

IN RE: PETITION FOR ADMIN. VARIANCE
NE/S of Kelly Ann Way, NW c/l
Lennings Lane
14th Election District
6th Councilmanic District
(6619 Kelly Ann Way)

David and Stephanie Dain
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 06-640-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, David and Stephanie Dain. The variance request is for property located at 6619 Kelly Ann Way. The variance request is from Sections 1B01.2.C.1.b and 303.1A of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an open projection (deck) with a rear yard setback of 16 feet in lieu of the required 22.5 feet and to amend the Final Development Plan of Lennings Crossing, Lot #44 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the deck would be too narrow to use without the zoning variance. The administrative variance will allow them to build a 12 foot deck.

Zoning Advisory Committee Comments

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

Applicable Law

Section 307 of the B.C.Z.R. -- *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area

7-26-06
PZ

regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 24, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore,

7-26-06
PZ

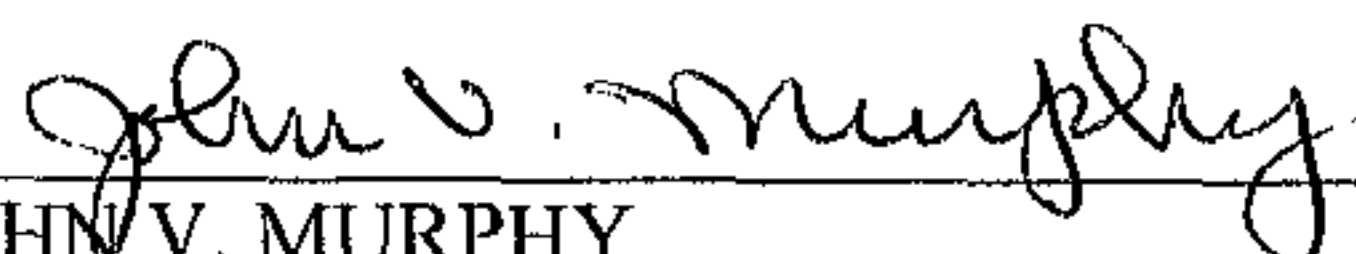
strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 26th day of July, 2006, that a variance from Sections 1B01.2.C.1.b and 303.1A of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an open projection (deck) with a rear yard setback of 16 feet in lieu of the required 22.5 feet and to amend the Final Development Plan of Lennings Crossing, Lot #44 only be and is hereby GRANTED, subject to the following:

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

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

RECEIVED FOR ALBES
7-26-06
PZ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 26, 2006

DAVID AND STEPHANIE DAIN
6619 KELLY ANN WAY
BALTIMORE MD 21237

Re: Petition for Administrative Variance
Case No. 06-640-A
Property: 6619 Kelly Ann Way

Dear Mr. and Mrs. Dain:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

7-26-06
pz



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6619 Kelly Ann Way
which is presently zoned DR3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B01.2.C.1.6 and 301.1A

to permit an open projection (deck) with a rear yard setback of
16 ft. in lieu of the required 22.5 ft.

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

Property is to be posted and advertised as prescribed by the zoning regulations.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

David Dain (W) 301.838.2507

Name - Type or Print

Signature

Stephanie Dain (W) 410.237.5789

Name - Type or Print

Signature

6619 Kelly Ann Way 410.687.3181

Address

Telephone No.

Baltimore MD 21237

State

Zip Code

Representative to be Contacted:

David Dain

Name

6619 Kelly Ann Way (W) 301.838.2507 410.687.3181

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 day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-640-A

Reviewed By BH Date 6/13/06

REV 9/15/98

Estimated Posting Date 6/25/06

RECEIVED FOR FILING

7-26-06

pb

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.

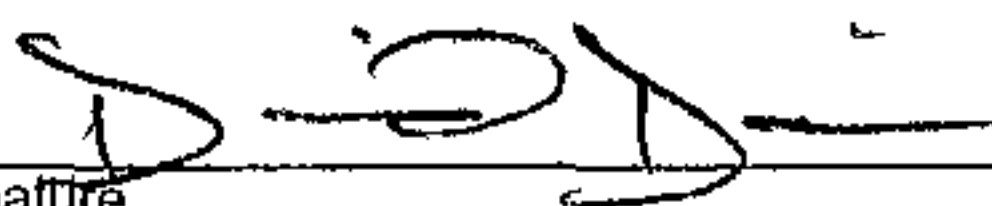
That the Affiant(s) does/do presently reside at

6619 Kelly Ann Way
Address
Baltimore MD 21237
City State Zip Code

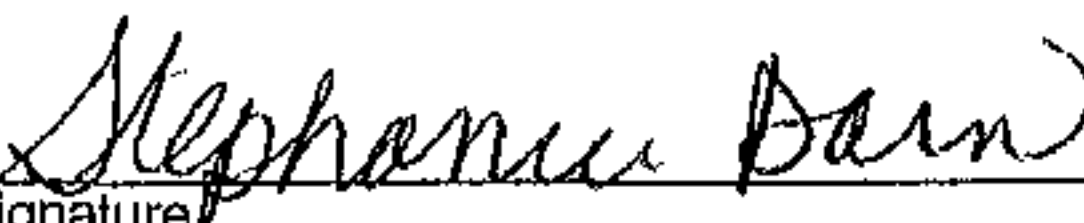
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

An existing set back of 22 1/2' will only allow for a 7 1/2' open projection (Deck), whereas we are wanting to build a 12' deck off the existing extension (furthest) protruding from back of 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.


Signature

DAVID DAIN
Name - Type or Print


Signature

Stephanie Dain
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of June 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Stephanie Dain and David Dain

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

AS WITNESS my hand and Notarial Seal

June 5, 2006
Date


Notary Public

My Commission Expires

1-1-2008

Zoning Description for 6619 Kelly Ann Way

Beginning at a point on the northeast side of Kelly Ann Way which is 50 feet wide at a distance of 710 feet northwest of the centerline of the nearest improved intersecting street, Lennings Lane which is 50 feet wide. Being Lot #44 in the subdivision of Lennings Crossing as recorded in Baltimore County Plat Book # 76, Folio # 23, containing 0.14 acres and located in the 14th Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

DATE _____ ACCOUNT _____

AMOUNT \$ _____

RECEIVED FROM _____

FOR _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID TO ORDER OF

RECEIVED BY THE

OFFICE OF BUDGET & FINANCE

DATE _____

AMOUNT \$ _____

RECEIVED FROM _____

FOR _____

AMOUNT \$ _____

RECEIVED FROM _____

FOR _____

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-640-A

Petitioner/Developer: DAVID &
STEPHANIE DAIN

Date Of Hearing/Closing: 7/10/06

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

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
at 6619 KELLY ANN WAY

This sign(s) were posted on June 24, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 6/24/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE
ADMINISTRATIVE
VARIANCE

CASE # 20-650-A
TO VARY A REAR YARD SETBACK BY 4 FT. 6 IN.
A DEED IS IN THE RECORDS OF THE COUNTY OF LOS ANGELES, BOOK 11, PAGE 111.

PUBLIC HEARING ?
PURSUANT TO SECTION 21-117(A)(1), SALINAS COUNTY, CALIFORNIA, AN INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON MONDAY, JULY 10, 1988.
ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT, 200 N. CENTRAL AVENUE, SUITE 100, SALINAS, CALIFORNIA 94560.
TEL. 887-3593

Yusuf Oglu 6/24/06

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06- 640 - A

Petitioner: DAVID DAIN

Address or Location: 6619 KELLY ANN WAY

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID DAIN

Address: 6619 KELLY ANN WAY
BALTIMORE, MD 21237

Telephone Number: 410-687-3181

Revised 7/11/05 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 640 -A

Address 6619 Kelly Ann Way

Contact Person: Bruno Rudaitis
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6/13/06

Posting Date: 6/25/06

Closing Date: 7/10/06

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- 640 -A

Address 6619 Kelly Ann Way

Petitioner's Name David & Stephanie Dain

Telephone 410-687-3121

Posting Date: 6/25/06

Closing Date: 7/10/06

Wording for Sign: To Permit a rear yard setback of 16 ft. for a deck
in lieu of the required 22.5 ft.

WCR - Revised 6/25/04



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

July 24, 2006

David Dain
Stephanie Dain
6619 Kelly Ann Way
Baltimore, MD 21237

Dear Mr. and Mrs. Dain:

RE: Case Number: 06-640-A, 6619 Kelly Ann Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 13, 2006.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

June 20, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 19, 2006

Item Numbers: Item Number 611, 621, 624-637, 639-643

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



Printed with Soybean Ink
on Recycled Paper

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 27, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2006
Item Nos. 611, 621, 622, 623, 624, 626,
627, 628, 632, 633, 635, 636, 637, 640,
641, 642, and 643

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- 06272006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 29, 2006

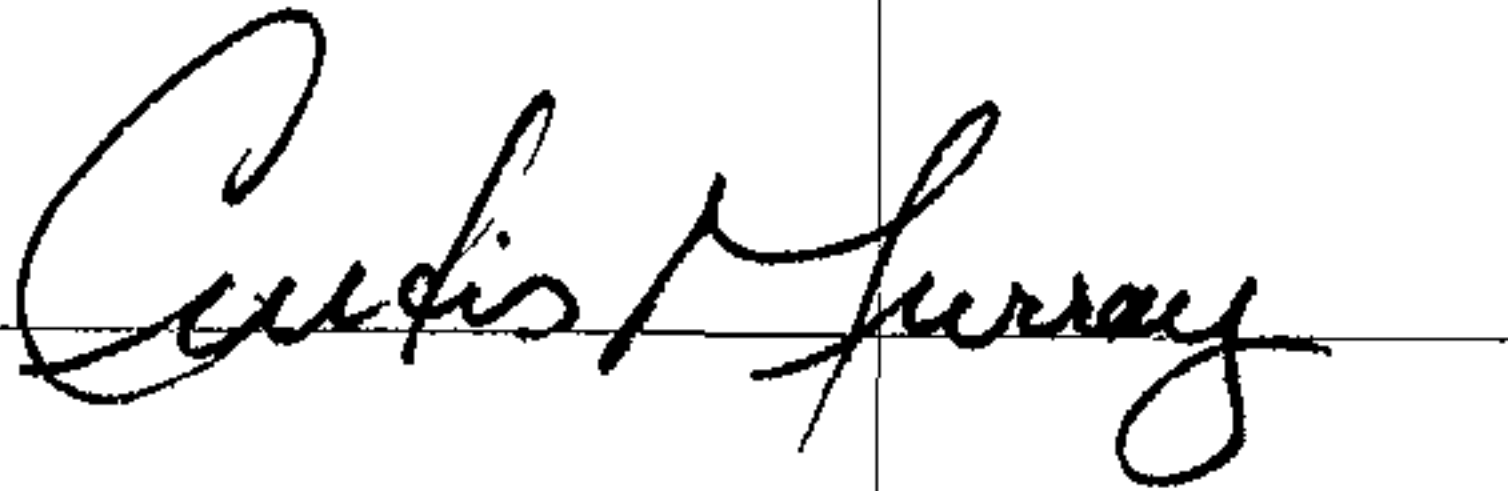
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-640- Administrative Variance**

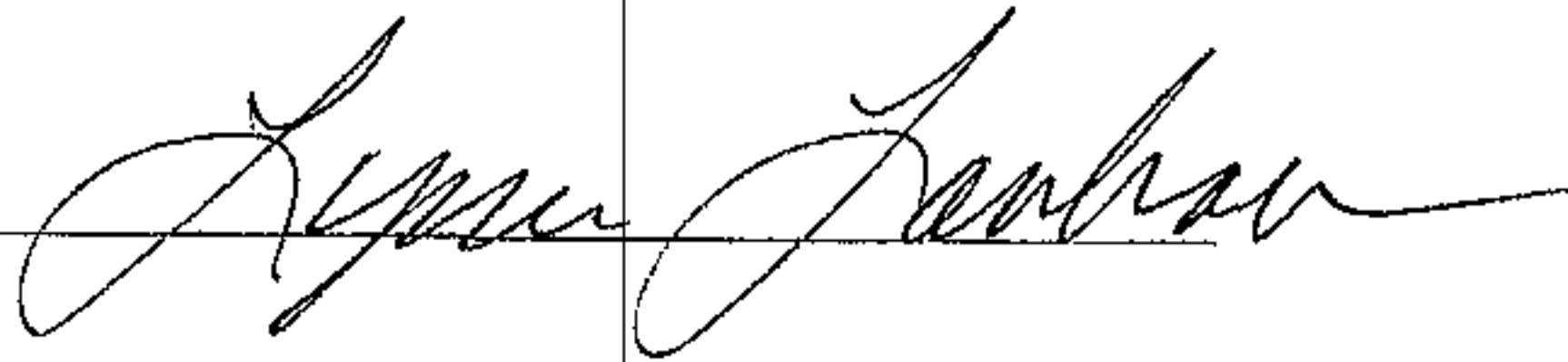
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL



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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 6.20.02

RE: Baltimore County
Item No. 640 BPR

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

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

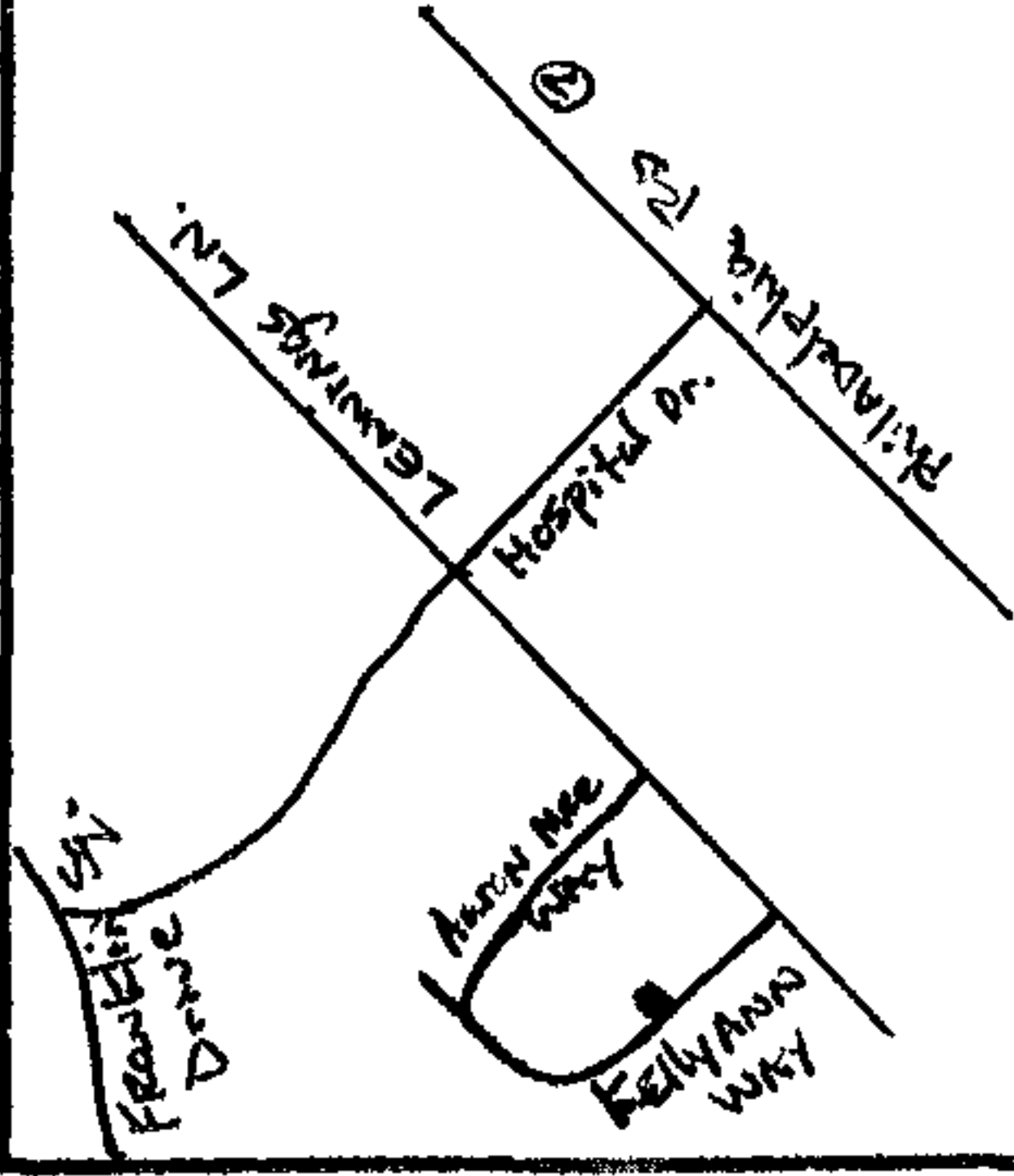
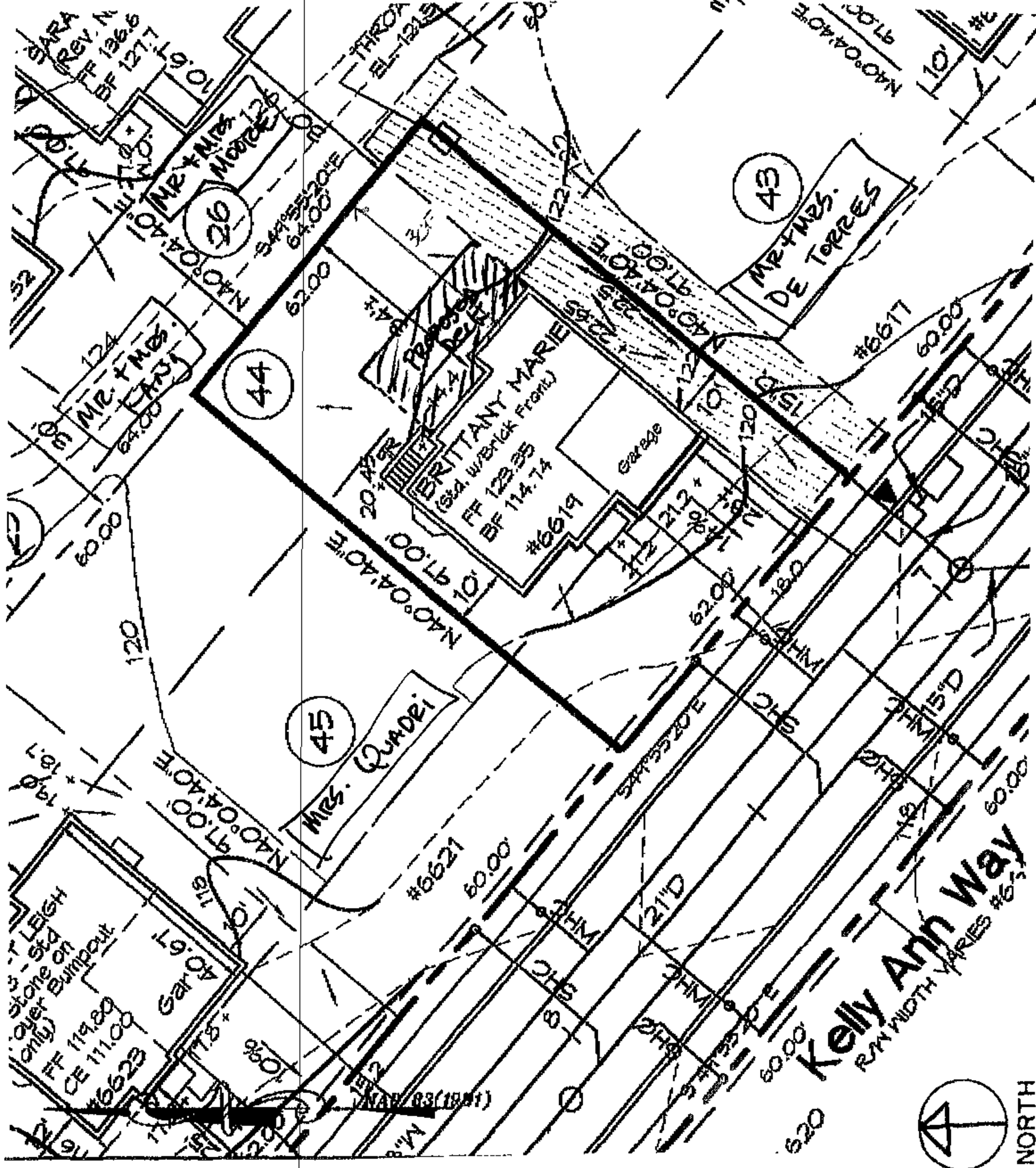
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 6619 Kelly Ann Way

SUBDIVISION NAME LENNINGS CROSSING

PLAT BOOK # 16 FOLIO # 23 LOT # 44 SECTION #

OWNER DAVID + STEPHANIE DAIN



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 14th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # NE-56-1090A1

ZONING DR 3-5

LOT SIZE 0.14 ACRES 6014.00 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY / BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING NONE

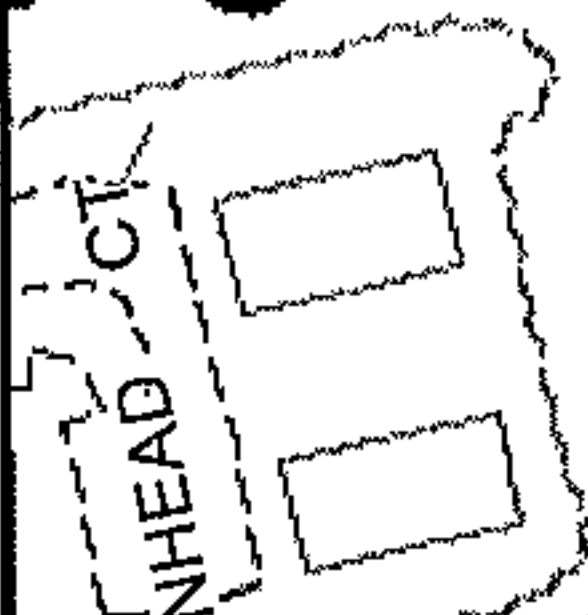
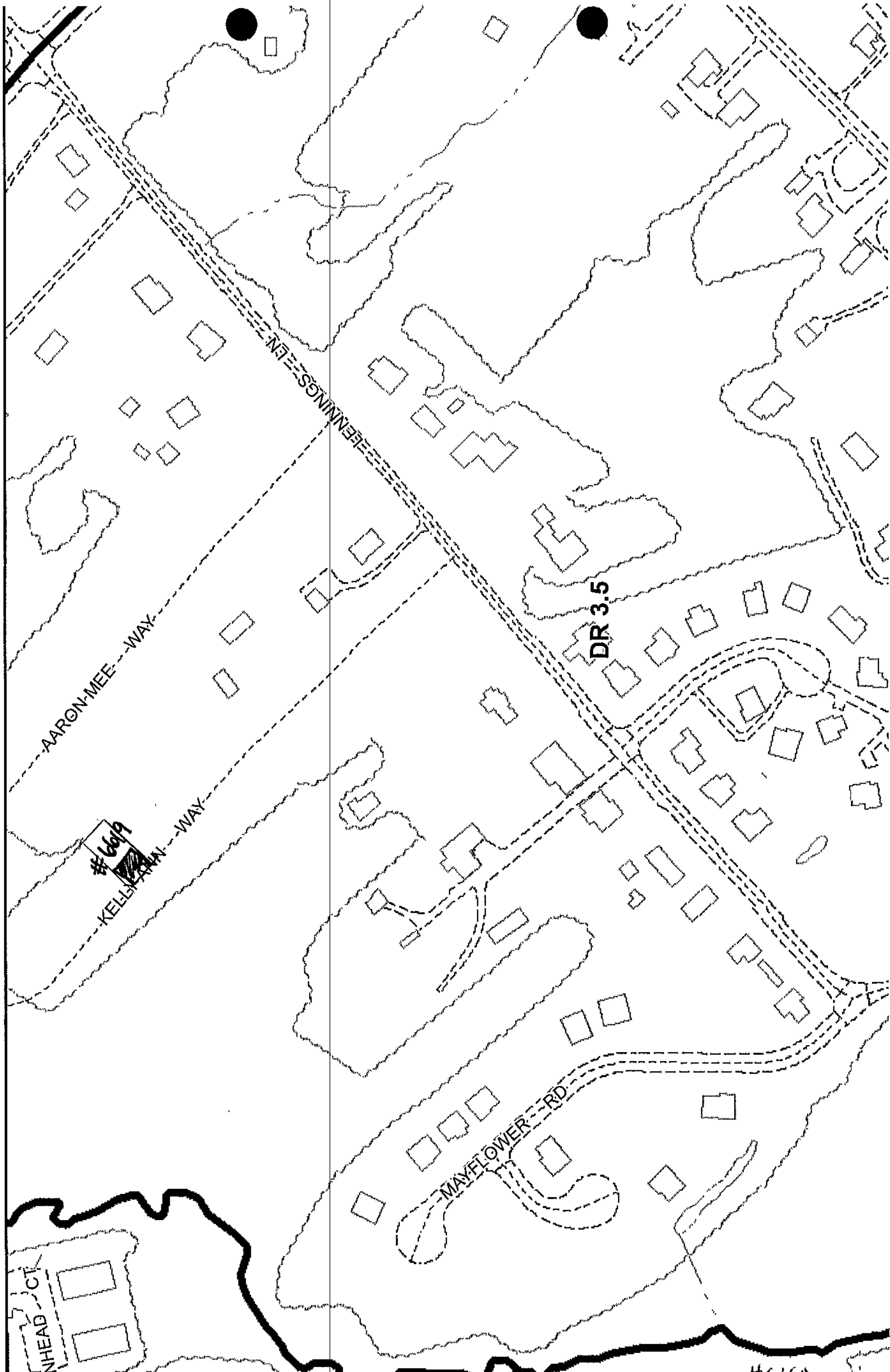
ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PREPARED BY DZD

SCALE OF DRAWING: 1" = 30'

SM | 640 | 06-640-A

090-71
2007-12



#640

