IN RE: PETITION FOR ADMIN. VARIANCE

SW/S of Fallscroft Way, 1,244' N/W of

the c/l Falls Road

(906 Fallscroft Way)

8<sup>th</sup> Election District

2<sup>nd</sup> Council District

Stephen V. Booth Petitioner \* BEFORE THE

\* ZONING COMMISSIONER

\* OF

\* BALTIMORE COUNTY

\* Case No. 07-074-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 owner of the subject property, Stephen V. Booth. The Petitioner seeks relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 37 feet for an addition in lieu of the required 50 feet. The subject property and relief sought are more particularly described on the red-lined site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

This case was originally filed as an administrative variance, 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 a formal hearing, provided certain conditions are met. First, the property is duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question can request a public hearing within 15 days of the sign posting, if that person objects to the relief requested. If no hearing is requested, the matter can be considered and an Order issued by the Zoning Commissioner/Deputy Zoning Commissioner, based on the documentation contained in the file.

In the instant case, the property was duly posted and within the requisite time period, a nearby property owner, Lois Welsh, filed a request for public hearing. The matter was therefore scheduled for a public hearing, which was held on December 8, 2006.

Appearing at the hearing in support of the request was Stephen Booth, property owner, and Bernadette Moskunas with Site Rite Surveying, Inc., the consultants who prepared the site plan for this property. Appearing as Protestants in the matter were Mary S. Keelty and Lois C. Welsh, residing on Fallscroft Way. J. Carroll Holzer, Esquire entered his appearance on behalf of Ms. Welsh.

Ms. Moskunas testified and presented the plan. Testimony and evidence offered revealed that the subject property is a roughly pie-shaped parcel, located on the west side of Fallscroft Way, just south of that road's intersection with Falls Road in Lutherville. The property is also known as Lot 57 of the subdivision known as Fallswood, and contains a gross area of 1.398 acres, more or less, zoned R.C.5. Presently, the site is improved with a one-story brick ranch-style dwelling, which features a wood deck and in-ground pool in the rear yard. Photographs of the property were submitted and described by Mr. Booth. He explained that a 55' x 20' addition is desired and proposed to be located on the south side of the existing dwelling, adjacent to the Haus property. Mr. Booth described the site constraints associated with his property, including the existence of the pool, and the location of the well and septic areas. In sum, Mr. Booth opined that the proposed location for the addition was the most appropriate, and that relief should be granted to allow a reduced setback in order to proceed. Stephen Booth and Michael Haus have discussed various options and the Haus family being the most affected by the construction to within 37 feet of the property line, have no objection. See Petitioner's Exhibit 5. The addition as contemplated will be one-story high and add an additional 968 square feet to the home and provide a new master bedroom, additional living space and two new bathrooms. Mr. Booth indicated that it would be architecturally "very difficult" to raise the roof and add a second story to the home and that the proposed addition would maintain the same roof or ridgeline as the existing home and, therefore, be compatible with existing conditions. As more particularly shown on the site plan, the off-set design of the addition would tend to visually reduce the size of the structure and soften its affect or appearance from the neighborhoods prospective. Mr. Booth also indicated that it would be very difficult, from a functional standpoint, to construct the addition to other parts of the house, i.e, he

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would be required to remove two existing bathrooms if he built straight out from the rear of the home which would be extremely costly and create a rather unpleasing appearance.

Mr. Booth has owned the property and resided thereon for 5 years. He recently lost his father and has made plans to have his mother live with him. He will also be married this spring and anticipates his wife's two teenage children moving into the home. He testified that he consulted with a number of architects and eventually settled upon the proposed plans for the project and opined that additional living area was badly needed within the house. In his opinion, the only practical location for the addition is as proposed. Moreover, Ms. Moskunas, using the subdivision plat (Petitioner's Exhibit 2), demonstrated nearby lots had received variance relief (Case Nos. 90-451-A and 03-587-A). Accordingly, she concluded that the 50-foot setback requirement as noted on the 1976 "Fallswood" plat had been abandoned and therefore no longer of any legal force and effect.

Carroll Holzer, Esquire, through cross-examination of the witnesses, was able to demonstrate that the subject property is not unique when compared with other lots in the neighborhood, and opined that the proposed addition could be added to other portions of the house. He questioned Mr. Booth about the construction of the addition, as proposed, having a visually detrimental effect on the lots across the street as well as the other five lot owners who shared the cul-de-sac to the southeast of the Petitioner's property and would have to drive by his home on a daily basis.

Testimony was then received from Mrs. Welsh. She and her husband have lived in the area since 1981. Interestingly, Mr. & Mrs. Welsh own several lots in the area. They purchased Lots 5 and 6 in the Fallswood subdivision and constructed their home on Lot 5, which contains 4.153 acres in area. Lot 6, which remains undeveloped, immediately abuts Lot 5 and contains 4.153 acres in area as well. Mrs. Welsh emphasized that she and her husband desire privacy and thus purchased the two building lots to serve as a buffer and to provide additional means of privacy. She asked for a public hearing to the side yard variance request stating, if granted and the proposed structure built, it would be easily visible from the street. She testified that the Booth

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property and the Haus property would be noticeably closer than any other two properties in the development. Without a doubt, she stated that this would change the look and character of the neighborhood-for the worst. Additionally, it is not the type of structure that screening with landscaping could hide. Ms. Keelty also opposed the granting of the variance. As a matter of fairness, she indicated that when she and her husband, Jim, bought their property in this development of upscale homes, they relied on the zoning laws and regulations, restrictive covenants and recorded development plats as assurances that the character of the development will be maintained and thereby protecting their investment. Ms. Keelty felt that the variance, if granted, would benefit one owner to the detriment of her and her neighbors. In support of this opinion, nine letters requesting that the variance be denied were received from members of the community residing on Fallscroft Way and marked as Protestants' Exhibit 1.

As stated at the conclusion of the hearing, this is a difficult case. From a practical standpoint, I am appreciative of Mr. Booth's desire to expand his home. It was indicated that his house is one of the smaller houses in the area and that additional space is needed. On the other hand, Ms. Welsh and Ms. Keelty have expended sufficient sums to safeguard their privacy and insure a significant buffer around their homes. This position is shared by the majority of the homeowners on Fallscroft Way.

In considering the variance request, I am mindful of the requirements of Section 307 of the B.C.Z.R., as construed by Cromwell v. Ward, 102 Md. App. 691 (1995), which is the leading appellate case in considering the variance statute in Baltimore County. Cromwell v. Ward essentially requires a three-part examination of the variance request. First, the Petitioner must demonstrate that the property at issue is unique. Second, it must be shown that the uniqueness of the property results in a practical difficulty upon the Petitioner, if strict compliance with the regulations is required. Third, the Petitioner must demonstrate that the variance, if granted, would not be detrimental to adjacent properties.

Upon due consideration of the testimony and evidence presented in the instant case, I am not persuaded that the Petitioner has met his burden. Mr. Holzer's cross-examination of Mr.

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Booth was particularly compelling that the subject property is not unique. Indeed, *Cromwell* requires that there must be a unique characteristic of the property at issue (i.e., topography, shape, configuration, etc.), in order for relief to be granted. The characteristics of the subject site are not unique when compared to other lots in the neighborhood. Moreover, I am not persuaded by the testimony presented by the Petitioner that the location for the proposed addition is the only functionally appropriate site. Without delving into matters of architectural taste or style, Mr. Booth's ranch-style home with the in-ground pool is somewhat different from other residences in the community. It seems, however, that this configuration and location of the other improvements was done by Mr. Booth's predecessor in title. Although I understand and appreciate the testimony offered by the Petitioner about the benefits of economically locating the needed living space at the proposed location versus expenditures of large sums of money to place it elsewhere, I am not persuaded by the argument. I do not find the land unique, as required by *Cromwell* and, moreover, find no justification relating to the design of the house which would satisfy this prong. See also *Montgomery County v. Rotwein* 169 Md. App. 716 (2006) involving a similar case where a rear yard pool complicated the location of desired improvements.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Z/A day of December, 2006 that the Petition for Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 37 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the

date of this Order to file an appeal of this decision.

WIDCIAMA: WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

December 21, 2006

Ms. Bernadette Moskunas Site Rite Surveying, Inc. 200 East Joppa Road, Suite 101 Towson, Maryland 21286

RE: PETITION FOR ADMIN. VARIANCE
SW/S of Fallscroft Way, 1,244' N/W of the c/l Falls Road
(906 Fallscroft Way)
8th Election District - 2nd Council District
Stephen V. Booth - Petitioner
Case No. 07-074-A

Dear Ms. Moskunas:

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

NLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

Very truly yours

WJW:dlw

c: Mr. Stephen V. Booth, 906 Fallscroft Way, Lutherville, MD 21093 J. Carroll Holzer, Esq., 508 Fairmount Ave., Towson, MD 21286 Ms. Mary S. Keelty, 1007 Fallscroft Way, Lutherville, MD 21093 Mrs. Lois Welsh, 901 Fallscroft Way, Lutherville, MD 21093 People's Counsel; Case File



# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

CONTRACTOR OF THE PARTY OF THE	for the property loc	ated at #90	6 Fallscroft W	ay
TOY LAST	In a Brand	which is prese	ently zoned	RC 5
This Petition shall be filed with the owner(s) of the property situate in Barnade a part hereof, hereby petition for	Department of Permits Itimore County and which or a Variance from Section	and Development is described in the (s)	t Management. To description and plant	he undersigned, legal it attached hereto and
side yard setback required 50ft	of 37 ft, for	an add	ition in	lieu of Ka
of the zoning regulations of Baltimore of this petition form.			ity, for the reasons	indicated on the back
Property is to be posted and advertise t, or we, agree to pay expenses of above regulations and restrictions of Baltimore	variance adventising bosili	the zoning law for Bal	Millione occurs.	nder the penalties of
•		perjury, that I/we a is the subject of the	are the legal owner(s)	of the property which
Contract Purchaser/Lessee:		Legal Owner(s	<u>s):</u>	•
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Signature		Signature		
Address	Telephone No.	Name - Type or Prin	it	
City	Zip Code	Signature		
Attorney For Petitioner:	•	906 Fallscr Address Luthervile	oft Way (	410) 308-9896 Telephone No. 21093
Name - Type or Print		City	St	ate Zip Code
Signature		Representativ	e to be Contact	<u>:ea:</u>
Company		Site Rite S Name	urveying. Inc.	
Address	Telephone No.	Address	a Rd., Suite 1	Telephone No.
City	e Zip Code	Towson City	MD St	ate Zip Code
A Public Hearing having been formally de this day of regulations of Baltimore County and that the	emanded and/or found to be reposted.	equired, it is ordered is petition be set for a p	by the Zoning Commisublic hearing, advertise	ssioner of Baltimore County, ed, as required by the zoning
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CASE NO. 5 By 0. 74	- A O was Revi	ewed By	Date	8/52/06
REV 10/25/01		nated Posting Dat	te	<u> </u>

# 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	#906 Fallscroft Way						
HIGH BIO MINGHON WASHING PROPERTY STREET	Address Luthervile	<i>\M</i> 7\	21093				
	City	MD State	Zip Code				
That based upon personal knowledge, the followards that the above address (indicate hards)	owing are the facts upon v	which I/we base the	request for an Administrative				
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That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide Signature	formal demand is filed, /e additional information.	Affiant(s) will be rec	quired to pay a reposting and				
Signature	Signatu	re .					
Stephen Booth	· Name	Type or Print					
Name - Type or Print	(Manio -	type or com	•				
STATE OF MARYLAND, COUNTY OF BALT	TIMORE, to wit:	•					
HEREBY CERTIFY, this day of day of Maryland, in and for the County aforesaid,	aust	9006, before n	ne, a Notary Public of the State				
of Maryland, in and for the County aforesaid,	personally appeared						
Mulana	Stanfactly Identified to me	as such Affiant(s).					
the Affiant(s) herein, personally known or sati	SISCIOINY IDENTIFIED TO THE C						
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STATE OF MARYLAND, COUNTY OF BAL I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid	TIMORE, to wit:	,200 6, before n	ne, a Notary Public of the Sta
the Affiant(s) herein, personally known or sa	tisfactorily identified to	me as such Affiant(s).	• '
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REV 10/25/01



REV 10/25/01

# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

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50 ft.					
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City	State Zip Code	Signature		- <del></del>	
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Attorney For Petition	<u>(ei · </u>	Address	• •	MD.	•
		Luther City	vile	MD State	21093 Zip Code
Name - Type or Print		•	entative to be	Contacted:	•
Signature		Site R Name	lite Surveyin	g. Inc.	
Company			Joppa Rd.,	Suite 101	(410) 828-90 Telephone No.
Address	Telephone No.	Address		MD	21286
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CASE NO.	· · ·	Estimated Post	ing Date	9/10/06	
		E201119747 LASA			

# ZONING DESCRIPTION FOR #906 FALLSCROFT WAY

BEGINNING FOR A POINT ON THE SOUTHWEST SIDE OF FALLSCROFT WAY WHICH IS 50 FEET WIDE AT THE DISTANCE OF 1,224 FEET NORTHEAST OF THE CENTERLINE OF FALLS ROAD (MARYLAND ROUTE NO. 25) WHICH IS 120 FEET WIDE. BEING LOT NO. 1, SECTION NO. 2 IN THE SUBDIVISION OF "FALLSWOOD" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. 40, FOLIO NO. 89, CONTAINING 1.35 ACRES, MORE OR LESS. ALSO KNOWN AS #906 FALLSCROFT WAY AND LOCATED IN THE 8<sup>TH</sup> ELECTION DISTRICT, 2<sup>ND</sup> COUNCILMANIC

DISTRICT

MICHAEL V. MOSKUNAS

REG. NO. 21175

SITE RITE SURVEYING, INC 200 E. JOPPA ROAD SUITE 101 TOWSON, MD 21286 (410)828-9060

XVX

### NOTICE OF ZONING HEARING

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: #07-074-A 906 Fallscroft Way ,S/west side of Fallscroft, Way, 1244 feet n/west centerline of Falls Road 8th Election District ¿2nd Councilmanic District Legal Owner(s): Stephen Booth Variance: to permit a side yard setback of 37 feet for an addition in lieu of the required 50 feet. Hearing: Wednesday, November 1, 2006 at 2:00 p.m. in Room 407, County Courts Building, Bosley Avenue, Towson 21294,

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, JT/10/703 Oct 17 113048

# CERTIFICATE OF PUBLICATION

10/19/2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 1017 ,2006.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilking
LEGAL ADVERTISING

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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) 887-4386.

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JT 11/687 Nov. 21 116727

# CERTIFICATE OF PUBLICATION

11/22,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing
on 11 21 ,2006.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

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BALTIMORE COUNTY, MOFFICE OF BUDGET & FINAN	DATE X 2 06	RECEIVED FROM:	FOR	DISTRIBUTION WHITE - CASHIER PINK - AGENC

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ပ MISCELLANEO OFFICE OF BUDG BALTIMORE DISTRIBUTION WHITE - CASHIER

# CERTIFICATE OF POSTING

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Attention: Christen Matthews

Towson, MD 21204

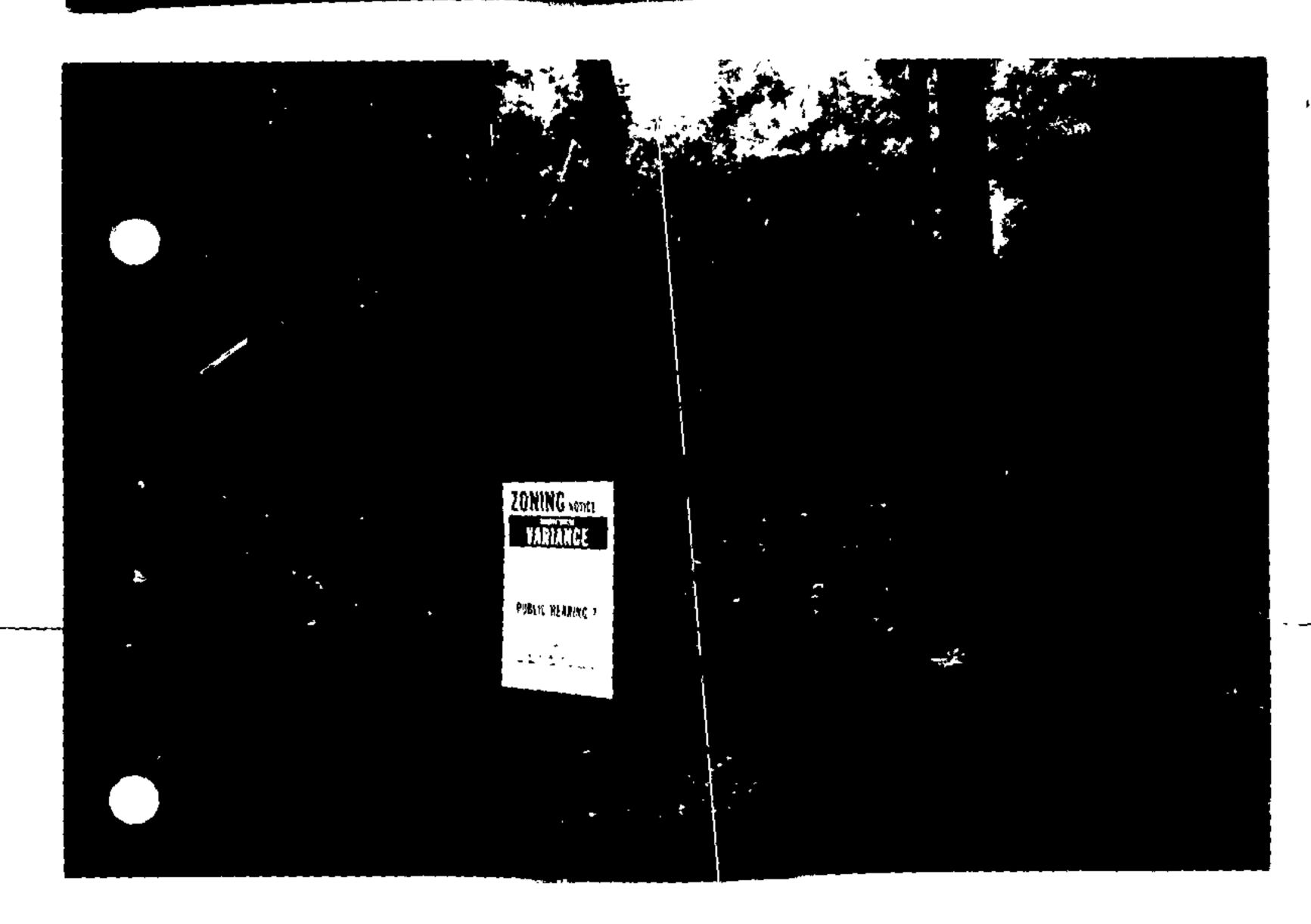
Permits and Development Management

The sign(s) were posted on SEOT. B

Petitioner/Developer: STEPHEN BOOTH Date of Hearing/Closing: SEPT 25, 2006 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 propery located at \_\_ # 900 FALLSCROFT WAY Sincerely, (Signature of Sign Poster and Date) CARLAGE E. MOORE (Printed Name) 3225 RYERSON CIRCLE BAUTIMORE, MD, 21227 (City, State, Zip Code) (410) 242-4263

(Telephone Number)

RE: Case No.: 07-074-A



ADMINISTRATIVE

Ų, TO PERMIT A SIDE YARD SETBACK 37 FEET FOR AN ADDITION IN LIBU THE REQUIRED SOFEET. 074-A #04 CASE

PURSUART TO SECTION 26-127(N)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
ASO D.M. ON --- SEPTEMBER 25, 2006
ADDITIONAL INFORMATION IS AVAILABLE AT
104806 ADMINISTRATION AND DEVELOPMENT MARREMENT
111 W. CHESAPEANE NVE.
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# **CERTIFICATE OF POSTING**

RE: Case No.: 07-074-A

Petitioner/Developer: STEPHEN BATH

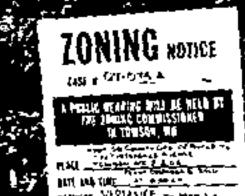
Date of Hearing/Closing: Nov. 1, 2006

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

Attention: Christen Matthews	•
Ladies and Gentlemen: This letter is to cer	rtify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously	
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•	
The sign(s) were posted on	16,7006
· •	(Month, Day, Year)
	Sincerely,
•	Signature of Sign Poster and Date)
	CJAPLAGED E. MOORE (Printed Name)
	3225 RYELSON CIRCLE (Address)
	BALTIMORE, MD, 21227 (City, State, Zip Code)
	(Telephone Number)

OCT 17 2005





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CASE #\_ 07-074-A

ROOM 407, COUNTY COURTS 401 BOSLEY AVENUE TOWSON, MP. 21204 2007 りこの

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CASE #\_ 07-074-A

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III W. CHESAPEAKE AVENUE
TOWSON, MD. 21204
FRIDAY, DECEMBER 5, 2006

PLACE:

DATE AND JWE: **>** 10:00 A.M.

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REQUEST: GIDE YARD SETBACK OF 37 FEET かのか

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POSTPONEMENTS DUE TO WEATHER JORGITHER CONDITIONS ARE SOMETIMES MECESSARY, TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN-AND POST WITH DAY OF HEARING, UNDER PENALTY OF LAW HANDICARRED ACCESSIBLE

# CERTIFICATE OF POSTING

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 propery located at \_\_\_\_\_ # 906 FAUSCROFT WAY The sign(s) were posted on DECSincerely, (Signature of Sign Poster and Date) CJAPLAGED E. MOORE 3225 RYG(2SON CIRCLE (Address) BAUTIMORE, MD, 21227 (City, State, Zip Code) (Telephone Number)

RE: Case No.: 07-074-A

Petitioner/Developer: STEPHEN BOOTH

Date of Hearing/Closing: DEC. 8, 2006

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 2, 2006 Issue - Jeffersonian

Please forward billing to:

Stephen Booth 906 Fallscroft Way Lutherville, MD 21093 410-308-9896

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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: 07-074-A

906 Fallscroft Way

S/west side of Fallscroft Way, 1244 feet n/west centerline of Falls Road

8<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owner: Stephen Booth

Variance to permit a side yard setback of 37 feet for an addition in lieu of the required 50 feet.

Hearing: Wednesday, November 1, 2006 at 2:00 p.m. 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.

PATUXENT PUBLISHING COMPANY TO:

Tuesday, November 21, 2006 Issue - Jeffersonian

Please forward billing to:

Stephen Booth 906 Fallscroft Way Lutherville, MD 21093 410-308-9896

# 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: 07-074-A

906 Fallscroft Way

S/west side of Fallscroft Way, 1244 feet n/west centerline of Falls Road

8<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owner: Stephen Booth

Variance to permit a side yard setback of 37 feet for an addition in lieu of the required 50 feet.

Hearing: Friday, December 8, 2006 at 10:00 a.m. County Office Building,

111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

# Department of Permits and Development Management

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





# **Baltimore County**

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

November 2, 2006

# **NEW 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: 07-074-A

906 Fallscroft Way

S/west side of Fallscroft Way, 1244 feet n/west centerline of Falls Road

8<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owner: Stephen Booth

Variance to permit a side yard setback of 37 feet for an addition in lieu of the required 50 feet.

Hearing: Friday, December 8, 2006 at 10:00 a.m. County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Stephen Booth, 906 Fallscroft Way, Lutherville 21093
Site Rite Surveying, Inc., 200 E. Joppa Road, Ste. 101, Towson 21286
J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
Mr. & Mrs. Welsh, 901 Fallscroft Way, Lutherville 21093

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 22, 2006.
  - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
  - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



-Visit-the-Gounty's-Website-at-www.baltimorecountyonline.info

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

# **ZONING REVIEW**

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

item Number.c	or Case Number:		<u> </u>
Petitioner:	Stophen		·
Address or Loc	cation: 906	Fallscroft Way	
	•		
ח ב א ס ב ב ס די			
PLEASE FUR	WARD ADVER FI	ISING BILL TO:	
Name:	Stephen	Booth.	_,
	Stephen	Booth.	
Name:	Stephen 906 Fal	Booth Uscroft Way	_,
Name:	Stephen 906 Fal	Booth.	

# BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 11, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 11, 2006

Item Nos.07-071, 072, 073, 074, 075, 076, 077,

078, 085, 086, 087, 090, 091 and 092

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- 09082006.doc





DATE: September 26, 2006

RECEIVED

SEP 2 7 2006

ZONING COMMISSIONER

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

906 Fallscroft Way

INFORMATION:

Item Number:

7-074

Petitioner:

Stephen Booth

Zoning:

RC 5

Requested Action:

Administrative Variance

The property in question requests a 37-foot side yard setback in lieu of the required 50 feet for a 1-story addition. The lot is somewhat irregularly shaped and while the 50-foot setback can be maintained at the rear of the addition, it is only 37-feet at the closest point.

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested variance.

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

Prepared by

Division Chief:

AFK/LL: CM

State Highway

Administration

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date

9/7/2006

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

RE:

Baltimore County

Item No. 074

FALLSWOOD

VARIANCE 07-0744

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 074

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief U Engineering Access Permits

Division

SDF/MB

# Department of Permits and Development Management

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



# **Baltimore County**

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

September 25, 2006

Stephen Booth 906 Fallscroft Way Lutherville, MD 21093

Dear Mr. Booth:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 07-074-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 or the zoning commissioner is requiring a public hearing 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 reposted 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 Bruno Rudaitis at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr. Supervisor

u. Callala D.

Zoning Review

WCR:klm

C: Site Rite Surveying, 200 E. Joppa Road, Ste. 101, Towson 21286 Lois & Patrick Welsh, 901 Fallscroft Way, Lutherville 21093



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



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE. Towson, MD 21286

(410) 825-6961 Fax: (410) 825-4923

E-MAIL: JCHOLZER@ECPL.NET

Krister to rost

October 24, 2006 #7670

HAND DELIVERED

Mr. Timothy Kotroco, Director Permits & Development Management 111 Chesapeake Avenue Towson, Maryland 21204

RE:

Case No. 07-074-A

906 Fallscroft Way; Legal Owner: Stephen Booth

Dear Mr. Kotroco:

Please enter my appearance on behalf of my clients Lois & Patrick Welsh, 901 Fallscroft Way, Lutherville, MD 21093 in the above captioned matter.

According to the Notice of Zoning Hearing, Case No. 07-074-A has been scheduled for Wednesday, November 1, 2006 before the Zoning Commissioner. However, on that same day, I have a hearing in the Circuit Court for Cecil County, Case No. 07-C-06-235.

On behalf of my clients, I respectfully request a postponement of the ZC Hearing set for November 1, 2006 until a mutually convenient time can be set for the Zoning Commissioner and the parties. If you have any questions, I can be reached at 410-825-6961. I appreciate your understanding and cooperation.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

Stephen Booth, 906 Fallscroft Way, Lutherville, 21093 cc:

William Wiseman, Esq.

Site Rite Surveying, Inc. 200 E. Joppa Rd., Ste. 101, Towson, 21286

Lois Welsh

Mr. & Mrs. Patrick G. Welsh 901 Fallscroft Way Lutherville, Maryland 21093

September 20, 2006

Re: Case # 07-074-A

Dear Baltimore County Zoning Commissioner,

My name is Lois Welsh and I live at 901 Fallscroft Way with my husband Patrick. I am voicing an objection to the Administrative Variance case # 07-074-A. I was party to another Administrative Variance case # 01-220-A in January of 2001. The variance was denied. Therefore, I am requesting a Public Hearing in case # 07-074-A.

Respectfully yours,

Law Welsh

Lois Welsh



# FORMAL DEMAND FOR HEARING

CASE NUMBER: 07-074-A
Address: 906 FALLSCROFT WAY
Petitioner(s): STEPHEN BOOTH
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY
IWe LOIS + PATRICK WELSH  Name - Type or Print
M Legal Owner OR () Resident of 901 FALLSCROFT WAY
Address
City State Zip Code
410-252-7007
Which is located approximately
Signature Supt 22, 2006 Date
Signature Revised 9/18/98 - wcr/scj Date

Case No.:	07-	074	A	
		<b>—</b> , ,	•	

Exhibit Sheet

# Petitioner/Developer

# Protestant

No. 1	Red Line Sitz Plan.	LEHERS TN OFFOSTION
No. 2	Record Plat	
No. 3	PRIOR ORDERS 03-587-A 90-451-A	
No. 4	Contractors letter	
No. 5	Letter of recommendation	
No. 6	PHOTO graphs. A thru G	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING VARIANCE of Falls Road Pallscroft Š

3rd Councilmanic District 1000 Fallscroft May) Bth Election District

Michael K. Spodak, M.D. Petitioner

BEFORE THE

COMMISSIONER DEPUTY ZONING

COUNTY OF BALTIMORE

151-A ò Case No.

# OF FACT AND CONCLUSIONS OF LAN FINDINGS

yard a proposed garage side 10 The Petitioner herein requests a variance to permit feet in lieu of the required 50 feet accordance with Patitioner's Exhibit addition in

on behalf were no Protestants. Also appearing of the Petition was Donald S. Laird, Architect. There The Petitioner appeared and testified.

ğ surrounding the variance will with th cars. Or. Spodak the existing that due to the location of existing improvements on the proper-To support his position, loca Potitioner is Testimony known as 1000 welfare inproved prectical SPACE. and general Ç dwelling with an attached two-car garage. property, # the garage addition is the most Testimony indicated that the granting of garage garage to provide additional storage and parking Fallscroft Way, consists of 2.303 acres zoned Ric. 5 and garage ğ Indicated Petitioner and his family currently have Spodak introduced photographs of the existing not result in any detriment to the health, safety necessitates the requested variance. subject desirous of constructing an additional one-car the the that indicated the proposed site for Testimony family the community. tion, but testified single two-car

testimony and evidence presented at the hearing, 8 **2oning** all of which was uncontradicted, in the opinion of the Deputy the F uodn Based

# PETITIONER'

EXHIBIT NO.

unreasonable the requirements safety, (B.C.Z.R.) compliance 띉 ations ence snd/or missioner the relief requested sufficiently complies with evid Ş Rewil difficulty There is no affect Furthermore, 2oning adversely County practical the public. granted. of Section 307 of the Baltimore would 드 hardship upon the Petitioner. should be variance result general welfare of the B.C.Z.R. would that the subject therefore, and/or

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

for Zon-'n Petitionto the follow the Commissioner for 쓩 #1th lieu etition Baltimore County this Mosver quired 50 feet for a proposed garage addition in accordan Exhibit 1, be and is hereby GRANTED, subject, hower ing Variance to permit a side yard setback of 35 feet ing restrictions:

- permit and be granted same upon receipt of this Order; bowever, 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.
- 2) Petitioner shall not allow or cause the existing two-car garage and proposed one-car garage addition thereto to be converted to a second dwelling unit and/or apartments. The existing and proposed garage areas shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The existing and proposed garage areas shall be used for residential purposes, only. No commercial use of the subject property is permitted.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

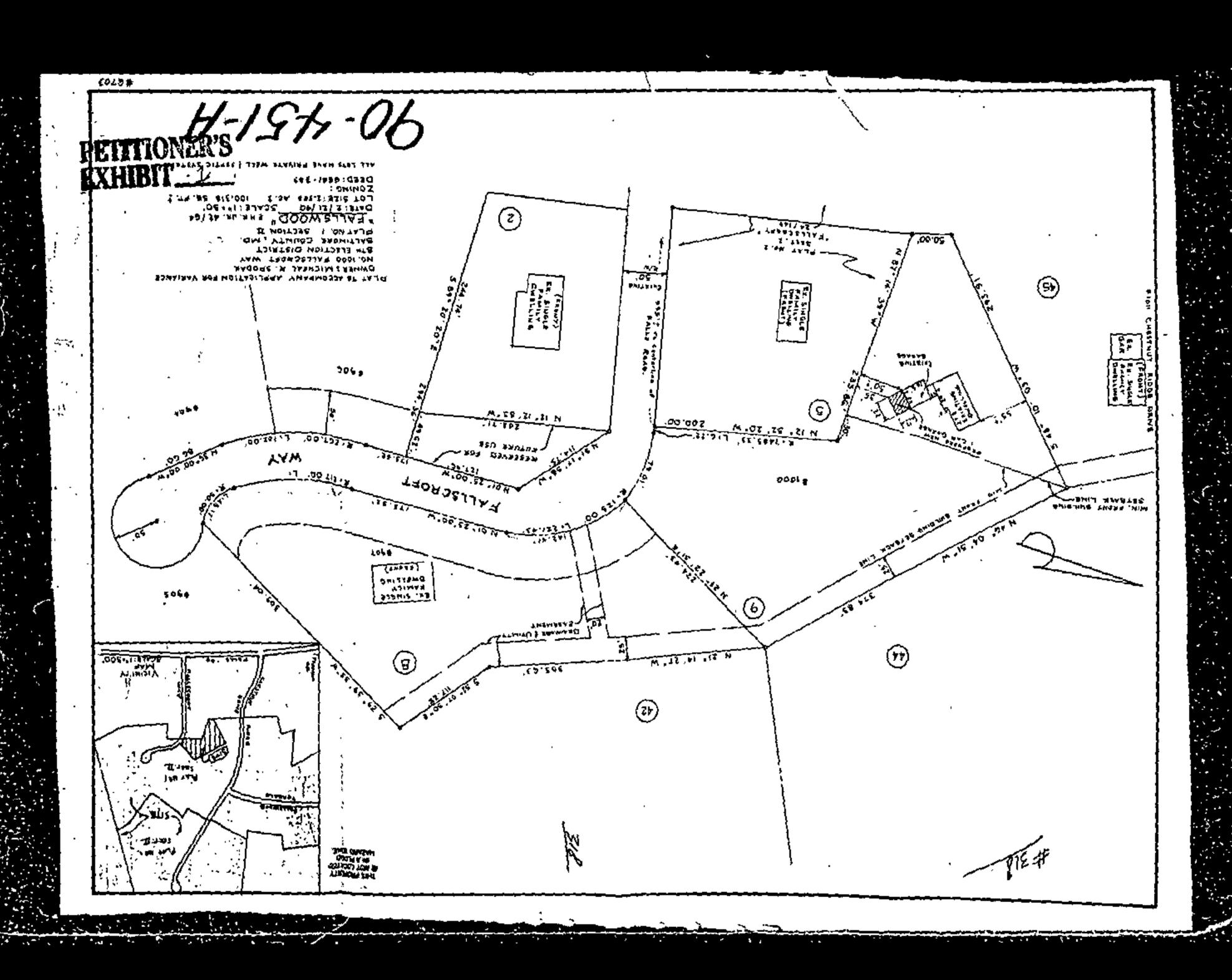
2- MAChamer

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN: 12 ja

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THE PARTY NAMED IN

Stat SW/side of

IN RE: PETITION FOR ADMIN. VARIANCE

S/8 Fallscroft Way, 295' E of the c/l Falls Road 1244' N/West

(1013 Fallscroft Way)

(1013 Fallscrott Way 8<sup>th</sup> Election District

Council District

David B. Michels, et ux Petitioners BEFORE THE

\* ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* Case No. 03-587-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, David B. and Dolores A. Michels. The Petitioners seek relief from Section 1A04.3.B.2 (1A00.3.B.3-RDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a principal building to a lot line other than a street line setback of 43 feet in lieu of the minimum required 50 feet for a proposed garage addition, and to amend the Final Development Plan of Fallswood, Section One, Lot 5, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which 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 who resides or owns property 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 this regard, there was no request for a public hearing, thus, the file was forwarded to the undersigned Zoning Commissioner for disposition.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would

PETITIONER'S

EXHIBIT NO.

3\_\_\_

ORDER REGENVED FOR FILING Date 8/ 1/2 1/3 1/3 By

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

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Aday of August 2003, that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.2 (1A00.3.B.3-RDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a principal building to a lot line other than a street line setback of 43 feet in lieu of the minimum required 50 feet for a proposed garage addition, and to amend the Final Development Plan of Fallswood, Section One, Lot 5, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. There shall be no kitchen or bathroom facilities within the garage addition.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

OF FILMS

ONDER REC

V & W Homes, LLC 502 Sylvan Way Pasadena, Maryland 21122 MHBR 158 410-320-5316 fax 410-437-2065

October 30, 2006

Baltimore County Permit Division Towson, Maryland

Re: Steve Roth Residence 906 Fallscroft Way, Lutherville, Md. 21093 Tax ID# 17-00-012541 New Addition

V & W Homes has been contracted to construct an addition to the above captioned property.

Due to the fact that the existing structure has engineered roof trusses on the first floor of the dwelling, there are no bearing or beam structures to support a second floor. It would be very costly to adapt the current structure to support a second floor.

In our opinion, it will be much more cost effective to expand the first floor of the main house to create the additional square footage which is needed at this time.

Sincerely,

Wayne M. Wilson Vice President

PETITIONER'S

EXHIBIT NO.

4

- ----

October 28, 2006

To the Baltimore County Zoning Commissioners Office:

Stephen V Booth, the homeowner at 906 Fallscroft Way, Lutherville MD 21093, has discussed his plan to put an addition on the left side of his house. By this letter we are notifying you that we do not object to his request for an administrative variance pursuant to case number 07-074-A

Name: While the Address: 904 Fallscroff Way

₩.

PETITIONER'S

EXHIBIT NO.

~	07	07	A	•
Case No.:	$\mathcal{O}$		-	·

### Exhibit Sheet

### Petitioner/Developer

### Protestant

	·	
No. 1	Red Ling Sitz Plan	LEHERS IN OFFOSITION
No. 2	Record Plat	
No. 3	PRIOR GRAZES 03-587-A	
No. 4	Contractors letter	
No. 5	Letter of recommendation	
No. 6	PHOTO graphs. Atturn G	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

907 Fallscroft Way Lutherville, Maryland 21093 October 29, 2006

Mr. Timothy Kotroco Department of Permits and Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

> Re: Case No. 07-074-A

> > Request for side yard setback variance for 906 Fallscroft Way, Lutherville, Maryland

Dear Mr. Kotroco:

We are writing to oppose the granting of a side yard setback variance for 906 Fallscroft Way, a property that is directly opposite our own residential property at 907 Fallscroft Way. Because of childcare and travel obligations relating to work, we will be unable to attend the hearing for Mr. Booth's property and are writing this letter with the hope that it will be accepted into the record that the Zoning Commissioners consider.

When we bought our home over 12 years ago, we did so because we believed that the zoning laws and regulations, restrictive covenants and recorded development plats would preserve the character of the neighborhood. Spacing between houses is important to maintaining the "green" and open quality of the street. Indeed, the development's zoning protects the natural beauty of the neighborhood by ensuring that housing is set back on each property, both from the street and from other property lines.

We would be directly affected by the proposed variance as our house looks out on Mr. Booth's property as it is across the street from us. We believe that approving this variance would adversely affect the investment we have made in our property. Once green space is filled by brick and mortar, the neighborhood changes irreparably for the worse.

We urge the Zoning Commissioners to keep the zoning restrictions in place without any variance. Mr. Booth, like other members of this development, bought his property with knowledge of these restrictions. To protect the investment that we have all made in our residential properties, we ask that 906 Fallscroft Way also comply with current zoning regulations relating to side yard setbacks.

We thank the Zoning Commissioners for taking our views into consideration.

Diana Mons Diana Morris

Sincerely,

Peter Shiras Collectively A Thun L PROTESTANT'S

EXHIBIT NO.

### MARK R. & PAMELA BERMAN 900 FALLSCROFT WAY LUTHERVILLE, MARYLAND 21093

410-561-4708 mberman@bcpl.net

October 17, 2006

Mr. Timothy Kotroco
Department of Permits
and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Cas

Case No. 07-074-A

Request for side yard setback variance

for 906 Fallscroft Way, Lutherville

Dear Mr. Kotroco:

We are the owners of the residential property at 900 Fallscroft Way. We have lived here for over 22 years. Unfortunately, because of work obligations we cannot attend the zoning hearing for Mr. Booth's property. Please deliver this letter to the Zoning Commissioners deciding this case. We hope it will be accepted into the record as our written testimony.

We are opposed to granting the variance. When we decided to buy our house in this development of upscale homes, we relied on the zoning laws and regulations, restrictive covenants and recorded development plats to maintain the character of the development and protect our investment. So in general, we are opposed to any variation in these rules.

Specifically, in this case the requested side yard variance would be visible from the street. The Booth property and its neighbor would then be noticeably closer than any other two properties in the development. Without a doubt it would change the look and character of the neighborhood - for the worse. It is not the type of development that screening with landscaping could hide.

As a matter of fairness, all owners on Fallscroft Way buy their homes with notice of these important limitations on their right to use and develop their respective properties. They are for the mutual benefit of all. The requested variance would benefit one owner to the detriment of his neighbors.

For these reasons we request that the variance be denied.

Sincerely,

Pamela Berman

Mark R. Berman

### NEIGHBORS OPPOSED TO VARIANCE REQUEST AT 906 FALLSCROFT WAY

To the residents of Fallscroft Way:

Mr. Booth at 906 Fallscroft Way is seeking a Variance (case #07-074-A) to allow a side yard setback of 37 feet in lieu of the required 50 feet. A public hearing is scheduled for December 8th at 10 a.m. County Office Building, 111 Chesapeake Avenue, Towson 21204. If you are opposed to this change in zoning on our street please sign this neighborhood Petition to be presented at the hearing on December 8<sup>th</sup>. Include your address and check the reason or reasons below that best express your personal concerns. Feel free to include your own reasons in opposition to this zoning request and to attend the hearing on December 8<sup>th</sup> at 10 a.m.

If you have any questions feel free to call Mary Keelty at 410-561-5728 or Lois Welsh at 410-252-7007 (home) or 410-917-4036 (cell).

	Please sign then print your name	
	NAME Mark Berman	
	Print MARK R BERMAN ADDRESS 900 FALLSCROFT WAY	
	ADDRESS 900 FALLSCROFT WAY	
Reti	um to Mary Keelty at 1007 or Lois Welsh at 901 by November 30. Thanks.	
Plea	se check your choices.	
1.	I have lived here for $\frac{24+}{}$ years and wish to preserve the character of the neighborhood.	
2.	Spacing between houses maintains the "green" and open quality of the stree	X.
3.	Development's zoning protects the natural beauty of the neighborhood.	
4.	I believe it will adversely affect the investment I have made in my property	
5.	I am opposed to a precedent that would change zoning laws and regulations restrictive covenants and recorded development plats.	3.
6.	Other—please explain below	

Please sign then print your name

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Return to N	Mary Keelty at 1007 or Lois Welsh at 901 by November 30. Thanks.
Please chec	ck your choices.
1	I have lived here for $\frac{24}{}$ years and wish to preserve the character of the neighborhood.
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NAME Februs Diana Maus
Print Peter Shirai Diana Morris ADDRESS 907 Fallscroft Way, Lutherville 410 2109
Return to Mary Keelty at 1007 or Lois Welsh at 901 by November 30. Thanks.
Please check your choices.
I have lived here for 12 years and wish to preserve the character of the neighborhood.
2. Spacing between houses maintains the "green" and open quality of the street.
3. Development's zoning protects the natural beauty of the neighborhood.
I believe it will adversely affect the investment I have made in my property.
I am opposed to a precedent that would change zoning laws and regulations, restrictive covenants and recorded development plats.
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Please sign then print your name
NAME Comald Hubbin
Print RONALD IT. FISHBEIN ADDRESS 1012 FALLSCROFT WAY  LUTHERVILLE, MD 21093
CUTHERVILLE, MD 21093
Return to Mary Keelty at 1007 or Lois Welsh at 901 by November 30. Thanks.
Please check your choices.
I have lived here for 36 years and wish to preserve the character of the neighborhood.
2. Spacing between houses maintains the "green" and open quality of the street.
3. Development's zoning protects the natural beauty of the neighborhood.
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Please sign then print your name

NAME

John E Trust margaret many Trust

Print

JOHN E Trust Margaret Many Trust

ADDRESS

JOHN FALLYCHOFF WAY 21093

Return to Mary Keelty at 1007 or Lois Welsh at 901 by November 30. Thanks.

Please check your choices.

1. 

I have lived here for 42 years and wish to preserve the character of the neighborhood.

2. 

Spacing between houses maintains the "green" and open quality of the street.

Development's zoning protects the natural beauty of the neighborhood.

4. 

I believe it will adversely affect the investment I have made in my property.

5. 

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NAME Janes Drue- Manson	/
Print JANET DRUE-MANSON ADDRESS 1002 FALLS <roft th="" way<=""><th></th></roft>	
ADDRESS 1002 FALLS< ROFT DIFF	
Return to Mary Keelty at 1007 or Lois Welsh at 901 by November 30. Thanks.	
Please check your choices.	
I have lived here for 33 years and wish to preserve the character of the neighborhood.	
2. Spacing between houses maintains the "green" and open quality of the street.	
Development's zoning protects the natural beauty of the neighborhood.	
4. I believe it will adversely affect the investment I have made in my property.	
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NAI	——————————————————————————————————————	<del></del> -
Pı	ADDRESS_1008 Fallscroft way	-
Return to M	lary Keelty at 1007 or Lois Welsh at 901 by November 30. Thanks.	•
	k your choices.	
1	I have lived here for $\frac{24}{}$ years and wish to preserve the character of the neighborhood.	
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Please sign then print your name ( January )	
NAME MARY & JIM KEELTY Mary S-REELTY	<u> </u>
Print 1007 FAUSCROFT WAY ADDRESS	J
Return to Mary Keelty at 1007 or Lois Welsh at 901 by November 30. Thanks.	
Please check your choices.	
1. I have lived here for $\frac{28}{28}$ years and wish to preserve the character of the neighborhood.	
2 Spacing between houses maintains the "green" and open quality of the street.	
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		se sign then print your name  Aus C. Mulsk
	NAI	use sign then print your name  ME Patrick G. Welsh DEC 1, 2006
	$\mathbf{p}_1$	rint PATRICK & WELSH LOIS C. WELSH
	ADI	DRESS 901 FALLSCROFT WAY
Re	turn to M	fary Keelty at 1007 or Lois Welsh at 901 by November 30. Thanks.
Ple	ease chec	k your choices.
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NAME Bian and Cinay Jone?
Print Word Leiself town ADDRESS 1015 Fallscroft Way
Lutherville, MD 21093
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6 Otherplease explain below  Will the development around our
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la préserve le déllacentiel. Ins recontains
Thursday, November 09, 2006 America Online: Irma20
Jeon The others going up along Padonia Road.
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JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 29, 2006

Stephen Booth 906 Fallscroft Way Lutherville, MD 21093

Dear Mr. Booth:

RE: Case Number: 07-074-A, 906 Fallscroft Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 28, 2006.

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

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

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Callielle D

WCR:amf

**Enclosures** 

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson 21286 J. Carroll Holzer, 508 Fairmount Avenue Towson 21286 Mr. and Mrs. Welsh 901 Fallscroft Way Lutherville 21093

PLEASE PRINT CLEARLY

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CASE NAME # 406 FAUSCHOFF WAY
CASE NUMBER 07-014-A.
DATE DECEMBER 8, 2006

# PETITIONER'S SIGN-IN SHEET

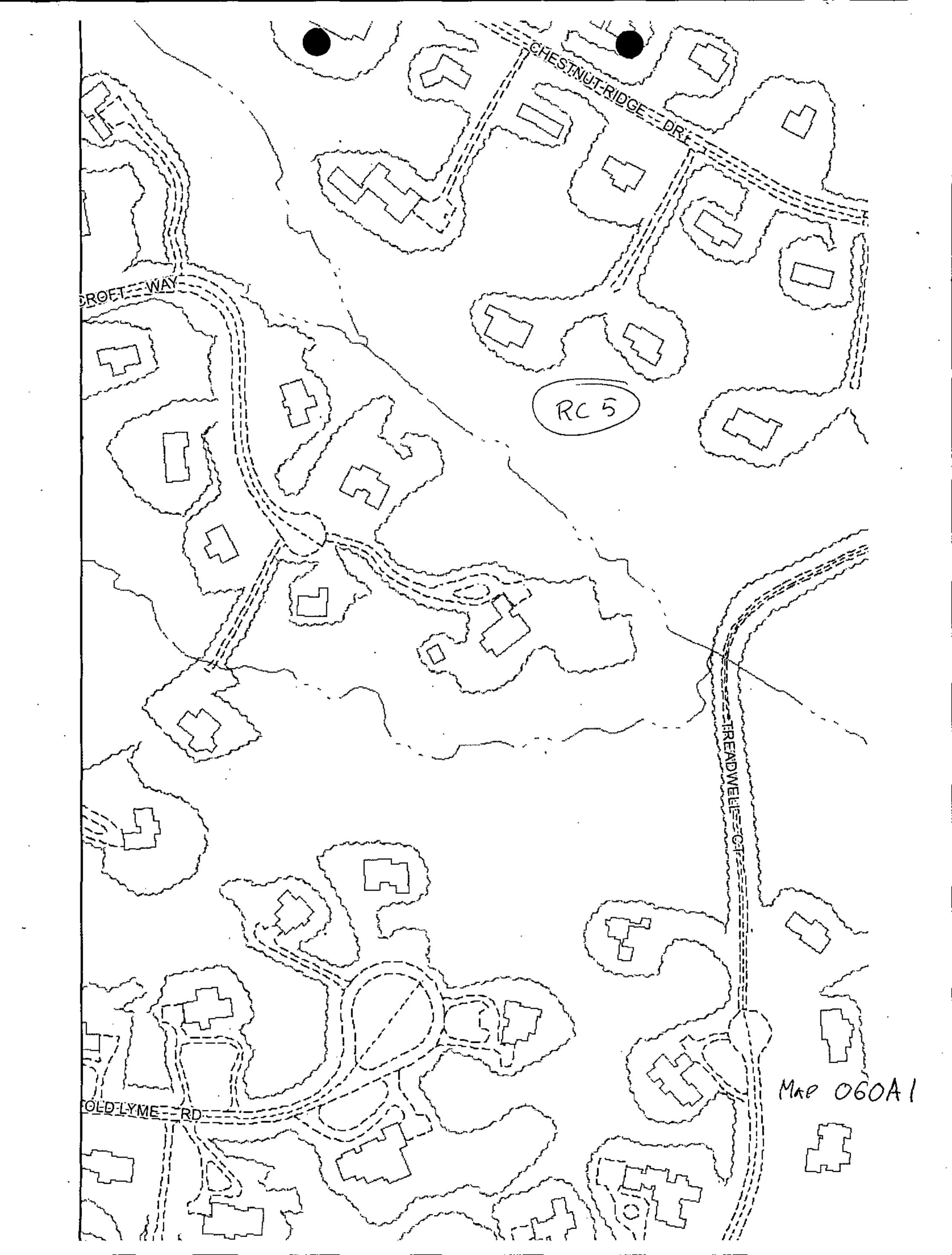
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<b>&gt;</b>	TOWSON MY 21286	12									
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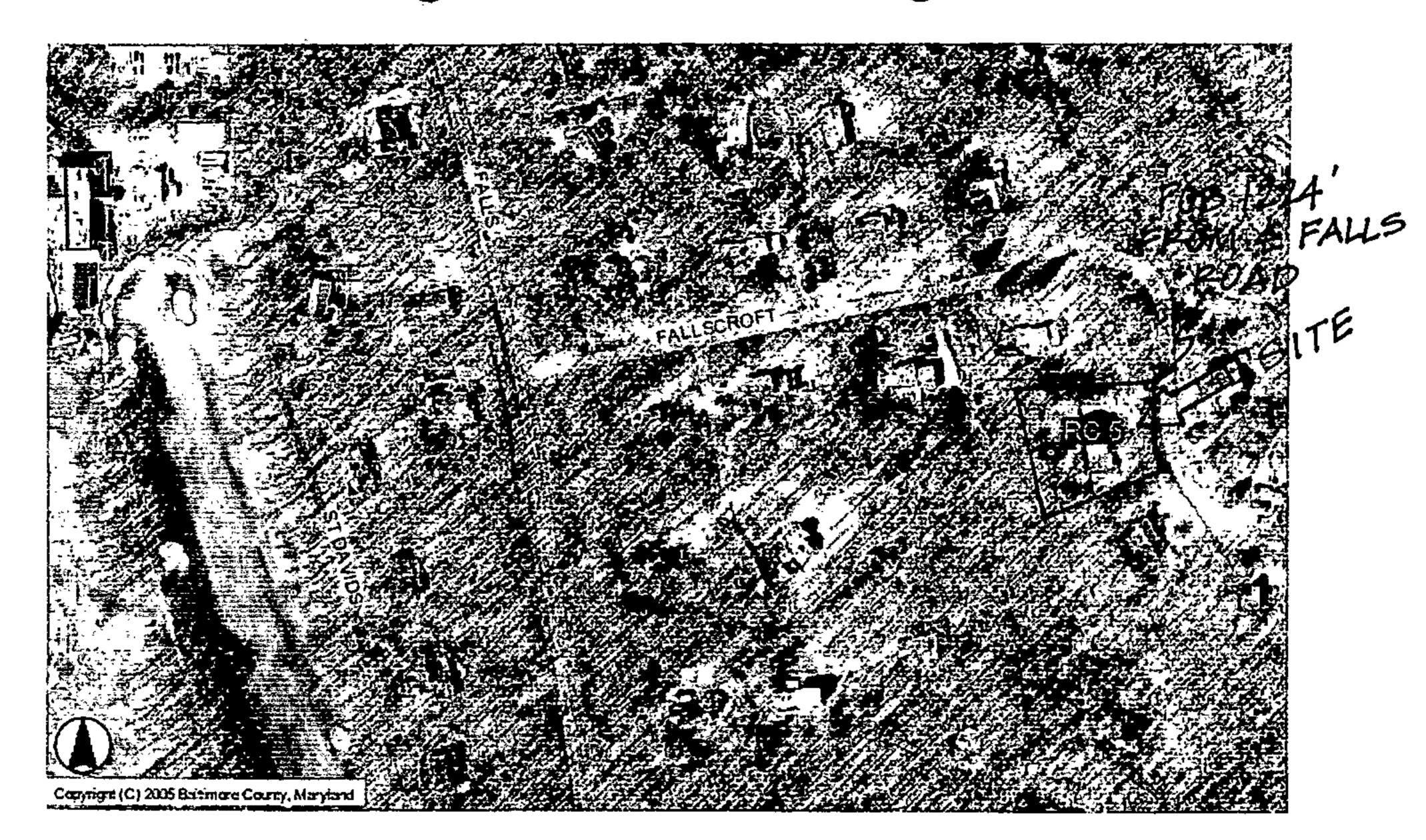
### PLEASE PRINT CLEARLY

CASE NAME D7-074-4 CASE NUMBER 906 FallsonA DATE WAY

## CITIZEN'S SIGN-IN SHEET

E- MAIL				
CITY, STATE, ZIP  Town Med 212 & 6  Luthamille M. 21093  Suttamille M. 21093				
ADDRESS 1907 Farmant The 1907 FOUSONS Stay				
Jand Hopen Sand Market				





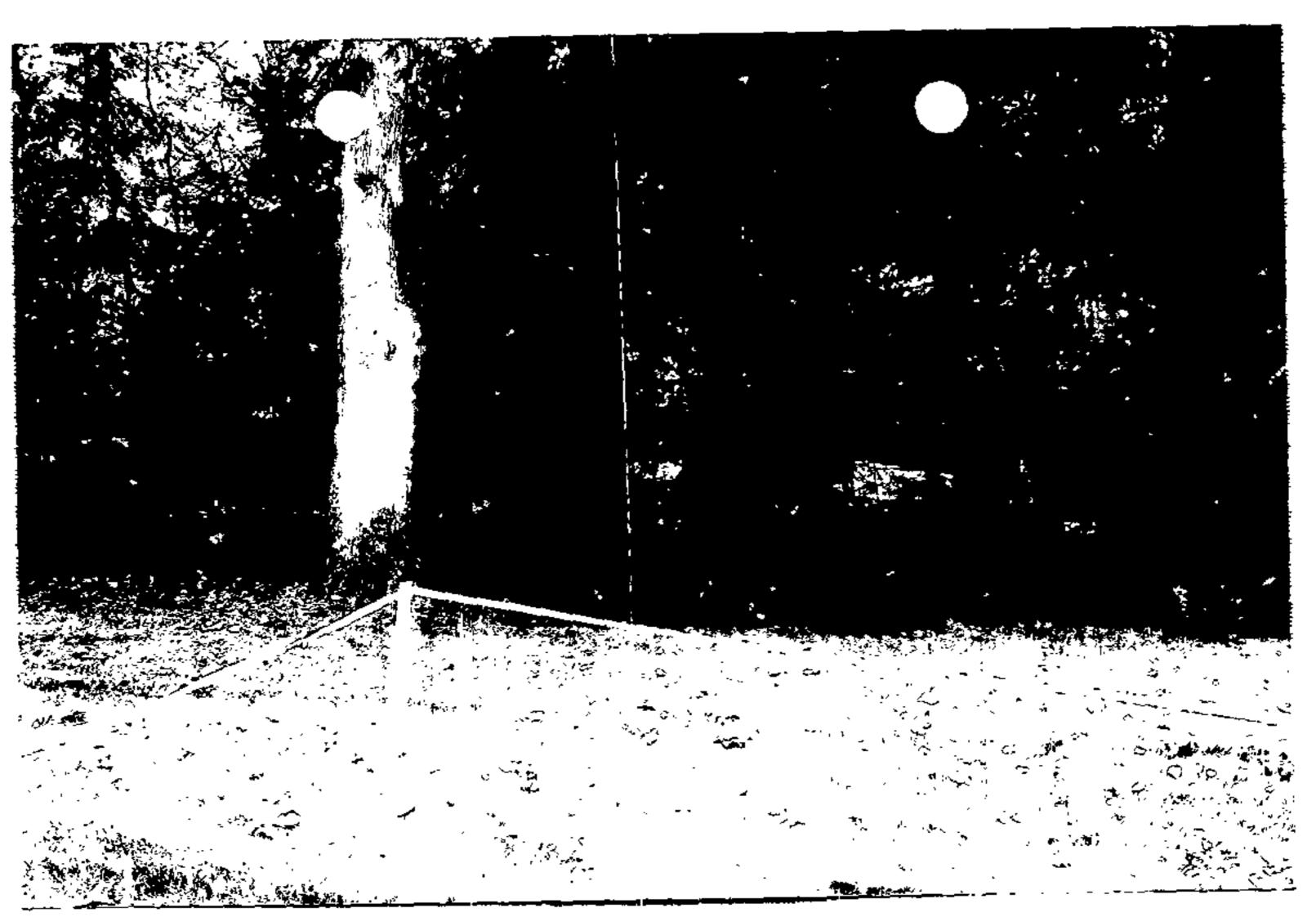
ZONING MAP #906 FALLSCROFT WAY

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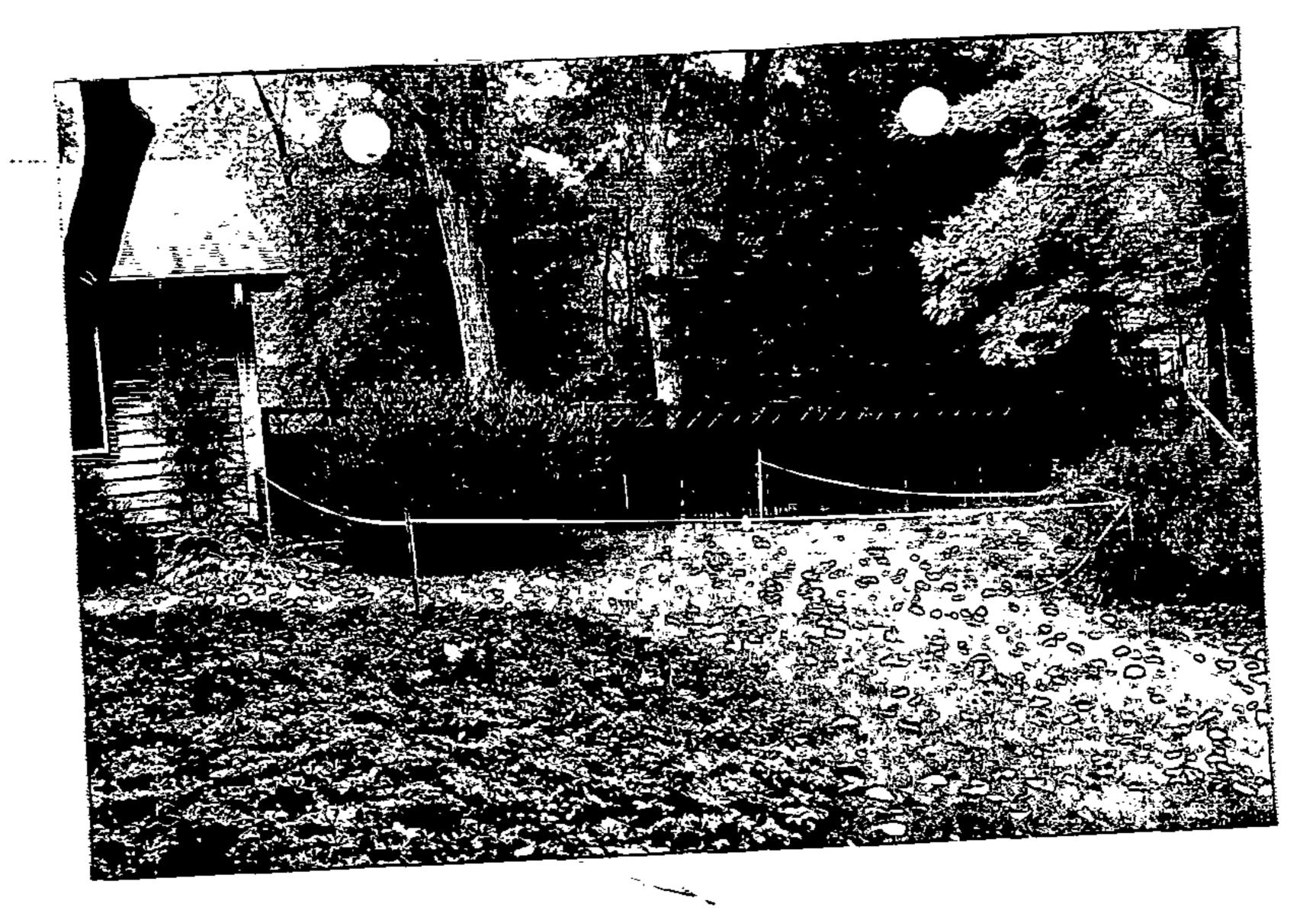




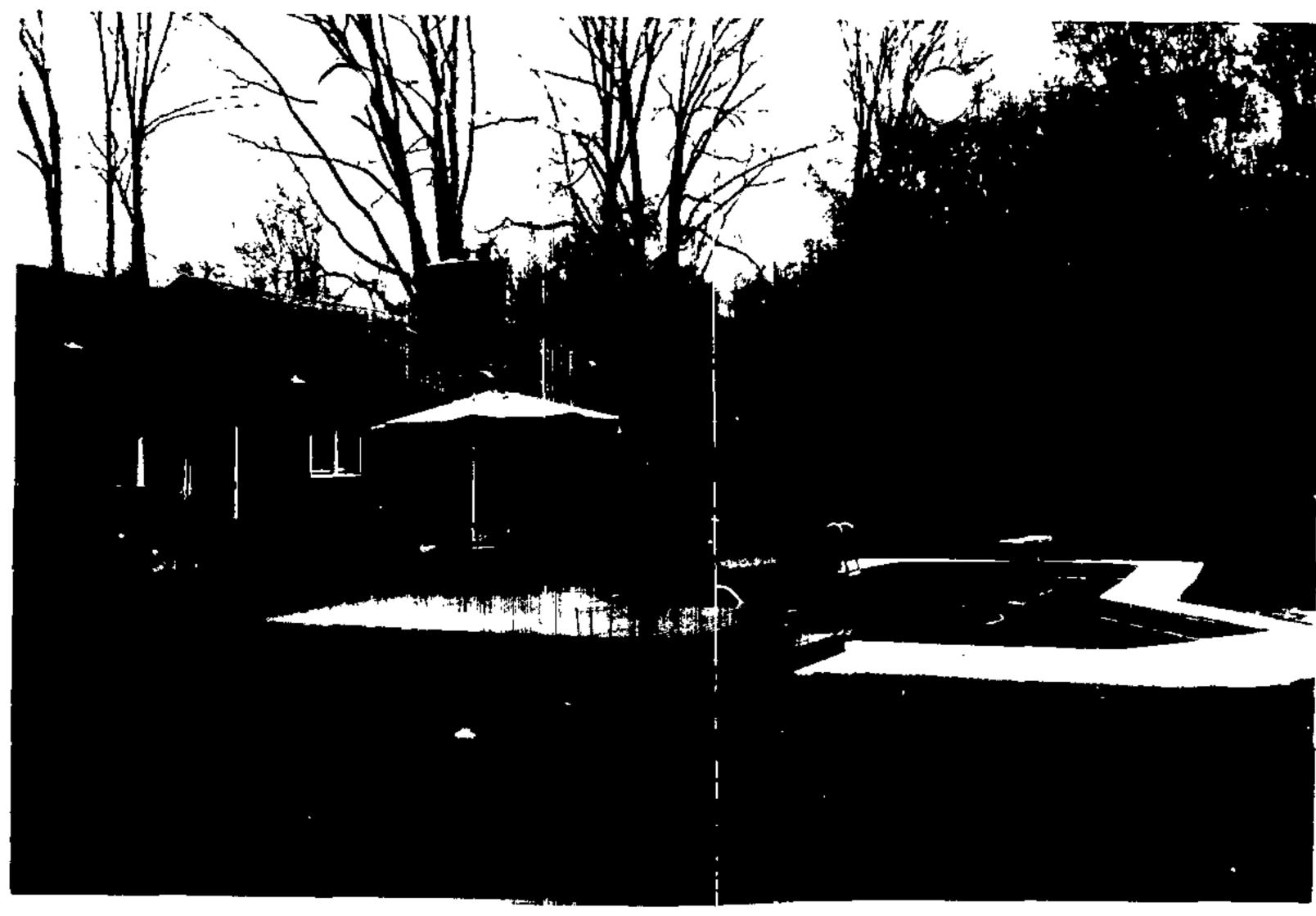












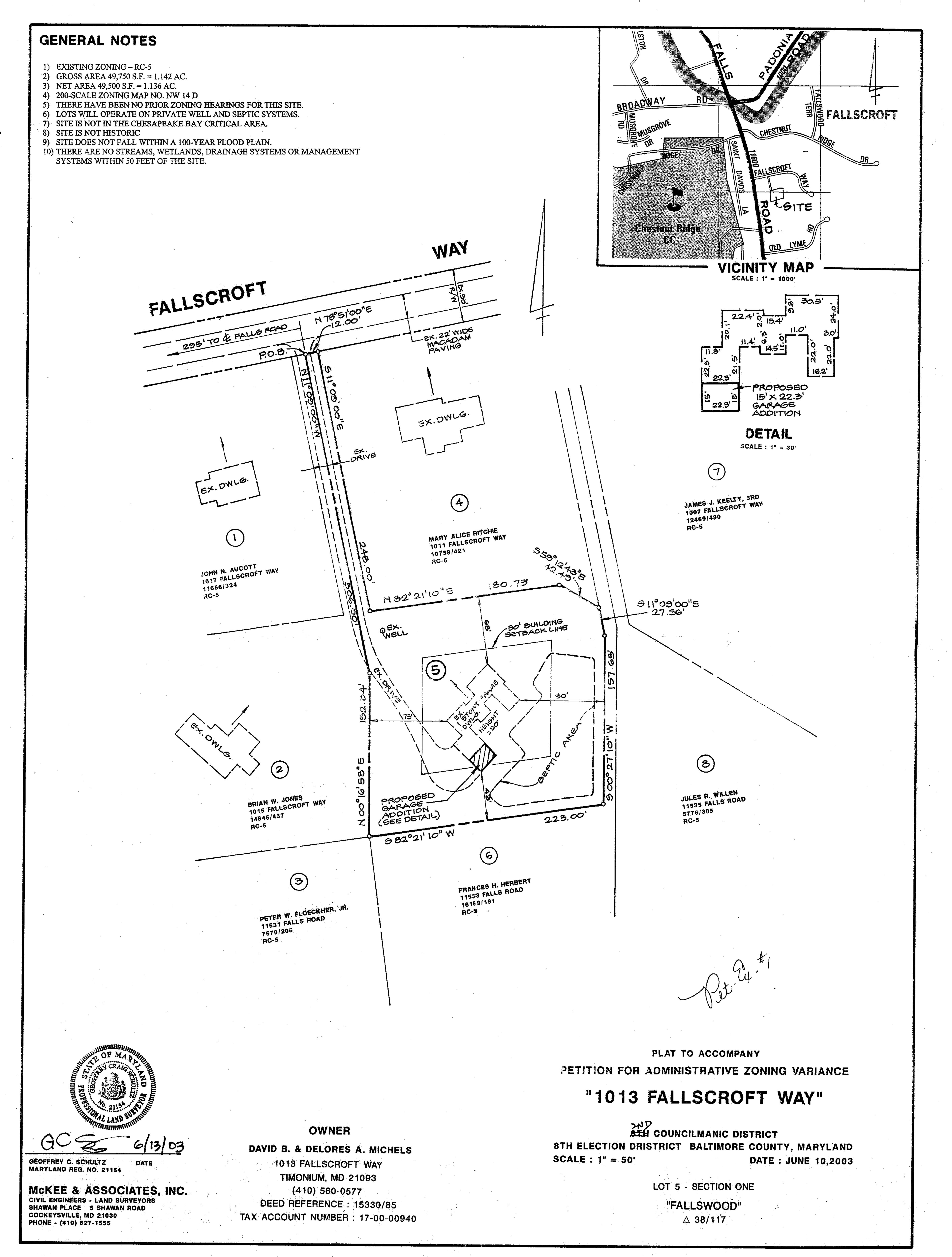












FALLSCROFT HARRY S. PRECHTEL, TIE 4459/31 FRANCES C. BURNS 3830/145 3.40.L0 .L8 N 28.8F01 27.276 237.791 -- 941 387° 25' 22'.€ 5 89" 27'44"E 283.17' 587°25'22"E 298.00"---. 105' (€) .22.27 € 372.22° 7 587° Z5' 22"E 423.74 218.74 3.50.15.58 N FISSE E1214 SETBACK LINE L+ 170.36 L 177.63' R1 1150.00' R : 1100.00 50' MIN. FRONT BUILDING SETBACK CHESTNUT RIDGE DRIVE #1211

