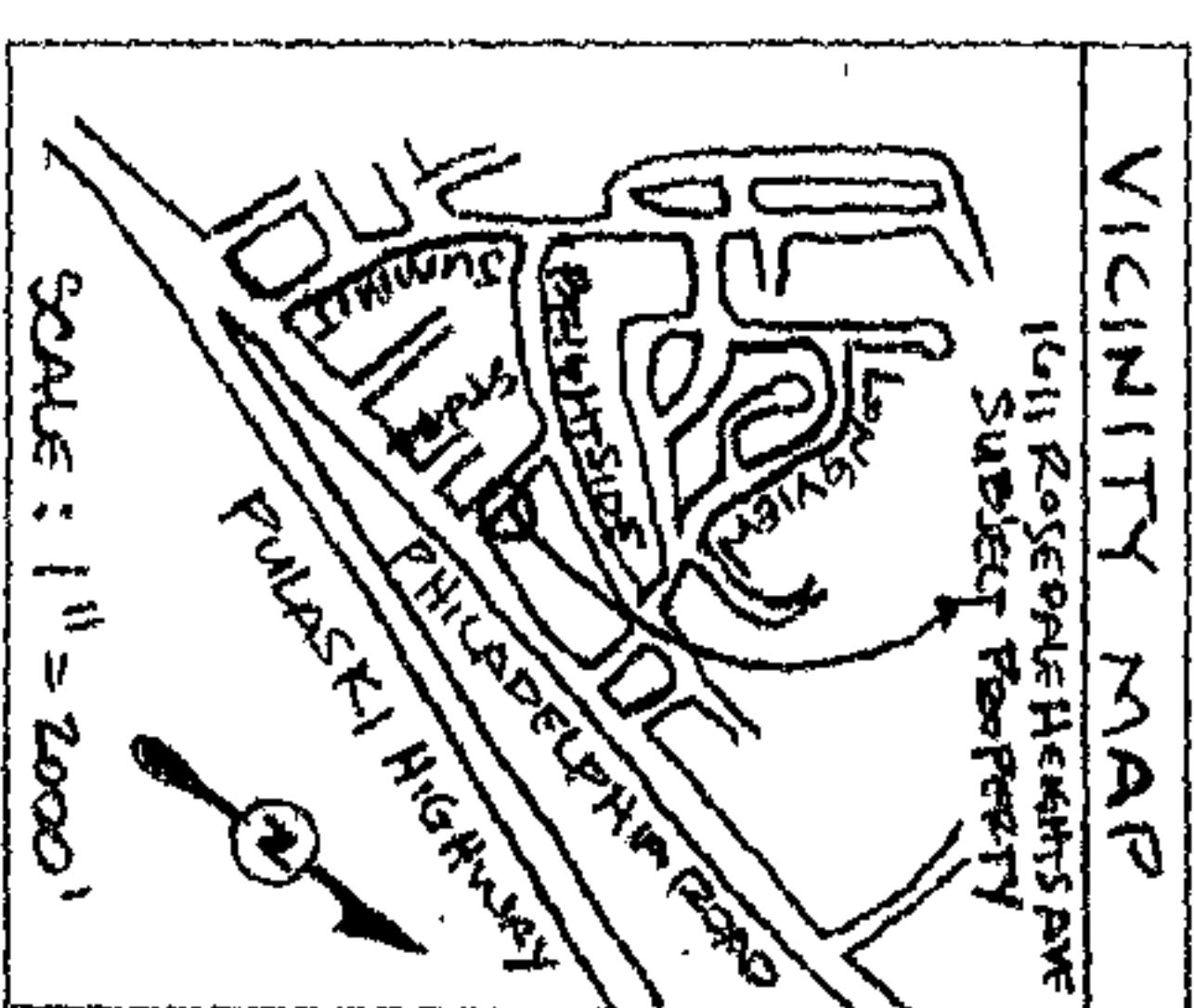
PROPERTY ADDRESS #1611 ROSEDALE HEIGHTS AVE
DEED BOOK #11581 FOLIO #431 LOT # SECTION #
OWNER - DOUGLAS & CHARLOTTE KARMASEK

ZONING OFFICE USE ONLY		
REVIEWED BY	ITEM #	CASE #
JNP	143	06143A



PREPARED BY TQK

SCALE OF DRAWING: 1" = 200'



LOCAL INFORMATION

ELECTION DISTRICT #14
COUNCILMANIC DISTRICT #7

1" = 200' SCALE MAP
#09651

ZONING - DR 5.5
LOT SIZE
ACREAGE 0.1838
SQUARE FEET 8,010

Public	Private
SEWER ☒	
WATER ☒	

CHESAPEAKE BAY	YES	NO
CRITICAL AREA	☐	☒
100 YEAR FLOOD FURD	☐	☒
HISTORIC PROPERTY/STORY	☐	☒
Re-use Zoning Hearing	☒	☐

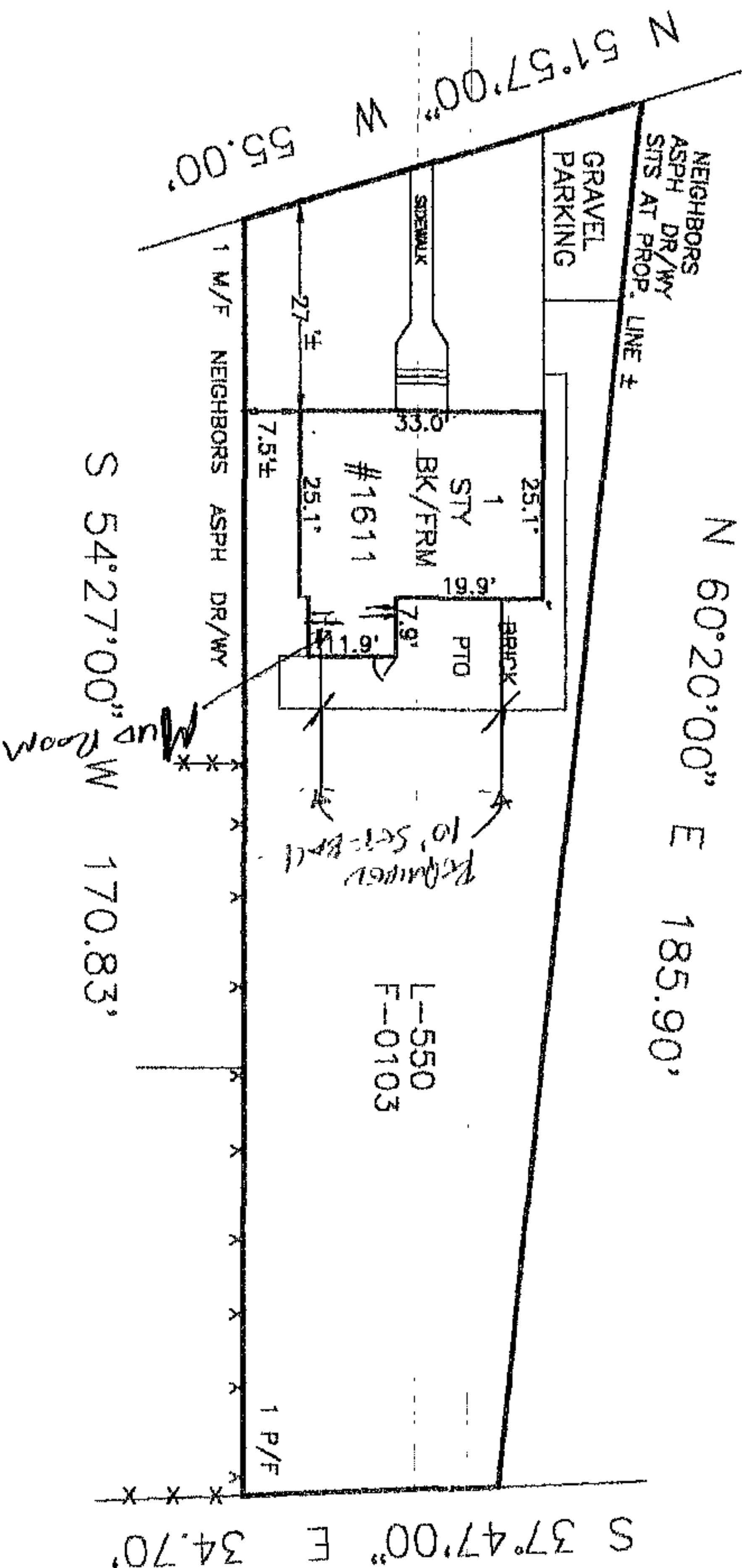
Pet # 1 CASE # 02319-A

- ## NOTES:

TEGHTS

AVENUE

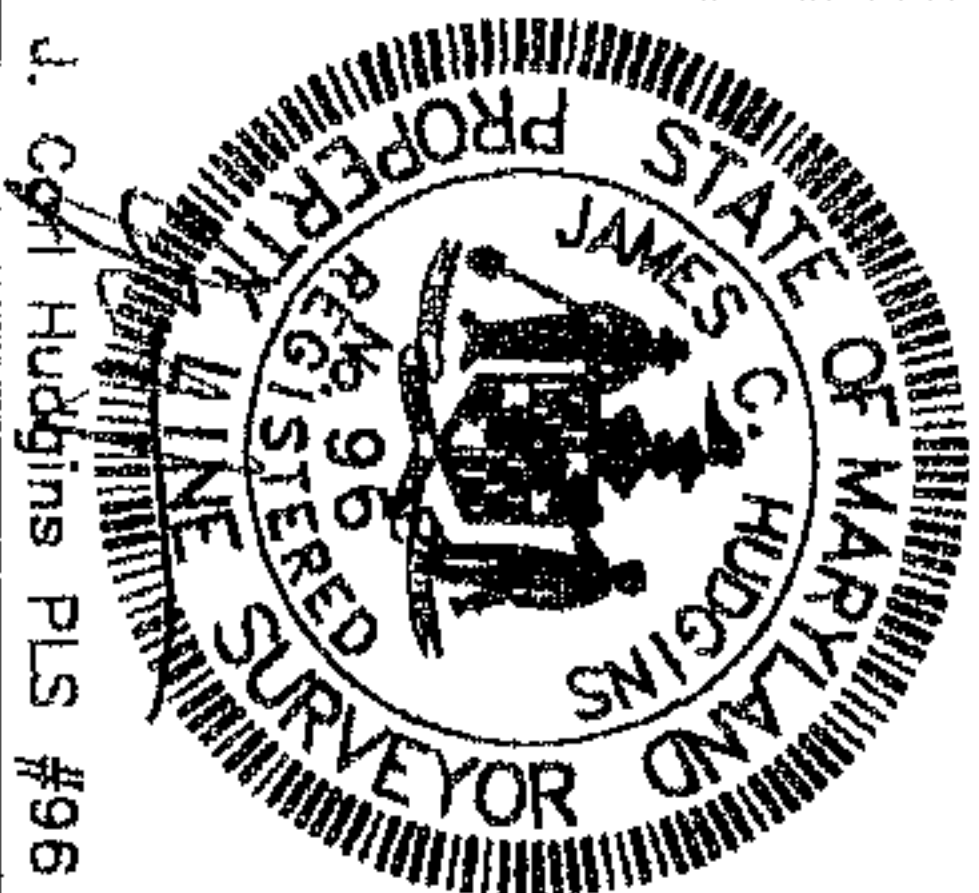
5/17/74



This is to certify that I have surveyed the property shown hereon,
being known as #1611 ROSEDALE HEIGHTS AVENUE

and recorded among the land records of Baltimore County Maryland in LIBER 5500 , folio 103

- * This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.
- * This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures.
- * This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.



LOCATION DRAWING
1611 ROSEDALE HEIGHTS AVENUE
BALTIMORE COUNTY, MARYLAND

ELECTION DISTRICT

NTT Associates, Inc.

16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410)442-2031
Fax No. (410)442-1315

Scale:	1" = 30'
Date:	4-23-96
Field By:	MITCH
Drawn By:	MITCH
Drawing #	CH1194

IN RE: PETITION FOR VARIANCE
NW/S Rosedale Heights Avenue,
190' W of the c/l Philadelphia Road
(1611 Rosedale Heights Avenue)
15th Election District
7th Council District

Douglas S. Karmasek, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-319-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Douglas S. and Charlotte M. Karmasek. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed/pavilion) to be located 1'4" from the side property lines and 2' from the rear property line in lieu of the required 2.5 feet from each. The Petition was filed in response to a complaint registered by an adjacent property owner with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) relative to the location of the subject structure. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Douglas and Charlotte Karmasek, property owners. Margaret Hammonds, adjacent property owner, and her son-in-law, William Chavis, appeared as Protestants in the matter.

Testimony and evidence offered demonstrated that the subject property is located on the northeast side of Rosedale Heights Avenue, just north of Philadelphia Road in Rosedale. The property is an irregular shaped parcel, approximately 55' wide in the front along Rosedale Heights Avenue, and tapering to a width of 34.7' along the rear property line. The property contains a gross area of .23 acres, more or less, zoned D.R.5.5 and is improved with a one-story brick and frame

dwelling in which the Petitioners have resided for the past 5 years. The subject of the Petition is a combination shed/pavilion located in the rear of the property, near the rear and side property lines. The location of the structure is more particularly shown on the site plan submitted by the Petitioners, and on a survey that was prepared at the request of Ms. Hammonds by APR Associates, Inc., registered land surveyors/engineers, as well as in numerous photographs submitted at the hearing. The shed, which is an enclosed structure, is approximately 12'8" x 14' in dimension and the pavilion is 19'6" x 14' and is situated on a concrete slab. That area of the slab on which the shed is not located constitutes the pavilion. As shown in the photographs submitted, the roof of the shed is extended over that area of the slab to form the roof of the pavilion. Overall, the structure is roughly 32'2" x 14' in dimension, and approximately 13.5' tall.

Mr. Karmasek testified that he began constructing this structure last summer. As shown on the site plan, the structure is located 1'4" from the side property line shared with the residence known as 1613 Rosedale Heights Avenue. It is to be particularly noted that this lot is not the Hammonds lot, but is located on the other side of the subject property. In addition, the structure is located 2' from the rear property line. Testimony indicated that the shed would be used for storage purposes. It is envisioned that lawn equipment and outdoor furniture would be stored therein, and that the pavilion will be used for picnics, cookouts, etc. Although unfinished, it appears that the structure will be attractive when completed.

Mrs. Hammonds testified in opposition to the request. She indicated that the subject structure is an eyesore. With all due respect, that does not appear to be a well-founded assertion. It appears that the building will be an attractive structure when completed. Moreover, adjacent to the rear yard of the subject property and the Hammonds lot is the rear of an adjacent business and its gravel-covered parking lot. Thus, from an aesthetic standpoint, the subject structure does not appear inappropriate with that adjacent property. Mrs. Hammonds further indicated that she was concerned about water runoff from the structure. In this regard, the Zoning Commissioner does have the authority to add conditions or restrictions upon the grant of any relief. Under the circumstances, it would be appropriate to require the Petitioners to install gutters and downspouts

to capture and direct all water runoff from the subject structure away from the Hammonds property. Those downspouts could empty on the other side (north) side of the lot and be directed towards the rear of the subject lot or the adjacent parking lot to the rear. This would actually improve existing drainage conditions affecting the Hammonds property.

Finally, Mrs. Hammonds indicated that the area between the concrete slab and her fence fills with debris, including leaves, trash, etc. The resolution of this concern is simple. The Petitioners shall be required to keep that area clear and free of all trash and debris. Testimony and evidence offered at the hearing indicated that the Petitioners already maintain their property up to the fence line, irrespective of the fact that the fence is actually constructed slightly into the interior of Mrs. Hammonds' property.

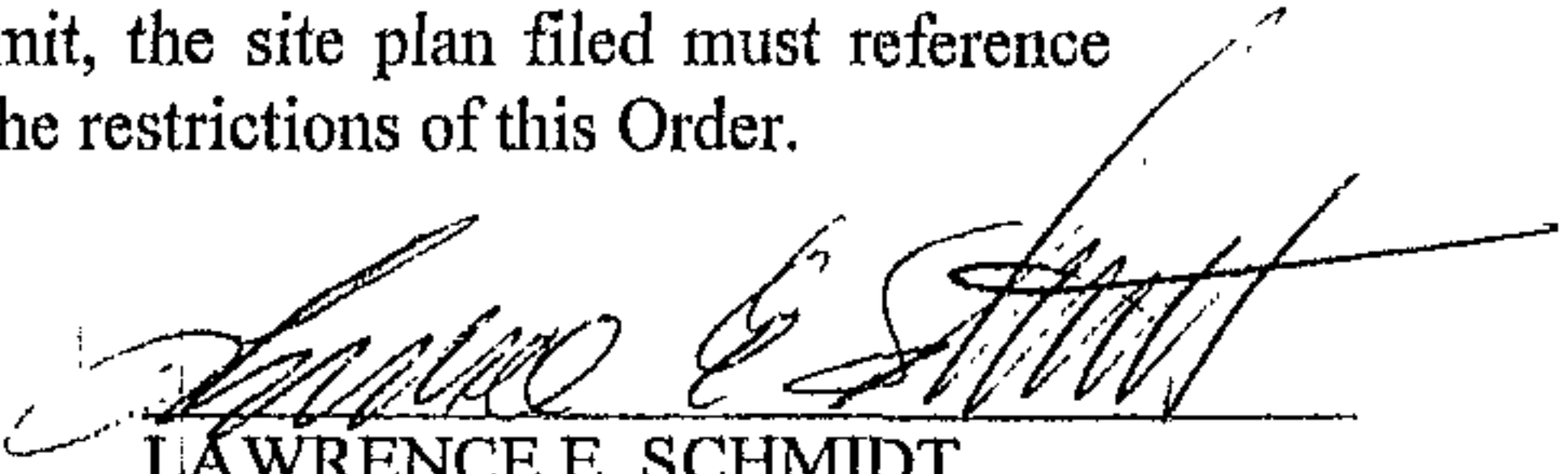
Variance relief can be granted only if the requirements of Section 307 of the B.C.Z.R. can be met. That Section requires that the Petitioner demonstrate that the property is unique and as such, its unique characteristics justify the need for variance relief. The uniqueness in this case is the unusual configuration of the property. As noted above, the lot tapers towards the rear so that the rear property line is the narrowest area of the lot. This characteristic is unique to this property and justifies the variance. Secondly, it must be shown that the Petitioners would suffer a practical difficulty if relief were denied. I believe the Petitioners have met this burden in that the proposed use is a permitted accessory to the primary use of the property as a residence. Finally, relief cannot be granted if such would be detrimental to the surrounding neighborhood. As noted above, there will be no adverse impact upon adjacent properties, if appropriate conditions are imposed and met.

Based upon the testimony and evidence presented, I am persuaded to grant the relief. In my judgment, the grant of the variance is appropriate in this instance and will not be detrimental to the surrounding properties. However, the relief being granted is a modification of that originally requested to reflect actual site conditions as set out in the survey offered by Mrs. Hammonds. Specifically, that survey shows the closest corner of the pavilion to be 6" from her property line. However, there is no evidence that the shed/pavilion or concrete slab actually infringe onto adjacent properties. Nonetheless, relief will be granted in accordance with that survey.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County his 5th day of April, 2002, that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed/pavilion) to be located 6" from the south side property line, as modified, 1'4" from the north side property line, and 2' from the rear property line in lieu of the required 2.5 feet from each, in accordance with Petitioner's Exhibit 1, subject to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within sixty (60) days of the date of this Order, Petitioner shall install gutters and downspouts on the shed/pavilion to direct all water runoff to the rear of the subject property and away from the Hammonds property.
- 3) That area between the pavilion and fence adjacent to the Hammonds property shall be regularly maintained and kept free and clear of all trash and debris.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

40
PMZ
FEB 20 2003

February 20, 2003

Stacie D. Trageser, Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: *In the Matter of: Douglas G. Karmasek, et ux -- Legal Owners*
Case No. 02-319-A / Amendment to Original Order

Dear Ms. Trageser:

Enclosed please find a copy of the Amended Order issued this date by the County Board of Appeals of Baltimore County in the subject matter. The purpose of the attached amendment is to include a paragraph regarding the timeframe for removal of the accessory structure omitted from the Board's Final Opinion and Order issued January 22, 2003.

Very truly yours,

Kathleen C. Bianco /trs
Kathleen C. Bianco
Administrator

Enclosure

c: Margaret Hammonds
Mr. and Mrs. Douglas G. Karmasek
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement [Enforcement Case #02-0149]
Arnold Jablon, Director /PDM

IN THE MATTER OF
THE APPLICATION OF
DOUGLAS G. & CHARLOTTE KARMASEK
FOR VARIANCE ON PROPERTY
LOCATED ON THE NW/S OF ROSEDALE
HEIGHTS AVENUE, 190' W C/L
PHILADELPHIA ROAD (1611 ROSEDALE
HEIGHTS AVENUE)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 02-319-A

* * * * *

AMENDED ORDER

On January 22, 2003, this Board issued an Opinion and Order in the above-captioned matter. The Board, pursuant to Rule 10, has reviewed its Opinion and Order issued in the proceedings and finds that a paragraph was inadvertently omitted from its Order; i.e., the 120 days given the Petitioner to remove the accessory structure was not included as part of the Order. Therefore, the Board's Order dated January 22, 2003 shall be amended as follows (underscore indicates correction):

...that the Petitioner's request for variance seeking relief from § 400.1 of the *Baltimore County Zoning Regulations* to permit an accessory structure (shed/pavilion) to be located 6 inches from the south side property line, as modified, 1 foot 4 inches from the north side property line, and 2 feet from the rear property line in lieu of the required 2.5 feet from each be and the same is hereby **DENIED**; and it is further

ORDERED that the Petitioner shall remove the aforementioned accessory structure (shed/pavilion) within 120 days from the date of this Order.

No other changes having been made, the 120 days shall run from January 22, 2003; and any Petition for Judicial Review will be filed from the date of the Board's original Opinion and Order issued January 22, 2003.

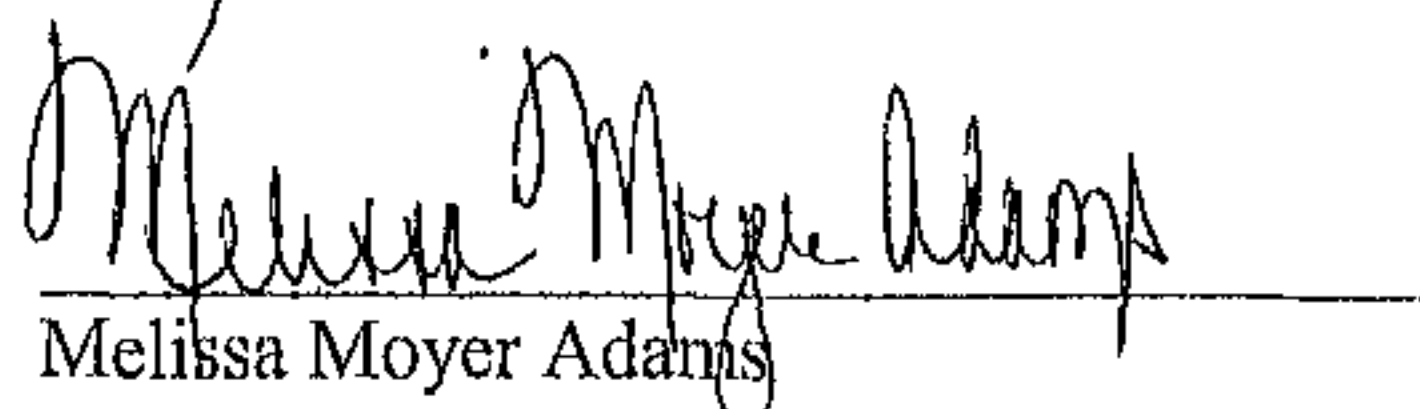
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Charles L. Marks, Chairman



Lawrence M. Stahl



Melissa Moyer Adams

FILED: February 20, 2003



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Revised
1/22
JAN 22 2003

January 22, 2003

Stacie D. Trageser, Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: *In the Matter of: Douglas G. Karmasek, et ux – Legal Owners*
Case No. 02-319-A

Dear Ms. Trageser:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Margaret Hammonds
Mr. and Mrs. Douglas G. Karmasek
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement [Enforcement Case #02-0149]
Arnold Jablon, Director /PDM

IN THE MATTER OF
THE APPLICATION OF
DOUGLAS G. & CHARLOTTE KARMASEK
FOR VARIANCE ON PROPERTY
LOCATED ON THE NW/S OF ROSEDALE
HEIGHTS AVENUE, 190' W C/L
PHILADELPHIA ROAD (1611 ROSEDALE
HEIGHTS AVENUE)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 02-319-A

* * * * *

OPINION

This case comes before the Board of Appeals of Baltimore County on appeal from a decision of the Zoning Commissioner for Baltimore County, granting a variance from § 400.1 of the *Baltimore County Zoning Regulations* (BCZR) to permit an accessory structure (shed/pavilion) to be located 6 inches from the south side property line, as modified, 1 foot 4 inches from the north side property line, and 2 feet from the rear property line in lieu of the required 2.5 feet from each, subject to four additional restrictions.

A *de novo* hearing on the appeal before the Board was heard on December 12, 2002, and a public deliberation was held the same day. Petitioners, Douglas and Charlotte Karmasek, appeared in proper person, and the Appellant /Protestant, Margaret Hammonds, was represented by Stacie D. Trageser, Esquire.

After opening statements, Charlotte Karmasek was called and testified that she and her husband had lived on the subject property for approximately 5 years. She described the shed/pavilion which is the subject of the Petition for Variance, and described and entered as evidence a number of photographs showing the location, construction, and structure of the subject project. She further related that they had notified both adjacent neighbors of the construction, and had taken steps to respond to any issues or concerns either neighbor might raise concerning the new structure. She confirmed that the project, for which they provided the labor themselves, was undertaken without a permit, and that, other than for some cosmetic completion work, the project was finished when the Stop Work Order was issued by Baltimore County and received by them. She further stated that the Petitioners completed the cosmetic work after receipt of the Stop Work Order and confirmed that they were aware that they did so at their own risk.

While describing the proffered photographs, the witness suggested that the subject property was unique in that it was not a rectangle as were other properties in the area, and that its sides tapered toward one end. She concluded her testimony by stating that she and her husband properly maintained the property, took steps to control run off and debris, and have taken a number of other steps to insure that the project was not detrimental to the neighborhood or their immediate neighbors.

Douglas Karmasek next appeared as a witness and reaffirmed his wife's opinion that their property was unique in that its shape was different from that of the neighboring properties because it tapered from wider to narrower. He also observed that the area was not a "cookie cutter" neighborhood and that the properties located in the area came in all shapes and sizes. He confirmed that he had not obtained a permit for the project before beginning construction and that virtually all of the project was completed when the Stop Work Order was issued.

Mr. Scott Moffett, the neighbor immediately adjacent to the subject site on the opposite side as that of the Protestant, Mrs. Hammonds, was called by Petitioners, and offered to the Board that the completed project neither impeded nor was detrimental to his use and enjoyment of his property. In fact, he related that he was of the belief, based on the evaluation of others, that the shed/pavilion project had actually enhanced his property's value. He described the neighborhood as generally unique, giving several examples of items and structures located on various home sites in the area.

Finally, the file and documents presented by Petitioners at the Zoning Commissioner's hearing were placed into evidence for the Board's review.

Margaret Hammonds, an 8-year adjacent resident to the subject site, testified as Protestant. She stated that she became gradually aware of the subject construction in the spring of 2002 and related that she had been assured by the Petitioners that they had obtained a permit for the work. She presented a number of complaints concerning the project, including flooding and puddles of water on her property,

debris caught between the project and the property fence, and the apparent disappearance of at least one surveyor marker between the two properties. Finally, she noted that a number of "cook outs" occurred at the project site, attended by "35 or 40" people who parked their vehicles on the neighborhood streets.

Charlotte Karmasek returned to the stand in rebuttal. She denied that Mrs. Hammonds had ever been told a permit existed and that, as far as they were aware, they had not intentionally removed or otherwise affected any surveyor markers. She stated that social gatherings took place at their house prior to the construction of the shed/pavilion, but that, in any event, those occasions included far less people than that described by Mrs. Hammonds. She concluded by noting that she and her husband had also encountered the puddling and water difficulties testified to by Mrs. Hammonds. However, she described that, after their lawn was properly graded and fill dirt added, the problems abated. She suggested the same would probably be the case for Mrs. Hammonds' property.

Mr. Scott Moffett was briefly called in rebuttal to confirm that social gatherings of the size described by Charlotte Karmasek had in fact taken place on the subject property prior to the project's construction. He further noted that he had suffered no difficulties as a result of those activities. Beverly Karmasek, Mr. Karmasek's mother, also briefly testified to confirm the happening of these gatherings before the shed/pavilion was constructed.

Variances may be granted by the Baltimore County Board of Appeals under the authority granted in § 307 of the BCZR, which states in part:

Section 307.1 of the Baltimore County Zoning Regulations states, in pertinent part, as follows:

...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area 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.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare....

In making its determination, the Board enjoys the guidance provided by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md.App. 691 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...." *Id.* at 698.

In requiring a pre-requisite finding of "uniqueness", the Court, in defining the term, stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... *Id.* at 710.

Based upon the testimony and evidence presented, the Board finds that the Petitioner has given no evidence to prove that the subject property is unique, and, therefore, he has not met his burden of proof pursuant to § 307.1 of the BCZR and *Cromwell v. Ward*.

Only when "uniqueness" has been established, the second criteria set forth in § 307.1, that of practical difficulty or unreasonable hardship, is addressed.

In the instant case, this Board has reviewed the testimony, photographs, drawings and other evidence presented to it, and unanimously finds that the Petitioners, in constructing the subject shed/pavilion without first obtaining a permit to do so, created the zoning violation for which they seek a variance at this time. Moreover, based upon the testimony, exhibits, and other evidence presented by the Petitioners as to the shape and size of the subject site and the surrounding area, they have failed to carry the burden of establishing that the subject property is unique under § 307 of the *Baltimore County Zoning*

Regulations or the definition set forth in *Cromwell*. We further find that whatever practical difficulty exists is unfortunately the result of the Petitioners' own self-created action in not obtaining a permit prior to construction.

Having therefore not met the burden, this Board unanimously finds that the requested variance be denied.

ORDER

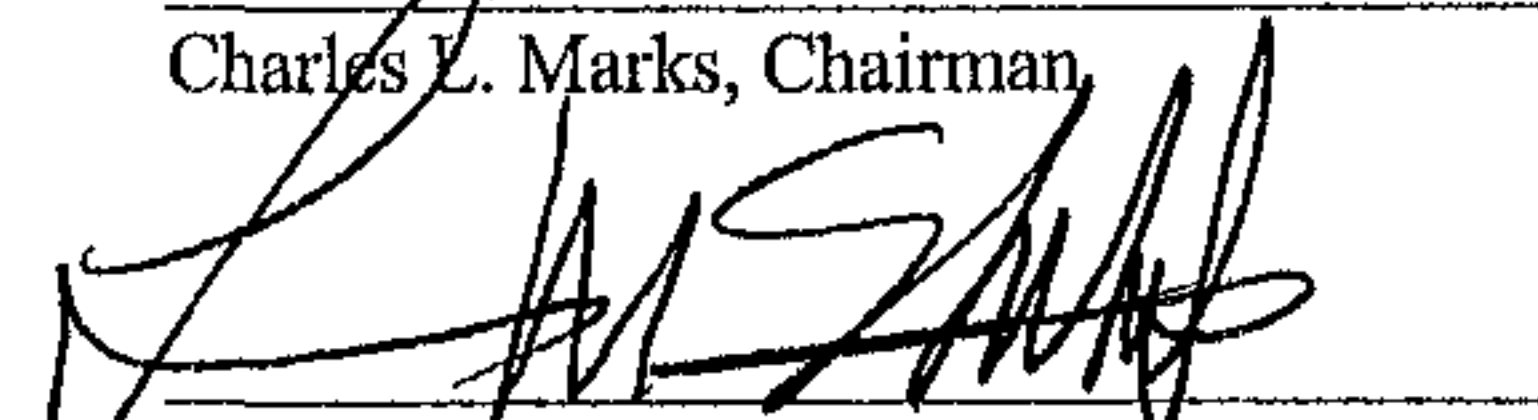
THEREFORE, IT IS THIS 2nd day of January, 2003 by the County Board of Appeals of Baltimore County

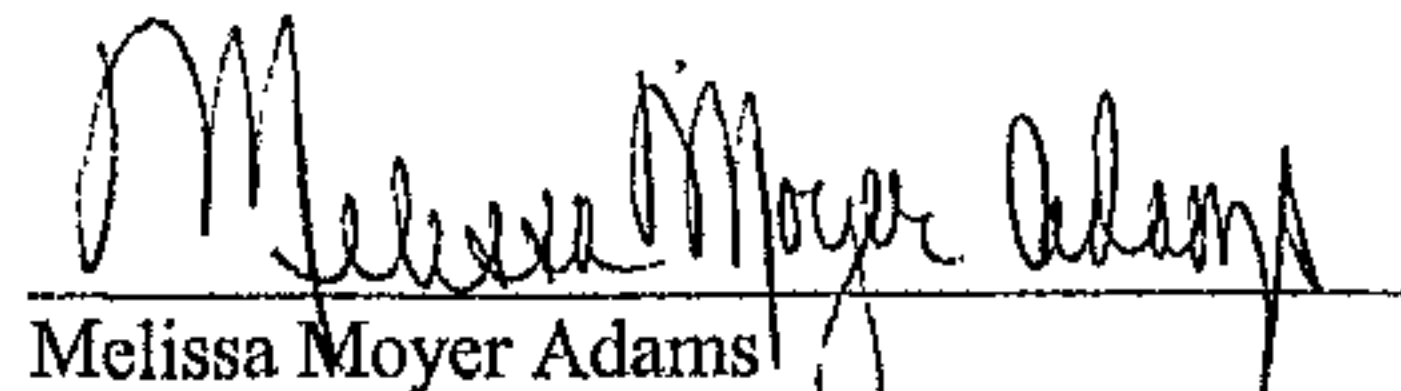
ORDERED that the Petitioner's request for variance seeking relief from § 400.1 of the *Baltimore County Zoning Regulations* to permit an accessory structure (shed/pavilion) to be located 6 inches from the south side property line, as modified, 1 foot 4 inches from the north side property line, and 2 feet from the rear property line in lieu of the required 2.5 feet from each be and the same is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Charles L. Marks, Chairman


Lawrence M. Stahl

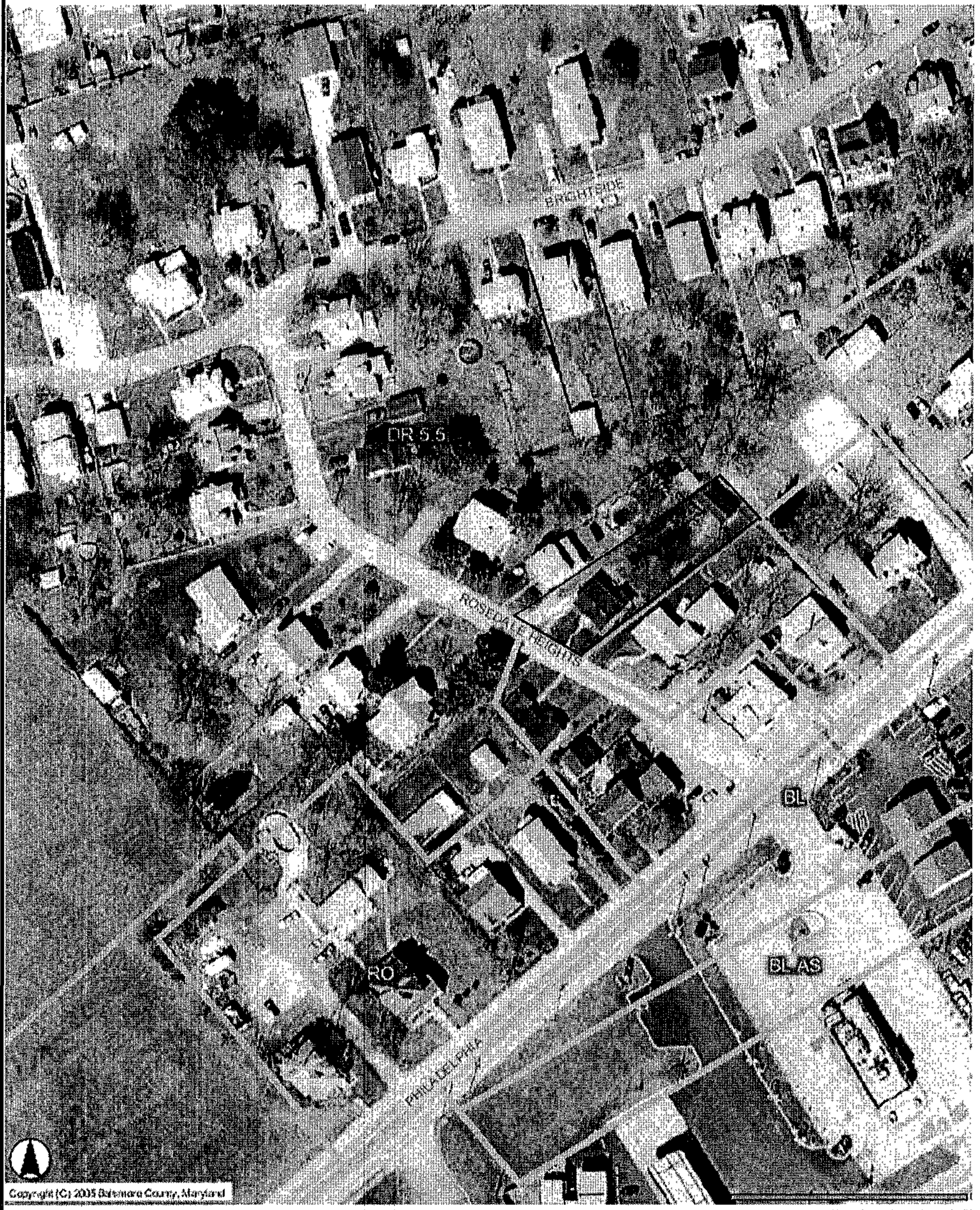

Melissa Moyer Adams

CASE NAME _____
CASE NUMBER _____
DATE 10/31/09
ET _____

PETITIONER'S SIGN-IN SHEET

[illegible]

Baltimore County - M Neighborhood



Copyright (C) 2005 Baltimore County, Maryland

06-143-A

096B1









