

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Fusting Avenue, west of
Ingleside Avenue
1st Election District
1st Councilmanic District
(9 Fusting Avenue)

Gail Beahm
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 06-686-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 owner of the subject property, Gail Beahm. The variance request is for property located at 9 Fusting Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a side yard setback of 3 feet in lieu of the required 10 feet for a sunroom addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner said the location for the proposed addition lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan. The addition will improve the appearance of the house. The sunroom will provide a place to enjoy the outdoors without being bothered by the weather or bugs. The sunroom addition will help to insulate and reduce the heating bills. The restrictive area of the lot does not lend itself to an addition of usable size without obtaining a variance.

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.

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8-1-06
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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 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 July 14, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

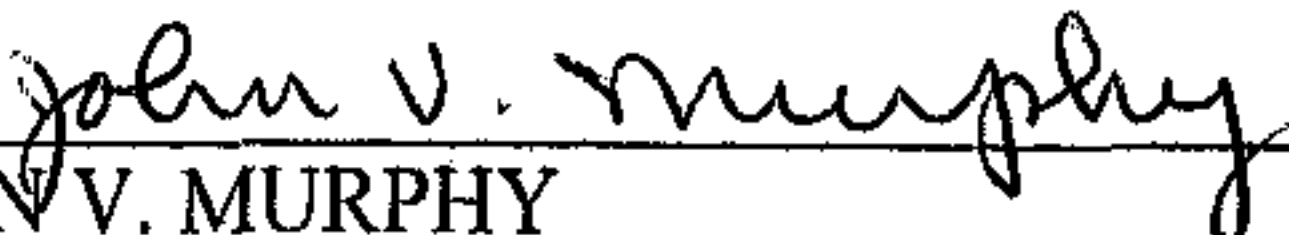
The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare 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, 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 1st day of August, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a side yard setback of 3 feet in lieu of the required 10 feet for a sunroom 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

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8-1-06
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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9 Fusting Ave, Baltimore, MD 21228

which is presently zoned DR 5.5

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

1B02.3.C.1 to permit a side yard setback of 3 ft in lieu of the required 10 ft. for a sunroom addition.

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Gail Beahm ☐

Name - Type or Print

Signature

Name - Type or Print

Signature

9 Fusting Ave

410-788-4152

Address

Telephone No.

Baltimore, MD 21288

State

Zip Code

Representative to be Contacted:

Patio Enclosures Inc.. (attn: Greg)

Name

224 8th Ave NW

443-797-0351

Address

Telephone No.

Glen Burnie, MD 21061

City

State

Zip Code

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. 06-686-A

Reviewed By BH

Date 7/6/06

REV 9/15/98

Estimated Posting Date 7/16/06

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9 Fusting Ave.

Address

Baltimore, MD 21228

City

State

Zip Code

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

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

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

Gail Beahm

Signature

Gail Beahm

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

Gail Beahm

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

July 5, 2006

Date

Barbara A. Ingino

Notary Public

My Commission Expires

BARBARA A. INGINO
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 2010

ZONING DESCRIPTION

Zoning Description For 9 Fusting Avenue

BEGINNING for the same on the south side of Fusting Avenue at the beginning of the last line of a parcel of land which by Deed dated September 22, 1946 and recorded among the Land records of Baltimore County in Liber RJS 1493, folio 218, was conveyed by Paul F. Due, Trustee, to James W. Selway and wife, and running thence with and binding on part of said last mentioned line and on the south side of Fusting Avenue, South 83 degrees 39 minutes West 62 feet, thence leaving said Avenue and running for a line of division south 8 degrees 30 minutes East 117.40 feet to intersect the second line and on the third line of said parcel of land the two following courses and distances, viz. North 83 degrees 39 minutes East 62 feet and North 8 degrees 30 minutes West 117.40 feet to the place of beginning, containing 0.165 of an acre of land, more or less. The improvements thereon being known as No. 9 Fusting Avenue.

COM

\$ **AMOUNT**

FOR THE

YELLOW - CUSTOMER

CASHEM'S VALIDATION

THE UNIVERSITY OF CHICAGO

THE NEW YORK PUBLIC LIBRARY

SECRET

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THE UNIVERSITY OF CHICAGO

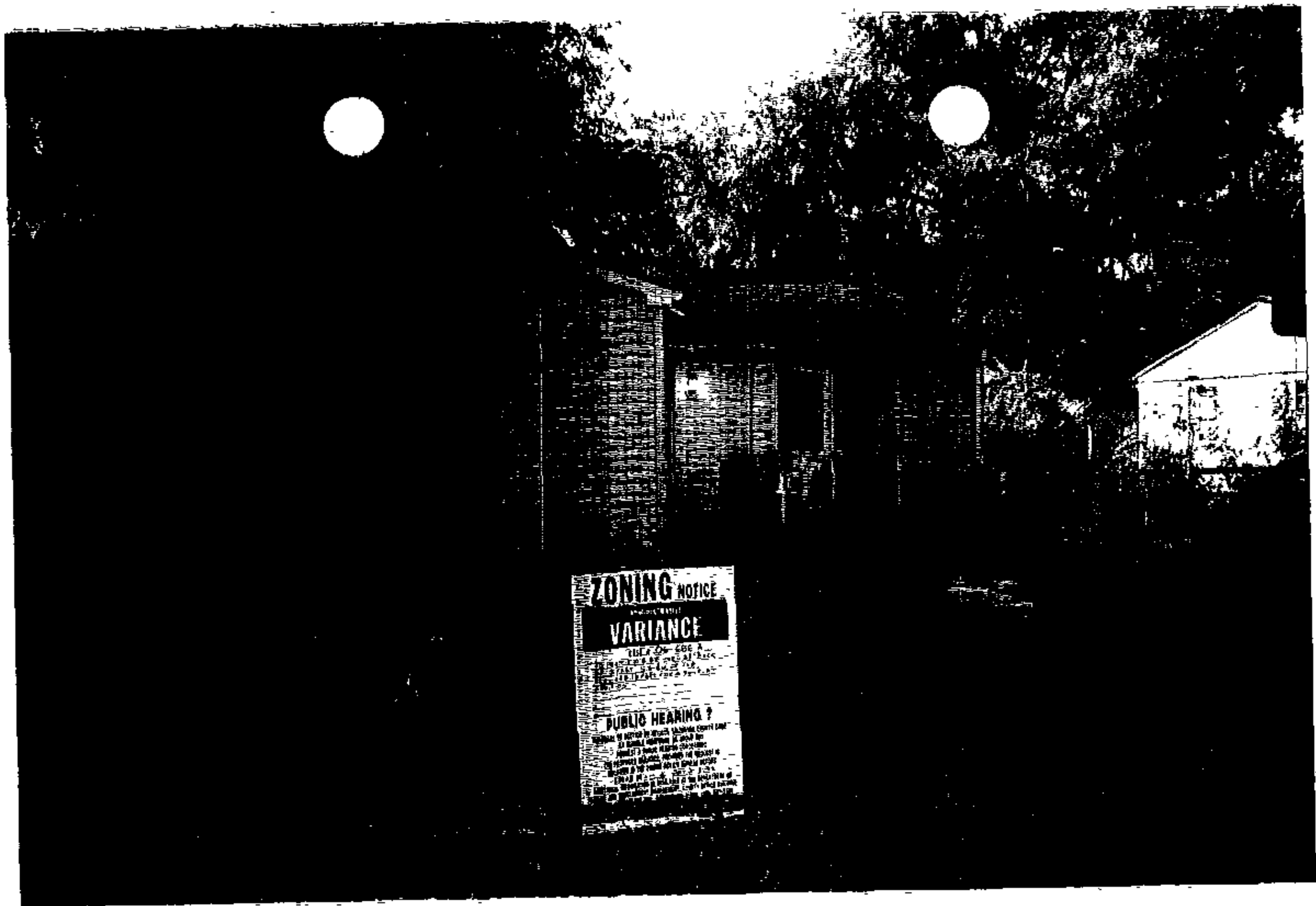
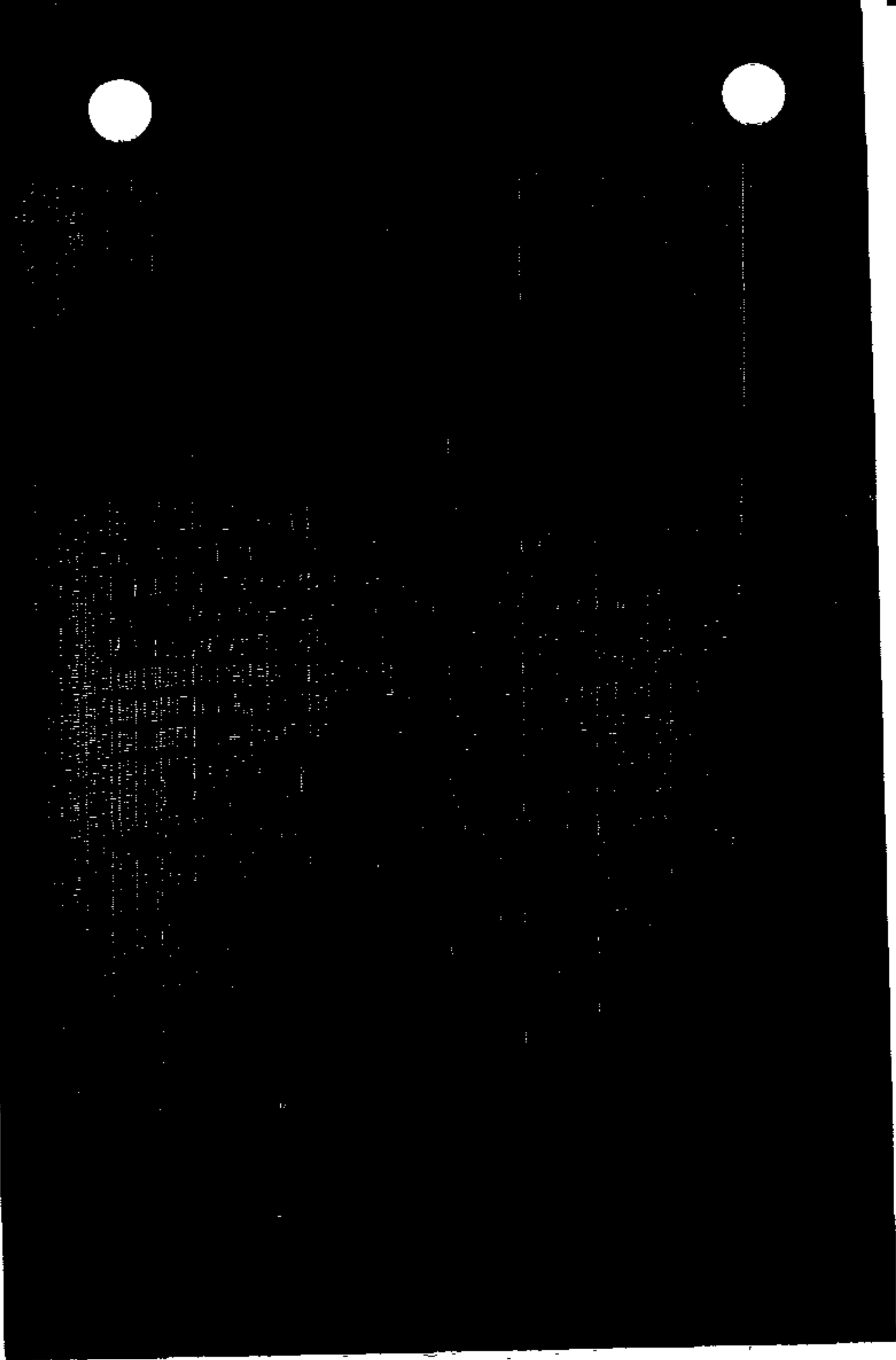
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THE HISTORY OF THE UNITED STATES



CERTIFICATE OF POSTING

RE: Case No.: OC-686-A

Petitioner/Developer: GAIL BEAHM

Date of Hearing/Closing: 7-31-06

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

Attention: **Christen Matthews**

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s)

required by law were posted conspicuously on the property located at _____

#9 FUSTING AVE.

The sign(s) were posted on _____

JULY 14, 2006

(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 06-686-A
Petitioner: Gail Beahm
Address or Location: 9 Fusting Ave. Baltimore, MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patio Enclosures Inc...
Address: 224 8th Ave NW
Glen Burnie, MD 21061

Telephone Number: 443-797-0351

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 686 -A Address 9 Fusting Ave.

Contact Person: Brund R. Raitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/6/06 Posting Date: 7/16/06 Closing Date: 7/31/06

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- 686 -A Address 9 Fusting Ave.

Petitioner's Name Gail Beahm Telephone 410-788-4152

Posting Date: 7/16/06 Closing Date: 7/31/06

Wording for Sign: To Permit a side yard setback of 3 ft. in lieu of
the required 10 ft. for a sunroom addition.

WCR - Revised 6/25/04



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 31, 2006

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

Gail Beahm
9 Fusting Avenue
Baltimore, MD 21288

Dear Ms. Beahm:

RE: Case Number: 06-686-A, 9 Fusting Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 6, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

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

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Holman, Chief

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

July 13, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: July 10, 2006

Item No.: 638, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686,
687 and 688.

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's Office has no comments at this time.

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



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



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

Maryland Department of Transportation

Date: 7.11.04

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

RE: Baltimore County
Item No. 686 BPA

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 13, 2006

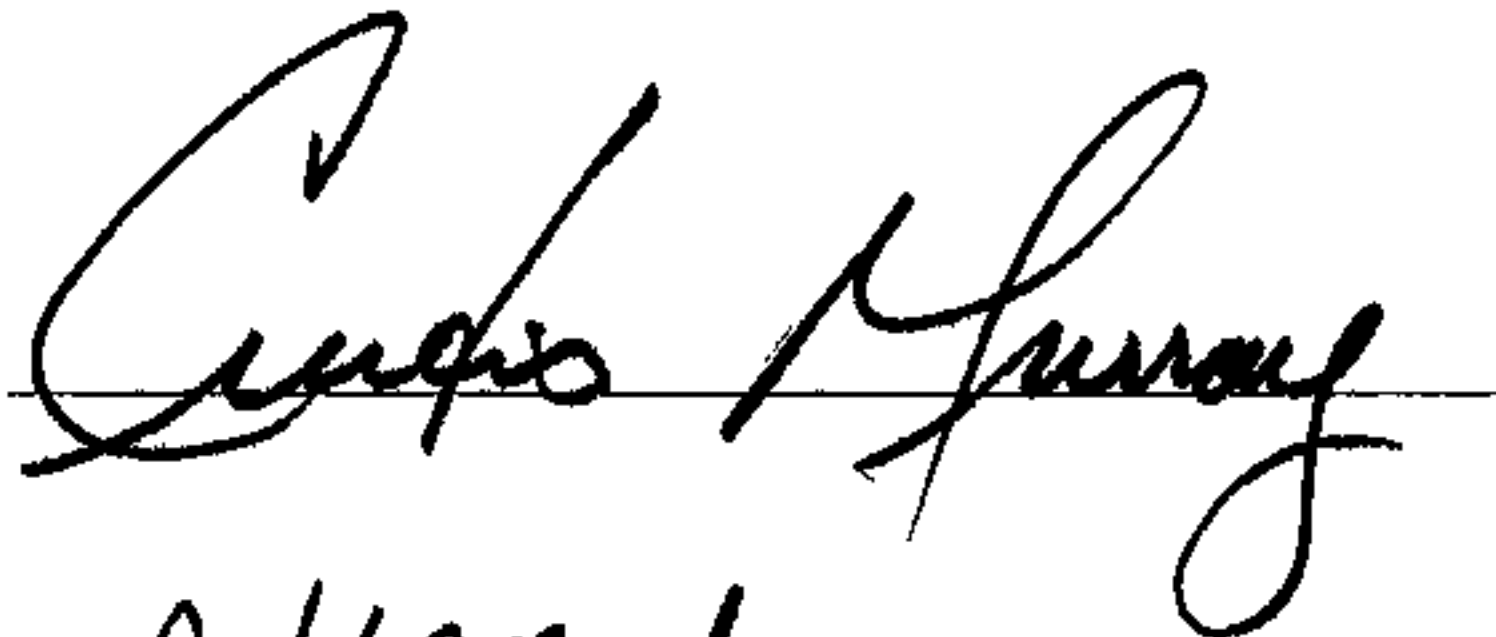
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-686- Administrative Variance**

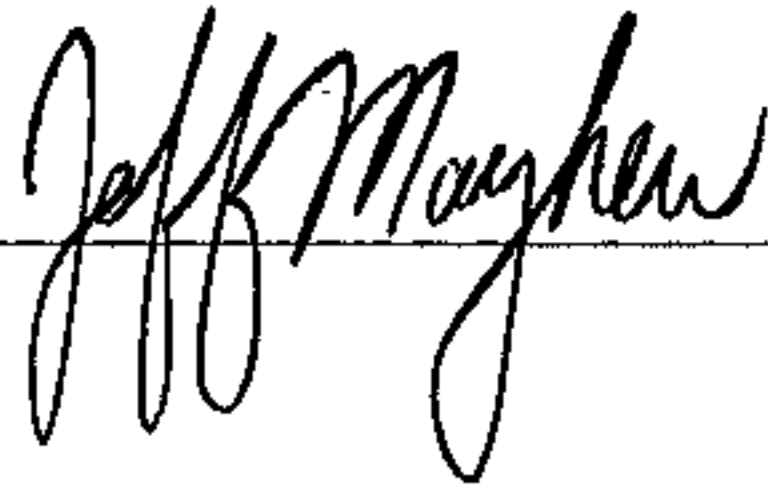
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL

RECEIVED

JUL 14 2006

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 13, 2006

FROM: Denis A. Kennedy, ^{DMK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for July 17, 2006
Item Nos. 623, 638, 674, 675, 676, 677,
678, 679, 680, 683, 684, 685, 686, 687, and 688

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-7132006.doc

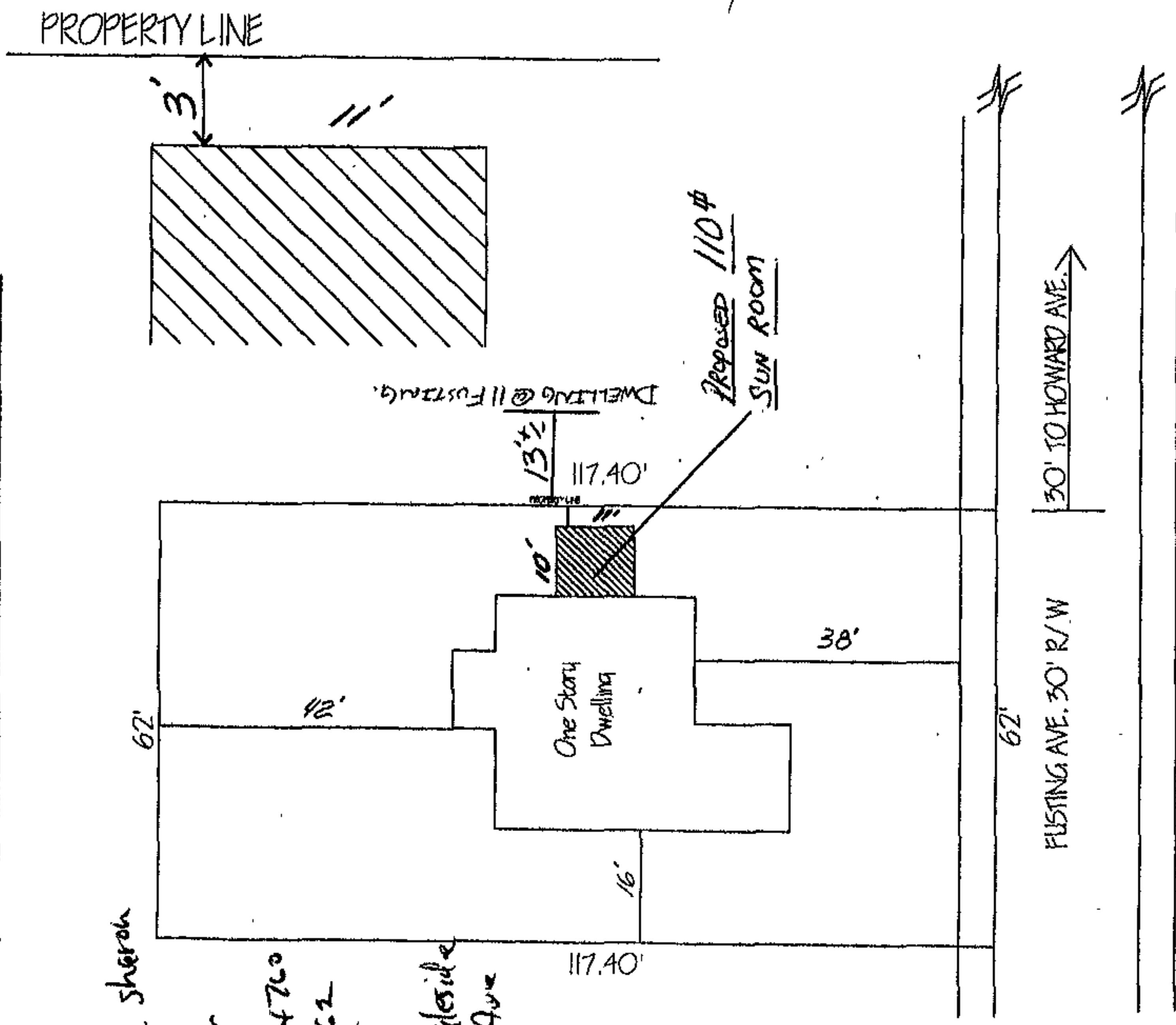


PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

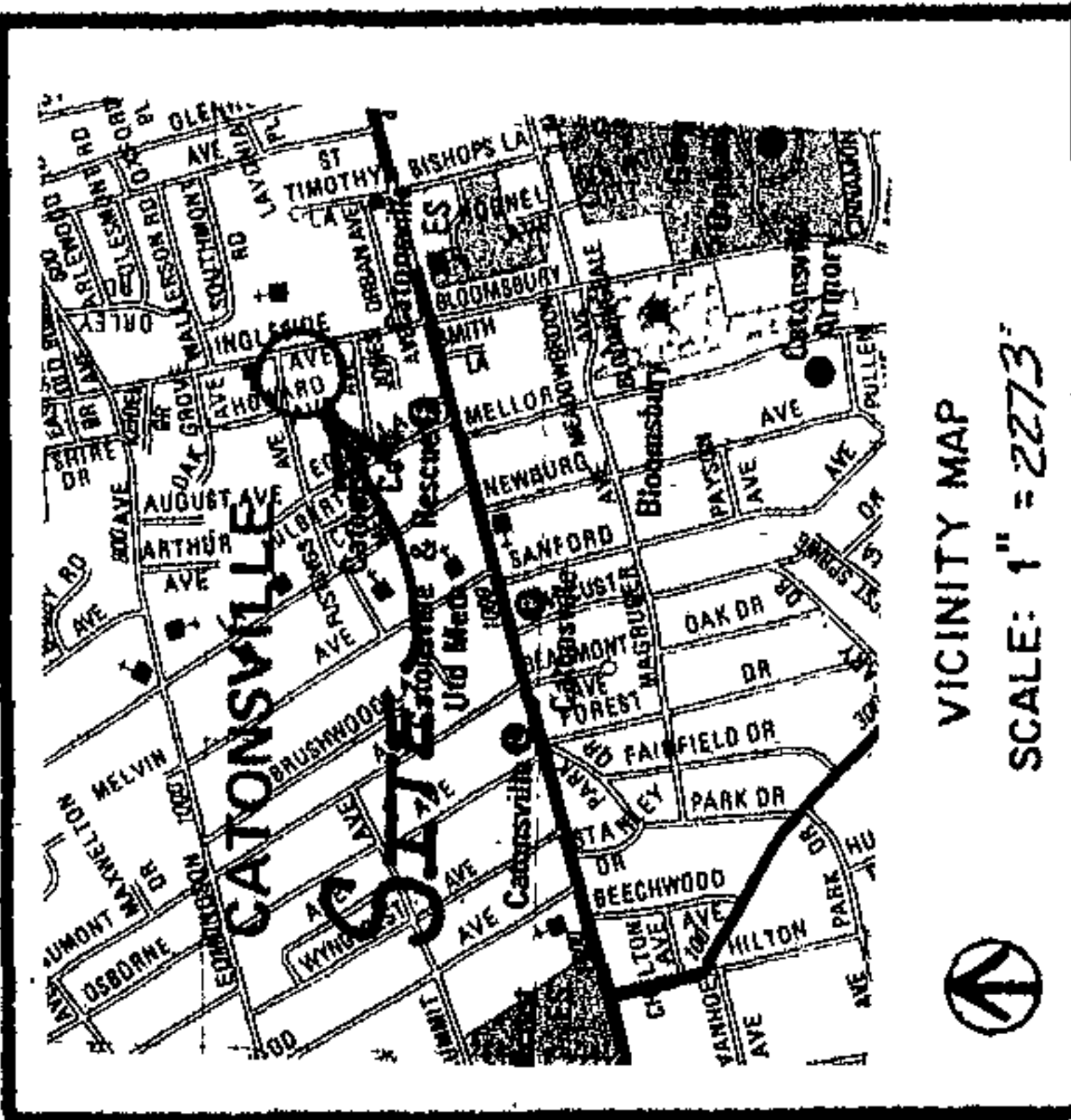
PROPERTY ADDRESS 9 FUSTING AVE BALD. 21228 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME 176' W. OF INGLESIDE AVE
 PLAT BOOK # FOLIO # LOT # SECTION #
 OWNER GAEL BEAHM

Thomas & Sheron
 Schueler
 6103004720
 13112/0002
 #117 IngleSide
 Ave



PREPARED BY GREGORY A. FALTER SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 01
 COUNCILMANIC DISTRICT 01
 1" = 200' SCALE MAP # 101A

ZONING DR 5.05

LOT SIZE 0.167 ACRES 7,254 SQUARE FEET

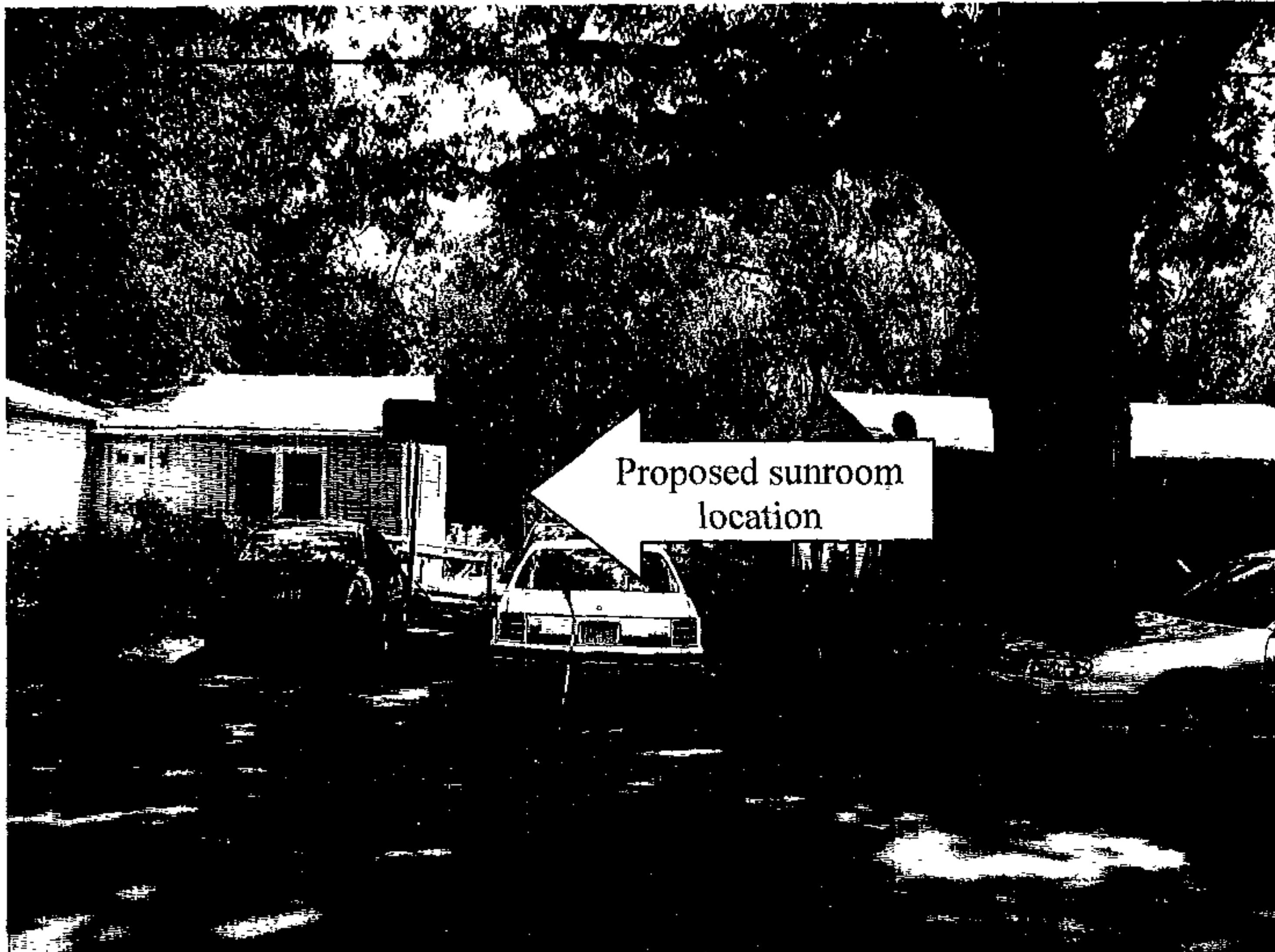
SEWER ☒ PUBLIC ☒ PRIVATE
 WATER ☒ PUBLIC ☒ PRIVATE

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

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

M | 686 | 06-686-A

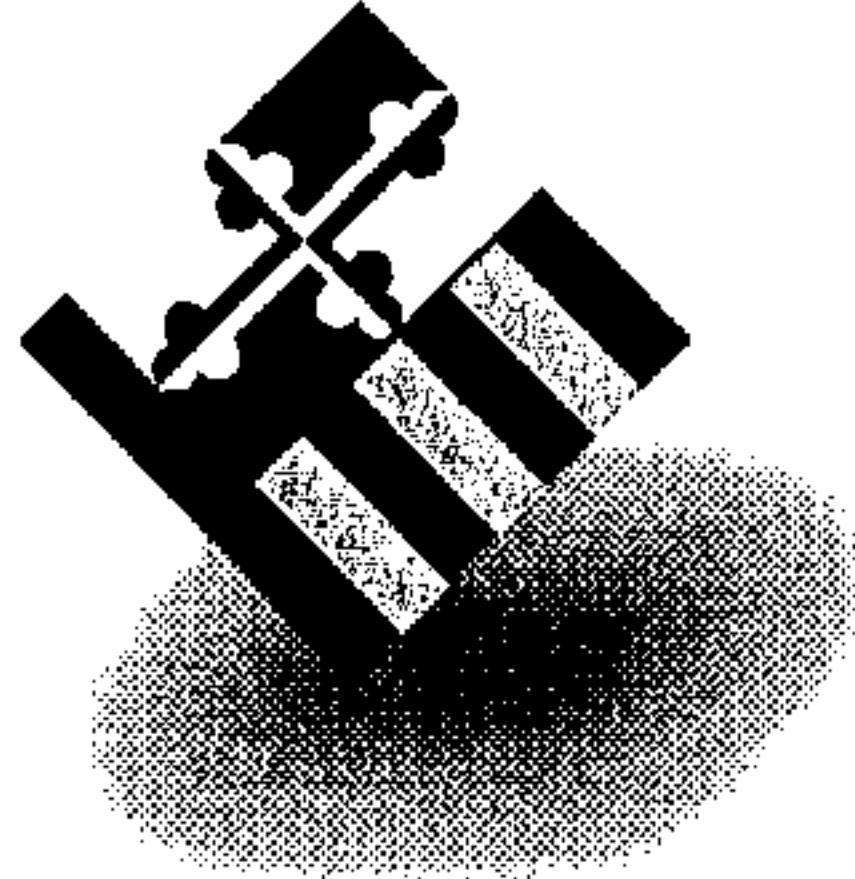
Poto's for the variance request fo
9 Fusting Ave.
Baltimore, MD 21288



View as seen from Fusting Ave. Room to be located on right side of house



View of proposed sunroom location as seen from Fusting ave, West of property.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 1, 2006

GAIL BEAHM
9 FUSTING AVENUE
BALTIMORE MD 21288

Re: Petition for Administrative Variance
Case No. 06-686-A
Property: 9 Fusting Avenue

Dear Ms. Beahm:

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

c: Gregory Falter, Patio Enclosures, Inc., 224 8th Avenue NW, Glen Burnie MD 21061

RECEIVED FOR FILING
8-1-06
pz