

IN RE: PETITION FOR ADMIN. VARIANCE
N/side of Amuskai Road, 110 feet west of
Water Oak Road
9th Election District
5th Councilmanic District
(1752 Amuskai Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*

Frances Hill
Petitioner

CASE NO. 07-095-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter originally came before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Frances Hill. The Petitioner requested variance relief for property located at 1752 Amuskai Road. The variance request is from Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition to have a rear yard setback of 26.5 feet in lieu of the required 50 feet

The property was posted with a notice of the administrative hearing on September 10, 2006. While no protests were received from the neighbors, the case was set for public hearing by this Deputy Zoning Commissioner because of a comment from the Office of Planning recommending denial of the request.

The property was posted with Notice of the Public Hearing on November 15, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning the public hearing was published in "The Jeffersonian" newspaper on November 16, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

RECEIVED FOR FILING

12-11-06

[Signature]

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.”

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated September 21, 2006. That office did not support the Petitioner's request for a 3-story addition and requires that the addition be limited to the first floor.

Interested Persons

Appearing at the hearing on behalf of the administrative variance request was Gus Mack, with Cutting Edge Construction Services, Inc. Kevin Gambrill, Area Planner in the Office of Planning appeared in opposition to the request.

Testimony and Evidence

The subject property contains 3,215 square feet zoned DR 10.5 and is improved by the Petitioner's end of row townhome. The Petitioner would like to build an addition on her home on the top floor. After review of the administrative variance request, a letter dated

RECEIVED FOR FILES
12-11-06
P3

September 27, 2006 was sent to the Petitioner by the undersigned informing her that the Office of Planning did not support the variance request as submitted. The Petitioner was invited to modify the site plan and the variance request.

The Petitioner's contractor, Cutting Edge Construction Services, Inc., responded by letter dated November 1, 2006 in which he requested that a hearing be held as they can not comply with the Planning Office request because they propose to build an additional bedroom. Thereafter the request was set for public hearing to allow the Petitioner and County to present additional evidence.

At the public hearing, Mr. Mack indicated that the Petitioner's home has two floors and a partially exposed basement. Looking from the rear the home appears to have three floors. He explained that the Petitioner has recently agreed to provide a home to a foster child and therefore needs another bedroom. There are existing bedrooms on the top floor and so the new bedroom should connect directly with these other bedrooms. The new bedroom will be constructed of frame and vinyl siding and supported by vertical supports erected from the rear concrete porch which extends out from the kitchen on the first (middle) floor over the exposed basement. See Petitioner's photos, exhibit 2A, 2B and 2C. The result would be that the existing porch would be covered by the addition but not enclosed fully.

The Planning Office does not oppose the addition if it were located on the first floor but vehemently opposes the addition on the top floor because the addition would change the pattern of development of the neighborhood. The Planning Office maintains that there are no top floor additions in this community and does not want to establish a precedent in this regard.

Mr. Mack indicated that the Petitioner can not locate the new bedroom on the first floor because of the kitchen located at the rear of the first floor. He denied that if the addition

RECEIVED FROM PLANNING
12-11-06
[Signature]

were on the top floor there would be any loss of sunlight or air for adjacent homes. In fact he neighbor who would be most effected by the addition on the top floor has no objections to the request.

He also opined that this addition would not change the pattern of development of the neighborhood and in support thereof presented extensive photographs of the changes to facades and additions in the rear which have been made to homes in the community in exhibit 3. He noted that the addition only extends 8 feet from the house which he opined would not adversely affect the community as it would hardly be noticeable. He indicated that the Petitioner cannot afford to move but will be forced to do so if the Petition is denied.

At this point in the hearing the Parties conducted a general discussion of whether or not it was practical to build a bedroom in the basement. Mr. Mack admitted that there already was a bedroom in the basement but opined that it would be too expensive to build another in the side yard. To do so he would have to cut through a block wall, excavate part of the hill, and construct a block addition. He agreed there was room for such in the side yard without a variance but opined that such additions in the side yard would change the pattern of development of the neighborhood much more than an addition on the top floor.

The Ridgeleigh Community Association took no position on the merits of this request but noted opposition from some members of the Association.

Findings of Fact and Conclusions of Law

I was frankly surprised by the many changes to the facades and additions there are in this townhome community as shown by Petitioner's exhibit 3. Initially I envisioned the unchanged, uniform, brick townhome community where even an addition in the rear yard would stand out. However the subject community is neither uniform or unchanged. That said

RECEIVED FOR FILING
12-11-06
[Signature]

an addition on the third floor of the rear of this townhome would clearly set a precedent which Mr. Mack candidly notes he would try to repeat in the community. If the Petition is approved I have no doubt that top floors addition of similar design would quickly appear throughout the community.

However I will not decide this case on the impact on the pattern of development of the neighborhood. I have no doubt that it would be a hardship on the Petitioner not to have an additional bedroom. Rather it is apparent to me that the Petitioner can build another bedroom without a variance in the side yard along the existing bedroom in the basement. No variance would be needed. There is 18 feet of side yard and the setback for DR 10.5 is 10 feet. This leaves 8 feet for the bedroom which is the same size as the proposed addition.

I accept Mr. Mack's opinion that such an addition would be more expensive than that proposed but as is often stated in zoning cases, mere financial hardship is not a sufficient reason for granting a variance. See *Anderson v Board of Appeals*, 22 Md. App 28. As such the request must be denied.

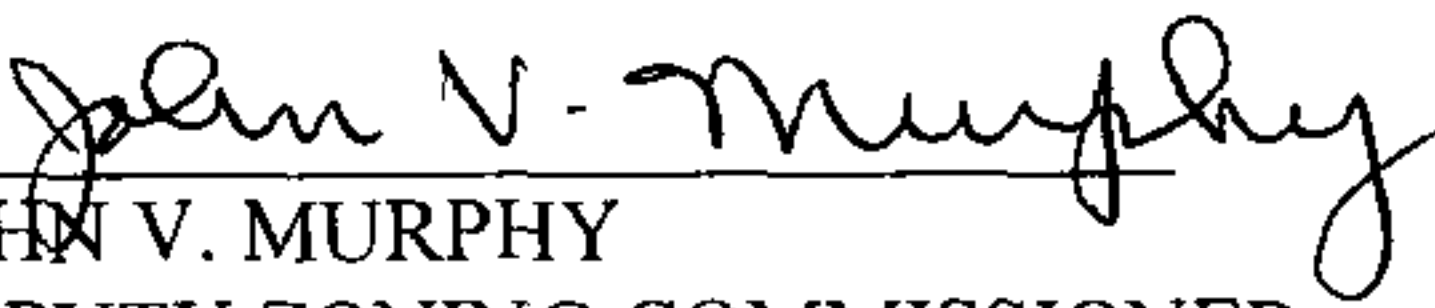
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be denied.

THEREFORE, IT IS ORDERED, this 11th day of November, 2006 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition to have a rear yard setback of 26.5 feet in lieu of the required 50 feet is hereby DENIED.

RECEIVED FOR FILING
JAN 12-11-06
[Signature]

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

Order.

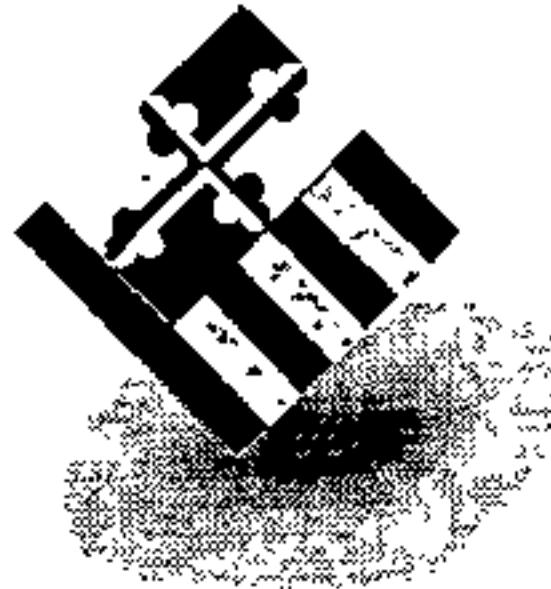

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

NOTED RECEIVED FOR FILING

12-11-06

JB



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 11, 2006

FRANCES HILL
1752 AMUSKAI ROAD
BALTIMORE MD 21234

Re: Petition for Administrative Variance
Case No. 07-095-A
Property: 1752 Amuskai Road

Dear Mrs. Hill:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been denied 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: Gus Mack, Cutting Edge Construction Services, Inc., 712 Stemmers Road, Unit B,
Baltimore MD 21221

RECEIVED FOR FILED
12-11-06
JVM



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1752 Amuskai Rd.
which is presently zoned DR 10.5

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 (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH
ADDITION TO HAVE A REARYARD SETBACK OF 26.5'
IN LIEU OF THE REQUIRED 50'

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

1752 Amuskai Rd
Address

410 663-6766
Telephone No.

Balt. MD.
City

State

21234
Zip Code

Representative to be Contacted:

Cutting Edge Construction Services Inc.
Name

712 Stemmons Run Rd
Address

(410) 238-4900
Telephone No.

Balt.
City

MD
State

21221
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 12/11/06 day of December 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. 07-95-A

REV 10/25/01

Reviewed By LTm

Date 9/11/06

Estimated Posting Date 9/10/06

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 1752 Amuskai Rd
Address
BAU MD 21234
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):

The family is growing and we need additional room. We have adopted another child. The addition is a bedroom for her.

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.

Frances D. Hill
Signature

Signature

Frances D. Hill
Name - Type or Print

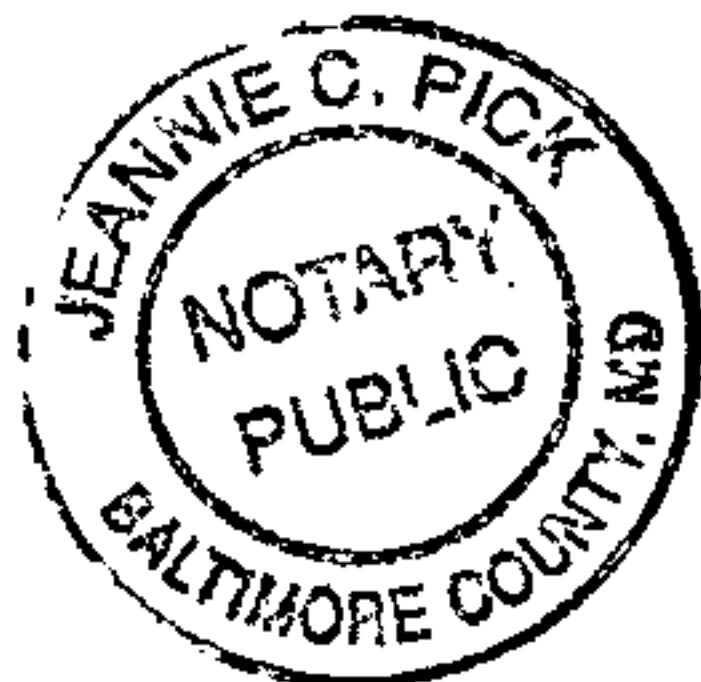
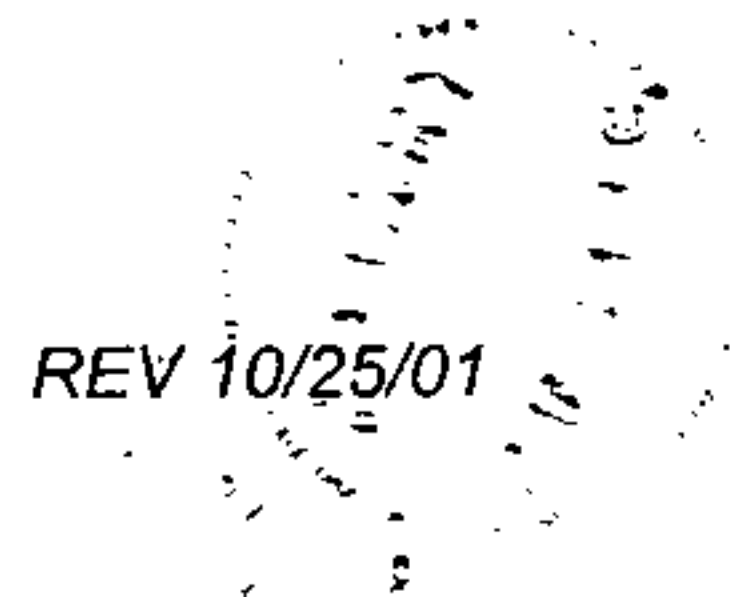
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of August 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Jeannie C. Pick
Notary Public

My Commission Expires 8/01/09

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 1752 Amuskai Rd
Address
Balt MD 21234
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):

The family is growing and we need additional room. We have adopted another child. The addition is a bedroom for her.

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.

Frances D Hill
Signature
Frances D Hill
Name - Type or Print

Signature

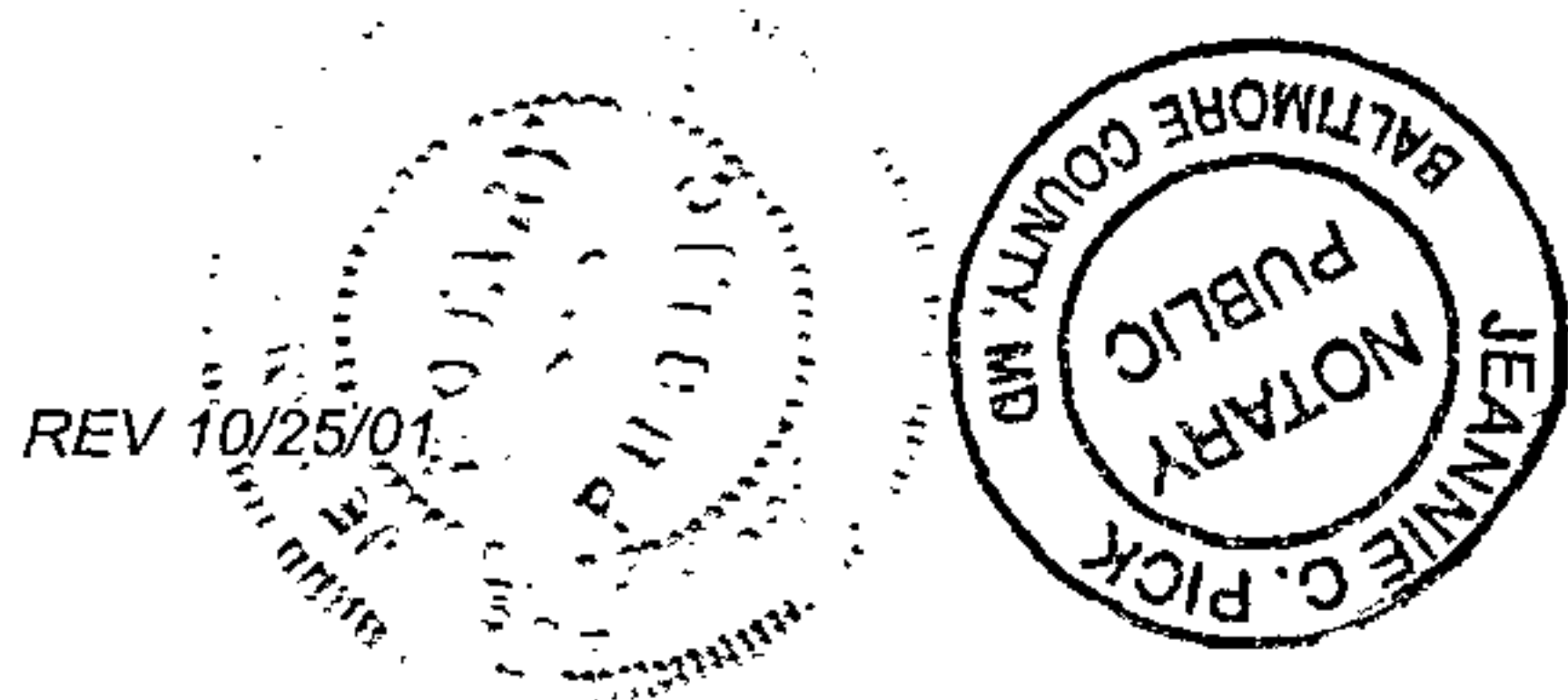
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of August 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Jeannie C Pick
Notary Public
My Commission Expires 8/01/09



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1752 Amuskai Rd.
which is presently zoned DR 10.5

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 (BC 212)

To permit an Existing single Family Dwelling with addition To have
a rear yard setback of 26.5' in lieu of the required 50'

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

1752 Amuskai Rd

Address

Balt.

City

MD

State

663-6766
410-228-

Telephone No.

21234

Zip Code

Representative to be Contacted:

Cutting Edge Construction Services Inc.

Name

712 Stemmons Run Rd.

Address

Balt.

City

MD

State

410-238-4900

Telephone No.

21221

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. 07-95-A

Reviewed By LTN

Date 9/1/06

REV 10/25/01

Estimated Posting Date 9/10/06

12/1/06

Zoning Description for 1752 Amuskai Rd. beginning at a point on the North side of Amuskai which is 50' wide at the distance of 110' + - west of the centerline of the nearest Nearest improved intersecting street Water Oak which is 60' wide. Being Lot #7. Block 2 in the subdivision of Ridgeleigh as recorded in Baltimore County Plat Book # 16, Folio #8, containing 3215 square. Also known as 1752 Amuskai Rd. and located in the 9 Election District, 5 Councilmanic District

095

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 20355

DATE 9/1/06 ACCOUNT 0001.006 615 6

AMOUNT \$ 65.00

RECEIVED FROM: CUTLER EDGE CONST.

FOR: 07-095-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME AM
9/01/2006 9/01/2006 19:54:02 2

REG. NO. 0001.006 615 6
>> RECEIPT # 075104 12/31/2006 0751

DEPT. 15 221 BUDGET VERIFICATION
CP NO. 020355

Receipt for \$65.00
9/01/06 075104 075104

Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #07-095-A

1752 Amuskal Road
N/side of Amuskal Road, 110 feet west of Water Oak Road

9th Election District -- 5th Councilmanic District

Legal Owner(s): Francis Hill

Variance: to permit an existing single family dwelling with addition to have a rear yard setback of 26.5 feet in lieu of the required 50 feet.

Hearing: Friday, December 1, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible: for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

11/27/06 November 16 116688

CERTIFICATE OF PUBLICATION

11/16/2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/16/2006.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 9/10/06

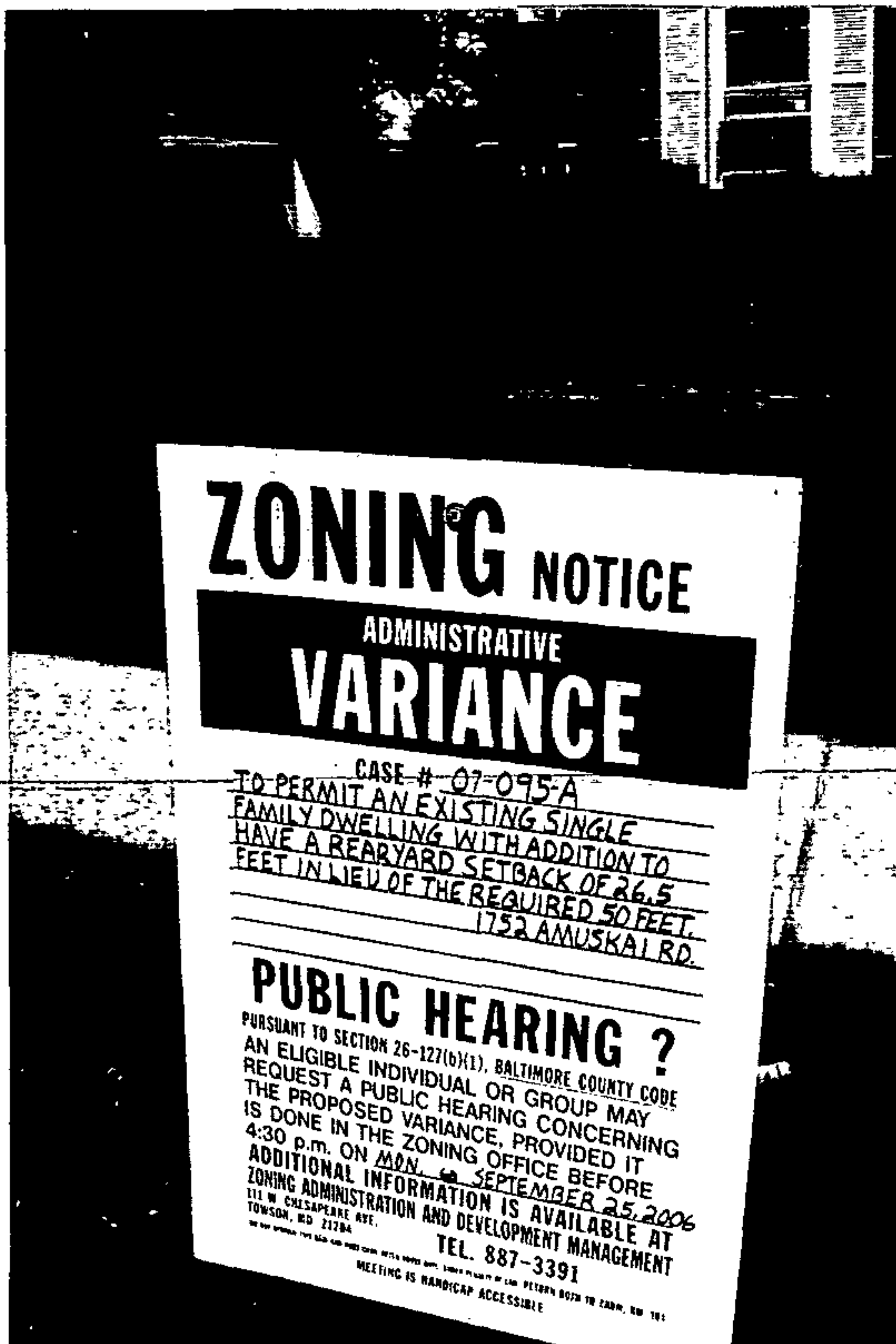
Case Number: 07-095-A

Petitioner/Developer: FRANCIS HILL CUTTING EDGE CONSTRUCTION SERVICES

Date of Hearing (Closing): 09/25/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 1752 AMUSKAI ROAD

The sign(s) were posted on: 9/10/06



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 16, 2006 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

410-887-3353

NOTICE OF ZONING HEARING

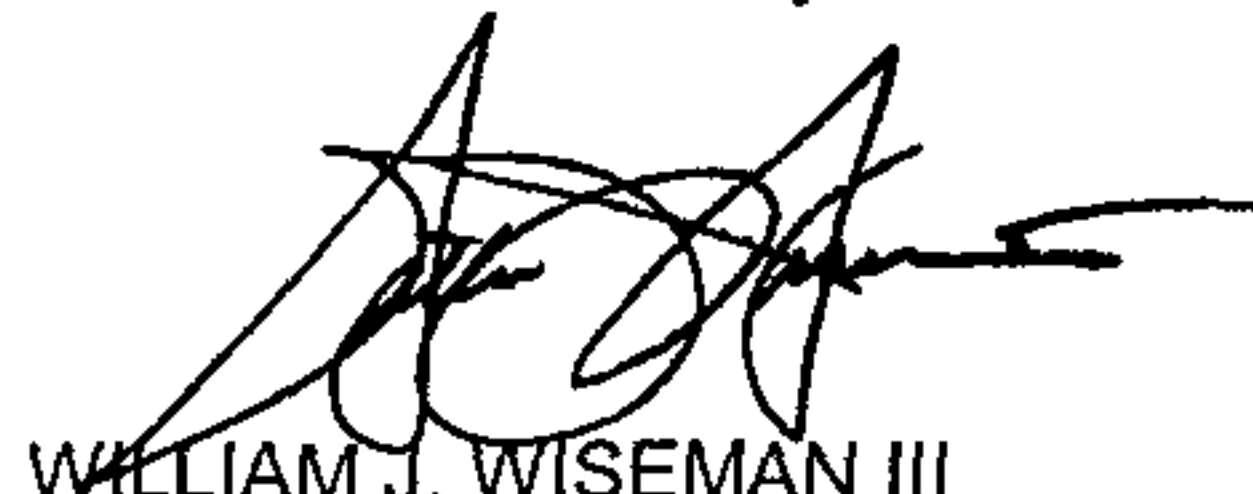
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-095-A

1752 Amuskai Road
N/side of Amuskai Road, 110 feet west of Water Oak Road
9th Election District – 5th Councilmanic District
Legal Owner: Francis Hill

Variance to permit an existing single family dwelling with addition to have a rear yard setback of 26.5 feet in lieu of the required 50 feet.

Hearing: Friday, December 1, 2006 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits and
Development Management**



Baltimore County

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

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

November 14, 2006

NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-095-A

1752 Amuskai Road
N/side of Amuskai Road, 110 feet west of Water Oak Road
9th Election District – 5th Councilmanic District
Legal Owner: Francis Hill

Variance to permit an existing single family dwelling with addition to have a rear yard setback of 26.5 feet in lieu of the required 50 feet.

Hearing: Friday, December 1, 2006 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Francis Hill, 1752 Amuskai Road, Baltimore 21234
Cutting Edge Construction, 712 Stemmers Run Road, Unit B, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 16, 2006.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

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

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 095 -A

Address 1752 AMUSKA RD

Contact Person: LYON T. MOXLEY

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 9/1/06

Posting Date: 9/10/06

Closing Date: 9/25/06

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 07- 095 -A

Address 1752 AMUSKA RD

Petitioner's Name FRANCIS MILL

Telephone (410) 663 6766

Posting Date: 9/10/06

Closing Date: 9/25/06

Wording for Sign: To Permit An EXISTING SINGLE FAMILY

DWELLING WITH ADDITION TO HAVE A REAR YARD

SETBACK OF 26.5' IN LIEU OF THE REQUIRED 50'

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number * 07-095-A

Petitioner FRANCES HILL

Address or Location 1752 Amuskoj Rd.

PLEASE FORWARD ADVERTISING BILL TO

Name Cutting Edge Construction Services Inc

Address 712 Stemmens Run Rd. Unit B
BAL. MD 21221

Telephone Number (410) 238-4900



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 26, 2006

Francis Hill
1752 Amuskai Road
Baltimore, MD 21234

Dear Ms. Hill:

RE: Case Number: 07-095-A, 1752 Amuskai Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 1, 2006.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Cutting Edge Construction Services, Inc. 712 Stemmers Run Road Baltimore 21221

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 20, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For September 18, 2006
Item Nos. 07-093, 094, 095, 096, 098, and 099

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-09192006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 21, 2006

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

RECEIVED

SUBJECT: 1752 Amuskai Road
INFORMATION:

SEP 26 2006

Item Number: 7-095

ZONING COMMISSIONER

Petitioner: Frances Hill

Zoning: DR 10.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

Upon field inspection and review of the petition materials, it is evident that the proposed addition would be the first of its kind in the immediate Ridgeleigh community. While many of the attached row-homes within the Ridgeleigh subdivision (MD Plats Reference Liber 16, Folio 8) have rear projection decks and/or additions, these additions do not extend above the first floor. According to discussions with the property owner as well as the building contractors, the proposed addition will extend outward from the second floor, on top of the existing, first floor addition (concrete porch).

It has been the experience of this Office that once an addition has been constructed over top of an existing open projection deck and/or addition, the precedent is then set for others in the community to follow suit. The Office of Planning is concerned with the loss of light, air, and overall constraints on adjacent dwellings that a 3-story addition would add. As such, this Office cannot support the request and respectfully requests that the addition be limited to the first floor.

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

Prepared by:

Division Chief:
AFK/LL: CM



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: September 12, 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. 07-95-A
1752 Amuskai Road
Francis Hill Property
Variance for Addition with
Rear Yard Set Back (26.5')

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. 07-95-A.

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,

For[^] Steven D. Foster, Chief
Engineering Access Permits
Division

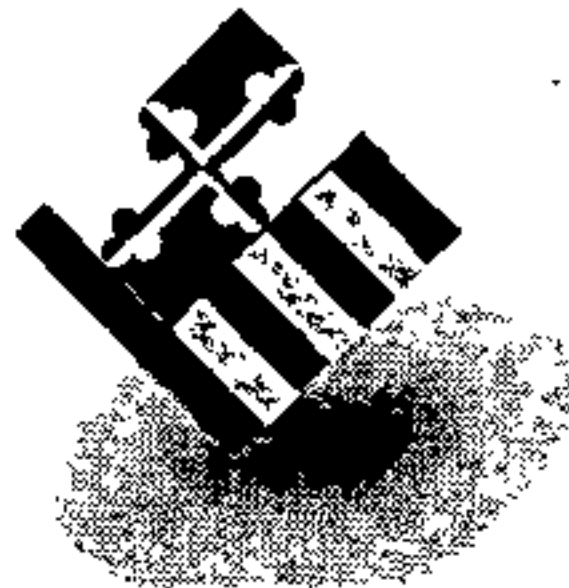
SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 27, 2006

FRANCIS HILL
1752 AMUSKAI ROAD
BALTIMORE MD 21234

Re: Petition for Administrative Variance
Case No. 07-095-A
Property: 1752 Amuskai Road

Dear Mr. Hill:

Your request for Administrative Variance has been given to me for review. Upon my review of your file, it came to my attention that the Zoning Advisory Committee (ZAC) comment prepared by the Office of Planning is opposed to your request. That office recommends that the addition be limited to the first floor. I am enclosing a copy of this ZAC comment for your review.

Please write to me at your earliest convenience if you wish to modify your site plan and request for variance. If not, I will schedule a public hearing on this matter.

Thank you for your attention and cooperation in this matter.

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Kevin Gambrill, Office of Planning

MEMORANDUM

Date: November 3, 2006

To: Kristen Matthews

From: Patti Zook, Legal Secretary to
John Murphy, Deputy Zoning Commissioner



Re: Case No. 07-095-A (administrative variance)
1752 Amuskai Road

This is the case that I spoke with you about. The Petitioner and Jack have agreed to schedule this for a hearing. Please make arrangements for the hearing to be conducted on December 1, 2006 at 2:00 pm in Room 407. The site needs to be reposted and readvertised.

Also, forward hearing notices to the Petitioner, Francis Hill, and the contractor, Gus Mack.

Thanks for your help!

Cutting Edge Construction
712 Stemmers Run Rd. Unit B
Baltimore, MD 21221
410-238-4900

RECEIVED

NOV - 6 2006

DATE RECEIVED

November 1, 2006

John V. Murphy
Deputy Zoning Commissioner
401 Bosley Ave.
Suite 405
Towson, MD 21204

Re: Petition for Administrative Variance
Case No. 07-095-A
Property: 1752 Amuskai Road

Dear Mr. Murphy,

I finally received your letter via fax from your office on November 1, 2006, roughly one month late. I have read the attached letter of recommendations from the office of planning. I would at this time request a timely public hearing on this matter. We at Cutting Edge Construction Services Inc. appreciate the opportunity to modify our site plan. But we can not deviate from the original site plan because we are proposing to build an additional bedroom addition. All existing bedrooms are on the 2nd story. To build this bedroom addition on the 1st floor would compromise the function ability of the entire house because the 1st floor room in the rear is the kitchen, which also includes the rear door to the house. We at Cutting Edge agree that we would be starting a precedent in the neighborhood, and we would look forward to continuing the process. That's a process that allows the current neighborhood homeowners to know that a 2nd story bedroom addition can be done and done in such a matter that it maintains the function of the house and is appealing to the neighbors in its aesthetics values.

11/6

Gusterson

Please add
to the case
file. There
may be a fax
copy of this.
Thanks. Patte

Sincerely,



Gus Mack, President

RIDGELEIGH COMMUNITY ASSOCIATION
P.O. BOX 9851
LOCH RAVEN, MARYLAND 21284
theoaks45@hotmail.com

November 29, 2006

Mr. William Wiseman
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Wiseman:

A zoning hearing has been scheduled for Friday, December 1 at 2:00 pm cor Case #07095-A. It is our understanding that the residents of 1752 Amuskai Road have petitioned for construction to be conducted on their property. The Association has received several complaints regarding this construction and though the Association will not take an official stance against the property we did want the complaints forwarded to the Commission for consideration during the hearing.

Should you have any questions or need anything further please feel free to contact me at 443-739-0225 with any questions.

Sincerely,

Jeff Beeson
President

RIDGELEIGH COMMUNITY ASSOCIATION
P.O. BOX 9851
LOCH RAVEN, MARYLAND 21284
theoaks45@hotmail.com

TO: Commissioner Wiseman

FR: Ridgeleigh Community Associaton

DT: 11/29/06

RE: Case Number 07095-A

PG: 2 including cover sheet

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

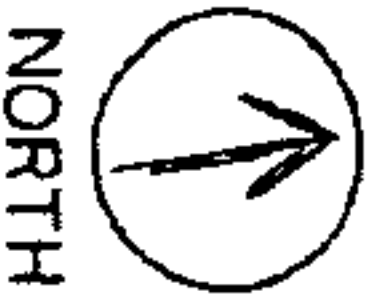
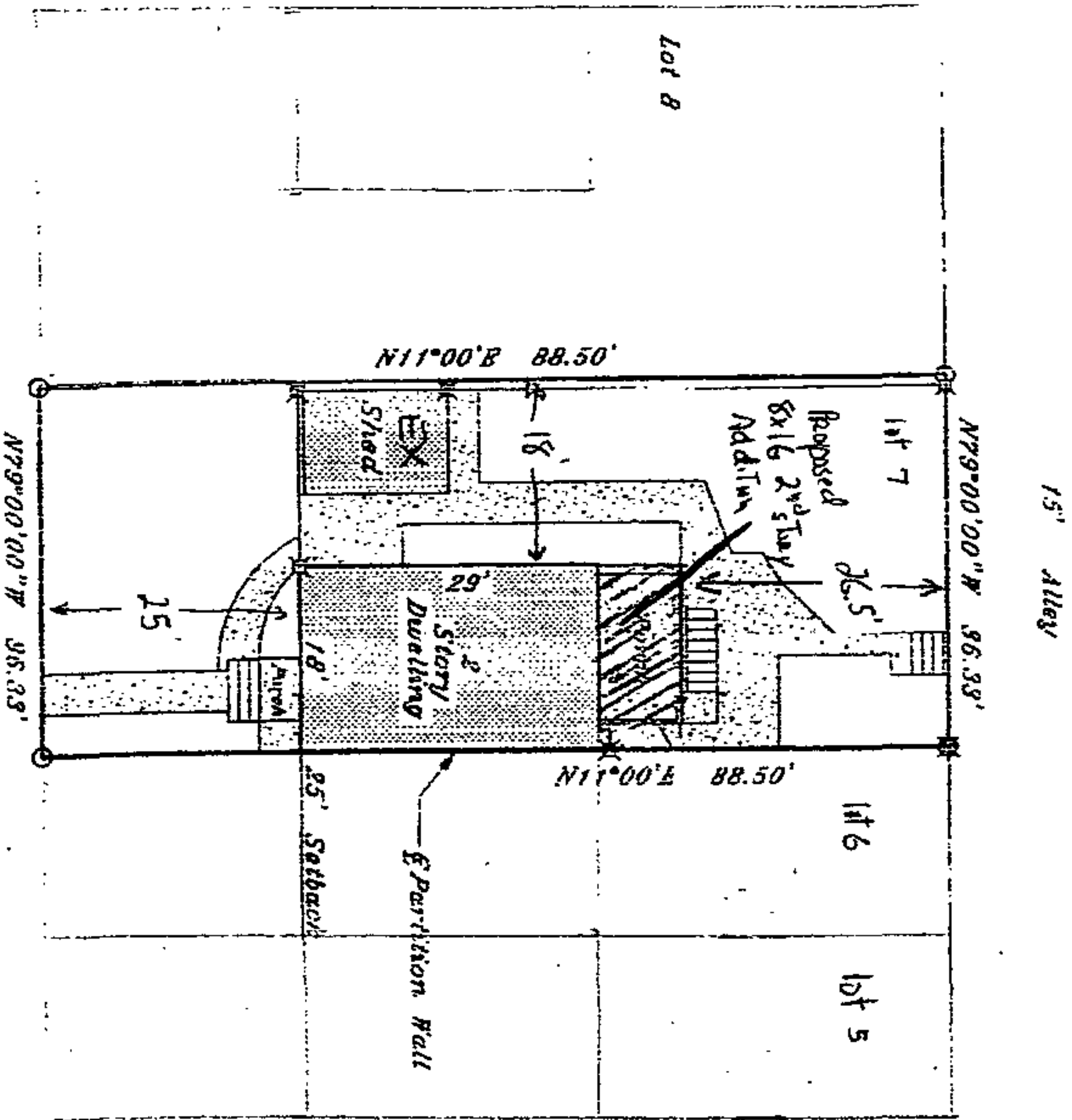
PROPERTY ADDRESS 1752 Amuskai Rd

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

SUBDIVISION NAME Ridgelyugh

PLAT BOOK # 16 FOLIO # 8 LOT # 7 SECTION # 2

OWNER Frances Hill Block 2



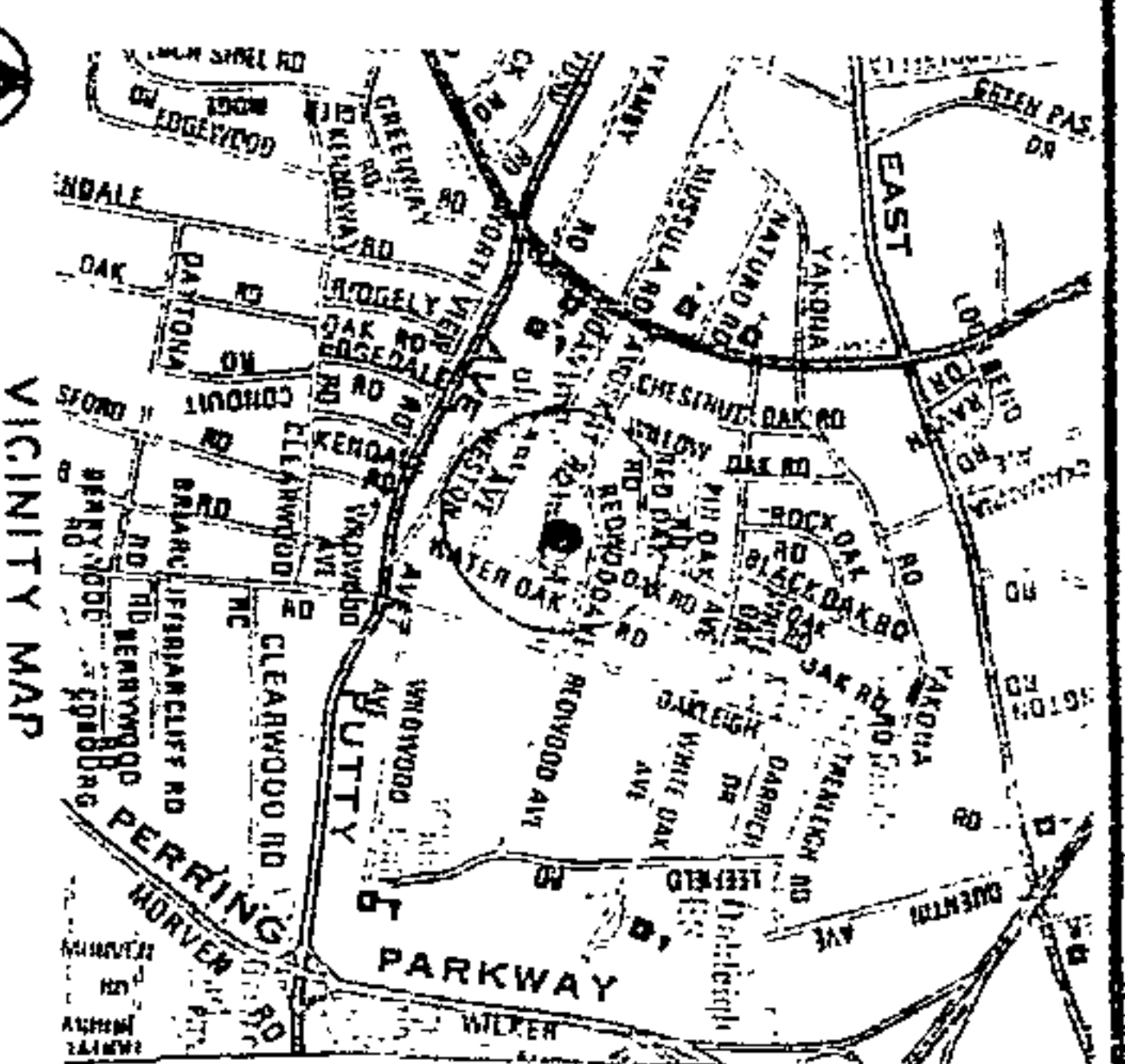
AMUSKAI ROAD
50' WIDE

PREPARED BY Gus Mack

SCALE OF DRAWING: 1" = 20'



SCALE: 1" = 2000'



LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1"=200' SCALE MAP # 07002

ZONING DR 10.5

LOT SIZE 3215

ACREAGE 0.074 SQUARE FEET

PUBLIC PRIVATE

SEWER ☒

WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

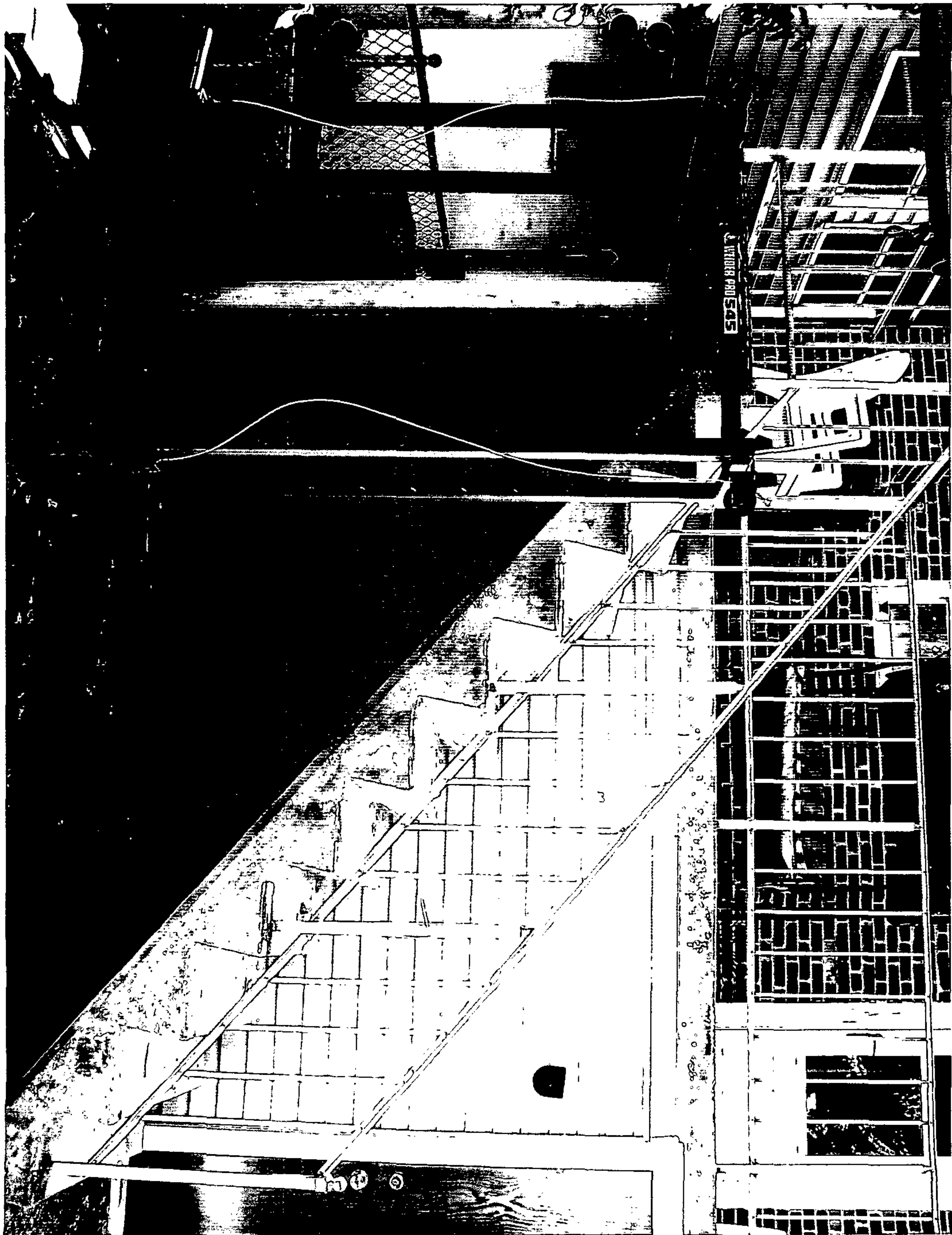
HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

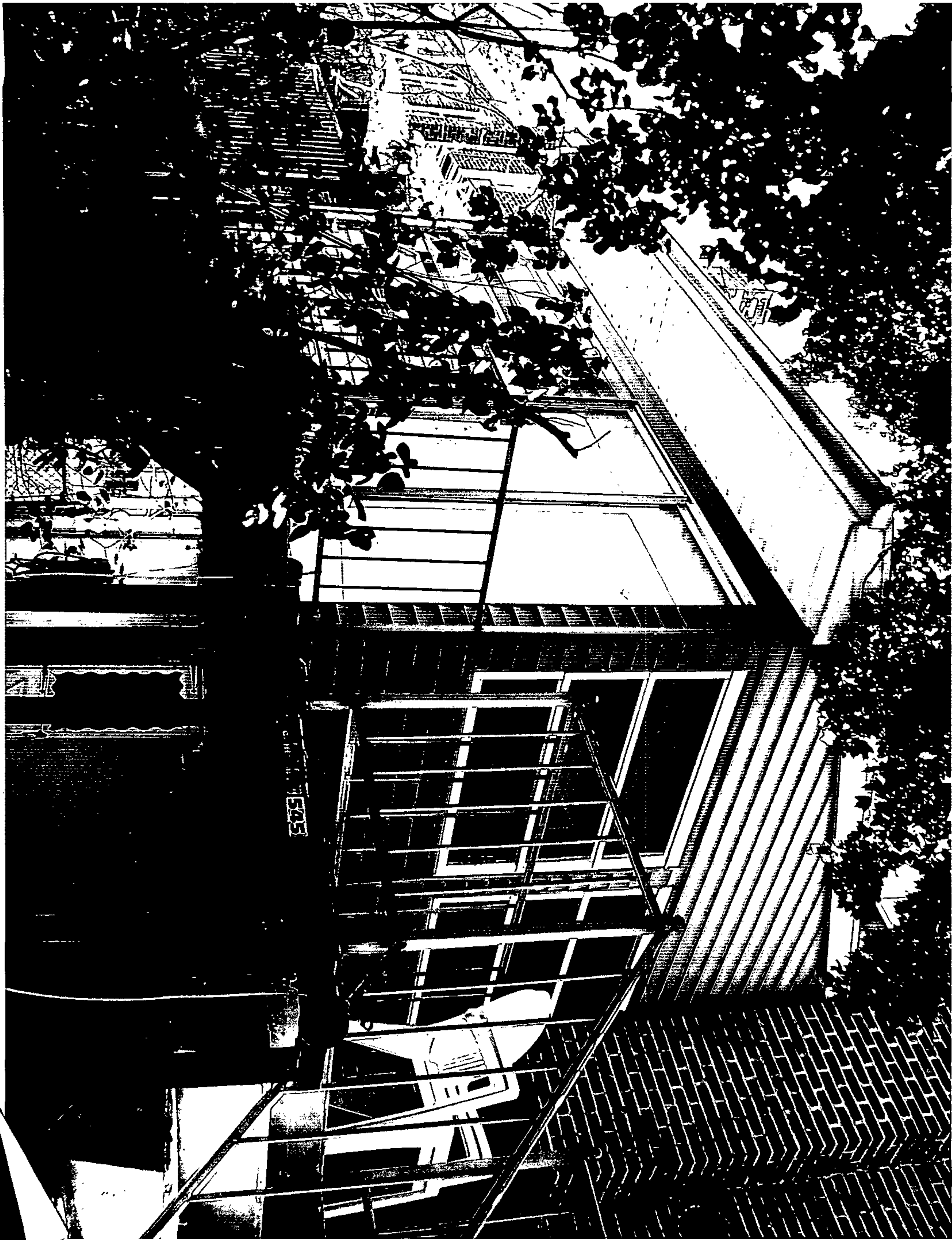
PRIOR ZONING HEARING 164E

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

17m 075 075











CASE NAME _____
CASE NUMBER _____

DATE _____

E-MAIL

[illegible]











RECEIVED

SEP 12 2008

