

IN RE: **PETITION FOR ADMIN. VARIANCE**

N/S Braeburn Way, 130' S of c/l

Georgia Bell Drive

(5208 Braeburn Way)

11th Election District

5th Councilmanic District

Gil G. Villanueva & Maripi B. Ras

Petitioners

*

BEFORE THE

*

ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

Case No. 06-591-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Gil G. Villanueva and Maripi B. Ras. The Petitioners seek relief from Sections 259.9.B.4.E(1) and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18 feet in lieu of the required 37.5 feet for an open projection addition (12' x 19' deck and a 10' x 10' extension), and to amend the previously approved site plan in Case No. 00-252-A and the Final Development Plan for Forge Landing, Lot 79, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In

FILED FOR FILING
Date 8-8-09
By [Signature]

this regard, a formal demand for public hearing was made by the adjacent property owner, Laurie (Ligeri) Kourtesis. Thus, a hearing was scheduled before the undersigned on July 28, 2006.

Appearing at the requisite public hearing in support of the requested relief were Gil Villanueva and Maripi Ras, property owners. Appearing as a Protestant/interested citizen was Ligeri Kourtesis, adjacent property owner. There were no other interested persons present.

Testimony and evidence offered disclosed that the subject lot is a pie shaped lot located on the north side of Braeburn Way, just south of that road's intersection with Georgia Bell Drive, in the newly developed residential subdivision known as Forge Landing in Perry Hall. Pursuant to the relief granted in prior Cases Nos. XI-829 and 00-252-A on June 23, 2000, the Developer obtained development plan approval and zoning relief for reduced setbacks and lot widths for certain lots. The subject lot, also known as Lot 79 of Forge Landing, obtained approval to have a reduced rear property line setback of 30 feet in lieu of the required 50 feet. The Petitioners now come before me seeking a further reduction in the rear setback requirement for a proposed deck addition.

As shown on the site plan, the property contains a gross area of 7,927 sq.ft., more or less, zoned D.R.3.5, and is improved with a single family dwelling. The Petitioners have owned and resided on the property for approximately five years and as noted above, propose the construction of a 12' x 19' deck to the rear of their home. In addition to the deck, the Petitioners propose to attach a 10' x 10' gazebo extension on the south side of the proposed deck. Due to the unique configuration of the lot and the location of existing improvements thereon, the deck and gazebo extension will be located 18 feet from the rear property line. Thus, the requested variance is necessary in order to proceed.

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Date 8-8-06
By D. B. [Signature]

In support of their request, the Petitioners testified that that there is presently a 3-foot drop from the sliding doors that lead out from the kitchen into the rear yard. Thus, they cannot effectively access the rear yard from this location in the house. They also expressed concern about the safety of their two year old when utilizing this access. The Petitioners also indicated that locating the deck elsewhere on the home would be impractical given the layout of the house and the location of existing utilities (gas and water lines) in the rear yard.

As noted above, Ligeri (Laurie) Kourtesis appeared in opposition to the request. Ms. Kourtesis resides immediately to the rear of the subject property and will be most affected by the proposed deck. While Ms. Kourtesis has no objections to the 12' x 19' portion of the deck, she objects to the additional 10' x 10' deck extension and is particularly concerned that this portion of the deck will be located only 20 feet from her home, not her property line. She believes that such a large deck in close proximity to her home will negatively affect the beauty of her home and devalue her property. She noted that there is an existing fireplace "bump-out" to the rear of the Petitioners' home and believes that the proposed deck should not extend any further into their rear yard than the fireplace. The Petitioners stated that it would not.

The merits of the relief requested must be adjudged in accordance with Section 307 of the B.C.Z.R. That Section sets out the variance statute in Baltimore County and the criteria under which the Zoning Commissioner shall consider variances. Pursuant to that Section, a variance can only be granted if in strict harmony with the spirit and intent of the regulations and only in such a manner as to grant relief without injury to the public health, safety and general welfare. The Courts of this State have frequently interpreted this Baltimore County statute. A leading case is Cromwell v. Ward, 102 Md. App. 691 (1995). In that case, the Court of Special Appeals considered a height variance for a garage in Baltimore County. The Court determined that

ORDER RECEIVED FOR FILING
Date 8-8-09
By 12-3-09

deciding variance requests is a two-step process. First, the Zoning Commissioner must find that the property is unique and unusual in a manner different from the nature of the surrounding properties and that such uniqueness drives the need for the variance. If this finding is not made, the process stops and the variance must be denied. However, if the first step results in a finding of uniqueness, then the second step of the process is taken. The second step is to determine whether an unreasonable hardship or practical difficulty resulting from the ordinance would be caused if strict adherence to the regulations were required. A variance cannot be granted merely for the convenience of the property owner.

After due consideration of the testimony and evidence presented, I am persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted for the proposed 12' x 19' portion of the deck. I find that variance relief is appropriate in this instance and will not be detrimental to adjacent properties or the surrounding locale. However, the proposed 10' x 10' gazebo or deck extension is problematic and should be denied. The testimony offered by Ms. Kourtesis was persuasive to a finding that the extended deck will intrude upon the use and enjoyment of her property and negatively affect its value. It is also of note that the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning recommended that the 10' x 10' portion of the deck be eliminated to minimize the deck's visual encroachment along the public street and to protect the existing street character of the greater community. I concur with their assessment and the concerns expressed by the Protestant and thus, variance relief will be granted to allow construction of the proposed 12' x 19' deck, only.

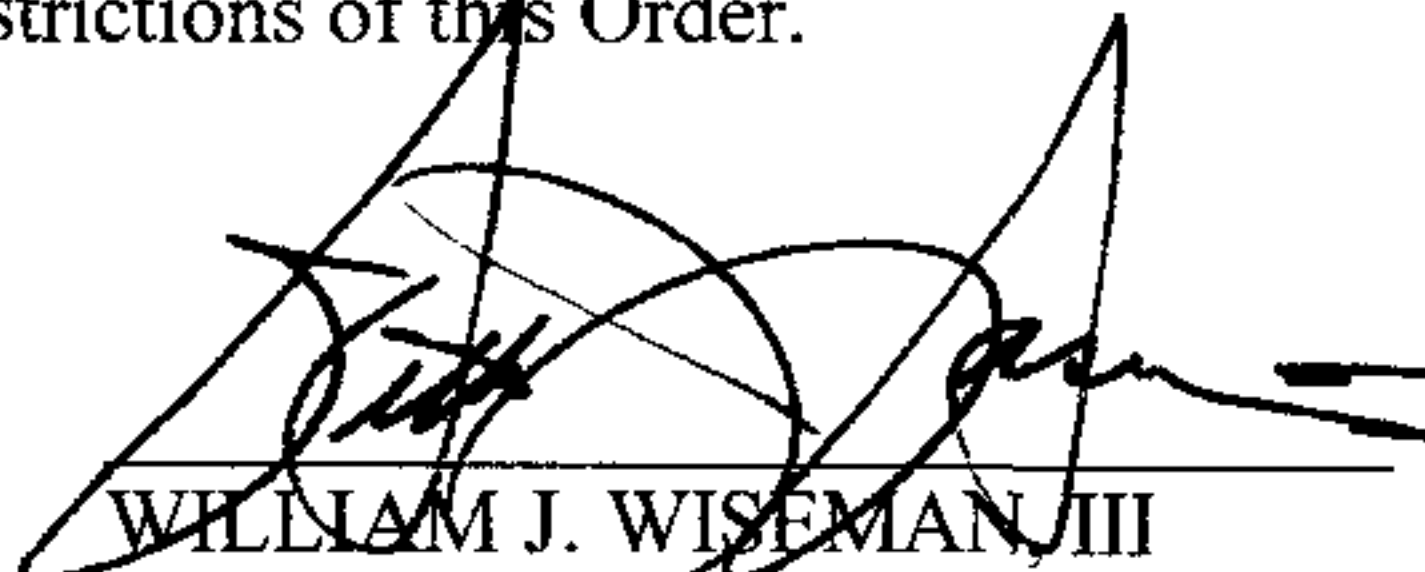
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, modified relief will be granted.

ORDER RECEIVED FOR FILING
Date 8-8-08
By D. J. [signature]

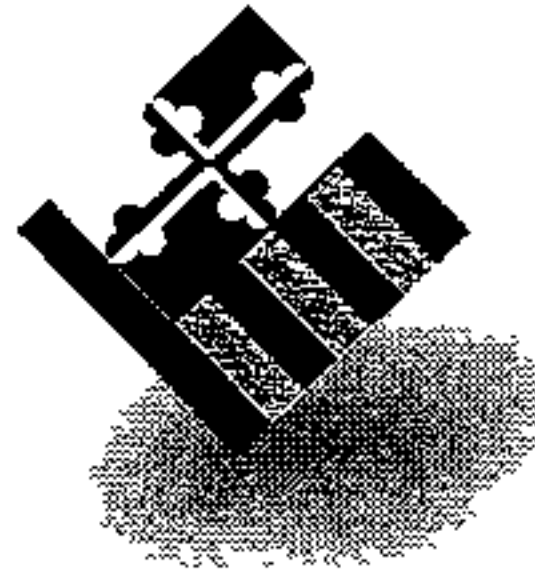
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of August 2006, that the Petition for Variance seeking relief from Sections 259.9.B.4.e(1) and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18 feet in lieu of the required 37.5 feet for a proposed 12' x 19' deck, and an amendment to the site plan approved in prior Case No. 00-252-A and the Final Development Plan for Forge Landing, Lot 79, only, in accordance with Petitioner's Exhibit 1, as modified above, 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 for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
- 2) Prior to the issuance of any permits, the site plan shall be amended to eliminate the 10' x 10' deck extension. A copy of the amended plan shall be submitted to the Department of Permits and Development Management for inclusion into the case file.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 8-8-06
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

August 8, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Gil G. Villanueva & Ms. Maripi B. Ras
5208 Braeburn Way
Perry Hall, Maryland 21128

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
N/S Braeburn Way, 130' S of the c/l Georgia Bell Drive
(5208 Braeburn Way)
11th Election District – 5th Council District
Gil G. Villanueva & Maripi B. Ras - Petitioners
Case No. 06-591-A

Dear Mr. Villanueva & Ms. Ras:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in part and denied in part, 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,

A handwritten signature in black ink, appearing to read "Will Wiseman", with a long horizontal flourish extending to the right.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Ms. Ligeri Kourtesis, 5206 Braeburn Way, Perry Hall, Md. 21128
Office of Planning; People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5208 BRAEBURN WAY
which is presently zoned OR 3.5H

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) 259.9B, 4. e (1) AND 301 BCZR

To permit an open projection addition (deck) with a rear yard setback of 18' in lieu of the required 37.5'. And to amend the FDP of Forge Landing, Lot 79 only, and the previously approved case # 00-252-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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10 day of August, 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.

Legal Owner(s):

GIL G. VILLANUEVA
Name - Type or Print

Signature

Maripi B. Ras
Name - Type or Print

Maripi Ras
Signature

5208 Braeburn Way (410) 529-6007 Home #
Address Telephone No.

Perry Hall, MD 21128
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JRF Date 5/18/06

Estimated Posting Date 5-28-06

CASE NO. 06-591-A

Date 10/25/01

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 5208 BRAEBURN WAY
Address
PERRY HALL MD 21128
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 build a deck. We would like to request a variance on the required 50 ft setback (it should be noted that the builder was granted a zoning variance to permit a 30 ft rear setback in lieu of the 50 ft. required). Owing to the following practical difficulties, the only place that we can locate the deck is on the rear, northwest side of our house and property (please see the attached pictures):

- (1) The deck can be accessed most easily via the sliding kitchen door.
- (2) There is a 3 ft. drop from the kitchen to our backyard, therefore we are currently unable to access and use our backyard effectively.
- (3) Placing the deck on the south side would block the side-loading garage.
- (4) Placing the deck on the north side is infeasible because (a) utility (gas and water) meters are located there and (b) there is no access to the deck from the house.
- (5) For obvious reasons (e.g., lack of space, aesthetics) the deck can't be located on the front (East side) of the house.
- (6) We are also concern of the safety of the children.
- (7) There is a slight slope on the right side at the back of the house.

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.

G. Villanueva
Signature
GIL V. VILLANUEVA
Name - Type or Print

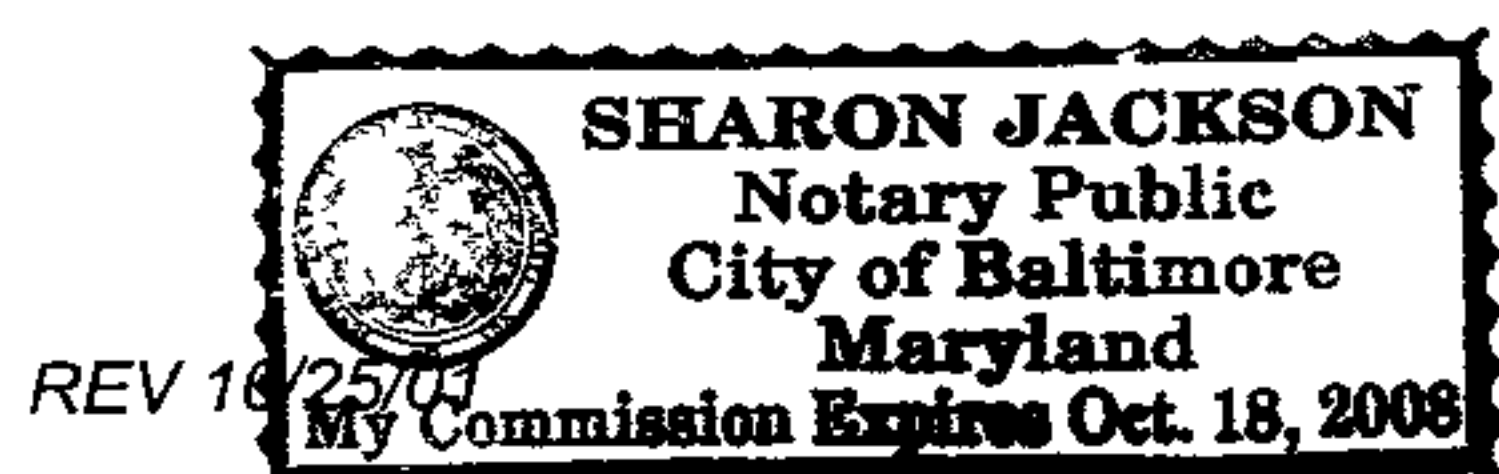
Maripí Ras
Signature
Maripí B. Ras
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of May, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Sharon Jackson
Notary Public
My Commission Expires 10/18/2008

ZONING DESCRIPTION FOR 5208 BRAEBURN WAY, PERRY HALL , MD. 21128

Beginning at a point on the North side of Braeburn Way which is 50 ft. wide at the distance of 130 ft. south of the centerline of the nearest improved intersecting street Georgia Bell which is 76 feet wide. *Being lot # 79, in the subdivision of Forge Landing as recorded in Baltimore County Plat Book # 75, Folio # 33, containing 7,927 square feet. Also known as 5208 Braeburn Way and located in the 11 Election District, C5 councilmanic District.

591

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-591-A

5208 Braeburn Way

North side of Braeburn Way at the distance of 130 feet south of centerline of Georgia Bell Drive

11th Election District - 5th Councilmanic District

Legal Owner(s): Gil G. Villanueva & Maripi B. Ras

Variance: to permit an open projection addition (deck) with a rear yard setback of 18 feet in lieu of the required 37.5 feet and to amend the FDP of Forge Landing, Lot 79 only, and the previously approved Zoning Case #00-252-A.

Hearing: Friday, July 28, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing,

Contact the Zoning Review Office at (410) 887-3391.

7/102 July 13

101636

CERTIFICATE OF PUBLICATION

7/13/2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/13/2006.

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

J. Wilkins

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 6055

DATE 5-18-06

ACCOUNT

001 006-6150

AMOUNT \$ 115.00

RECEIVED FROM:

ERIC VILLANUEVA

FOR:

5208 DORSETT BURN WAY
ADMIN. & MAINT.
ITEM # 591

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME

5/18/2006 5/18/2006 00:00:00

REQ #501 WALKIN JUNE 2006

>>RECEIPT # 206364 5/18/2006

Dept 5 520 ZONTANO VERIFICATION

CR NO. 006055

Receipt Tot \$115.00

\$115.00 DE

1.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION



FORMAL DEMAND FOR HEARING

CASE NUMBER: 06-591-A

Address: 5208 BRAEBURN WAY

Petitioner(s): VILLANUEVA / RUS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We LAURIE (LIGERI) KOURTESIS
Name - Type or Print

(☒) Legal Owner OR (☐) Resident of

5206 BRAEBURN WAY
Address

PERRY HALL MD 21228
City State Zip Code

410-248-2287
Telephone Number

which is located approximately 0' feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.

**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.**

Ligeri Kourtesis
Signature

6/9/06
Date

Signature

Revised 9/18/98 - wcr/scj

Date

CERTIFICATE OF POSTING

RE: Case No.: 06-591-A

Petitioner/Developer: _____

GIL VILLANUEVA & MARIPI ROS

Date of Hearing/Closing: 6/12/06

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

Attention:

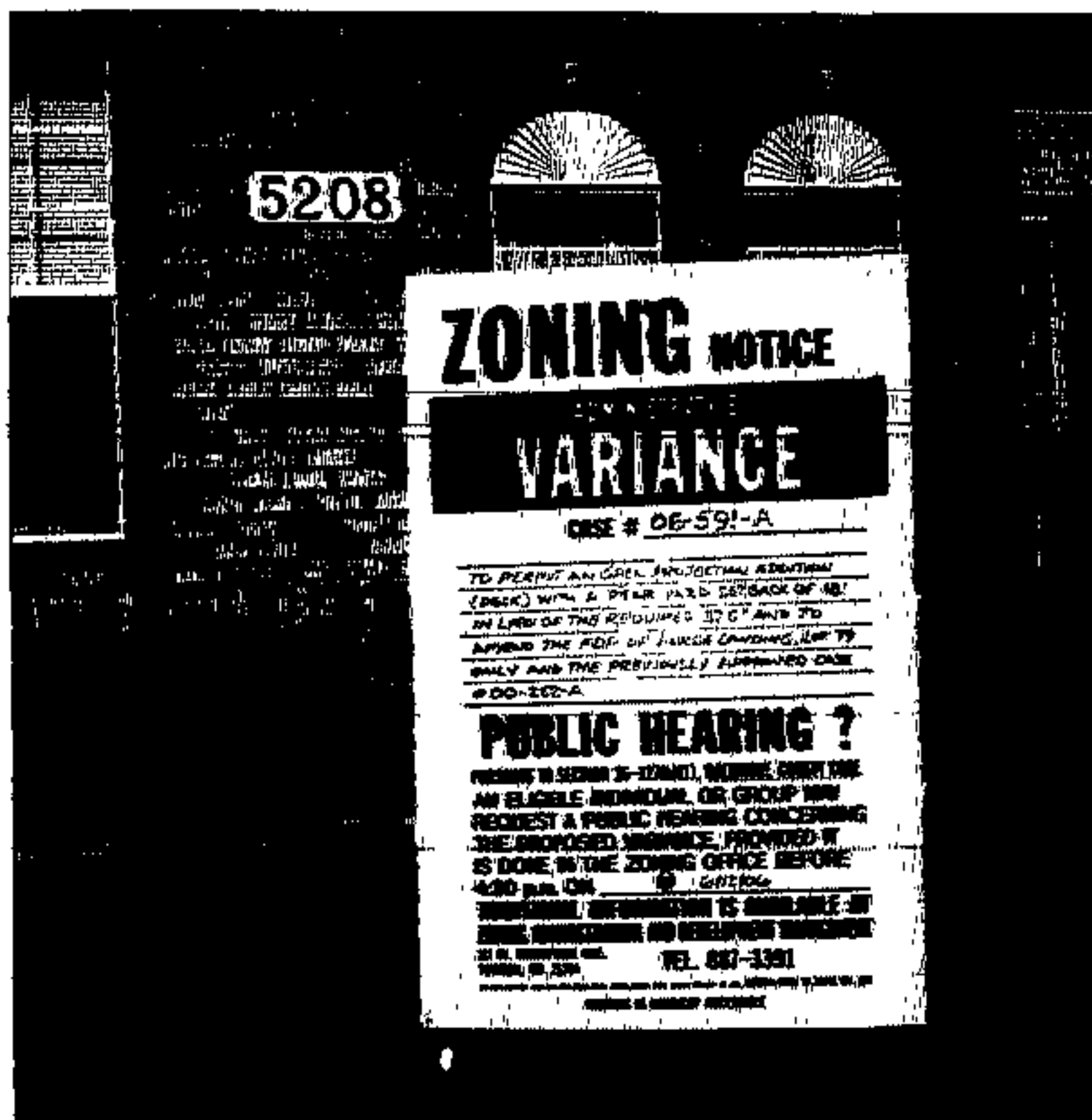
Ladies and Gentlemen:

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

5208 BRAEBURN WAY

The sign(s) were posted on 5/28/06
(Month, Day, Year)

CASE # 06-591-A



Sincerely,

Richard E. Hoffman 5/28/06
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

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

(410) 879-3122
(Telephone Number)

5208 BRAEBURN WAY
POSTED 5/28/06
Richard E. Hoffman 5/28/06

CERTIFICATE OF POSTING

RE: Case No.: 06-591-A

Petitioner/Developer: _____

GIL G. VILLANUEVA

Date of Hearing/Closing: 7/28/06

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

Attention:

Ladies and Gentlemen:

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

5208 BRAEBURN WAY

The sign(s) were posted on _____

7/13/06

(Month, Day, Year)

CASE # 06-591-A

Sincerely,

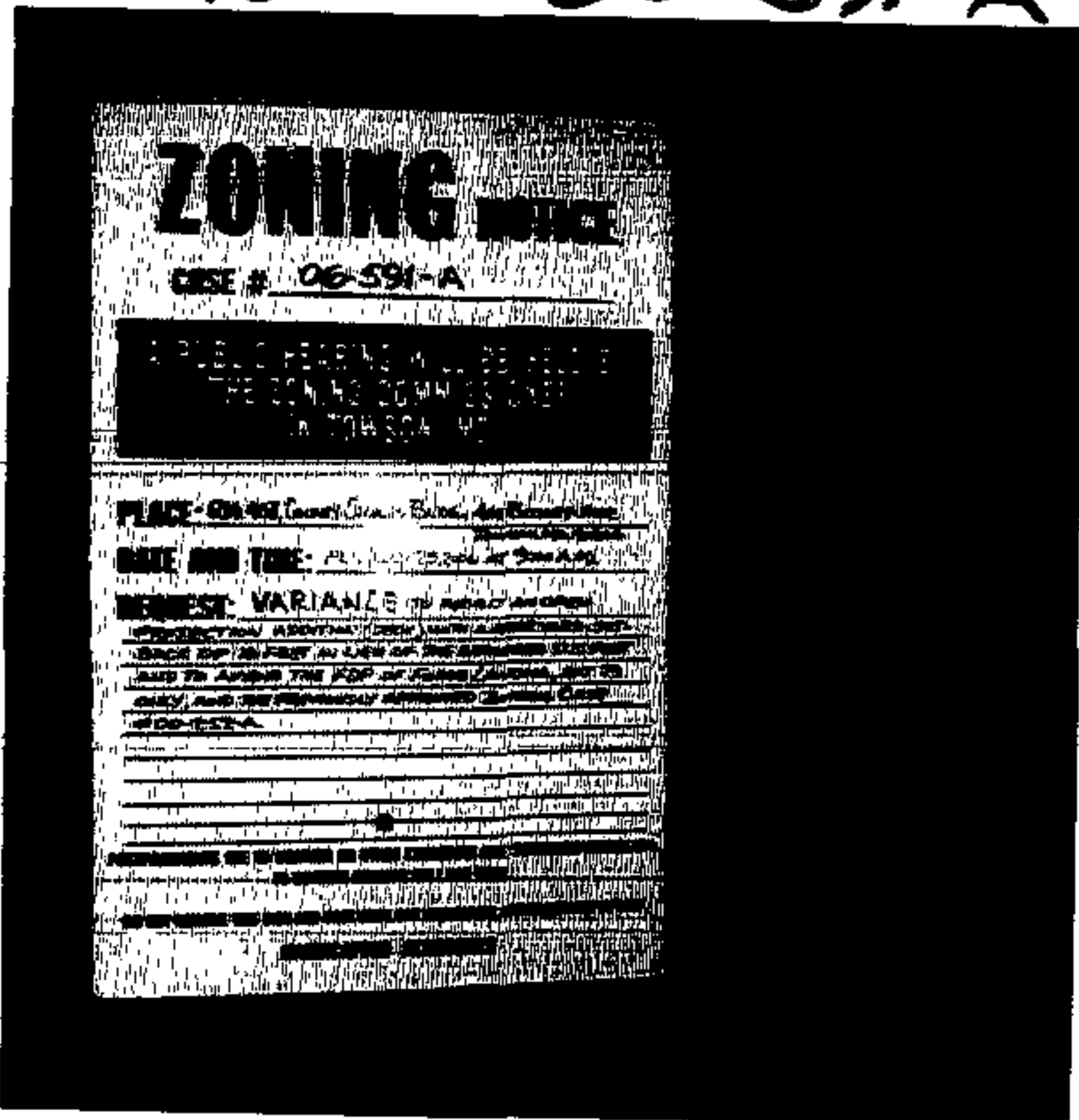
Richard E. Hoffman 7/13/06
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

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

(410) 879-3122
(Telephone Number)



5208 BRAEBURN WAY

POSTED 7/13/06

Richard E. Hoffman 7/13/06

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 591 -A

Address 5208 BRAEBURN WAY

Contact Person: JUN R. FERNANDO

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5-18-06

Posting Date: 5-28-06

Closing Date: 6-12-06

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- 591 -A

Address 5208 BRAEBURN WAY

Petitioner's Name GIL VILLANUEVA & MARIPI RAS Telephone 410-529-6007

Posting Date: 5-28-06

Closing Date: 6-12-06

Wording for Sign: To Permit an open projection addition (DECK) with
a rear yard setback of 18' in lieu of the required 37.5'
And to amend the FDP of Forge Landing, Lot 79 only
and the previously approved case # 00-252-A.

WCR - Revised 6/25/04

**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: OG - 591 - A
Petitioner: Gil Villanueva , Maripi Ras
Address or Location: 5208 Braeburn Way , Perry Hall, MD 21128

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gil Villanueva , Maripi Ras
Address: 5208 Braeburn Way, Perry Hall, MD 21128

Telephone Number: (410) 529-6007



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

June 13, 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: 06-591-A

5208 Braeburn Way

North side of Braeburn Way at the distance of 130 feet south of centerline of Georgia Bell Drive

11th Election District – 5th Councilmanic District

Legal Owners: Gil G. Villanueva & Maripi B. Ras

Variance to permit an open projection addition (deck) with a rear yard setback of 18 feet in lieu of the required 37.5 feet and to amend the FDP of Forge Landing, Lot 79 only, and the previously approved Zoning Case #00-252-A.

Hearing: Friday, July 28, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Villanueva & Ras, 5208 Braeburn Way, Perry Hall 21128
Ligeri Kourtesis, 5206 Braeburn Way, Perry Hall 21128

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 13, 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.



TO: PATUXENT PUBLISHING COMPANY
Thursday, July 13, 2006 Issue - Jeffersonian

Please forward billing to:
Gil Villanueva
5208 Braeburn Way
Perry Hall, MD 21128

410-529-6007

NOTICE OF ZONING HEARING

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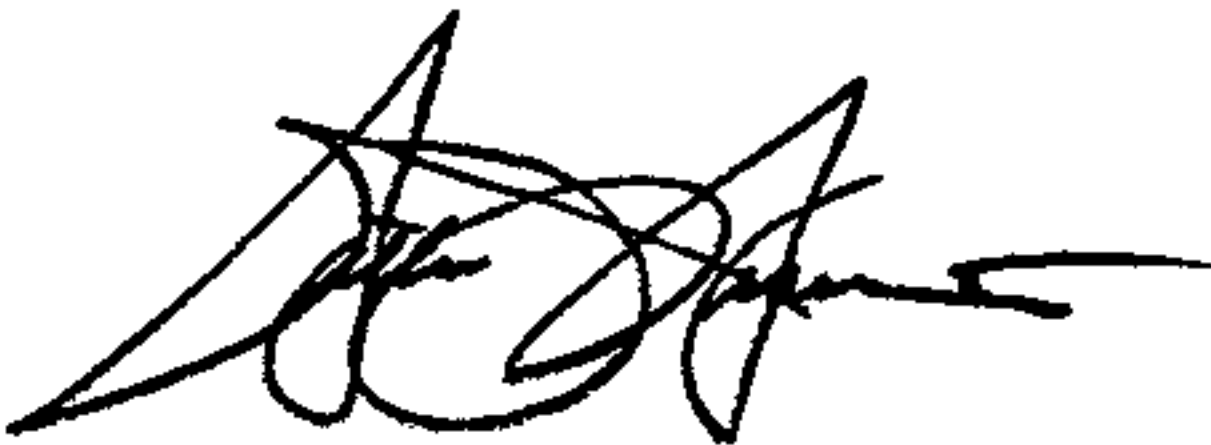
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Legal Owners: Gil G. Villanueva & Maripi B. Ras

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Hearing: Friday, July 28, 2006 at 9:00 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 20, 2006

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

Gil G. Villanueva
Maripi B. Ras
5208 Braeburn Way
Perry Hall, MD 21126

Dear Mr. Villanueva and Ms. Ras:

RE: Case Number: 03-591-A, 5208 Braeburn Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 18, 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, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

4BW
7/28

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 21, 2006

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

SUBJECT: 52008 Braeburn Way

INFORMATION:

Item Number: 6-591

Petitioner: Gil G. Villanueva / Maripi B. Ras

Zoning: DR 3.5H

Requested Action: Administrative Variance

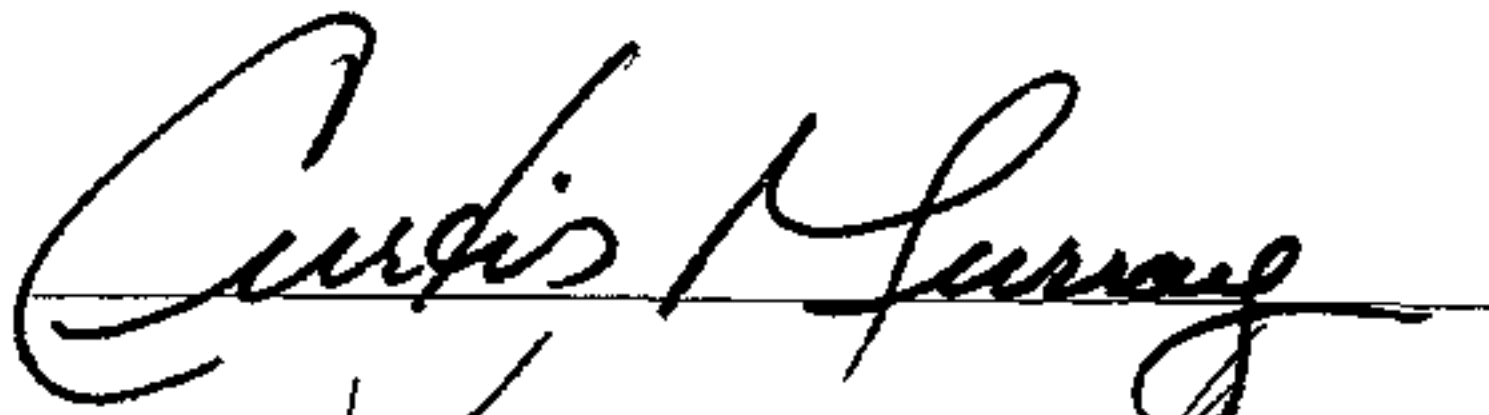
SUMMARY OF RECOMMENDATIONS:

The subject property is located on the interior bend of the 5200 block of Braeburn Way within the Forge Landing subdivision. The existing single-family dwelling is sited on the lot in such a way so that the side and rear yard are immediately adjacent to and in direct view of the public right-of-way.

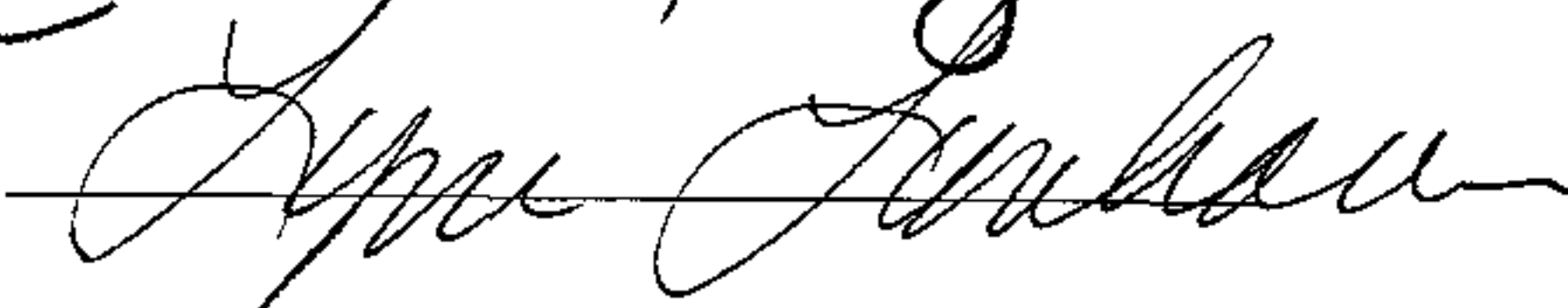
Based on the above conditions, the Office of Planning recommends that the ten-foot by ten-foot (10' x 10') portion of the proposed open deck addition be eliminated from the site plan. Adhering to this recommendation will minimize the visual encroachment along the public street as well as protect the existing street character found within the greater community. The remaining twelve-foot by nineteen-foot (12 x 19) portion of the proposed addition does not appear to have an adverse impact on the street character as it would be not be directly visible looking at the front of the dwelling from Braeburn Way.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 30, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 5, 2006
Item No. 590, 591, 592, 593, 594, and 595

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-05302006.doc



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

May 8, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 30, 2006

Item Numbers: Item Number ⁵⁹¹590-596

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





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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 5.25.06

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

RE: Baltimore County
Item No. 551 JZF

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

RECEIVED

JUN 09 2006

June 6, 2006

Per. D.T.

Ms. Laurie Kourtesis
5206 Braeburn Way
Perry Hall, Maryland 21128
410-248-2287

HAND DELIVERED

Baltimore Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Subject Property: 5208 Braeburn Way
Issue: Variance of Permit to Build Deck
Reference # 06591-A

Dear Sir/Madam:

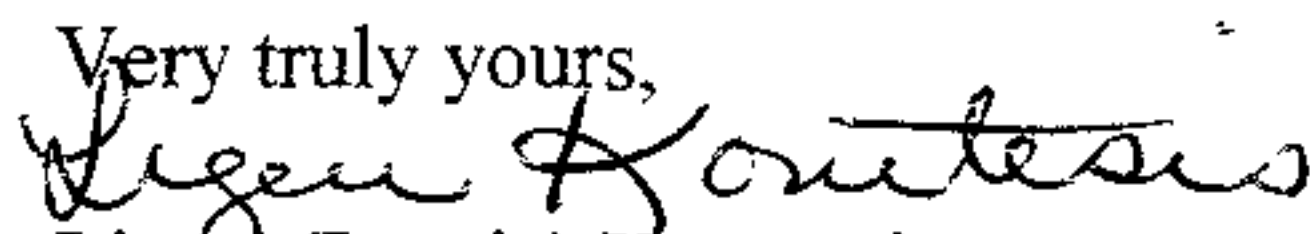
Please be advised that I am hereby providing notice, in writing, of my objection to the building of the proposed deck(s) on the property located at 5208 Braeburn Way in Perry Hall, Maryland.

I am hereby officially requesting a hearing on this matter, and am attaching my payment of \$50 for the hearing.

The issue with the deck stems from the fact that our neighbors wish to have an extension off of the 12 x 19 deck with a 10 x 10 octagonal "gazebo". This creates an issue because the required 37.5 feet setback would only be 18 feet. As well, the edge of my house (not property line) would be 20 feet from the end of their proposed extension of the deck.

Clearly, this would create a "townhouse" feel, and I paid for a single family, detached home. I am willing to consider a compromise, but feel that such a large deck on a limited area of space would negatively affect the beauty of my home as well as lower the value on re-sale. Thus, I have strong objections to the variance.

If there is anything further needed from me, please do not hesitate to contact me at the address and phone number listed above. With best regards, I am,

Very truly yours,

Ligen (Laurie) Kourtesis
Owner, 5206 Braeburn Way

cc: Robinson & Kourtesis Law Firm

UNAVAILABLE 8/5-8/14/06 

**Department of Permits &
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*

June 13, 2006

Gil Villanueva
Maripi Ras
5208 Braeburn Way
Perry Hall, MD 21128

Dear Mr. Villanueva & Ms. Ras:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-591-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand by Ligeri Kourtesis concerning the above-proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Jun Fernando at 410-887-3391.

Very truly yours,


W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Ligeri Kourtesis, 5206 Braeburn Way, Perry Hall 21128

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



F A X

American Drafting Service

904 Dellwood Dr
Fallston, MD.
21047

To:

MR. WHIZMAN

Company:

BALTIMORE COUNTY - ZONING COMMISSIONER

Fax number:

410-887-3468

Business phone:

From:

Richard Hoffman

Fax number:

(410) 879-3122

Business phone:

(410) 879-3122

Date & Time:

7/28/06 10:50 AM

Pages:

2 including cover page

Re:

(Note)

SORRY FOR ANY INCONVENIENCE, WILL SEND
HARD COPY OF PHOTO TODAY.

Thanks
Dick Hoffman

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: District - 11 Account Number - 2400001890

Owner Information

Owner Name: VILLANUEVA GIL
RAS MARIPI
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 5208 BRAEBURN WAY
PERRY HALL MD 21128-8830
Deed Reference: 1) /20493/ 623
2)

Location & Structure Information

Premises Address
5208 BRAEBURN WAY

Legal Description
.182 AC
5208 BRAEBURN WAY NS
FORGE LANDING

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
73	7	365					79	3	3	75/ 33

Special Tax Areas	Town Ad Valorem Tax Class	Primary Structure Built	Enclosed Area	Property Land Area	County Use
		2004	2,765 SF	7,927.00 SF	04
Stories	Basement			Type	Exterior
2	YES			STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of	Phase-in Assessments	
		01/01/2006	As Of	As Of
			07/01/2005	07/01/2006
Land:	70,920	151,500		
Improvements:	225,400	296,890		
Total:	296,320	448,390	296,320	347,010
Preferential Land:	0	0	0	0

Transfer Information

Seller: RICHMOND AMERICAN HOMES	Date: 08/04/2004	Price: \$367,340
Type: NOT ARMS-LENGTH	Deed1: /20493/ 623	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITION FOR VARIANCE - NW/S
John F. Kennedy Highway (I-95) and W/S * ZONING COMMISSIONER
Joppa Road and New Gerst Lane
(Baltimore Air Park) * OF BALTIMORE COUNTY
11th Election District * Cases Nos. XI-829 & 00-252-A
5th Council District

Baltimore Aviation Service, Inc., Owner; *
Forge Landing, LLC, Developer
* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner as a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code, for consideration of a development plan and Petition for Variance, filed by Baltimore Aviation Service, Inc., Owners, and Forge Landing, L.L.C., Developers. The Owners/Developers seek approval, pursuant to Section 26-206 of the Baltimore County Code, to develop the site with 146 single family dwellings. In addition to development plan approval, zoning relief is sought from the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: 1) From Section 259.9.C.8 to permit a storm water management pond slope ratio of 2:1 in lieu of the required 3:1; 2) from Section 259.9.B.4.e to permit a rear yard setback of 30 feet in lieu of the required 50 feet for the lots listed in Note #4 on the plan; 3) from Section 259.9.B.3 to permit a lot width of 78 feet in lieu of the required 85 feet for the lots listed in Note #5 on the plan; and, 4) from Section 259.9.B.3 to permit a lot width of 84 feet in lieu of the required 85 feet for the lots listed in Note #6. The proposed development and relief requested are more particularly described on the red-lined development plan which was submitted into evidence and marked as Developer's Exhibit 1.

This project has undergone lengthy review and evaluation through the development review process, as codified in Title 26 of the Baltimore County Code, and has significantly evolved through the process. Originally, a concept plan of the proposed development was prepared and a conference held thereon on March 29, 1999. Two community input meetings were

held for the proposal on May 12, 1999 at the Perry Hall Library, and July 28, 1999 at the White Marsh Library. Subsequently, a development plan was submitted and a conference held thereon on September 8, 1999 and a Hearing Officer's Hearing scheduled thereafter for September 30, 1999. The matter was postponed, however, so that additional input and changes could be made to the plan. As a result of these changes, another development plan conference was held on December 29, 1999, and a Hearing Officer's Hearing scheduled for January 20, 2000. That hearing was postponed, however, and subsequently rescheduled and conducted on June 23, 2000.

Appearing at the public hearing required for this project were G. Earle Mace on behalf of Baltimore Aviation Service, Inc., property owner; Anthony Julio, a Member of the Forge Landing, LLC, Developer; Rick Chadsey, Professional Engineer with George W. Stephens, Jr. & Associates, Inc., who prepared the plan; Mickey Cornelius, Traffic Engineer from The Traffic Group, Inc.; and, Howard L. Alderman, Jr., Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including Glenn Shaffer on behalf of the Department of Environmental Protection and Resource Management (DEPRM); Jun Fernando, Zoning Review, Bob Bowling, Development Plans Review, Colleen Kelly, Land Acquisition, and Don Rascoe, Project Manager, all representatives of the Department of Permits and Development Management (PDM); Lynn Lanham for the Office of Planning (OP); and, Paul Walsky with the Department of Recreation and Parks (R&P). Appearing as interested persons were Dennis Eckard, who appeared on behalf of the Perry Hall Improvement Association, and Marion E. Barton, a nearby property owner.

The subject property is located in the Honeygo/White Marsh community in eastern Baltimore County and consists of a gross area of 60.96 acres, more or less, split zoned D.R.1H (0.17 acres), D.R.-2H (14.0 acres), and D.R.-3.5 (46.79 acres). To the south and the east, the property abuts the John F. Kennedy Memorial Highway (I-95). To the west, the property will adjoin a new public road to be constructed and connected to Joppa Road. To the south, the property lies adjacent to the Chapel Hill Elementary School, and a proposed residential community which was recently approved by this Hearing Officer, known as Moore's Orchard. To the north, a

large section of the property abuts another new residential subdivision currently under construction, known as Glenside Farms. As more particularly shown on the development plan, Forge Landing, LLC proposes 146 single family dwelling lots. This is less than the 191 lots permitted, pursuant to the zoning density, and a reduction from the number of lots originally proposed. Several different means of access to the site will be provided. As noted above, a road will ultimately be constructed to connect the western property line of the subject site to Joppa Road. To the north, there is a proposed connection via Glen Summit Drive into the Glenside Farms subdivision and a potential link to New Gerst Lane. Two additional means of access will be provided from the south side of the site and the Moore's Orchard property. These connections are in furtherance of the County's goal to provide inter-connecting road systems for new development.

Mr. Chadsey testified and presented the plan. He detailed the overall concept proposed and specifically discussed the red-lined changes to the plan. He also discussed the history of the project and the evolution of the proposal to its current form. As noted above, the proposal provides for less units than permitted under the applicable density regulations, and fewer lots than were originally proposed. Mr. Chadsey also described certain public amenities which will be provided as part of the development. These include a baseball field adjacent to the southern portion of the site for use in conjunction with the existing school. Additionally, an area is being conveyed to Baltimore County for the construction of a water tower on the eastern portion of the site. The plan also shows Homeowners' Association open space and the retention of forest buffer easement and forest conservation reservation areas of approximately 7.66 acres. The details of the project are more particularly shown on the plan.

Pursuant to Section 26-206 of the Baltimore County Code, this Hearing Officer is required to first identify any unresolved agency comments or issues. One such issue raised relates to the termination of an internal road (Street B) on the eastern side of the subject property. Presently, the property is used as a private air strip. Vehicular access to the site is currently by way of a private road which leads into the property from New Forge Road. From its connection at New Forge Road, this road serves not only the subject property, but other adjacent lots,

including the property owned by Ms. Barton. At her request, proposed public Street B (which essentially follows the existing private road) will be closed short of the property line. That is, the plan shows that proposed Street B will terminate within the eastern portion of the site, immediately adjacent to two proposed storm water management facilities. Proposed Street B will be extended to a point sufficient to provide County maintenance vehicles with access to the two storm water management facilities in this area, but will stop short of the property line so that traffic cannot exit the site in that direction. Mr. Bowling indicated that the termination of the road as described above was acceptable to Baltimore County. It is also to be noted that although actual construction of Street B will stop short of the eastern property line, the Developer will dedicate the land and design the road in the event a future connection is warranted.

As a second issue, Mr. Chadsey described the proposed means of access/egress from the property's east side. Presently, Joppa Road in this vicinity suffers from a change in grade which limits sight distance at the point where the proposed access road intersects that street. Based on this condition, it was agreed by the Developer that the ultimate connection to Joppa Road will not be made until such time as the County, through its Capital Improvements Program, corrects the grade of this road. The Developer and the Department of Public Works have agreed to allow the project to proceed without actual connection to Joppa Road. However, ultimately, after the County makes capital improvements to Joppa Road, the Developer will do the work necessary to construct the access road and connect same into Joppa Road.

The third issue was identified by Mr. Shaffer of the Department of Environmental Protection and Resource Management (DEPRM). Mr. Shaffer indicated that new hydraulic studies were necessary for the storm water management facility located near the proposed ball field in the southwest corner of the subject site. The Developer has agreed to submit those studies for DEPRM's review and approval, prior to the recordation of the record plat.

There were no other open issues identified at the hearing which had not been corrected or amended by virtue of the red-lined changes made on the plan. These red-line changes are self-explanatory.

It is to be noted that Mr. Eckard, who appeared on behalf of the Perry Hall Improvement Association, does not oppose the project, and discussed his Association's involvement which resulted in the final version of the plan as now proposed. Additionally, the termination of the road in the eastern portion of the property was a condition requested and supported by Ms. Barton.

Based upon the testimony and evidence presented, it appears that the development plan should be approved. In my judgment, the plan meets all County requirements and complies with all agency comments. It appears that the intent of the Development Review Regulations has been met and that the plan has evolved into a proposal that is supported by both the County and the community.

In addition to development plan approval, zoning relief is also requested as outlined above. As to the storm water management ponds, Mr. Chadsey testified that their location and the environmental constraints associated therewith justify an alteration of the slope ratio requirements. Mr. Chadsey also explained the need for the other variances requested which relate to rear yard setbacks and lot widths. He indicated that in order to maintain a fluid and appropriate road network, certain rear yard setbacks proposed were slightly less than required. Also contributing to this variance request was the irregular shape of the property.

As to the lot widths, some of the proposed lots are 84 feet wide, 1 foot less than the required 85 feet, and others are 78 feet wide. Many of these lots are corner lots or pie-shaped lots which necessitate variance relief from this standard. Mr. Chadsey also indicated that all of the proposed dwellings will feature side-loaded garages and that the project meets the heightened Honeygo design requirements. He also indicated that all variance requests were internal to the property and that the relief requested met the requirements of Section 307 of the B.C.Z.R. and the case law.

Based upon the testimony and evidence offered, I am persuaded to grant the variance relief. Mr. Chadsey's testimony was credible and not disputed nor opposed.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved and the Petition for Variance granted, consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 28th day of June, 2000 that the development plan for Baltimore Air Park, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

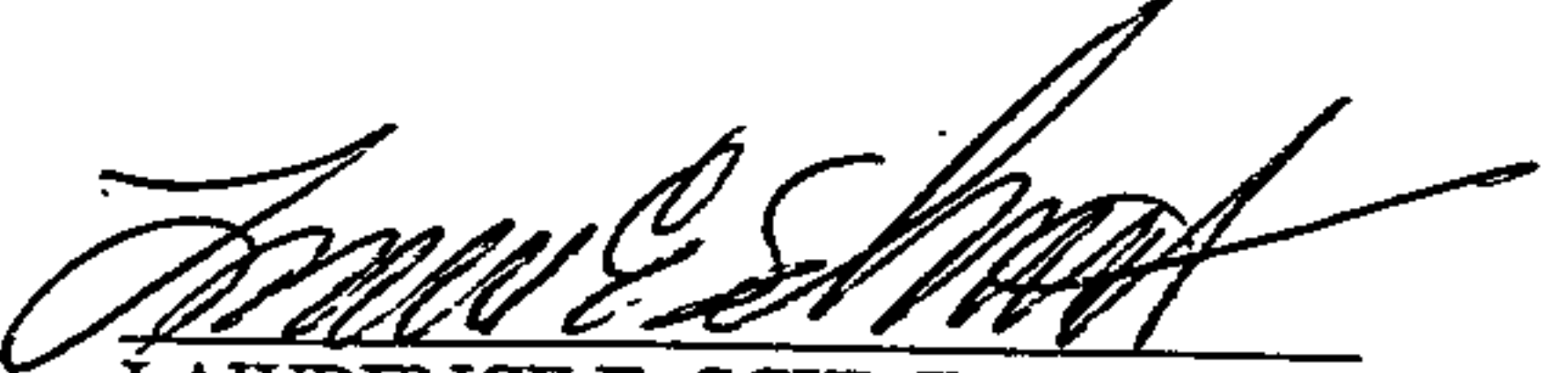
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: 1) From Section 259.9.C.8 to permit a storm water management pond slope ratio of 2:1 in lieu of the required 3:1; 2) from Section 259.9.B.4.e to permit a rear yard setback of 30 feet in lieu of the required 50 feet for the lots listed in Note #4 on the plan; 3) from Section 259.9.B.3 to permit a lot width of 78 feet in lieu of the required 85 feet for the lots listed in Note #5 on the plan; and, 4) from Section 259.9.B.3 to permit a lot width of 84 feet in lieu of the required 85 feet for the lots listed in Note #6, in accordance with Developer's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The paving for proposed Street B will terminate at a point adjacent to the two storm water management facilities in the eastern portion of the site. Street B will be constructed to provide County maintenance vehicles with access to these storm water management facilities, but will stop short of the eastern property line so that traffic cannot exit the site from that direction. The Developer will provide the necessary land dedication and construction drawings for the road to accommodate eventual construction.
- 2) The connection of proposed Street A to Joppa Road will not be made until such time as the County, through its Capital Improvements Program, corrects the grade of Joppa Road. Upon the County's completion of their capital improvements to Joppa Road, the Developer will complete the work necessary to construct/connect the access road and connect same to Joppa Road.

- 3) Prior to the recordation of the record plat, the Developer shall submit for review and approval by DEPRM, hydraulic studies for the storm water management facility located near the proposed ball field in the southwestern corner of the property.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner/Hearing Officer
for Baltimore County

DATE _____

E-MAIL

MCUL 961101.002

PERAY HALL MO 21128



ZONING HEARINGS

CASE NUMBER 66-591-A

DATE July 28, 2006

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
LIGERI KOURTESIS	5006 BRAEBURN WAY	PERRY HALL, MARYLAND 21128	N/A

Case No.:

06-591-A

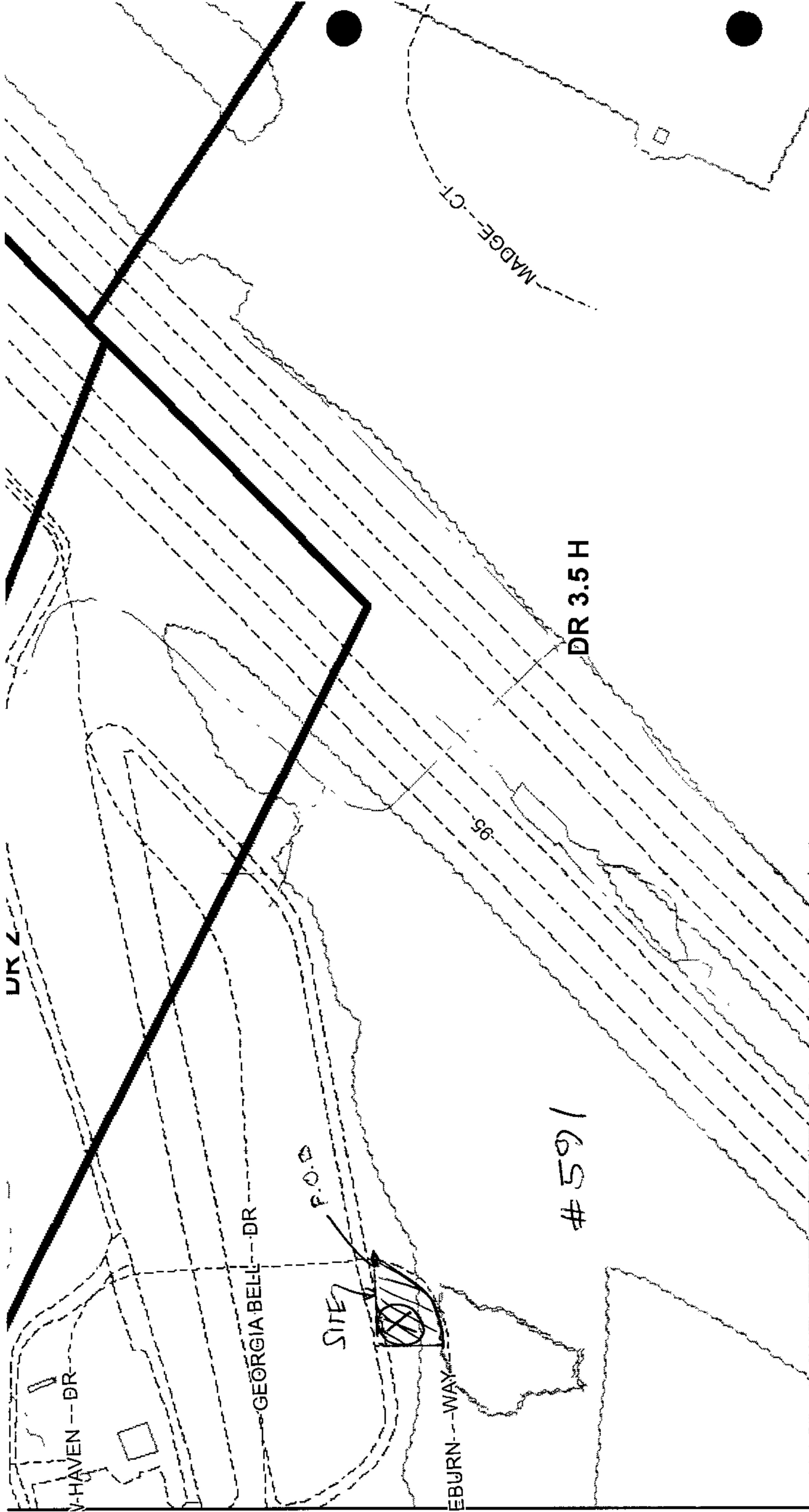
5208 BRAEBURN WAY

Exhibit Sheet

Petitioner/Developer

Protestant

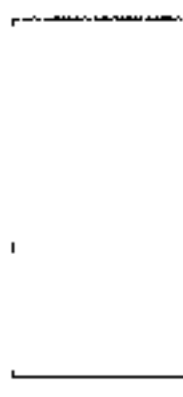
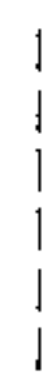
No. 1	Site PLAN	Kourtesis Letter
No. 2	Photographs	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



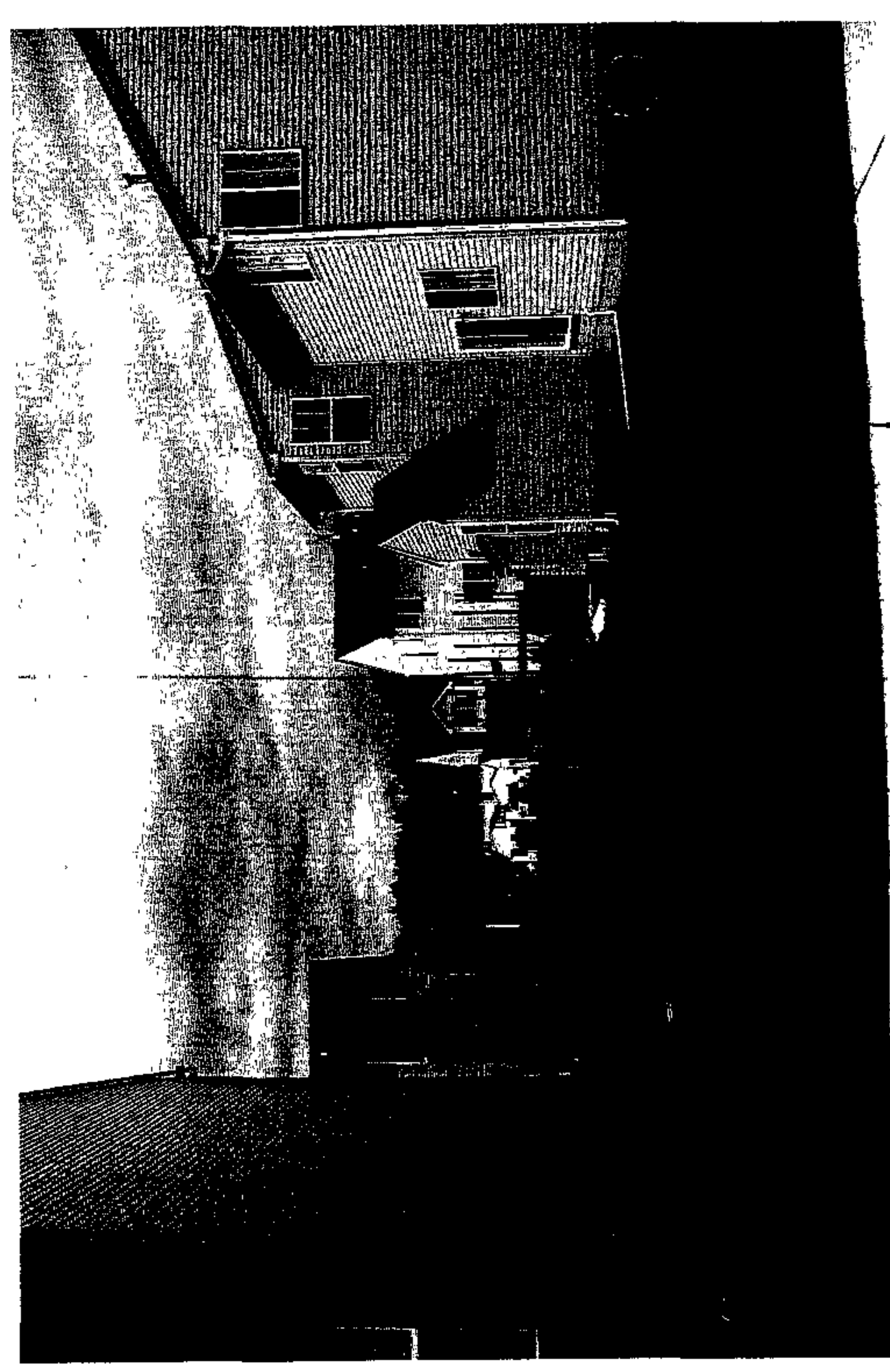
n Sheet: 073A1

zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 90-04 adopted on December 6, 2004 is also depicted. In addition, the City Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this

Legend

	Zoning		Streams		Vegetation
	Buildings		Roads		Rail Line

map # 073A1



Proposed deck

South West corner of our property. Our house is in foreground to the Right. Our neighbor's house is on the left. Those two houses in the background are also our neighbors. They are on Georgia Bell Drive. The green post reflects the property boundary. The planned deck will be located at the back of our house. (accessible via the sliding door in the kitchen) as indicated in the picture above

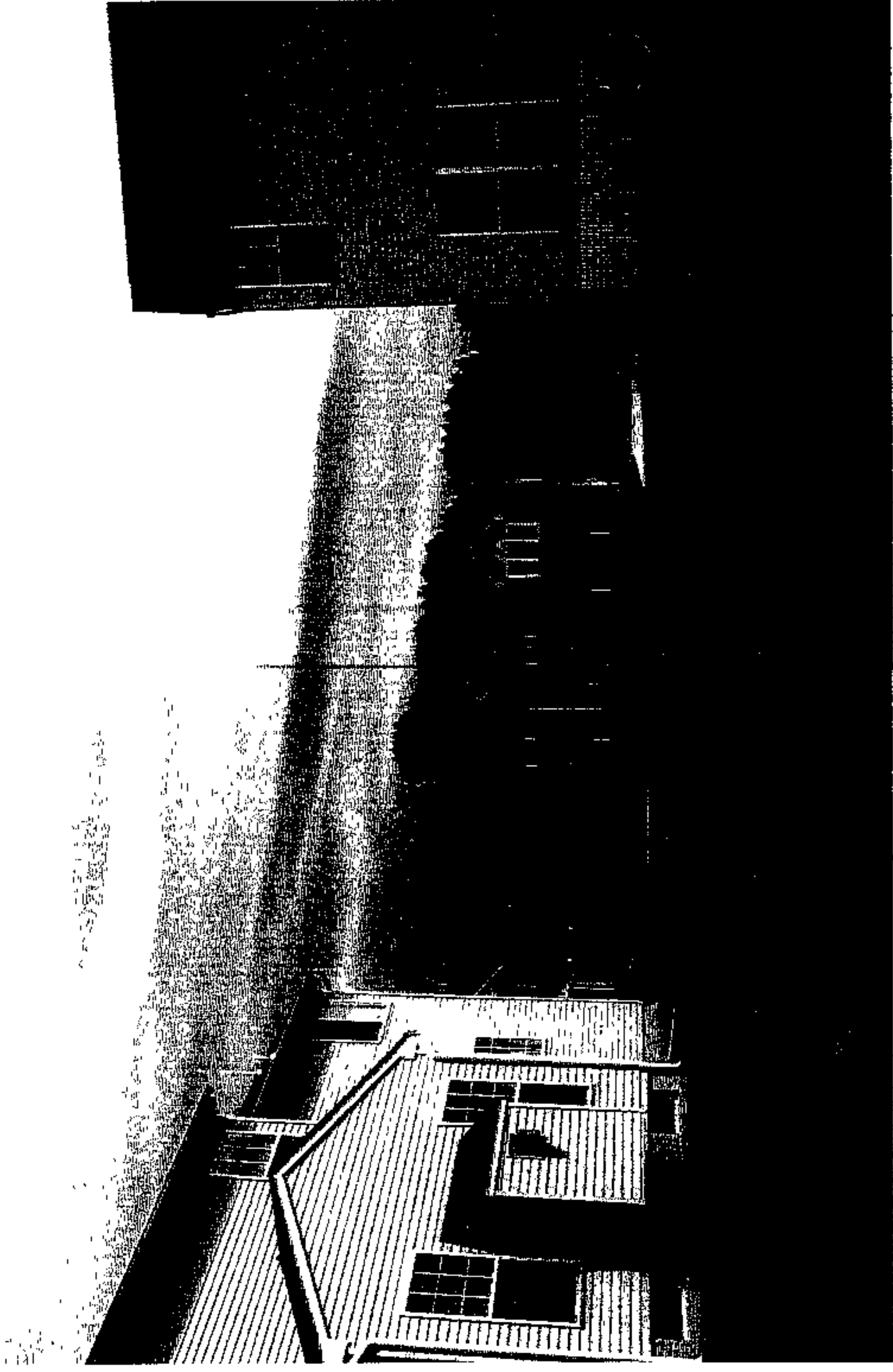


Taken from the Southwest area of our property.
Our house is in the foreground to the right. Our
neighbor's house is on the left. The planned deck
will be located at the back of our house as
indicated in the picture above



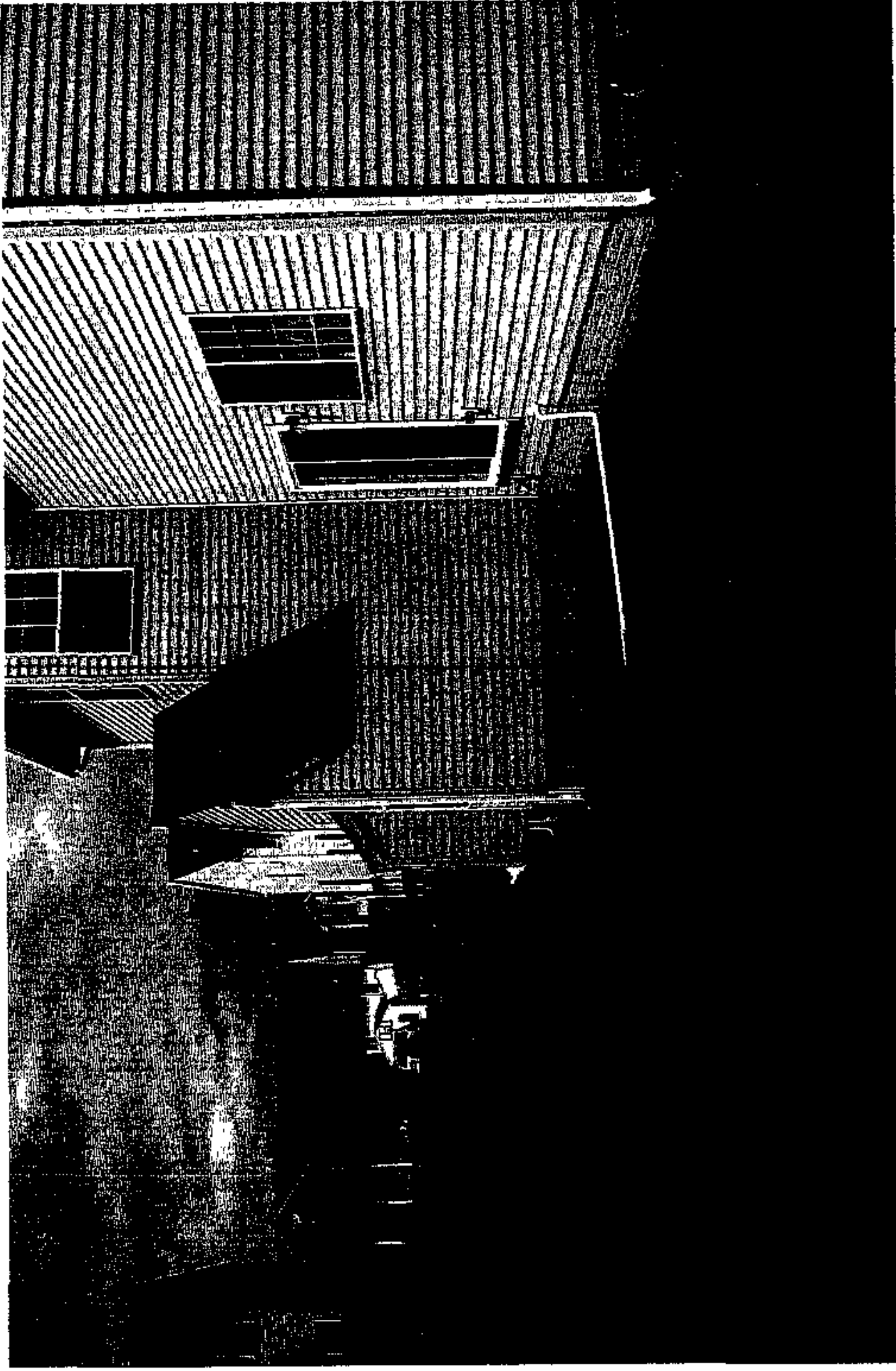
Proposed deck →

Taken from the northside of our property. Our house is in the foreground to the left. Our neighbor's house is on the right. The house in the background is across the street (Braeburn Way).



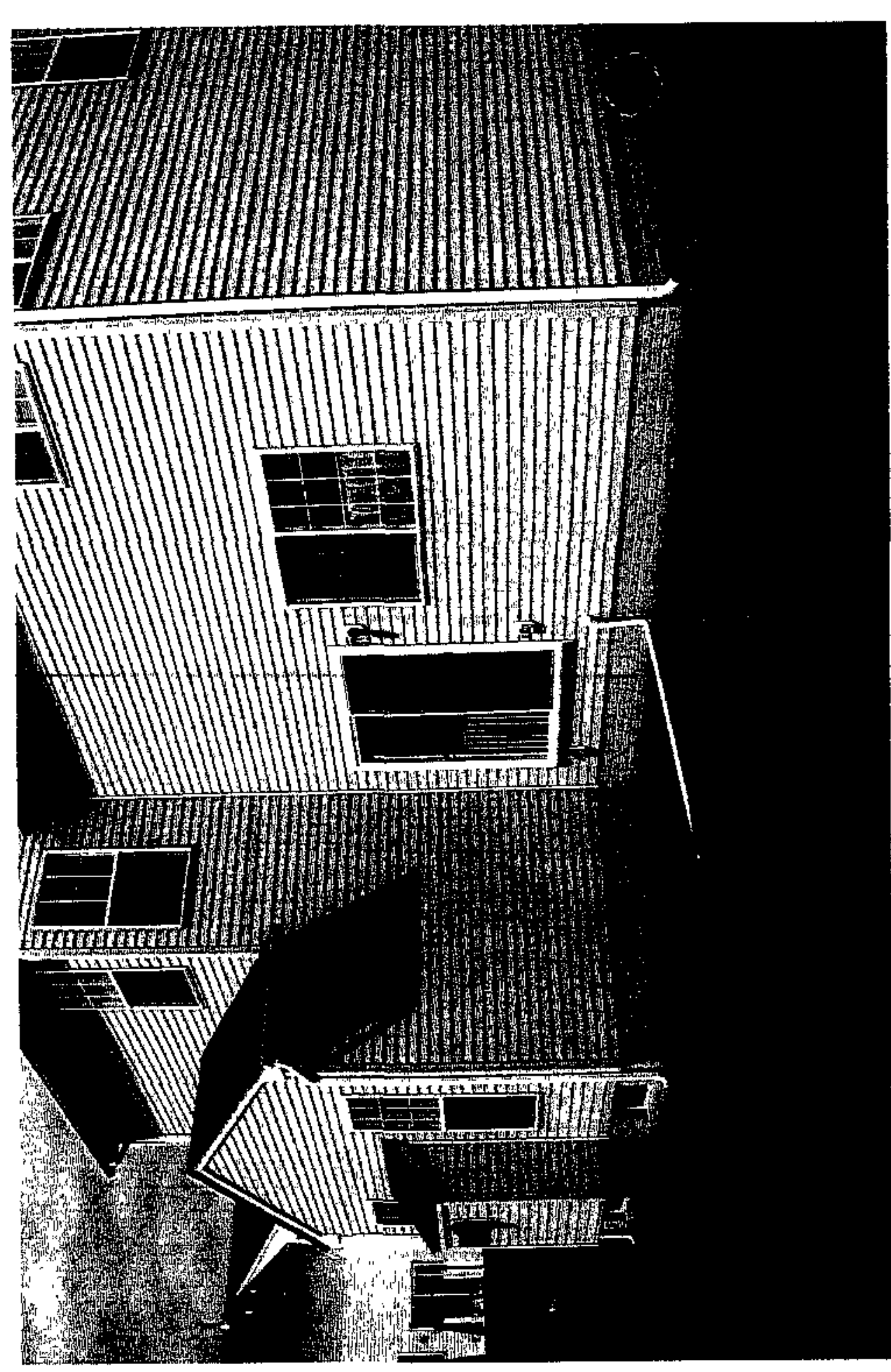
Proposed deck →

Taken from the West side (Backyard) of our property.
Our house is in the foreground to the left. In the
background is another neighbor's house, to the
South of our house across the street (Braeburn way)

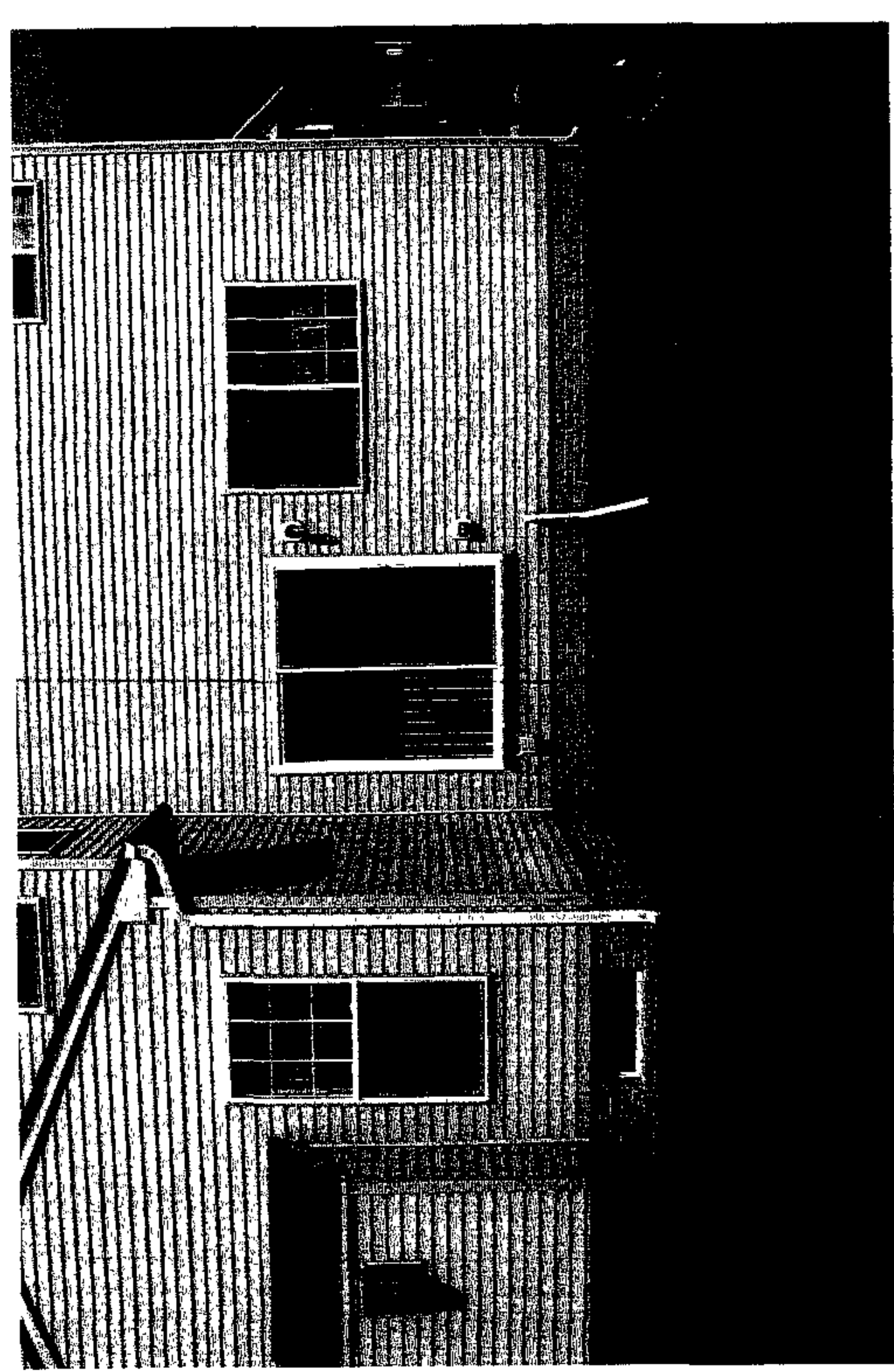


Proposed deck —

Taken from the southside (backyard) of our property.
Our house is in the foreground to the right.



close up view of the area where the planned deck will be located. This clearly shows the access to the deck via the sliding kitchen door. ●



Another close up view of the area where the planned deck will be located. Taken from the west side of our property. This clearly shows access to the deck via the kitchen sliding door.

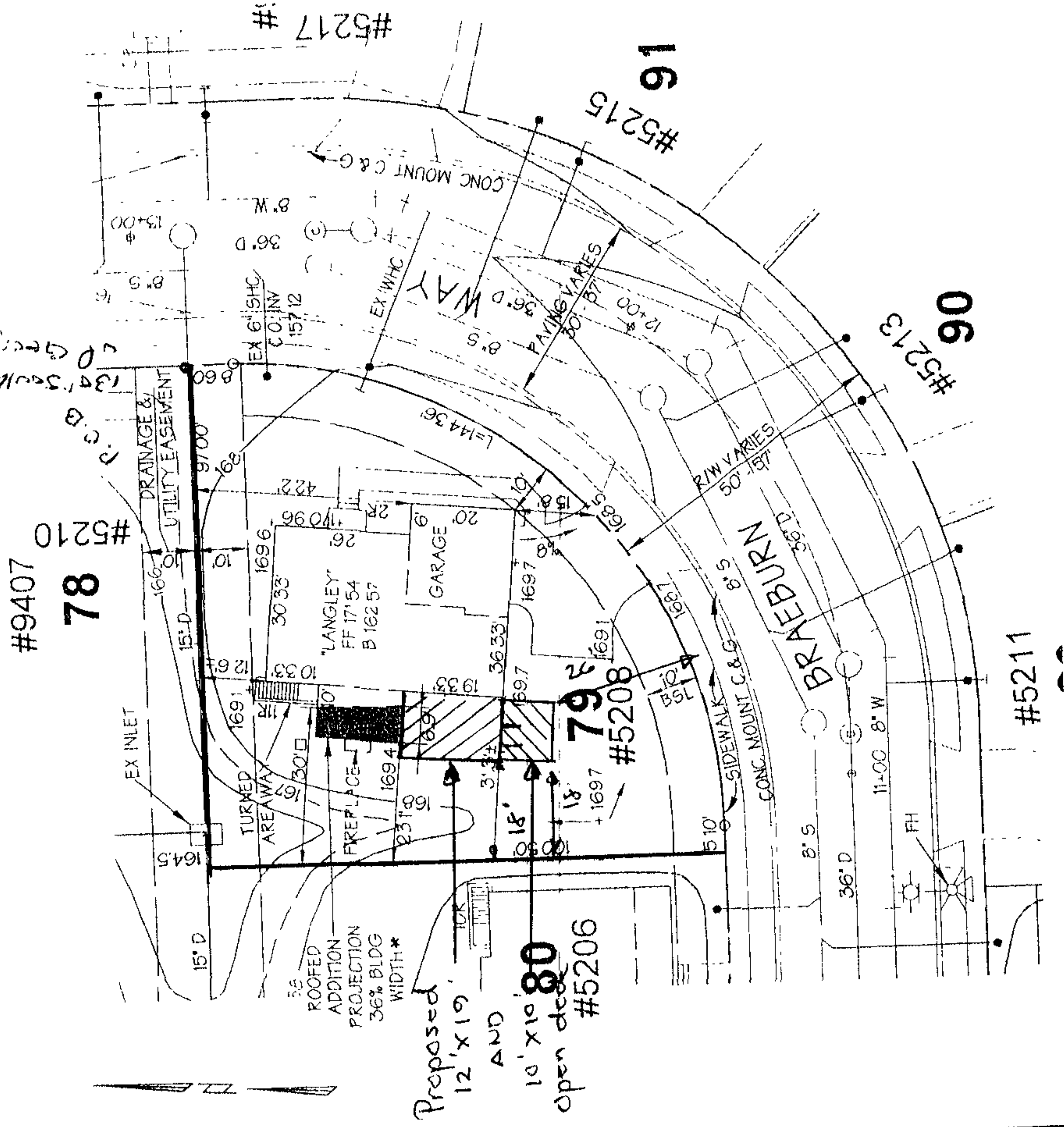
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 5208 BRAEBURN WAY SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME FORGE LANDING

PLAT BOOK # 75 FOLIO # 33 LOT # 79 SECTION #

OWNER Gil Villanueva, Matipi Ras



PREPARED BY GAV

SCALE OF DRAWING: 1" = 30'

PETITIONER'S

EXHIBIT NO.

-15-