

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
North West Side of Kenlea Avenue, 409'		
Northeast of centerline of Alberta Avenue	*	DEPUTY ZONING COMMISSIONER
14th Election District		
6rd Councilmanic District	*	OF BALTIMORE COUNTY
 (7512 Kenlea Avenue)	*	 CASE NO. 06-313-A
 Andrew and Eleanor Kohler	*	
<i>Petitioners</i>		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Andrew and Eleanor Kohler. The variance request is for property located at 7512 Kenlea Avenue in the Overlea area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a 8 ft. side yard setback in lieu of 10 ft. (for enclosure of a deck). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 1, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy

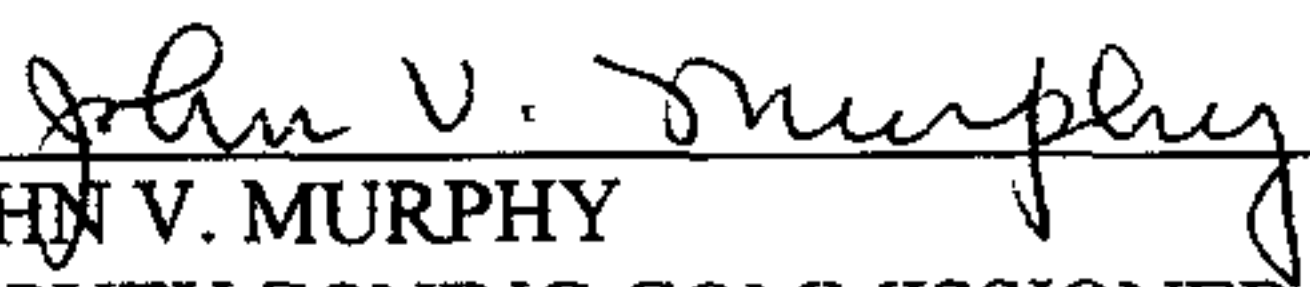
INDEX RECEIVED FOR FILING
 Date 1-19-06
 By [Signature]

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, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 19 day of January, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a 8 ft. side yard setback in lieu of 10 ft. (for enclosure of a deck), be and is hereby GRANTED.

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 1-19-06
By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 19, 2006

Andrew Kohler
Eleanor Kohler
7512 Kenlea Avenue
Baltimore, Maryland 21236

Re: Petition for Administrative Variance
Case No. 06-313-A
Property: 7512 Kenlea Avenue

Dear Mr. and Mrs. Kohler:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Michael Diehl, 7110 Golden Ring Road, Baltimore, MD 21221
People's Counsel; Case File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7512 Kenlea Ave.

which is presently zoned DR 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) 1 B02.3.C.1 TO PERMIT A 8 FT. SIDE YARD SETBACK IN LIEU OF 10 FT. (FOR ENCLOSURE OF A DECK) G.A.

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):

Andrew Kohler
Name - Type or Print _____

Signature Andrew W. Kohler

Eleanor Kohler
Name - Type or Print _____

Signature Eleanor L. Kohler

7512 Kenlea Ave. 410-668-6525
Address Telephone No.

Baltimore MD 21236
City State Zip Code

Representative to be Contacted:

Michael Diehl
Name _____

7110 Golden Ring Road 410-780-0062
Address Telephone No.

Baltimore MD 21221
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.

CASE NO. 06313A

REVISED 12/25/01

Date _____
By _____

Zoning Commissioner of Baltimore County

DRUP OFF INSPECTION
Reviewed By JK Date 12/20/05

Estimated Posting Date 1/01/06

ORDER RECEIVED FOR FILING

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 7512 Kenlea Ave.
Address
Baltimore MD 21236
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):

We would like to enclose our existing porch with windows. The porch was build with the house and it is only 8 feet from the property line. We are required to have 10 feet.

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.

Andrew W Kohler
Signature

Andrew Kohler
Name - Type or Print

Eleanor A Kohler
Signature

Eleanor Kohler
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of Dec, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Thomas A. Scott
Notary Public

My Commission Expires 11-01-2009

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.

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Baltimore MD 21236
City State Zip Code

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Andrew W Kohler
Signature

Andrew Kohler
Name - Type or Print

Eleanor X Kohler
Signature

Eleanor Kohler
Name - Type or Print

Eleanor X Kohler

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of Dec, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Sharon P. Smith
Notary Public

My Commission Expires 11-01-2009



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7512 Kenlea Ave.
which is presently zoned DR 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) 1 B02.3.C.1 TO PERMIT A 8 FT. SIDE YARD SETBACK IN LIEU OF 10 FT. (FOR ENCLOSURE OF A DECK) G.A.

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):

Andrew Kohler
Name - Type or Print _____
Signature Andrew W Kohler
Eleanor Kohler
Name - Type or Print _____
Signature Eleanor X Kohler
7512 Kenlea Ave. 410-668-6525
Address _____ Telephone No. _____
Baltimore MD 21236
City _____ State _____ Zip Code _____

Representative to be Contacted:

Michael Diehl
Name _____
7110 Golden Ring Road 410-780-0062
Address _____ Telephone No. _____
Baltimore MD 21221
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.

CASE NO. 06 313 A

REV 10/25/01

DROP OFF INTAKE
Zoning Commissioner of Baltimore County
Reviewed By JL Date 12/20/05
Estimated Posting Date 1/01/06

RECEIVED FOR FILING
On _____ Date _____ By _____

Zoning Description for 7512 Kenlea Ave.

Beginning at a point on the north-west side of Kenlea Ave. which is 30 ft. wide and the south side of Keaton Ave. a 30 ft. wide Unimproved road at the distance of 409 ft. north-^{EAST}west of the centerline of the nearest improved intersecting street Alberta Ave which is 50 ft. wide. *Being lot #310, (Map 81, Grid 17, Parcel 17) in the subdivision of Overlea Hills as recorded in the Baltimore county Plat Book #7, Folio #192, containing 11,250 sq. ft. Also known as 7512 Kenlea Ave. and located in the 14th election district, 6th Councilmanic District.

G.A.

313

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2515

DATE

12/20/05

ACCOUNT

001 006 6150

AMOUNT \$

65.00

RECEIVED
FROM:

Champion Park

FOR:

R-V 7512 Kaulas Ave

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
12/20/2005 12/20/2005 02:07:51

REG NO. 1001 MARKIN JAC JAC
RECEIPT # 26527 12/20/2005

Dept 5 FOR FINANCIAL VERIFICATION

EX NO. 002515

Receipt Tot \$65.00

\$65.00 0 \$65.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: OG-313-A

Petitioner/Developer: ANDREW &

ELEANOR KOHLER

Date of Hearing/Closing: 1/16/06

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

ATTN: KRISTEN MATTHEWS

Ladies and Gentlemen:

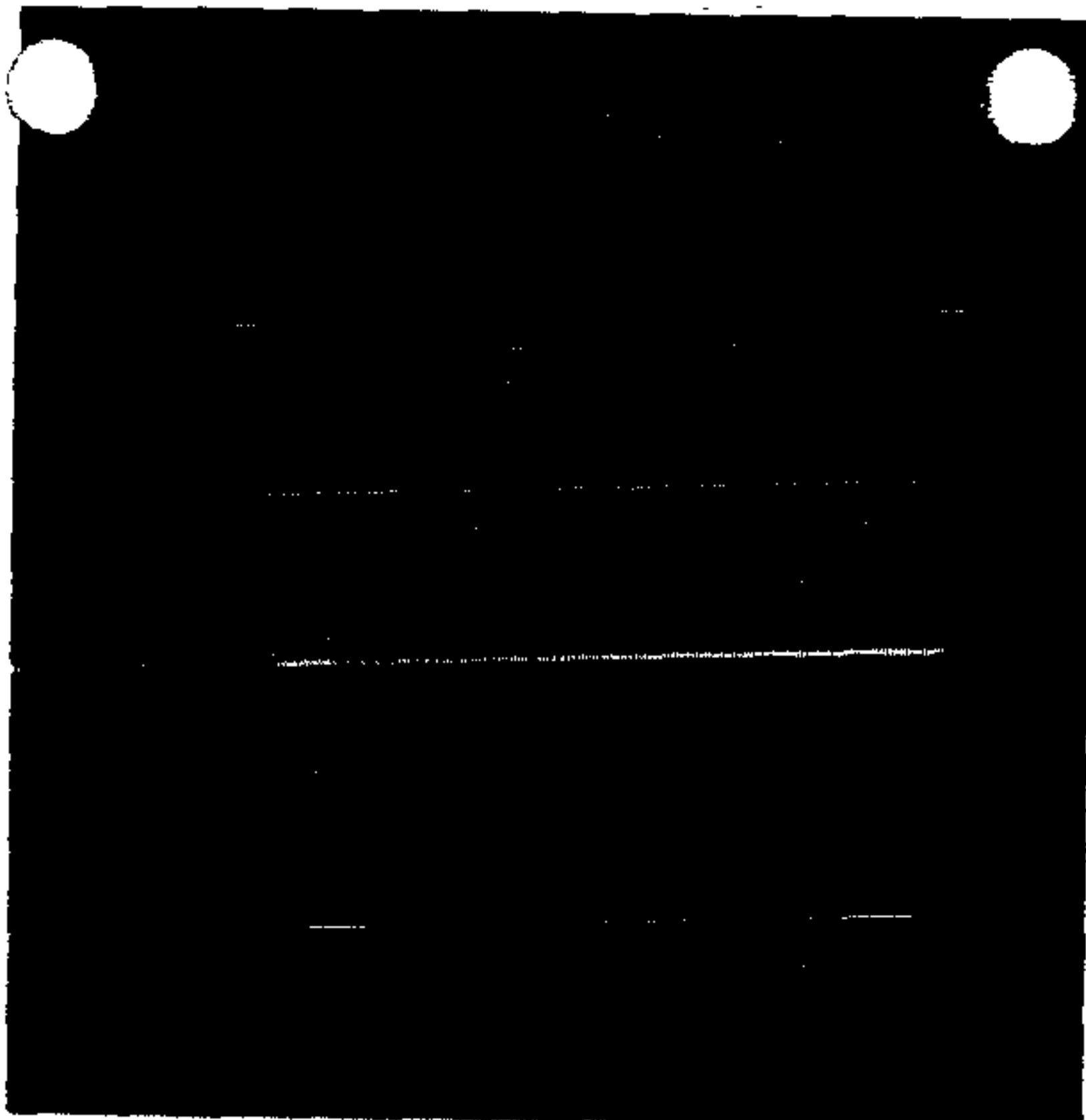
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

7512 KENLEA AVE

The sign(s) were posted on

1/14/06
(Month, Day, Year)

Sincerely,



Robert Black 1/2/06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

7512 KENLEA AVE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 313 -A

Address 7512 KENLEA AVE

Contact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12/20/05

Posting Date: 1/01/06

Closing Date: 1/16/06

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 06- 313 -A

Address 7512 KENLEA AVE

Petitioner's Name ANDREW & ELEANOR KOHLER

Telephone 410 668 6525

Posting Date: 1/01/06

Closing Date: 1/16/06

Wording for Sign: To Permit A SIDEYARD SETBACK OF 8 FT. IN LIEU OF
10 FT. FOR AN ENCLOSURE OF AN EXISTING DECK

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: 06 313 A

Petitioner: Kohler Andrew

Address or Location: 7512 Kenlea Ave.

PLEASE FORWARD ADVERTISING BILL TO

Name Champion

Address: 7110 Golden Ring Rd
Balto Md 21221

Telephone Number (410) 780-0062

**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

January 16, 2006

Andrew Kohler
Eleanor Kohler
7512 Kenlea Avenue
Baltimore, Maryland 21236

Dear Mr. and Mrs. Kohler:

RE: Case Number: 06-313-A, 7512 Kenlea Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a long, sweeping "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Michael Diehl 7110 Golden Ring Road Baltimore 21221

County Office Building, Room 111

december 28, 2005

Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: December 19, 2005

Item No.: 6-306-A thru 6-314-A

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

Acting Lieutenant David Heath
Fire Marshal's Office
(O) 410-887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2005
Item Nos: 306, 307, 308, 311, 312, 313 and 314

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-01032006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 30, 2005

RECEIVED

JAN 6 2006

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

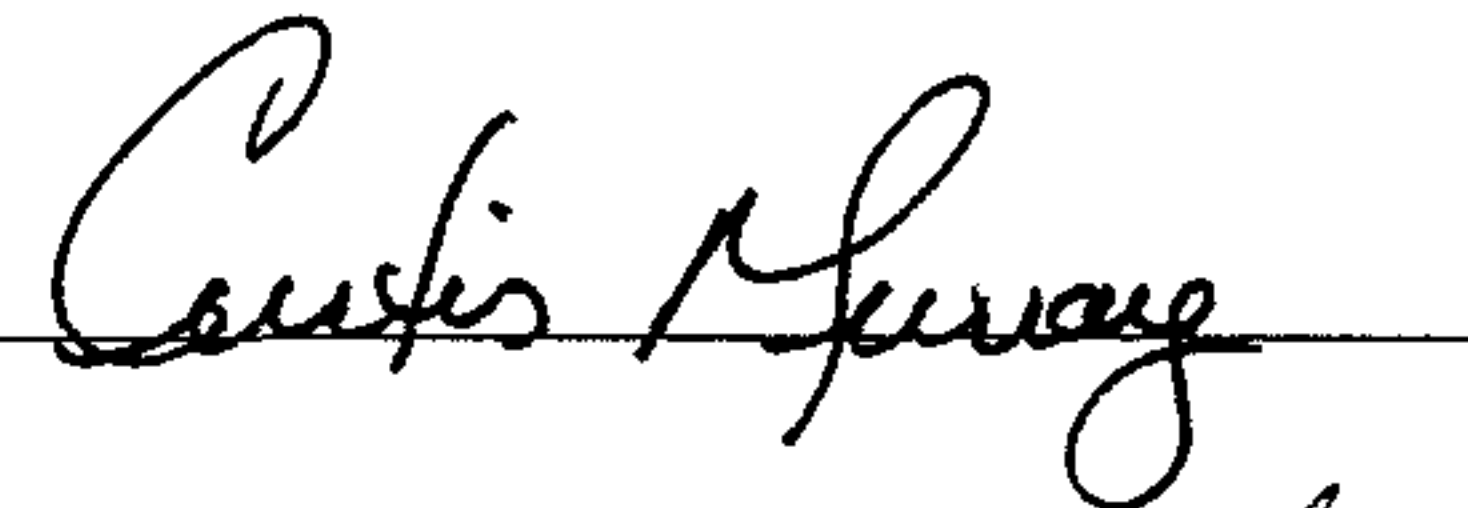
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-313- Administrative Variance

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

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay 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*

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

Maryland Department of Transportation

Date: 1.3.06

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

RE: Baltimore County
Item No. 313 JLL

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.

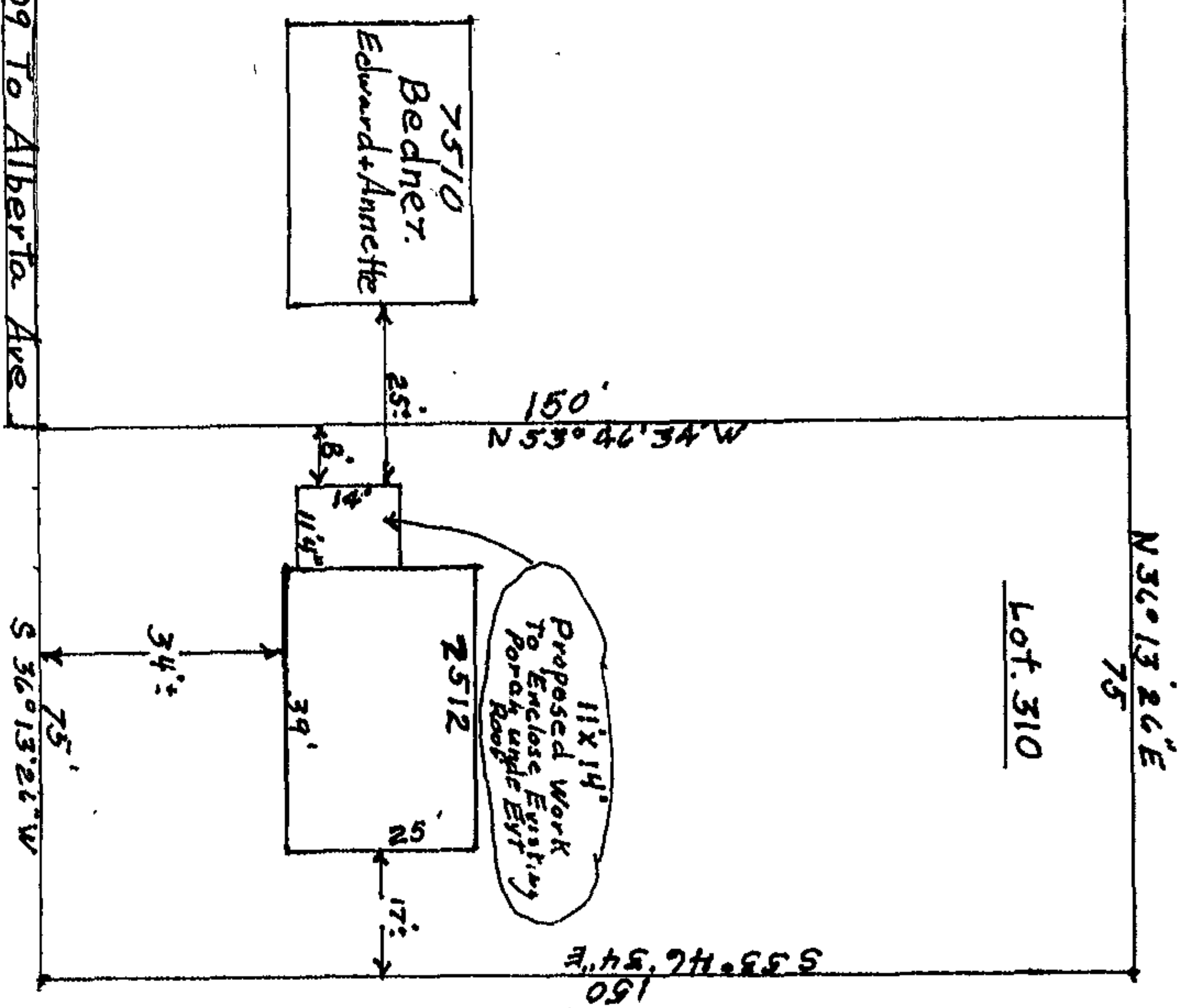
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

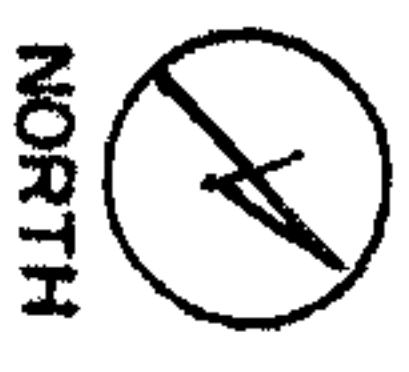
PROPERTY ADDRESS 7512 Kenlea Ave
 SUBDIVISION NAME Overlea Hills
 PLAT BOOK # 2 FOLIO # 192 LOT # 310 SECTION # 1
 OWNER Kohler, Andrew + Eleanor



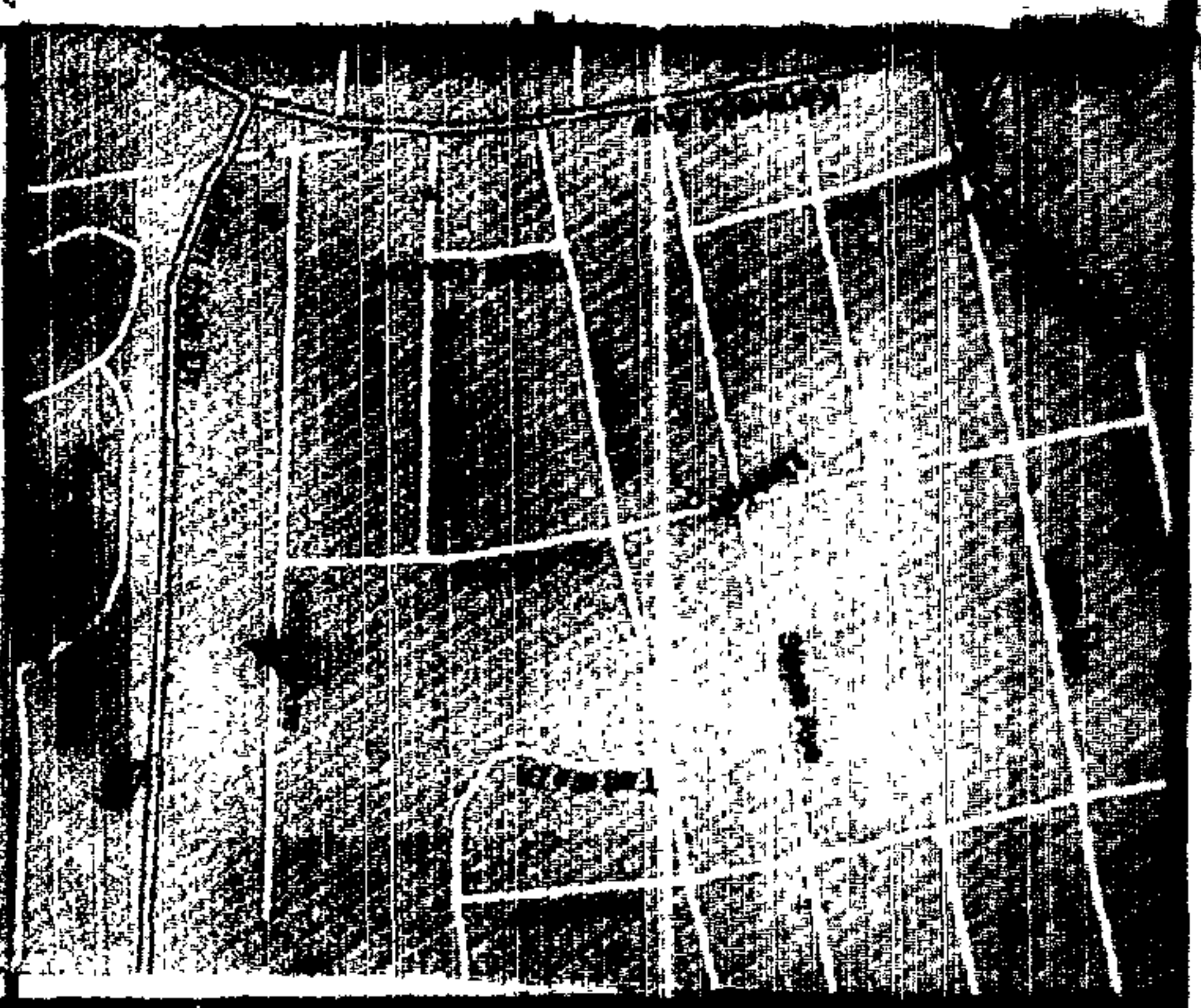
Keaton Ave
 a 30' wide Unimproved Road

Kenlea Ave. 30' wide

409 To Alberta Ave



PREPARED BY Gerard Andersen SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

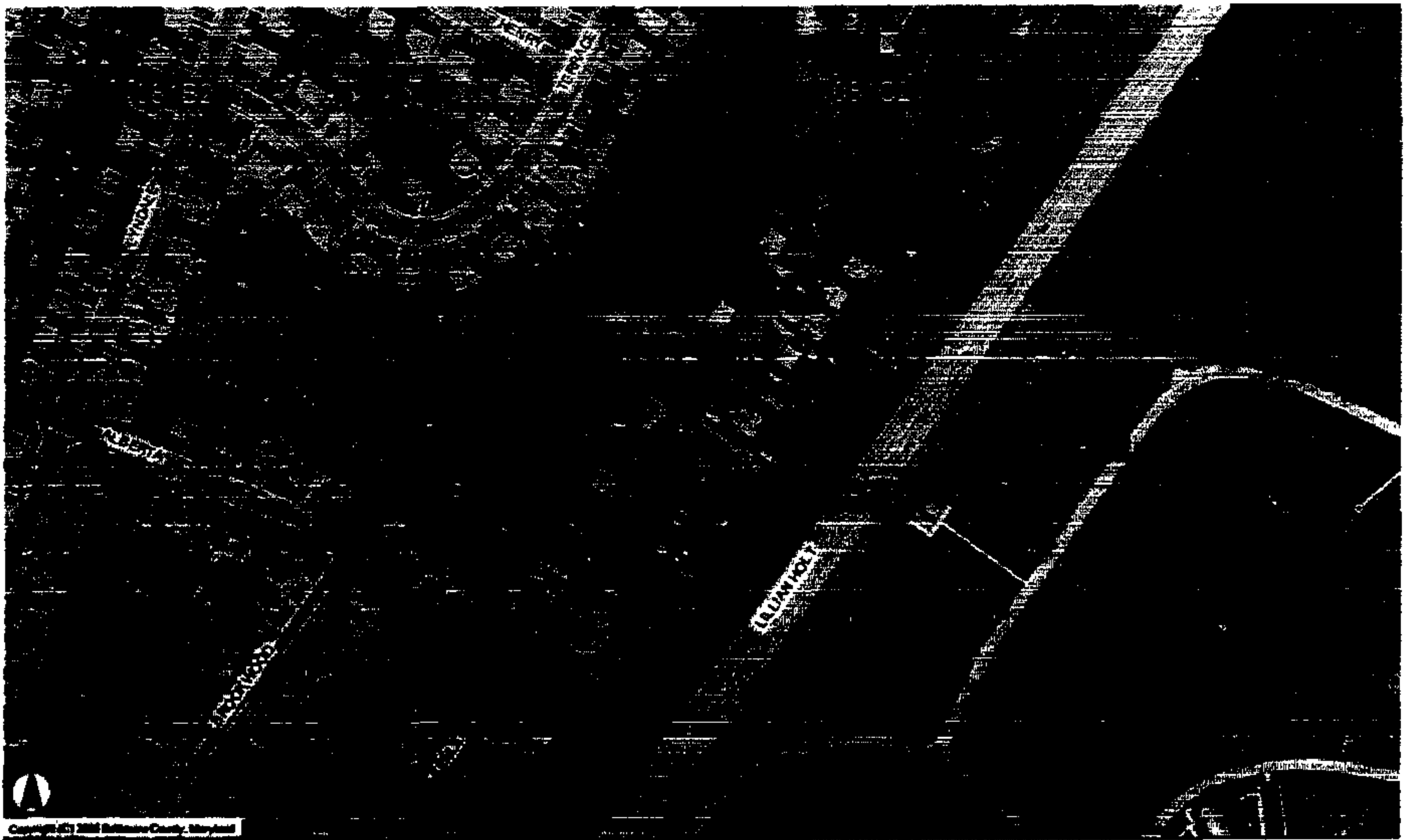
ELECTION DISTRICT 14
 COUNCILMANIC DISTRICT 6
 1" = 200' SCALE MAP # 081C3
 ZONING DR 5.5

LOT SIZE .258 ACRES 11,250 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
 WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
 100 YEAR FLOOD PLAIN ☐ ☒
 HISTORIC PROPERTY / BUILDING ☐ ☒
 PRIOR ZONING HEARING ☐ ☒

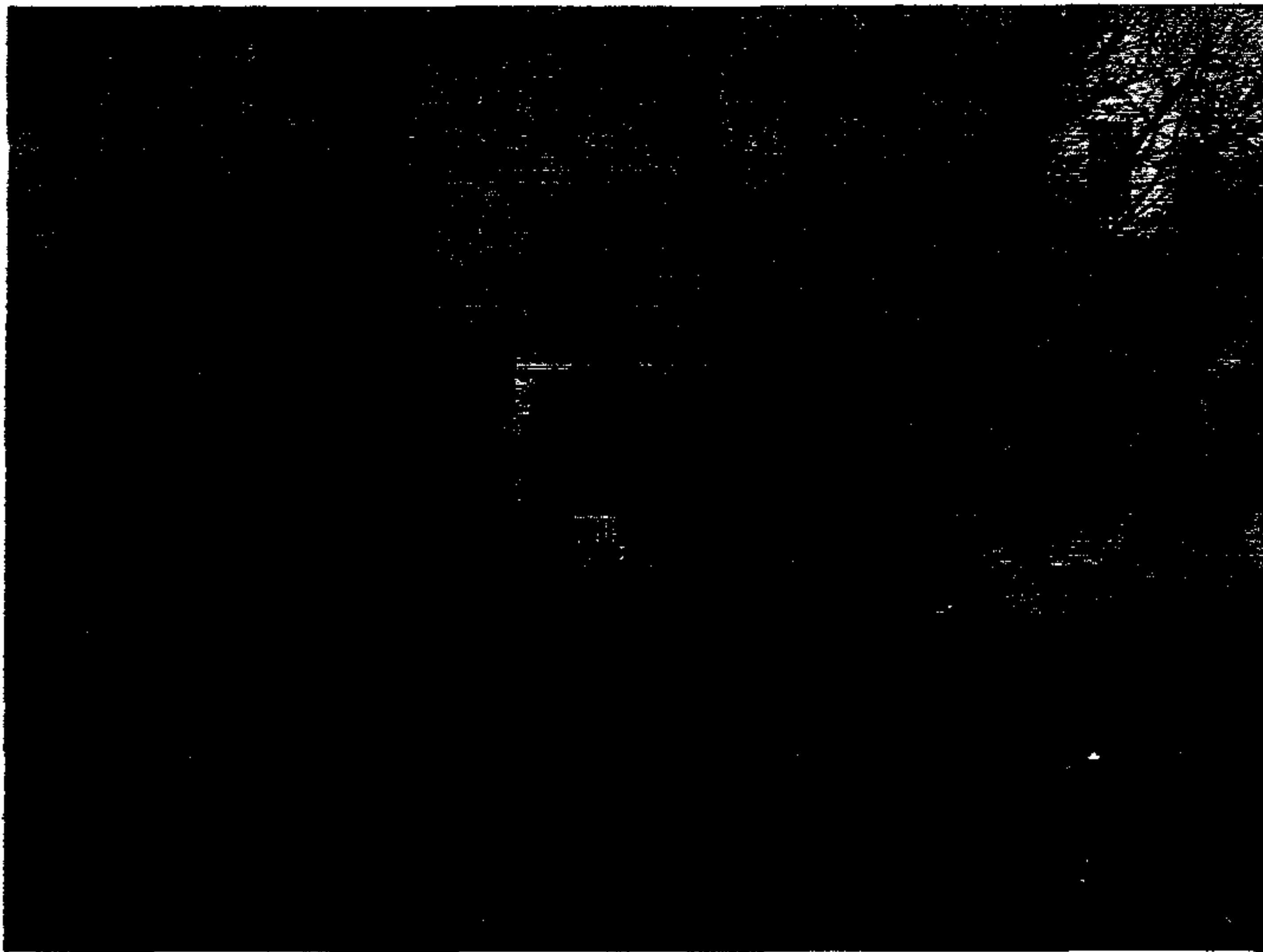
ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #
10 14 1



7512 Kenlea Ave.

313

313



Existing porch proposed to enclose as a sunroom



Existing porch and neighbor located at 7510 Kenlea Ave.