THE POPULATION OF THE PARTIES.

IN RE: PETITION FOR VARIANCE \* BEFORE THE

E/S Back River Neck Road, 110' N of the c/l

Turkey Point Road \* ZONING COMMISSIONER

(607 Back River Neck Road)

15<sup>th</sup> Election District \* OF BALTIMORE COUNTY

6<sup>th</sup> Council District

\* Case No. 06-492-A

Nicholas Otte, et ux

Petitioners \*

### SUPPLEMENTAL ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, this matter comes before the undersigned Zoning Commissioner for consideration of an amended Petition for Variance filed by the owners of the subject property, Nicholas Otte, and his wife, Carol Otte, for the property located at 607 Back River Neck Road. By way of background, the Petitioners originally sought relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (24' x 30' garage) in the side yard in lieu of the required rear yard and to allow said structure to occupy 87.5% of the rear yard in lieu of the maximum allowed 40%. The property was duly posted and a public hearing held on June 1, 2006. At that hearing, the Petitioners/property owners appeared, as did William F. Bafitis, the Professional Engineer who prepared the site plan for this property. No one appeared in opposition to the request.

At the outset of the hearing, however, the Petitioners amended their request to include a height variance of 22' in lieu of the maximum allowed 15' for the proposed accessory structure. The hearing was continued momentarily for the Petitioners to pay the required fee to amend their Petition to the Department of Permits and Development Management, and the site plan was revised accordingly to reflect the amended request. Ultimately the hearing continued on the merits of all of the relief requested, which was more particularly shown on the redlined site plan submitted and marked into evidence as Petitioner's Exhibit 1.

By Order dated June 8, 2006, I granted the Petitioners' request, including the amended relief, subject to certain terms and conditions. Subsequently, the Office of People's

Counsel filed a Motion for Reconsideration. Essentially, People's Counsel found that this Zoning Commissioner approved the height variance without proper public notice being given for the amended request and that County reviewing agencies, specifically, the Office of Planning, should have the opportunity to review and comment on the amended relief.

By Order dated July 25, 2006, I granted the Motion filed by the Office of People's Counsel, and held in abeyance a decision on the height variance, pending the requisite posting of the property as set forth above, and the receipt of an amended Petition and site plan detailing the dimensions, size and appearance of the proposed garage. Subsequently, the amended Petition was filed and the property was duly posted giving public notice of the amended relief on July 26, 2006. There being no requests for further proceedings on this issue, this supplemental Opinion follows.

In my judgment, the issue raised by the Office of People's Counsel has been satisfactorily addressed and the revised plan and reposting of the property complies with all appropriate County standards and requirements. Also, the Office of Planning has had an opportunity to offer comment. Additionally, all of the findings of fact and conclusions of law set out in my initial Order of June 8, 2006 are incorporated herein.

NOW THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \( \sum\_{\text{day}} \) day of August 2006 that the Order issued on June 8, 2006 be and the same is hereby AFFIRMED; and,

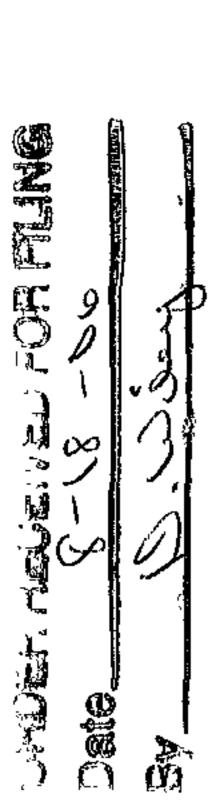
IT IS FURTHER ORDERED that all of the terms and conditions set forth in the Order issued on June 8, 2006 shall remain in full force and effect.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within thirty (30) days of the date hereof.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs





JAMES T. SMITH, JR. County Executive

August 18, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. Nicholas Otte 607 Back River Neck Road Baltimore, Maryland 21221

RE: Petition for Variance
Supplemental Order
E/S Back River Neck Road, 110' N of the c/l Turkey Point Road
(607 Back River Neck Road)
15<sup>th</sup> Election District – 6<sup>th</sup> Council District
Nicholas Otte, et ux - Petitioners
Case No. 06-492-A

Dear Mr. & Mrs. Otte:

Enclosed please find a copy of the decision rendered in the attached Supplemental Order on Motion for Reconsideration.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III Zoning Commissioner for Baltimore County

WJW:dlw

cc: Chesapeake Bay Critical Areas Commission 1804 West Street, Suite 100, Annapolis, Md. 21401 Office of Planning; DEPRM; People's Counsel; Case File

PETITION FOR VARIANCE RE:

> E/S Back River Neck Road, 110' N of the c/l \*

Turkey Point Road

(607 Back River Neck Road)

15<sup>th</sup> Election District 6<sup>th</sup> Council Districts

Nicholas Otte, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

**BALTIMORE COUNTY** 

Case No. 06-492-A

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### ORDER ON THE MOTION FOR RECONSIDERATION

This matter came before the undersigned Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Nicholas Otte, and his wife, Carol Otte, for the property located at 607 Back River Neck Road. The Petitioners sought relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (24' x 30' garage) in the side yard in lieu of the required rear yard and to allow said structure to occupy 87.5% of the rear yard in lieu of the maximum allowed 40%, in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1. In addition, the Petitioners revised their request and paid the required fee prior to the start of the hearing to include within their petition a request, pursuant to BCZR Section 400.3, for a height variance of 22' in lieu of the maximum allowed 15' for the proposed accessory structure.

At the public hearing held on June 1, 2006, the Petitioners/property owners, and William N. Bafitis, the Professional Engineer who prepared and revised the site plan for this property, appeared. There were no Protestants or other interested persons present.

By way of background, testimony and evidence offered at the hearing revealed that the subject property is an irregular shaped parcel located on the north side of Back River Neck Road near its intersection with Turkey Point Road in Essex. The property contains a gross area of 30,262.71 sq. fl.; more or less, predominately zoned D.R.3.5 with a small area (6,000 sq. ft.) zoned B.L. The property is improved with a two-story single-family dwelling, which was recently built pursuant to the relief granted in prior Case No. 03-591-A. In that matter, the Petitioners sought relief from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 24 feet in lieu of the required 30 feet for a proposed

dwelling, and to amend the building envelope shown on the Minor Subdivision Plan for Lot 1 of the Ebersberger Property. Within his opinion and Order dated September 18, 2003, then Zoning Commissioner Lawrence E. Schmidt noted that the property is located in close proximity to Muddy Gut and Back River and that the line delineating the critical areas bisects the property. Based on this site constraint the Petitioners were forced to move the building envelope towards the rear, western portion of the property so that no part of the dwelling would be located within the critical areas and forest buffer easement. As a result, a modest variance was granted to allow a rear setback of 24 feet in lieu of the required 30 feet.

The Petitioners came before me seeking relief as set forth above to allow the construction of a 24' x 30' garage adjacent to the rear, west side of their home, at the end of an existing driveway. Due to the aforementioned site constraints associated with this property and the location of the existing home, the garage will be located in more or less the side yard of the property. Moreover, due to the restricted building envelope, the proposed garage will occupy an area of the rear yard greater than that allowed by the regulations. In addition, testimony indicated that the garage was designed in keeping with the architectural details of the existing house and that the additional height will provide a storage area above the garage.

Following the public hearing in the instant case, I granted the requested variance relief by written Order dated June 8, 2006, subject to certain terms and conditions.

Following the issuance of my Order, the Office of People's Counsel filed a Motion for Reconsideration on July 6, 2006. Essentially, it is the position of that Office that the Order approved a height variance for the proposed accessory structure despite the absence of proper public notice for the amendment and that the Zoning Advisory Committee, including the Planning Office, had not reviewed the height variance.

NOW THEREFORE, in consideration of People's Counsel's appropriate request for modification, my Order of June 8, 2006 shall be amended in accordance with the following:

IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July 2006 that my Order dated June 8, 2006, involving the height variance for the proposed accessory structure shall be held in abeyance pending the receipt of an amended

petition (to show the proposed garage's appearance, dimensions and size) and the reposting of property. It is also to be noted that the Office of Planning should have another opportunity to review the amended site plan and offer comment if desired. At the new hearing date the case will be reviewed anew with respect to the height variance as if the earlier hearing had not occurred.

IT IS FURTHER ORDERED that but for the amendments set forth above, all other relief granted as well as the terms and conditions of the Order issued June 8, 2006 shall remain in full force and effect.

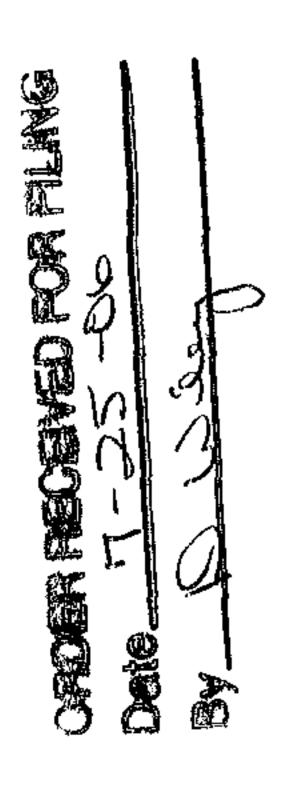
WILLIAMU, WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

cc: Mr. & Mrs. Nicholas Otte, 607 Back River Neck Road, Baltimore, Md. 21221 Chesapeake Bay Critical Areas Commission, 1804 West Street, Suite 100, Annapolis, Md. 21401

Office of Planning; DEPRM; People's Counsel; Case File





JAMES T. SMITH, JR. County Executive

July 25, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. Nicholas Otte 607 Back River Neck Road Baltimore, Maryland 21221

RE: Petition for Variance
Order on Motion for Reconsideration
E/S Back River Neck Road, 110' N of the c/l Turkey Point Road
(607 Back River Neck Road)
15<sup>th</sup> Election District – 6<sup>th</sup> Council District
Nicholas Otte, et ux - Petitioners

Dear Mr. & Mrs. Otte:

Case No. 06-492-A

Enclosed please find a copy of the decision rendered in the attached Order for Motion for Reconsideration.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

Very ruly yours

WJW:dlw

cc: Chesapeake Bay Critical Areas Commission 1804 West Street, Suite 100, Annapolis, Md. 21401 Office of Planning; DEPRM; People's Counsel; Case File



# 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 CAROLE S. DEMILIO
Deputy People's Counsel

July 6, 2006

William J. Wiseman, III, Zoning Commissioner County Courts Building 401 Bosley Avenue, Suite 405 Towson, Maryland 21204 RECEIVED

JUL 0 6 2006

Re:

PETITION FOR VARIANCE

Nicholas Otte, et ux.- Petitioners

Case No: 06-492-A

ZONNG COMMISSION IN

Dear Mr. Wiseman:

Please accept this letter as a Motion for Reconsideration under Rule 4K of the Findings of Fact and Conclusions of Law and Order dated June 8, 2006 in the above-referenced case.

Our main concern is that the Order approved a height variance, along with other variances, despite the absence of a properly filed petition. The Petition for Variance did not include a request for height variance for the proposed garage. Nor is it shown on the site plan. Nor is there any drawing on the site plan that illustrates the appearance of the garage. Nor has the Zoning Advisory Committee, including the Planning Office, reviewed this request.

Rather, the request came in as an afterthought at the hearing. Height variances can have a serious impact on adjoining neighbors. (See <u>Cromwell v. Ward</u> 102 Md. App. 691 (1995), where a property owner requested a height variance for a garage 21 feet in lieu of permitted 15 feet). This is a major amendment that came without proper public notice. This is a jurisdictional requirement. See <u>Cassidy v. County Board of Appeals</u> 218 Md. 418 (1958).

The June 8, 2006 Order should be rescinded. The petition should be amended and the property reposted with a proper public notice for a new public hearing. The site plan should be properly redrafted to include a schematic, to show the proposed garage's

William J. Wiseman, III, Zoning Commissioner July 6, 2006 Page 2

appearance, dimensions and size. The ZAC and Planning Office should have another opportunity to review the proposal. At a new hearing, the case must be reviewed anew, as if the earlier hearing had not occurred.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilieranne

Carole S. Demilio

Deputy People's Counsel

### PMZ/CSD/rmw

cc: Mr. & Mrs. Nicholas Otte, 607 Back River Neck Road, Baltimore, MD 21221 Mr. Clyde Hinkle, Bafitis & Associates, Inc, 1249 Engleberth Road, Baltimore, MD 21221

IN RE: PETITION FOR VARIANCE

BEFORE THE

E/S Back River Neck Road, 110' N of the c/l

Turkey Point Road

ZONING COMMISSIONER

(607 Back River Neck Road)

15<sup>th</sup> Election District

OF BALTIMORE COUNTY

6<sup>th</sup> Council District

Case No. 06-492-A

Nicholas Otte, et ux

Petitioners

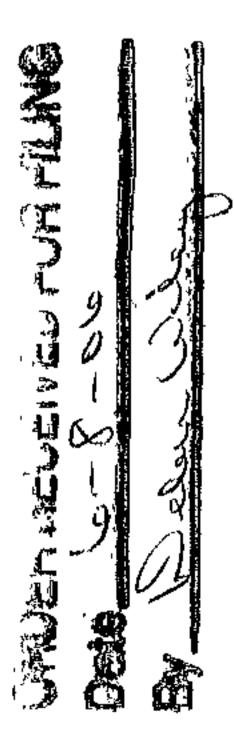
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#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Nicholas Otte, and his wife, Carol Otte. As originally filed, the Petitioners sought relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (24' x 30' garage) in the side yard in lieu of the required rear yard and to allow said structure to occupy 87.5% of the rear yard in lieu of the maximum allowed 40%. In addition, the Petitioners amended their request in open hearing to include a height variance of 22' in lieu of the maximum allowed 15' for the proposed accessory 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 Nicholas and Carol Otte, property owners, and William N. Bafitis, the Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is an irregular shaped parcel located on the north side of Back River Neck Road near its intersection with Turkey Point Road in Essex. The property contains a gross area of 30,262.71 sq.ft., more or less, predominantly zoned D.R.3.5 with a small area (6,000 sq.ft.) zoned B.L. The property is improved with a two-story single-family dwelling, which was recently built pursuant to the relief granted in prior Case No. 03-591-A. In that matter, the Petitioners sought relief from Section 1B01.2.C.1 of



the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 24 feet in lieu of the required 30 feet for a proposed dwelling, and to amend the building envelope shown on the Minor Subdivision Plan for Lot 1 of the Ebersberger Property. Within his opinion and Order dated September 18, 2003, then Zoning Commissioner Lawrence E. Schmidt noted that the property is located in close proximity to Muddy Gut and Back River and that the line delineating the critical areas bisects the property. Based on this site constraint the Petitioners were forced to move the building envelope towards the rear, western portion of the property so that no part of the dwelling would be located within the critical areas and forest buffer easement. As a result, a modest variance was granted to allow a rear setback of 24 feet in lieu of the required 30 feet.

The Petitioners now come before me seeking relief as set forth above to allow the construction of a 24' x 30' garage adjacent to the rear, west side of their home, at the end of an existing driveway. Due to the aforementioned site constraints associated with this property and the location of the existing home, the garage will be located in more or less the side yard of the property. Moreover, due to the restricted building envelope, the proposed garage will occupy an area of the rear yard greater than that allowed by the regulations. In addition, testimony indicated that the garage was designed in keeping with the architectural details of the existing house and that the additional height will provide a storage area above the garage.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. The uniqueness of the property is its unusual shape and the site constraints associated therewith which limit the areas of disturbance. I find that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners. There were no adverse comments submitted by any County reviewing agency and none of the neighbors voiced any opposition. As noted in the prior case, there is a residential subdivision known as Cape May Landing to the rear of the subject property. Due to the layout of that subdivision, there is a distance of more than 70 feet from the existing dwelling to the rear of the closest house in that subdivision and existing landscaping provides a buffer between these homes. In that the proposed garage will be located further away from the houses to the rear of the

subject property and there are no houses immediately to the west, I am persuaded that the height of the proposed structure will not adversely impact adjacent properties or the surrounding locale. Moreover, a letter of support was received from Cathy Holden, indicating she has no objections to the proposed construction. Ms. Holden resides immediately across Back River Neck Road from the subject property and proposed location of the garage. Thus, it is clear that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

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 this \_\_\_\_\_ day of June 2006 that the Petition for Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (24' x 30' garage) in the side yard in lieu of the required rear yard, with a height of 22 feet in lieu of the maximum allowed 15 feet, and to allow the proposed accessory structure to occupy 87.5% of the rear yard in lieu of the maximum allowed 40%, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the 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) Compliance with the ZAC comments submitted by DEPRM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 3) Prior to the issuance of any permits, Petitioners shall submit building elevation drawings of the proposed garage to the Office of Planning for review and approval to insure compatibility with the surrounding community.
- 4) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be

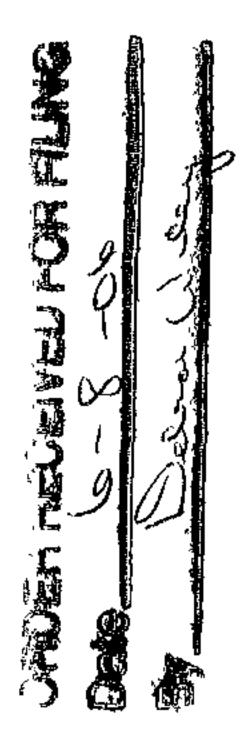
converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

5) When applying for a building permit, the site plan filed must reference

this case and set forth and address the restrictions of this Order.

WILLIAM(J. WISK Zoning Commissioner for Baltimore County

WJW:bjs





JAMES T. SMITH, JR. County Executive

June 8, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. Nicholas Otte 607 Back River Neck Road Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE

E/S Back River Neck Road, 110' N of the c/l Turkey Point Road (607 Back River Neck Road)

15<sup>th</sup> Election District – 6<sup>th</sup> Council District
Nicholas Otte, et ux - Petitioners
Case No. 06-492-A

Dear Mr. & Mrs. Otte:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

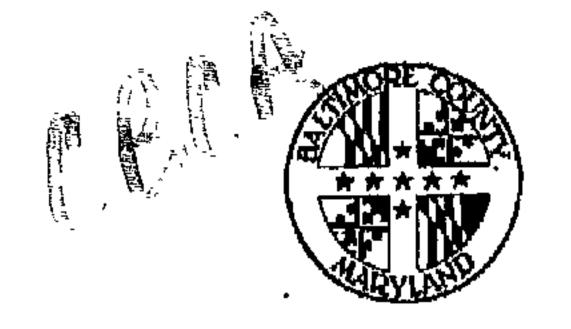
WILLKAM L-WISEMAN, III

Zoning Commissioner

for Baltimore County

WJW:dlw

cc: Chesapeake Bay Critical Areas Commission 1804 West Street, Suite 100, Annapolis, Md. 21401 Office of Planning; DEPRM; People's Counsel; Case File



MONTH WICH WILL IN

# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 607 Back River Neck Road which is presently zoned BL & DR 3.5

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) 400.1 AND ACC. BCC.

To permit an accessory structure (garage) in a sideyard in-lieu-of the required rear yard and to permit an accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40%. And to permit an accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40%. And to permit an accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40%. And to permit an accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40%. And to permit an accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40%. And to permit an accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40%. And the permit an accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40%. And the permit an accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40%. And the permit an accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40%. And the permit an accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40%. And the permit and accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40%. And the permitted 40% of the rear yard in-lieu-of permitted 40% of the permit and accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40% of the permit and accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40% of the permit and accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40% of the permit and accessory structure to occupy 87.5% (21/24) of the rear yard in-lieu-of permitted 40% of the permit and accessory structure to occupy 87.5% (21/24) of the permit accessory structure to occupy 87.5% (21/24) of the permit accessory structure to occupy 87.5% (21/24) of the permit accessory structure to occupy 87.5% (21/24) of the permit accessory structure to occupy 87.5% (21/24) of the permit accessory structur

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

Building envelope is extremely restricted due to irregular lot shape and environmental setbacks and buffers generated by the Chesapeake Bay Critical Areas Regulations.

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.

### Contract Purchaser/Lessee: N/A Name - Type or Print Signature Address Telephone No. Zip Code City State Attorney For Petitioner: N/A Name - Type or Print Signature Company Address Telephone No. State Zip Code (ase No. 06-492-A

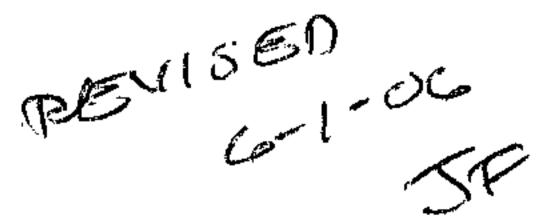
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

### Legal Owner(s):

Name - Type or Print

NICHOLAS OTTE

Signature	•		
CAROL OTTE			
Name - Type or Print			
1 Carel Otto			
Signature		· · · · · · · · · · · · · · · · · · ·	
607 BACK RIVER NECK	ROAD	410-686-8612	
Address		Telephone No.	
BALTIMORE	MARYLAND	21221	
City	State	Zip Code	
Representative to be		e INIC	
CLYDE HINKLE, BAFITIS	3 & ASSOCIATE	o, inc.	
Name 1249 ENGLEBERTH RO	AD 410-39	1-2336	
Address	····	Telephone No.	
BALTIMORE	MARYLAND	21221	
City	State	Zip Code	
OFFICE USE ONLY			
ESTIMATED LENGTH OF HEARING			
UNAVAILABLE FOR HEARING Date 4/10/00			





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# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 607 Back River Neck Road

is the subject of this Petition.

which is presently zoned BL & DR 3.5

I/We do sciemnly declare and affirm, under the penalties of perjury, that i/we are the legal owner(s) of the property which

#### MOTION FOR RECONSIDERATION CASE NO. 06-492A

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)

To permit an accessory structure (garage) with a height of 22' in-lieu of the required 15', Section 400.3 (BCZR)

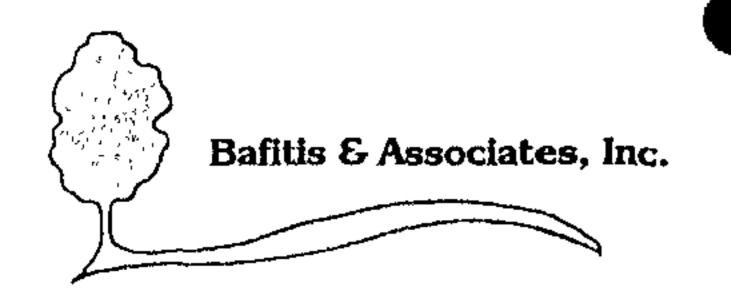
of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Additional garage height to accommodate second floor storage on lot with very limited space available for storage in accessory building and permit roof to resemble nearby community dwelling roofs.

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.

		io ii io omegada di dina i w	****	
Contract Purchaser/Lessee:		Legal Owner(s):		
N/A		NICHOLAS OTTE		
Name - Type or Print	<del></del>	Name - Type or Print	1912	
Signature		Signature Signature		# <del>###################################</del>
<u> </u>		CAROL OTTE		
Address	lephone No.	Name - Type or Print	-P	
State	Zip Code	Signature		
Attorney For Petitioner:		607 BACK RIVER N	ECK ROAD	410-686-8612
		Address		Telephone No.
N/A		BALTIMORE	MARYLAN	ID 21221
lame - Type or Print	<del></del>	City	State	Zip Code
Signature	<del></del>	Representative to		
		CLYDE HINKLE, BAI	TITIS & ASSOCIAT	ES, INC.
company		Name 1249 ENGLEBERTH	ROAD 410-3	391-2336
vddress Tele	phone No.	Address	<del></del>	Telephone No.
		BALTIMORE	MARYLAND	21221
State	Zip Code	City	State	Zip Code
		OFFI	CE USE ONLY	
Jase No. 06 492 A	** * * * * * * * * * * * * * * * * * *	ESTIMATED LENGT	H OF HEARING	······································
9/15/98		UNAVAILABLE FOR Reviewed By	HEARING Date	7/24/05
POSTING FOR 1	MOTION	TO RECONS	IDER	



# ZONING DESCRIPTION NO. 607 BACK RIVER NECK ROAD 15<sup>TH</sup> ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the East side of Back River Neck Road, 90 feet wide; said point being situated 110 feet ± Northerly from the centerline of relocated Turkey Point Road, 125 feet ± wide.

Thence binding on the East side of said Back River Neck Road by a curve to the left with a radius of 1,487.39 feet and a curve length of 173.97 feet to a point; thence leaving said Back River Neck Road the five following courses and distances:

- 1) By a curve to the right R=35.00 feet, and a curve length of 27.28 feet, thence
- 2) North 78°-38'-10" East 62.11 feet, thence
- 3) North 03°-00'-02" East 19.12 feet, thence
- 4) South 77°-26'-11" East 133.23 feet, thence
- 5) South 75°-02'-37" East 136.26 feet, to a point on the North side of Relocated Turkey Point Road;

Thence binding on the Northside of said Turkey Point Road by a curve to the left with a radius of 578.22 feet and a curve length of 128.13 feet, thence leaving said North side of Relocated Turkey Point Road South 79°-32'-00" West 94.80 feet to the said point of beginning.

Containing 30,262.71 square feet, 0.695 Acres of land more or less.

Being known as Lot 1 of a Minor Subdivision Plan for Ebersberger Property recorded among the Land Records of Baltimore County, Maryland Minor Subdivision No. 01108M.

William N. Bafitis P.E. Md. Reg. No. 11641

Date /

VALIDATION CASHIER'S YELLOW - CUSTOMER AMOUNT ACCOUNT PINK - AGENCY BALTIMORE COUN MISCELLANEOUS OFFICE OF BUDGET DISTRIBUTION WHITE - CASHIER RECEIVED DATE FOR

RECEIVED FROM: DATE\_ FOR: OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT BALTIMORE COUNTY, MARYLAND 4 PINK - AGENCY å, Ļ, į 3 AMOUNT \$ ACCOUNT\_ YELLOW - CUSTOMER 73 43 ( **%** . . 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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

Case: # 06-492-A

607 Back River Neck Road

East side of Back River Neck Road at a distance of 110+/- from the centerline of Turkey Point Road 15th Election District - 6th Councilmanic District Legal Owner(s): Nicholas & Carol Otte Variance: to permit an accessory structure (garage) in a side yard in lieu of the required rear yard and to permit an accessory structure to occupy 87.5% (21/24) of the rear yard in lieu of permitted 40%.

Hearing: Thursday, June 1, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for epecial accommodations 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.

JT 5/676 May 16

95287

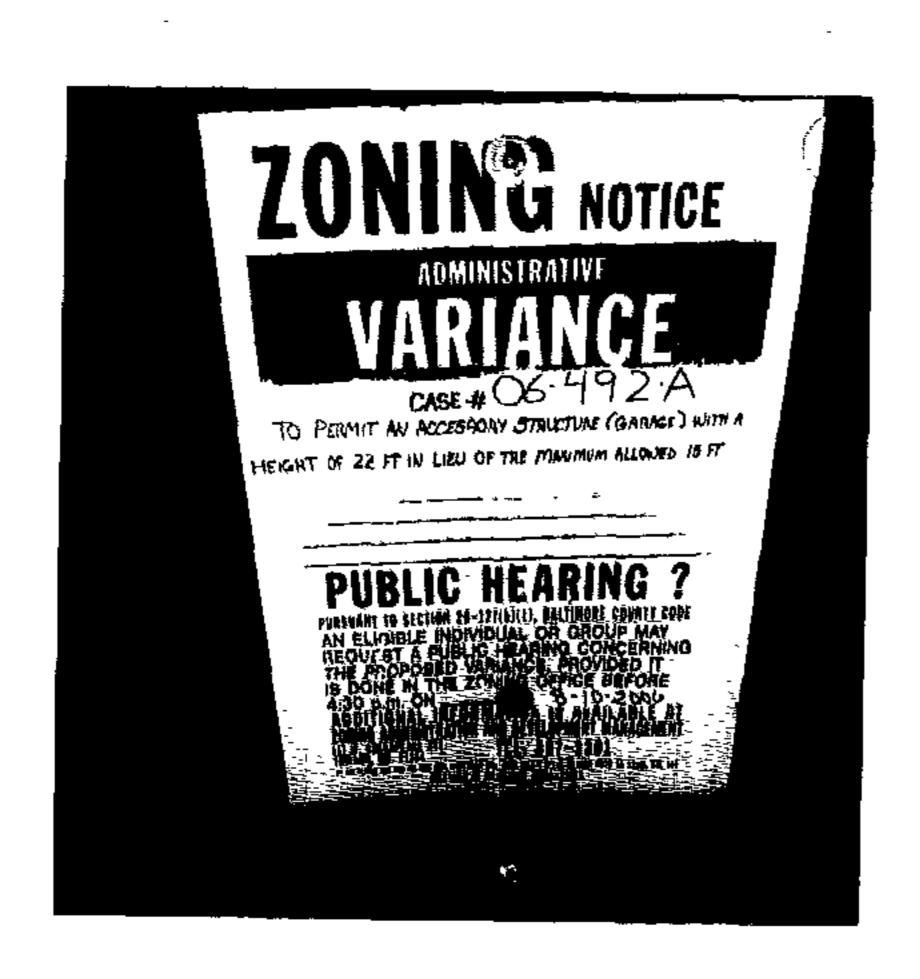
### CERTIFICATE OF PUBLICATION

<del></del>
5/18,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $\frac{5/18}{18000}$ .
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

		RE: Case No.:	Do-493	3 A
•	· ·	Petitioner/L	Developer: 🖄	CHAEL
	)	+ CARO	IL OTTE	<sup>1878</sup>
		Date of Hea	aring/Closing: ,	8-10-06 10-200
Baltimore County Department of Permits and Development Manag County Office Building, Room 11 11 West Chesapeake Avenue Fowson, Maryland 21204	gement			
ATTN: Kristen Matthews {(410)	887-3394}			
Ladies and Gentlemen:	· 			
This letter is to certify under the posted conspicuously on the prop		at the necessary s	sign(s) required	by law were
607	BACK PUNE	L MEK	RD.	ት <u>ድ ከመለ ምሳ ከአለው <del>የተቀ</del>ያ</u> ባ ታ ነ - <sup>መ</sup> ላቸ የ <sub>ም</sub> ላይ ተቀ መላት ነ የመደረ <sup>ከመመ</sup> ን የም
The sign(s) were posted on	THE PARTY AND ADDRESS OF THE PARTY OF THE PA	2 <i>6 06</i> h, Day, Year)		
	Sincer	ely,		



Robert Black 7-27-06
(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)

JUL 3 1 2006

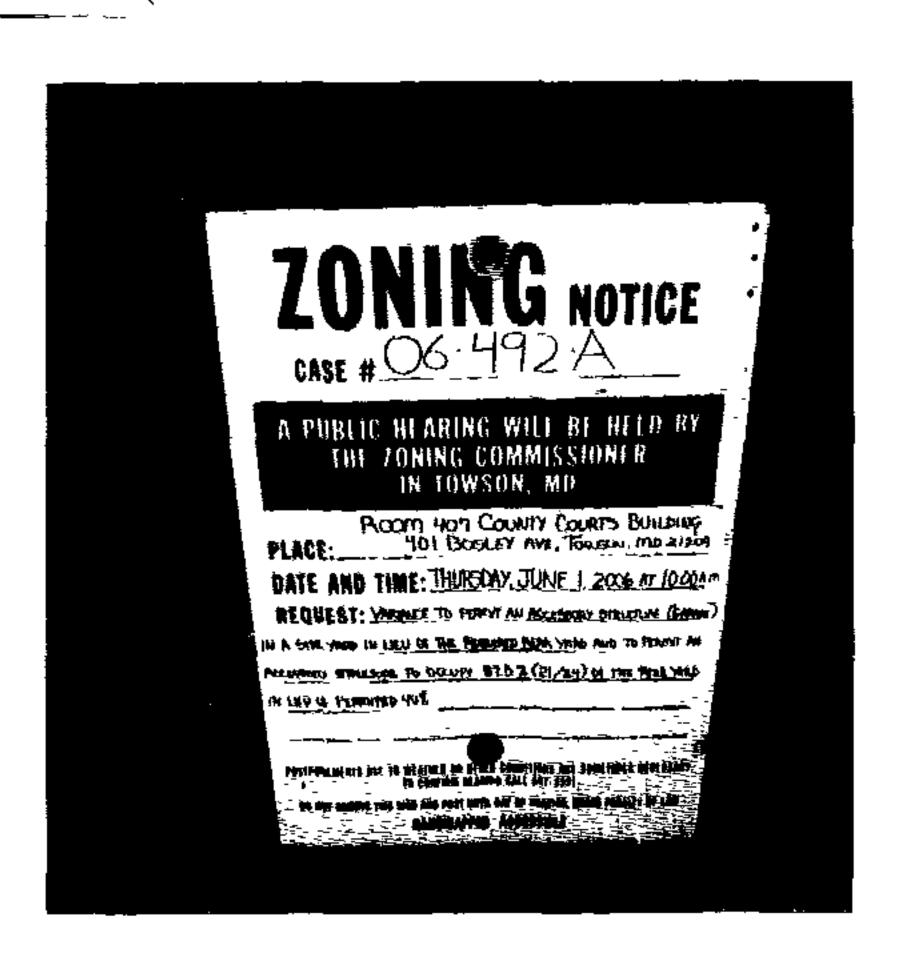
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# CERTIFICATE OF POSTING

	RE: Case No.: (6-472 H
•	Petitioner/Developer: MICHOLAS /-
	CAROL OTTE
	Date of Hearing/Closing: JONE 1, 200
Towson, Maryland 21204	Coconsidoration)
ATTN: Kristen Matthews {(410) 887-3394}	A Line Company of the
Ladies and Gentlemen:	* 14 = (17 m - 2) (17
This letter is to certify under the penalties of perju posted conspicuously on the property located at:	ry that the necessary sign(s) required by law were
GOT BACK R	IYEN NECK RD
	•
The sign(s) were posted on	5-15:06
(I)	Aonth, Day, Year)
Si	incerely,



Brist Blush 5.16.06
(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)

MAY 18 2006

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 16, 2006 Issue - Jeffersonian

Please forward billing to:

Nicholas Otte

607 Back River Neck Road

Baltimore, MD 21221

410-686-8612

### **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: 06-492-A

607 Back River Neck Road

East side of Back River Neck Road at a distance of 110+/- from the centerline of Turkey Point Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Nicholas & Carol Otte

<u>Variance</u> to permit an accessory structure (garage) in a side yard in lieu of the required rear yard and to permit an accessory structure to occupy 87.5% (21/24) of the rear yard in lieu of permitted 40%.

Hearing: Thursday, June 1, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

### Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



### Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

April 18, 2006

### **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: 06-492-A

607 Back River Neck Road

East side of Back River Neck Road at a distance of 110+/- from the centerline of Turkey Point Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Nicholas & Carol Otte

<u>Variance</u> to permit an accessory structure (garage) in a side yard in lieu of the required rear yard and to permit an accessory structure to occupy 87.5% (21/24) of the rear yard in lieu of permitted 40%.

Hearing: Thursday, June 1, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Nicholas Otte, 607 Back River Neck Road, Baltimore 21221 Clyde Hinkle, Bafitis & Associates, 1249 Engleberth Road, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 17, 2006.

- (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.



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

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 01	492	A	Address_	607 BAC	K RIVER A	JECK RD	
Conta	ct Person:	JoHn (	をいい er, Please Print Yo	ur Name	·/—	Phone Numbe	er: 410-887-3	391
Filing	Date:	1/24/06		sting Date:	7/26/06	Closing [	Date: 2//	106
Any co	ontact mad the conta	de with this oact person (pla	office regard anner) using t	ing the status the case numb	of the admo	ninistrative vai	riance should	be
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2.	a formal request for	equest for a a public hear	public heari ing, the proc	deadline for a ng. Please ι ess is not con	understand the operation in the properties and the properties on the properties and the properties and the properties and the properties are propertity are properties are properties are properties are properties ar	hat even if th closing date.	ere is no for	mal
	commission order that (typically was	ner. He may the matter b to 10/	<ul><li>(a) grant to be set in for days of the c</li></ul>	To Receive the requested a public head losing date) a head losing date.	relief; (b) de aring. You v s to whether	eny the reque will receive w the petition h	sted relief; or ritten notifica as been grant	· (c) tion
	(whether of commission changed g	lue to a neig ner), notificat iving notice o	thbor's formation will be to f the hearing	REPOSTING al request or forwarded to date, time an nd a photogra	by order of you. The solution. A	the zoning or sign on the place of the sign of the sig	or deputy zor roperty must ian was oriain	ning be ally
			(De	etach Along Dotted Li	ne)			
Petitic	ner: This	Part of the F	orm is for th	e Sign Poste	r Only			
	1			RATIVE VARIA	ANCE SIGN	FORMAT		
Case N	√umber 0	- 492	-A Add	dress 60		•		
Petitio	ner's Name	NICHOLMS 1	WD CARUL	OTTE	Tel	ephone 410	# C86 - C	<u> 3612</u>
		To Permit	106	Clo	sing Date:	8/10/01	<i>(</i>	
				RE (GARA)	,	HEIGHTO	F 22 F1	<del></del>
, <del></del>	<del>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</del>	· · · · · · · · · · · · · · · · · · ·	<u></u>	/ <u>*                                    </u>	<del>*************************************</del>	WC	R - Revised 6/2	5/04

11/10/05:1 10/10/2 poxxx1 8/1/2 1/25:01/6

# 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: <u>06~4の2~ム</u>
Petitioner: Nicholas & Carol Otte
Address or Location: #607 Back River Neck Boad
PLEASE FORWARD ADVERTISING BILL TO:
Name: Mr. Nicholas Otto
Address: #607 Back River Neck Road
Baltimore, Maryland, 21221
Telephone Number: 410-686-8612

### Department of Perminand Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



### Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

May 25, 2006

Nicholas Otte Carol Otte 607 Back River Neck Road Baltimore, MD 21221

Dear Mr. and Mrs. Otte:

RE: Case Number: 06-492-A, 607 Back River Neck Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 10, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel Clyde Hinkle, Bafitis & Associates, Inc. 1249 Engleberth Road Baltimore 21221



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

### Inter-Office Correspondence



RECEIVED

JUN 0 8 2006

ZONING COMMISSIONING

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination TWL

DATE:

June 6, 2006

SUBJECT:

Zoning Item

# 06-492

Address

607 Back River Neck Road

Baltimore, MD 21221

Zoning Advisory Committee Meeting of April 24, 2006

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Market Market

### Additional Comments:

This lot is partially in the Limited Development Area of the CBCA, and includes Forest Buffer and Critical Area Easements.

Reviewer:

Kevin Brittingham

Date: June 6, 2006

S:\Devcoord\ZAC 06-492.doc

1803 6/1

### BALTIMORE COUNTY, MARYLAND

### Inter-Office Correspondence



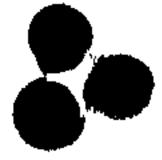
SEP 1 2 2006

TO:		Timothy M. Kotroco	
FROM	ROM: Jeff Livingston, DEPRM - Development Coordination xat		n, DEPRM - Development Coordination 🕬
DATE	•	August 14, 20	06
SUBJE	ECT:	Zoning Item Address	# 06-492-A 607 Back River Neck Road Baltimore, MD 21221
	Zoning	g Advisory Cor	nmittee Meeting of July 31, 2006
		Department of Environmental Protection and Resource Management has no ments on the above-referenced zoning item.	
The Department of Environmental Protection and Resource Management the following comments on the above-referenced zoning item:  Development of the property must comply with the Regulations Protection of Water Quality, Streams, Wetlands and Floodplains 33-3-101 through 33-3-120 of the Baltimore County Code).  Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 Baltimore County Code).		4	
		Water Quality, Streams, Wetlands and Floodplains (Sections	
		Regulations (Sections 33-6-101 through 33-6-122 of the	
	X	Critical Area	of this property must comply with the Chesapeake Bay Regulations (Sections 33-2-101 through 33-2-1004, and s, of the Baltimore County Code).

### Additional Comments:

This lot is partially in the Limited Development Area of the CBCA, and includes Forest Buffer and Critical Area Easements.

Reviewer: Kevin Brittingham Date: 8/14/2006





### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** August 17, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-492- 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.

AUG 2 % 2006

CM/LL

### INTEROFFICE CORRESPONDENCE

**DATE:** August 4, 2006

TO: Timothy M. Kotroco, Director

Department of Permits & Development

Management

Dennis A. Kennedy, Supervisor FROM:

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

For August 7, 2006

Item Nos. 06-492, 07-015, 024, 025, 027, 029, 030, 032, and 033

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-08012006.doc

### INTEROFFICE CORRESPONDENCE

**DATE:** April 25, 2006

Timothy M. Kotroco, Director TO:

Department of Permits & Development

Management

Dennis A. Kennedy, Supervisor FROM:

Bureau of Development Plans Review

Zoning Advisory Committee Meeting SUBJECT:

For May 1, 2006 Item Nos. 491, 492, 493, 494, 495, 498, 499, 500, 502, 504, 505, 507, 508, 509,

511, 513, 514, 515, 516, 517

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

DAK:CEN:clw

ZAC-NO COMMENTS-04252006.doc

### Fire Departmen:

700 East Joppa Rood Towson, Maryland 21280-5-00 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 212 )4

August 1,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: July 31,2006

Item No.: 492 015, 924, 025, 027, 028, 029, 030, 032, 033, 034 and 035.

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

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F



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

## Fire Department

700 East Joppa Road Towson, Matyland 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 April 21,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 24, 2006

Item Numbers: 491-515

492

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.

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

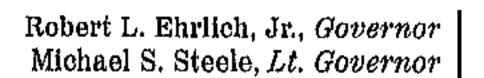
Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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





\*



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

## Maryland Department of Transportation

Date: 8.1.06

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

RE: Bal

**Baltimore County** 

Item No. 492

八尺千

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

1.1. Andh

Engineering Access Permits Division



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

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

Maryland Department of Transportation

Date: 4.21.01

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

RE:

Baltimore County

Item No. 492

JRF

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

1. 1. Soull

Engineering Access Permits Division

Street Address 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545 0300 • www.marylandroads.com

RE: PETITION FOR VARIANCE

607 Back River Neck Road; E/S Back River

Neck Road, 110' c/line Turkey Point Road

15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): Nicholas & Carol Otte

Petitioner(s)

**BEFORE THE** 

**ZONING COMMISSIONER** 

FOR

\*

\* BALTIMORE COUNTY

\* 06-492-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

People's Counsel for Baltimore County

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 21st day of April, 2006, a copy of the foregoing Entry of Appearance was mailed to, Clyde Hinkle, Bafitis & Associates, Inc, 1249 Engleberth Road, Baltimore, MD 21221, Representative for Petitioner(s).

RECEIVED

ASP 2 1 2000

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

From:

Debra Wiley

To:

Matthews, Kristen 7/26/2006 3:18:30 PM

Date: Subject:

06-492-A - Otte - 607 Back River Neck Road

Kristen,

This case was heard on June 1st and People's Counsel has filed a Motion for Reconsideration. Bill has responded to Pete's Motion and as a result, the Otte's will have their property reposted and will be having another hearing **before Bill**.

FYI - Per Bill, John Lewis is aware of the above.

Thanks.

Procedure

AUG 1 1 2006

ZONING COMMISSIONED

Per contenation

With Nonviction

and Bill this

Case were not need

to he hereby, hardle

administratively.

# Debra Wiley - Zoning items 06-492 and 06-501

From:

Jeffrey Livingston

To:

Wiley, Debra

**Date:** 06/01/06 9:56-AM- Subject: Zoning items 06-492 and 06-501

Debbie,

I do not currently have comments for zoning items 06-492 and 06-501 and have checked with EIR. They will have a comment within the next several days. I will send you the comments as soon as I get them.

Jeff



PUTON ADMIN SON W SUSPENSE DATE Civil Engineers / Land Planners / Surveyors 1249 Engleberth Rd. Baltimore, Md. 21221

410-391-2336

LETTE TO:		TRANSMITTA MORE COUNT			DATE:	JULY 20 607 BAC	, 2006 K RIVER NECK ROAD		
ZONING ATTEN: MR. JOHN LEWIS				<del></del>	CASE N	O. 06-492A			
ORIG	RE SENI INAL TRA A TRANSP. (OSTATIS) CHIES)		HEREW	E PRINT(S) PRINT(S) WING(S)	UNDER S  PHOTOGRAF  LETTER(S)  SAMPLE(S)  ESTIMATE(S)	E COVER    REPORT(S)   MAPIS)   AGREEMENT(S)   AS NOTED BELOW			
PREPA	ARED B	Y:			APPROVED:				
□ AS RE	E ARE F EQUESTED APPROVA COMMENT PAYMENT	ORWARDED	FOR CORRECT FOR CONSTRI ON CONSTRI	JCTION MATION	☐ REVIEWE	D AND ACC	EPTED EPTED AS NOTED JANED FOR REVISION		
DRAW		NO, OF COPIES	LATEST DATE		DESC	RIPTION			
		12		· -	TO MOTION FOR	RECONSI	DERATION		
		3		SIGNED	PETITION FOR VAL	RIANCE			
· · · · · · · · · · · · · · · · · · ·									
SENT V	AL DELIVI FIED MAI CLASS MA	EAY L Atl	AIR MAIL PARCEL POS BUS	sr /	YOUR MESSENGE OUR MESSENGE UNITED PARCEL	A	EXPRESS INSURED AS NOTED BELOW		
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<del></del>					Very truly yours	,	<u></u>		
ору То:						Ba	) (tio		

DATE	CASE NUMBER	CASE NAME
		Cl6-492-A

# PETITIONER'S SIGN-IN SHEET

									Muchon Baritis RE	Med Canthe Cher	NAME
									1749 ENGUEBERTHE	1 1 3 2 LOD BOCK 1 109	ADDRESS
									12	CH BALO MIN 21.26/	CITY, STATE, ZIP
									baine Colours. Me		E- MAIL

Case No.:	492-	A
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# **Exhibit Sheet**

# Petitioner/Developer

## Protestant

No. 1	AMENDED SITE PEAN	
No. 2	irter of support	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		
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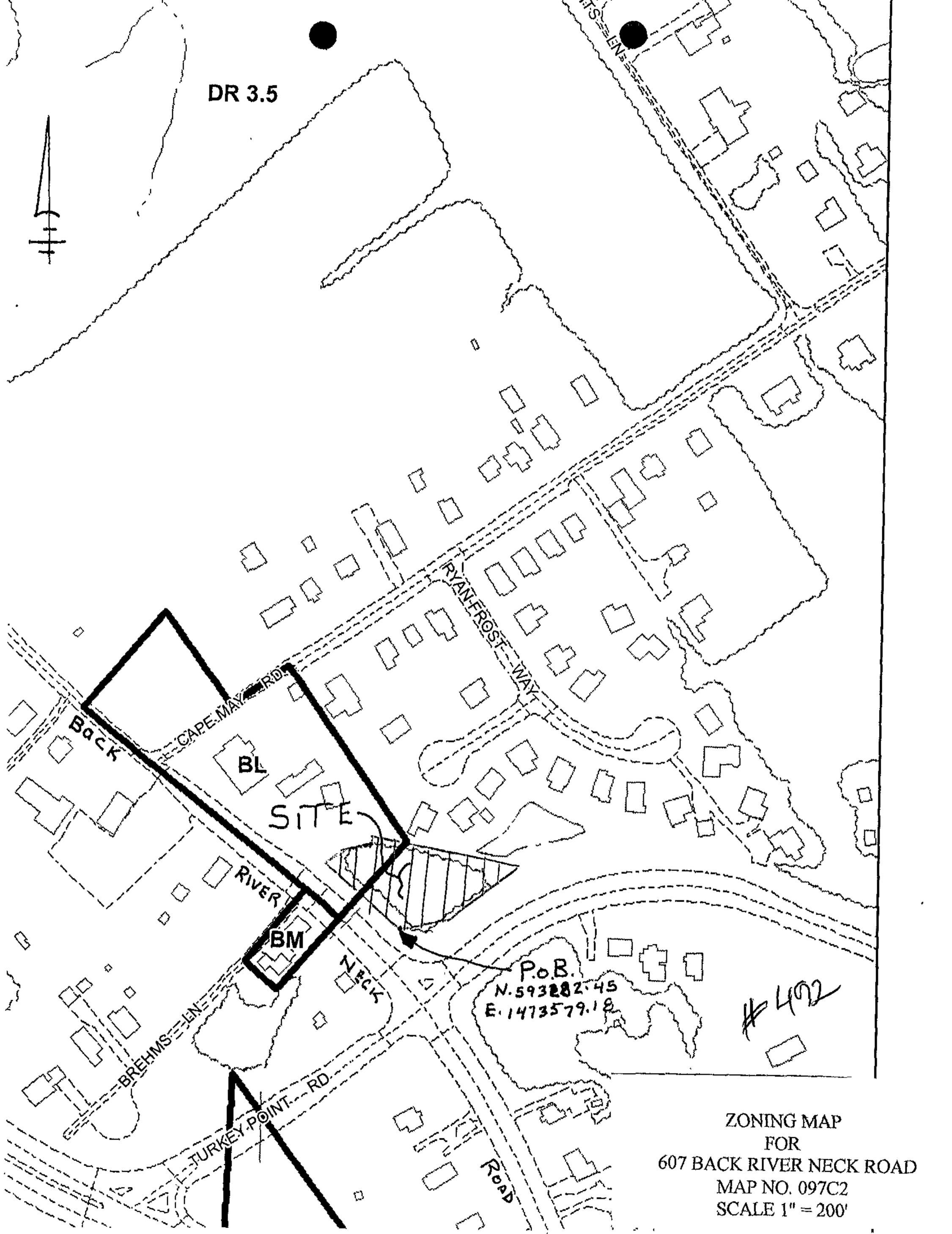
Hí Carole,

I couldn't believe it when I read the enclosed article from the local paper. Our tenant (Dr. Samantha Dreyer) also has a bird's nest in the wreath on her door (which is the ONLY entry for her). Her door is alongside the mailboxes and faces Brehm's Lane! The eggs hatched sometime between last Tuesday evening and Wednesday morning. When Sam opens her door, the mother bird just flies a short distance away only to return once again when the "coast is clear".

There must be something in the air up there!! Good luck with whatever you need the zoning exception for (I haven't read the sign – everything you have done over there looks so good – I'm not the least bit concerned about what it is you are trying to do.) Hope to see you soon.

Sincerely Cathy Holden

ExHIBIT 2



# MOTION FOR RECONSIDERATION

# PETITION FOR VARIANCE

AND

PLATS

06-492-A

