

IN RE: PETITION FOR ADMIN. VARIANCE
East Side of Kennicott Road, 60'
South of Munford Road
1st Election District
1st Councilmanic District
(2104 Kennicott Road)

Elijah and Georgetta Thomas
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-369-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Elijah and Georgetta Thomas. The variance request is for property located at 2104 Kennicott Road in the Chadwick Manor Subdivision area of Baltimore County. The variance request is from Sections 211.4 (1955 Regulations) and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear setback of 17 feet in lieu of the required 30 feet to enclose an existing porch. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

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 February 10, 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

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Date 3-9-09
BY [Signature]

in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 9 day of March, 2006, that a variance from Sections 211.4 (1955 Regulations) and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear setback of 17 feet in lieu of the required 30 feet to enclose an existing porch, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

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Date 3-9-06
By [Signature]

JVM:dlw

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 9, 2006

Elijah Thomas, Jr.
Georgetta Thomas
2104 Kennicott Road
Baltimore, Maryland 21244

Re: Petition for Administrative Variance
Case No. 06-369-A
Property: 2104 Kennicott Road

Dear Mr. and Mrs. Thomas:

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: Patio Enclosures, Inc. (Attention: Greg), 224 8th Ave. NW, Glen Burnie, MD 21061
People's Counsel; Case File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2104 Kennicott Rd. Baltimore, MD 21244
which is presently zoned DR-5.5 OLD R-6

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) 211.4 (1955 REGULATIONS)
§ 504 to permit a rear setback of 17 FT. IN LIEU OF THE
REQUIRED 30 FT

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Elijah Thomas Jr
Name - Type or Print _____
Signature _____
Georgetta Thomas
Name - Type or Print _____
Signature _____
2104 Kennicott Rd. 443-429-4536
Address _____ Telephone No. _____
Baltimore, MD 21244
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Representative to be Contacted:

Patio Enclosures Inc.. (attn: Greg)
Name _____
224 8th Ave NW 443-797-0351
Address _____ Telephone No. _____
Glen Burnie, MD 21061
City _____ State _____ Zip Code _____

ORDER RECEIVED BY FILING
Date 3-9-06
By [Signature]

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

Zoning Commissioner of Baltimore County

Case No. 06-369-A Reviewed By [Signature] Date 01-31-06

Estimated Posting Date 02-12-06

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 2104 Kennicott Rd.
Address
Baltimore, MD 21244
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
2. Insulate and reduce heating bills.
3. Reduce road noise.
4. A place to sit out and not be concerned with the weather, bugs: mosquitos, flies etc...
5. Improve the apperance of the house
6. The restrictive area of the lot does not lend itself to any addition of pratical size without requiring a variance.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
Elijah Thomas Jr
Name - Type or Print

[Signature]
Signature
Georgetta Thomas
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of December, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Elijah and Georgetta Thomas
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

December 27, 2005
Date

[Signature]
Notary Public
BARBARA A. INGINO
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 2008

ZONING DESCRIPTION FOR 2104 Kennicott Rd.

**BEGINNING AT A POINT ON THE EAST SIDE OF KENNICOTT RD.
WHICH IS 60'' WIDE AT THE DISTANCE OF 0' SOUTH OF THE
NEAREST IMPROVED INTERSECTING STREET MUNFORD RD.
WHICH IS 60' WIDE. BEING LOT # 28 BLOCK X, SECTION I-A & I-C IN
THE SUBDIVISION OF CHADWICK MANOR AS RECORDED IN
COUNTY PLATBOOK # 27, FOLIO # 98, CONTAINING 9,672 SQ'. ALSO
KNOWN AS 2104 KENNICOTT RD. LOCATED IN THE 01 ST. ELECTION
DISTRICT, 1ST COUNCILMANIC DISTRICT.**

06-369-A



ZONING NOTICE
VARIANCE
CASE # 06-369-A
TO PERMIT A REAR YARD SETBACK OF 17 FEET IN LIEU OF 30 FEET TO ENCLOSE AN EXISTING PORCH
PUBLIC HEARING ?
PURSUANT TO SECTION 28-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON FEB 27, 2006
ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHEESAPEAKE AVE. TEL. 887-3391
TOWSON, MD. 21284
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW, RETURN BOTH TO ZADM, RM. 104
MEETING IS HANDICAP ACCESSIBLE

ZONING NOTICE
ADMINISTRATIVE VARIANCE
CASE # 06-369-A
TO PERMIT A REAR YARD SETBACK OF 17 FEET IN LIEU OF 30 FEET TO ENCLOSE AN EXISTING PORCH
PUBLIC HEARING ?
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TOWSON, MD. 21284
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW, RETURN BOTH TO ZADM, RM. 104
MEETING IS HANDICAP ACCESSIBLE

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

06-369-A

No. 1100

DATE 01-21-06 ACCOUNT RECEIPTS

AMOUNT \$ 16.00

RECEIVED FROM: 21-6000000000

FOR: 21-6000000000 (Apt Fee)

2164 KENNEDY CRT RD.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

REGISTER NO. 1011532
DATE 1/21/06
AMOUNT \$16.00
BALANCE \$0.00
TOTAL \$16.00
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-369-A

Petitioner/Developer: ELIJAH THOMAS

Date of Hearing/Closing: FEB. 27, 2006

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

Attention: **Christen 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 _____

2104 KENNICOTT ROAD

The sign(s) were posted on FEB. 10, 2006

(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD, 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

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: 06-369-A

Petitioner: Elijah and Georgette Thomas

Address or Location: 2104 Kennicott Rd. Baltimore, MD 21244

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patio Enclosures Inc...

Address: 224 8th Ave NW

Glen Burnie, MD 21061

Telephone Number: 443-797-0351

06-369-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 369 -A Address 2104 KENNICOTT RD

Contact Person: JOHN R ALEXANDER Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 01-31-06 Posting Date: 02-12-06 Closing Date: 02-27-06

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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- 369 -A Address 2104 KENNICOTT RD

Petitioner's Name ELIJAH GEORGETTA HOWARD Telephone 443-479-4556

Posting Date: 02-12-06 Closing Date: 02-27-06

Wording for Sign: To Permit A REAR YARD SETBACK OF 17 FT IN
WIDTH OF 30 FT TO ENCLOSE AN EXISTING PORCH.

06-369-A

**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*

February 27, 2006

Elijah Thomas, Jr.
2104 Kennicott Road
Baltimore, MD 21244

Dear Mr. Thomas:

RE: Case Number: 06-369-A, 2104 Kennicott Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 31, 2006.

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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:

Enclosures

c: People's Counsel
Patio Enclosures Inc (Attn: Greg) 224 8th Avenue NW Glen Burnie 21061

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2006
Item Nos. 356, 364, 366, 367, 369, 370,
371, and 374

DATE: February 21, 2006

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-02212006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 28, 2006

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

MAR 01 2006

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-369- Administrative Variance

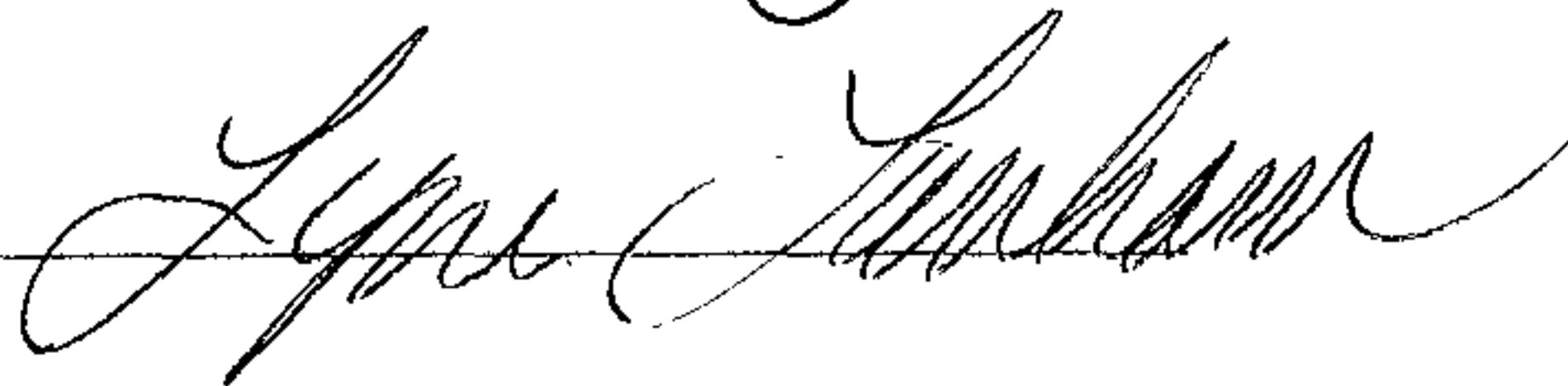
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz 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: 2.10.01

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

RE: Baltimore County
Item No. 369 JCM

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



From: Debra Wiley
To: Livingston, Jeffrey
Date: 2/27/2006 3:09:10 PM
Subject: Comments Needed - Administrative Variances

Hi Jeff,

In reviewing the Administrative Variance files, we are missing the much needed DEPRM comments for the following:

Closing Date 2/14/06

06-349-A (11204 Bird River Grove Rd., 21162) - **CBCA**

06-354-A (6534 Blackhead Rd., 21220) - **CBCA**

Closing Date 2/20/06

06-357-A (12122 Hooper Lane, 21057)

06-358-A (4 Oyster Ct., 21219) - **CBCA**

06-359-A (11 Robinson Ave., 21222)

06-362-A (307 Weatherbee Rd., 21286)

Closing Date 2/27/06

06-369-A (2104 Kennicott Rd., 21244)

06-372-A (1321 Ridge Road, 21228)

06-380-A (11506 Hannibal Road, 21057)

Thanks and have a great day!

From: Debra Wiley
To: Kennedy, Dennis
Date: 2/27/2006 3:20:34 PM
Subject: Comments Needed - Administrative Variances

Hi Dennis,

In reviewing the Administrative Variance files, we are missing comments from your office for the following:

Closing Date 2/27/06

06-369-A (2104 Kennicott Rd., 21244) ✓

06-372-A (1321 Ridge Rd., 21228)

06-380-A (11506 Hannibal Rd., 21057)

Thanks and have a great day!

From: Debra Wiley
To: Murray, Curtis
Date: 2/27/2006 2:31:59 PM
Subject: Comments Needed - Administrative Variances

Hi Curtis,

In reviewing the *Administrative Variance* files, we are missing *Planning* comments for the following:

Closing Date 2/20/06

06-357-A (Bailey - 12122 Hooper Lane, 21057) - MD HIST. SITE #BA 1931

06-362-A (Wasiak - 307 Weatherbee Rd., 21286)

Closing Date 2/27/06

06-369-A (Thomas - 2104 Kennicott Rd., 21244)

06-372-A (Regan - 1321 Ridge Rd., 21228)

06-380-A (Cummons - 11506 Hannibal Rd., 21057)

Thanks and have a great day!

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

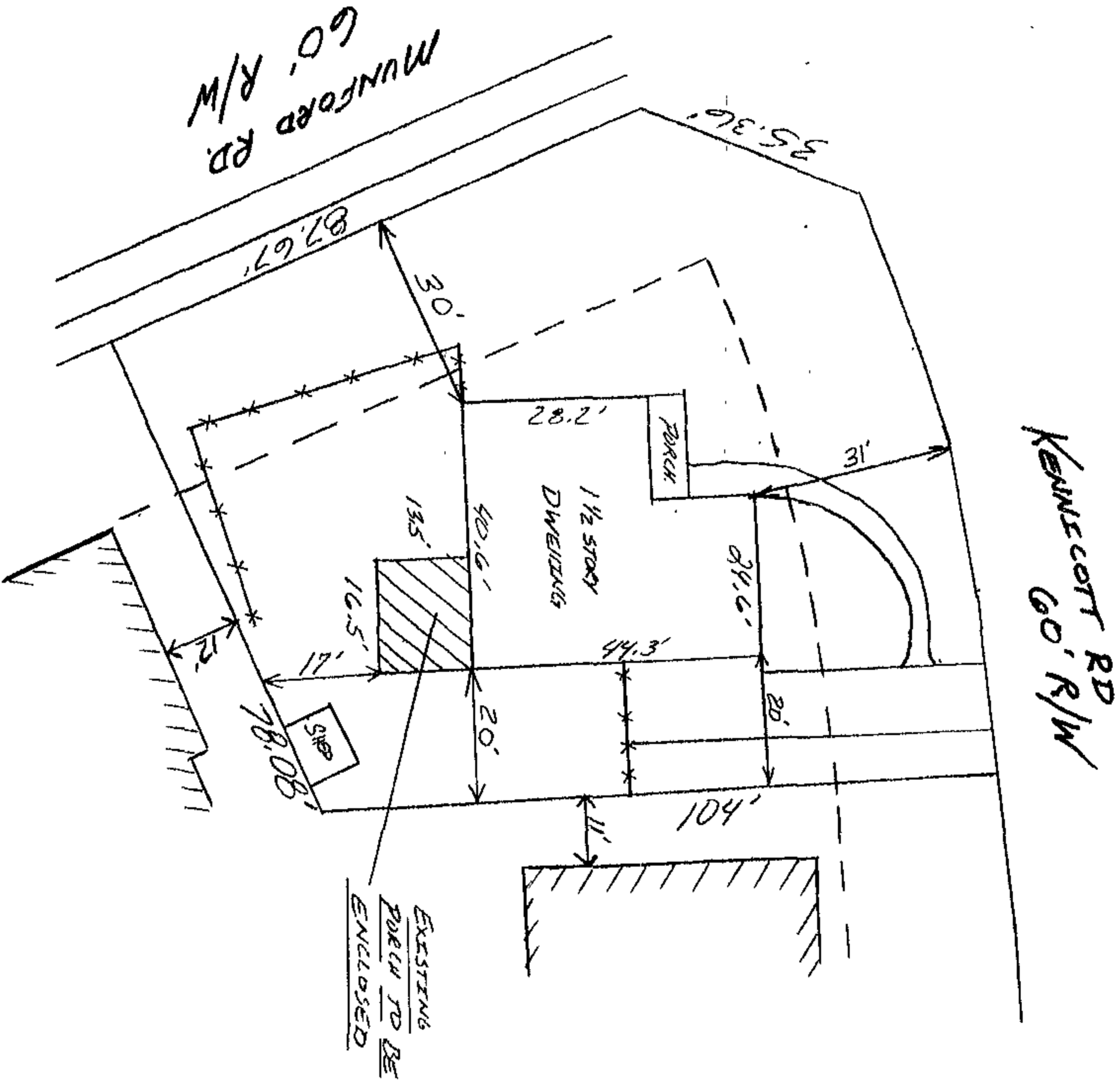
PROPERTY ADDRESS 2104 KEENEWICOTT RD BALT. 21234 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME WADSWICK MANOR

PLAT BOOK # 27 FOLIO # 98 LOT # 28 SECTION # 2nd S.C.

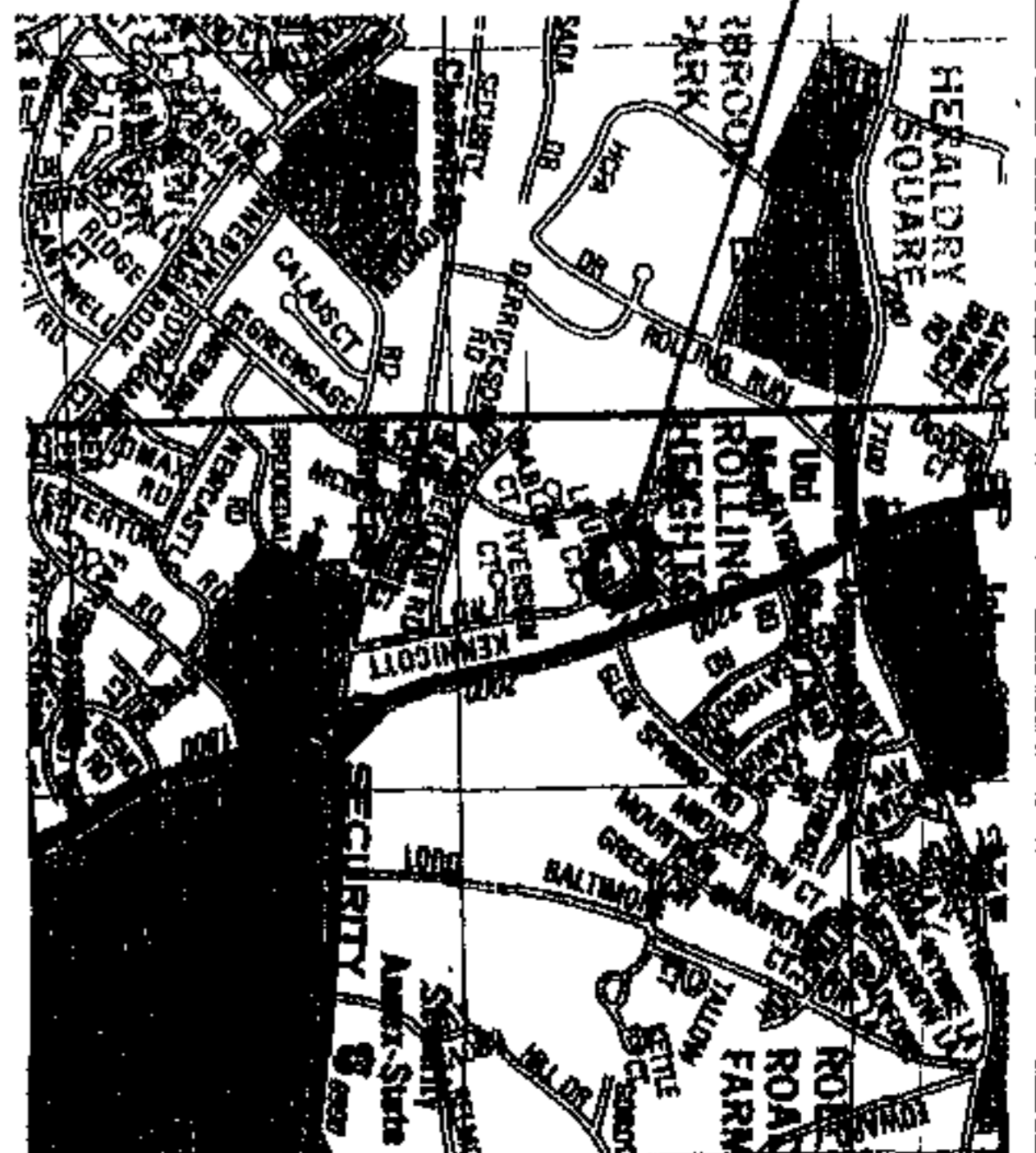
OWNER ELIZABETH & BERTRAM THOMAS

SITE



PREPARED BY GREGORY A. FALTER

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 2,273'

LOCATION INFORMATION

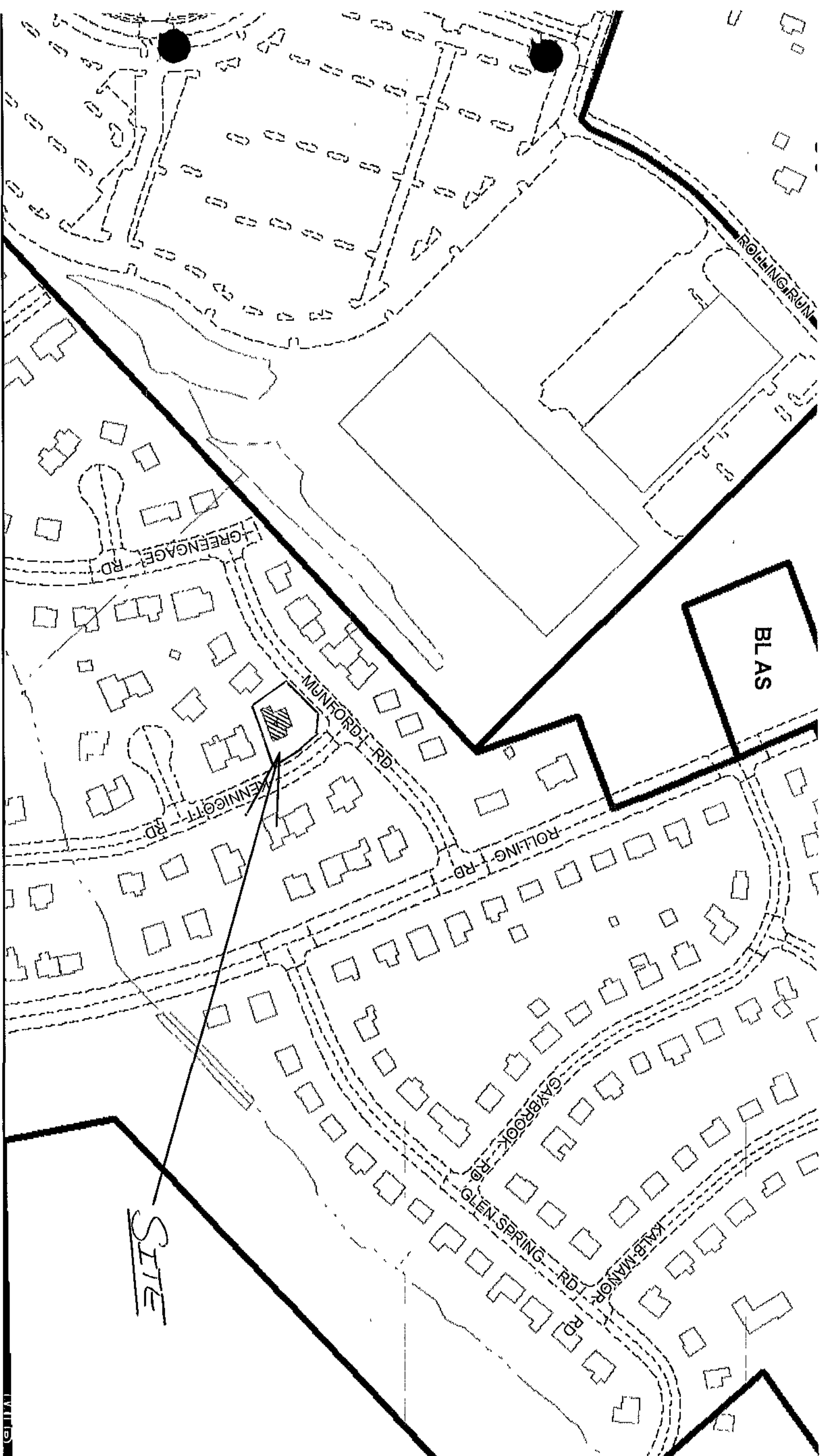
ELECTION DISTRICT 01
COUNCILMANIC DISTRICT 01
1" = 200' SCALE MAP # 087 C3
ZONING OLD R-G REGS.

LOT SIZE .22 ACRES 9,672 SQUARE FEET

SEWER PUBLIC PRIVATE
WATER

CHESAPEAKE BAY CRITICAL AREA YES NO
100 YEAR FLOOD PLAIN
HISTORIC PROPERTY / BUILDING
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY 5007 ITEM # 06-369-A CASE #



end

] Zoning
 — Streams
 [Vegetation

Baltimore County

087-C-3

Office of Planning and Zoning

06-369-A

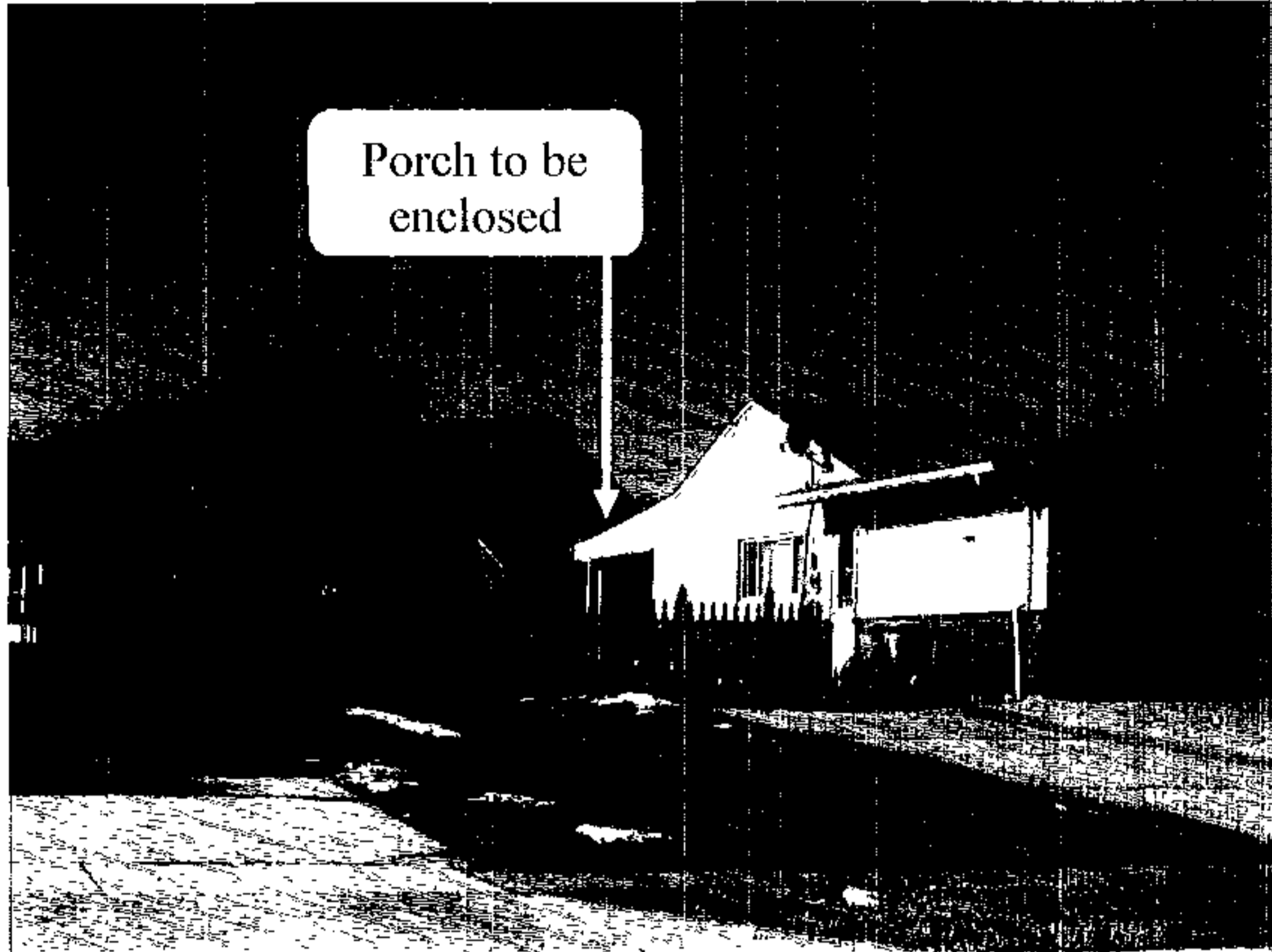
Baltimore County - My Neighborhood



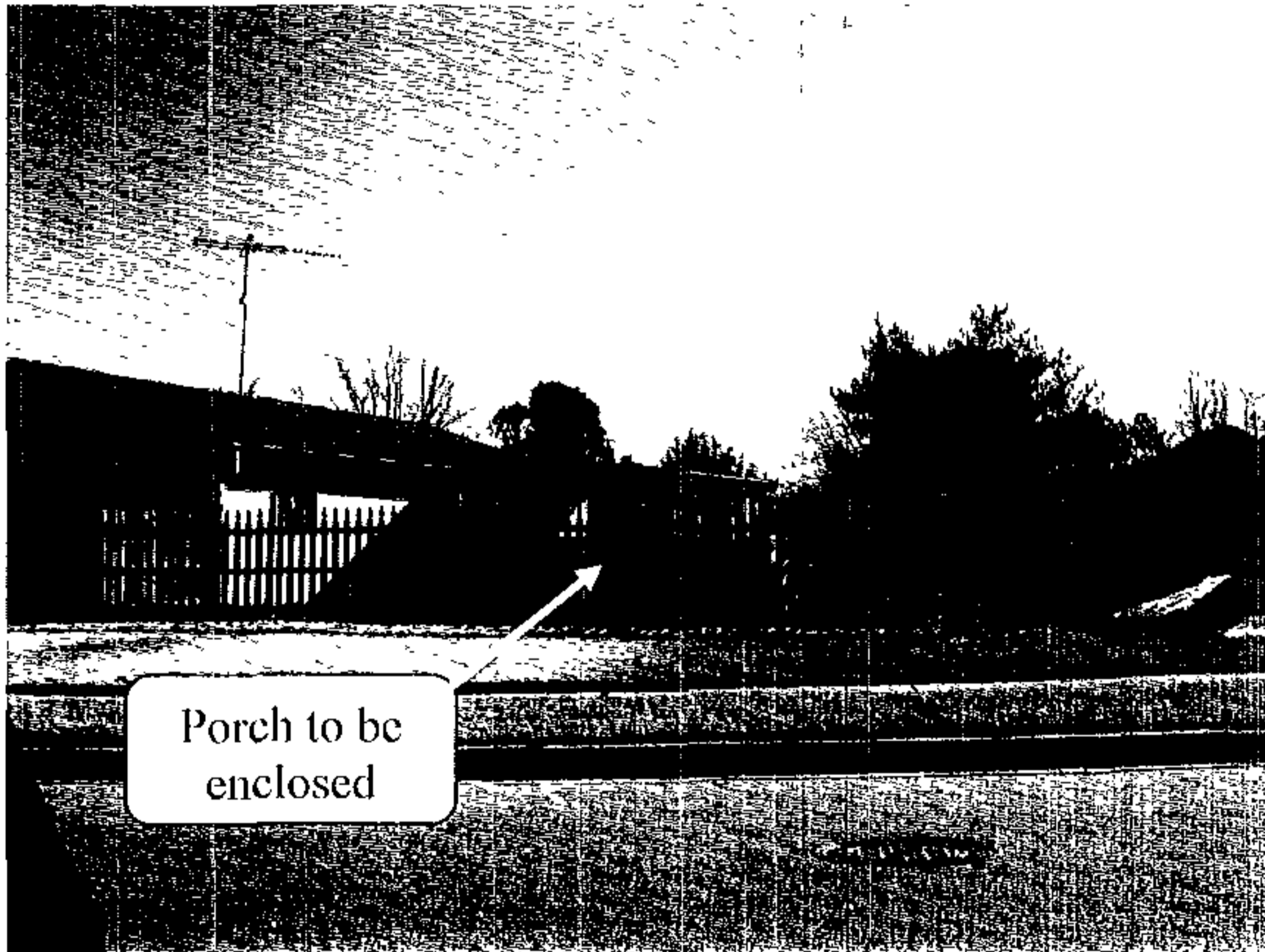
Copyright (C) 2005 Baltimore County, Maryland

06-369-A

Variance photo's for:
2104 Kennicott Rd.
Baltimore, MD 21244



View of porch to be enclosed as seen from Kennicott Rd.



View of porch as seen from Munford Road.

00-00-000