



IN RE: PETITION FOR VARIANCE
W/S of Summit Avenue, north of c/l
Of South Road
14th Election District

14th Election District
7th Councilmanic District
(2122 Summit Avenue)

Russell Leon Kelly
Petitioner

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 07-100-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

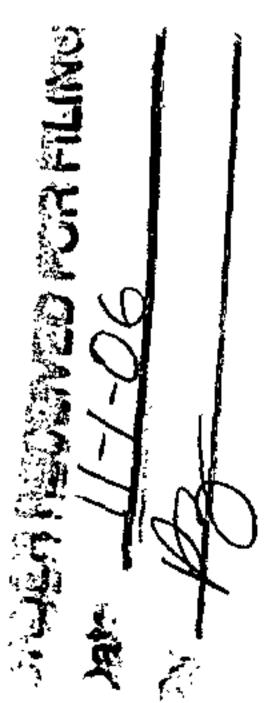
This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Russell Leon Kelly. The Petitioner is requesting variance relief for property located at 2122 Summit Avenue. The variance request is from Sections 400.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (garage) to be located on the side of a dwelling in lieu of the required rear; to allow said structure to have a front yard setback of 24 feet in lieu of the front yard average of 25.5 feet.

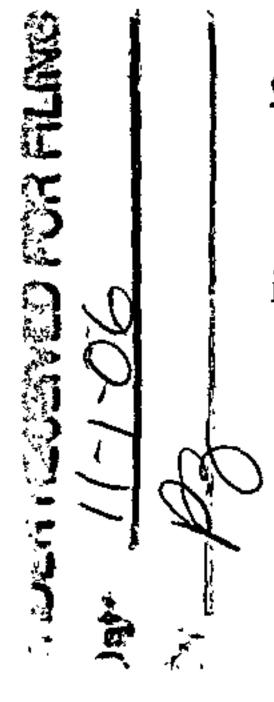
The property was posted with Notice of Hearing on October 17, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on October 17, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

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 comment letters were received from the Bureau of Development Plans Review dated September 25, 2006 which contains restrictions; a copy of which is incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance request were Tina Gosneel and Russell Leon Kelly, Petitioner. Hicks Engineering Associates, Inc., prepared the site plan but no representative from the engineering firm attended the hearing. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 06-1574) in the Division of Code Inspections and Enforcement. A citation for code violation has



been issued in this matter due to the fact that the detached garage was built on the side of the location without necessary permit(s).

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

Preliminary Matter

At the outset of the hearing, the undersigned made the Petitioners aware of the ZAC comment from the Bureau of Development Plans Review to increase the width of the right of way of Summit Avenue to 40 feet. This would mean the County wanted 5 more feet of right of way on the Petitioner's side. More importantly the Petition requesting a 24 foot setback from the right of way would have to be changed to 19 feet. This was neither posted nor advertised. After some discussion of the consequences, the Petitioner opted to amend the Petition and proceed with the hearing without reposting or re-advertising and the request.

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I agreed to proceed in this manner as I find the public had effective notice of the essence of the hearing and would not be affected by the Bureau request for the wider right of way.

Testimony and Evidence

The subject property contains 0.34 acres +/- zoned DR 5.5 and is improved by the Petitioner's home, a shed and swimming pool with a deck as shown in exhibit 1. Ms. Gosnell indicated that her husband is trying to restore an antique Mustang automobile and needs to store a Harley motor cycle on the property. Both need to be out of the weather and in a secure place. As a result she ordered a prefabricated shed, which is the subject of this hearing, for her husband. When it was delivered she directed that the shed be placed on an existing concrete pad in the side yard with guidance from the shed manufacturer that this would be the most structurally sound location given the existing concrete pad. This pad previously had been used by the Petitioner's son for a basketball court. The existing concrete pad is mostly in the side yard and 19 feet from the expanded right of way of Summit Avenue.

Ms. Gosnell indicated that she did not realize sheds are to be placed in the rear yard, or that the size required a building permit to erect. However as shown in exhibit 1, she testified that there really is no rear yard to speak of because of the location and size of the house. The corner of the house is only 6 feet from the rear property line. There is no place to locate a shed of this size in the rear yard.

Mr. Kelly indicated that he could not move the subject shed back farther into the side yard because of the existing pool and deck. See photograph 2 D and exhibit 1. Ms. Gosnell indicated they can not move it toward the side yard near the Attwood residence

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because of a hill as shown in photograph 2 I. The only level available space in the side yard would be too close to the Attwood home which is only 5 feet from the property line.

Although neither adjacent property owner complained about the shed, the Petitioner indicated that he thought the zoning complaint came from a neighbor some distance away who received a similar citation but who can not see the subject shed from their property. They indicated that many properties have similar sheds in the neighborhood and there is a huge garage down the street in the side yard.

Findings of Fact and Conclusions of Law

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The existing house is skewed to the property lines such that the house is zero feet from the Pawlak property line and only 6 feet from the rear line. Lack of rear yard causes the impact of the zoning regulations to fall disproportionately on the Petitioner's property. Consequently I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no other practical place to locate the shed.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. There are many other sheds in the neighborhood in similar settings. There will be no change to the character of the neighborhood. In fact the house next door is only 18 feet from the present right of way.

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 granted.

THEREFORE, IT IS ORDERED, this 1st day of November, 2006 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Sections 400.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (garage) to be located on the side of a dwelling in lieu of the required rear; to allow said structure to have a front yard setback of 19 feet in lieu of the front yard average of 25.5 feet is hereby GRANTED subject to the following conditions:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner shall provide five feet of additional right-of-way for Summit Avenue centered on the existing 30 foot right-of-way.

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



JAMES T. SMITH, JR. County Executive

November 1, 2006

WILLIAM J. WISEMAN III Zoning Commissioner

RUSSELL LEON KELLY 2122 SUMMIT AVENUE BALTIMORE MD 21237

> Re: Petition for Variance Case No. 07-100-A

Property: 2122 Summit Avenue

Dear Mr. Kelly:

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Scott Chilton, Chesapeake Bay Homes, 27 Neptune Drive, Joppa MD 21085

TION STREET



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at _	2122	Summit	Avenue
which is pre	•		

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) 400.1 and 303.1 to permit an existing detached accessory structure (garage) to be located on the side of a dwelling in lieu of the required rear; to allow said structure to have a front yard setback of 24 feet in lieu of the front yard average of 25.5; and to approve any other variances deemed necessary by the zoning commissioner

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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:	•	Legal Owner(s):		
			2000 11/	on Kelly	
Name - Type or Print			Name - Type or Print	on Kelly	
				1 /cills	
Signature			Signature		
Address	~ · · ·	Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		
Attorney For Petition	<u>ier:</u>		2122 Summi	- Ave 4	43-801-5296
			Address	•	Telephone No.
Norman Timo as Deint			Baltimore	MD	21737
Name - Type or Print			City	State	Zip Code
Cieratura			Representative t	to be Contacted:	
Signature				-	
Company			Name		
Address	<u> </u>	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
			<u>O</u> F	FICE USE ONLY	
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Case No	-100-A				
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REV 9/15/98	11/1-010	INSTIGATED D	· - (/ / /)	7706	
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Zoning Description for 2122 Summit Avenue

Beginning at a point on the west side of Summit Avenue, which is 30 feet wide, at a distance of 340 feet (*/-) north of the centerline of the neavest improved intersecting street, South Road, being lots 710 to 715 in the subdivision of Summit Farms, as recorded in Baltimore County plat book 7, folio 48, containing 14,876 square feet. Also known as 2122 Summit Avenue and located in the 14th Election District, 7th Councilmanic District.

CASHIER'S VALIDATION Salt Sign · 我们是1984 RIGIMES 002/11. 別は 事業 No.2036. 900.10 YELLOW - CUSTOMER 47 BALTIMORE COUNTY, MARYLAND ACCOUNT. AMOUNT OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT PINK - AGENCY 9.13.00 DISTRIBUTION WHITE - CASHIER RECEIVED FROM: DATE. FOR:

#1 ** WILLIAM HALL 11 CANS 1 1,044000 Charles and the second , 2 - 3 2 - 1 - SO S

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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: #07-100-A
2122 Summit Avenue
West side Summit Avenue, 340 feet +/- north of centerline of South Road
14th Election District - 7th Councilmanic District
Legal Owner(s): Russell Leon Kelly
Variance: To permit an existing detached accessory structure (garage) to be located on the side of a dwelling in lieu of the required rear; to allow said structure to have a front yard setback of 24 feet in lieu of the front yard average of 25.5 feet.
Hearing: Wednesday, November 1, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

3T/10/704 Oct. 17

in the following weekly newspaper published in Baltimore County, Md. once in each of successive weeks, the first publication appearing on (O
--

LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: 07-100-1
	Petitioner/Developer:
	RUSSELL LEON KELLY
	Date of Hearing/Closing: 11/1/06
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of were posted conspicuously on the property	of perjury that the necessary sign(s) required by law located at
2122	SUMMIT AVE
	
The sign(s) were posted on	10/17/06
ZONING NOTICE CASE # 07-100-A PUBLIC REARING WILL BE HELD BY THE GAG CORRESSIONER GERSON, NO PLACE:	(Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) RICHARD E. HOFFMAN
DATE AND TIME. REGISTS VARIANCE REGISTS VARIANCE PROTECTION OF ALCIENT SE SENSE AND A SERVICE AND A SERVICE PROTECTION OF THE SENSE AND A SERVICE AND A	(Printed Name) 904 DELLWOOD DR. (Address)
Allan 10/11/06	

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 17, 2006 Issue - Jeffersonian

Please forward billing to:

Russell Kelly 2122 Summit Avenue Baltimore, MD 21237 443-802-5296

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: 07-100-A

2122 Summit Avenue

West side Summit Avenue, 340 feet +/- north of centerline of South Road

14th Election District – 7th Councilmanic District

Legal Owner: Russell Leon Kelly

Variance To permit an existing detached accessory structure (garage) to be located on the side of a dwelling in lieu of the required rear; to allow said structure to have a front yard setback of 24 feet in lieu of the front yard average of 25.5 feet.

Hearing: Wednesday, November 1, 2006 at 9:00 am in Room 407 of the County Courts Building, 401 Bosley Avenue

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

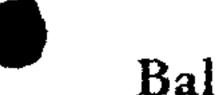
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits Od 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 21, 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: 07-100-A

2122 Summit Avenue

West side Summit Avenue, 340 feet +/- north of centerline of South Road

14th Election District - 7th Councilmanic District

Legal Owner: Russell Leon Kelly

Variance To permit an existing detached accessory structure (garage) to be located on the side of a dwelling in lieu of the required rear; to allow said structure to have a front yard setback of 24 feet in lieu of the front yard average of 25.5 feet.

Hearing: Wednesday, November 1, 2006 at 9:00 am in Room 407 of the County Courts Building, 401 Bosley Avenue

Timothy Kotroco

buth Kotroco

Director

TK:amf

C: Russell Leon Kelly 2122 Summit Avenue Baltimore 21237

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 17, 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

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.

For Newspaper Advertising:
Item Number or Case Number .07-100-A
Petitioner Russell Melly
Address or Location, 2122 Summitave.
•
PLEASE FORWARD ADVERTISING BILL TO
Name: Russell Helly
Address 2122 Summit avenue
Baltimore, Md (21237)
-n
Telephone Number: 443-802-5296



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 26, 2006

Russell Leon Kelly 2122 Summit Avenue Baltimore, MD 21237

Dear Mr. Kelly:

RE: Case Number: 07-100-A, 2122 Summit Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 7, 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. Callibal)

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM - Development Coordination JWL

DATE:

September 25, 2006

SUBJECT:

Zoning Item # See List Below

Zoning Advisory Committee Meeting of September 18, 2006

The Department of Environmental Protection and Resource Management has no comments with regards to the following zoning items:

07-101-A

07-104-A

07-105-A

07-107-A

07-109-A

07-110-A

07-111-A

07-115-A

07-116-A

Reviewer: J. Livingston

Date: September 25, 2006

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 25, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 25, 2006

Item No. 07-100

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Summit Avenue centered on existing 30-foot right-of-way. Setback shall be adjusted accordingly.

DAK:CEN:clw

ce: File

ZAC-ITEM NO 07-100-09212006.doc

11-1-06

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:

Zoning Advisory Petition(s): Case(s) 7-100- Variance

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

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

Prepared By

Division Chief:

CM/LL

RECEIVED

DATE: September 26, 2006

SEP 2 7 2006

ZONING COMMISSIONER

		•				
DAT	E :	October 3, 2006				
TO:		W. Carl Richards, Jr. Zoning Review Supe				
FRO	M :	Rick Wisnom, Chief Division of Code Ins		ent		
SUB.	JECT:	Item No.: Legal Owner/Petition Contract Purchaser: Property Address: Location Description		100 Kelly, Russell Leon N/A 2122 Summit Ave W/side Summit Ave., 340' N of Centerline of South Rd		
VIIO	LATIO	NINFORMATION:	Case No. Defendants:	06-1574 Russell Kelly		
		ition is scheduled for a p	_	is the subject of an active violation case. notify the following person(s) regarding the		
NAM	Æ		Á	ADDRESS		
the v		dition, please find attach case, for review by the 2	-	of the following pertinent documents relative to r's Office:		
m	1.	Complaint letter/mer	no/email/fax (if appli	cable)		
X	2.	•	` • •	it Officer's report and notes		
X	3.	State Tax Assessmen		•		
	4.	State Tax Parcel Map (if applicable)				
	5.	MVA Registration printout (if applicable)				
	6.	Deed (if applicable)				
	7.	Lease-Residential or Commercial (if applicable)				
	8.	Photographs including	ng dates taken			
X	9.	Correction Notice/Co	ode Violation Notice			
X	10.	Citation and Proof of	f Service (if applicable	e)		
	11.	Certified Mail Recei	pt (if applicable)			
	12.	Final Order of the Co	ode Official/Hearing	Officer (if applicable)		
	13.	Office of Budget & I	Finance Billing Notic	e/Property Lien Sheet (if applicable)		

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

Billing Notice/Property Lien Sheet (if applicable).

Complete Chronology of Events, beginning with the first complaint through the

RSW/cp

14.

C: Code Enforcement Officer



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 September 24, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 18, 2006

Item Number(s): 100 thru 112, 114,115, 116

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

RE: PETITION FOR VARIANCE
2122 Summit Avenue; W/S Summit
Avenue, 340' N c/line South Road
14th Election & 7th Councilmanic Districts
Legal Owner(s): Russell Leon Kelly
Petitioner(s)

- BEFORE THE
- ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * 07-100-A

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to, Russell Leon Kelly, 2122 Summit Avenue, Baltimore, MD 21237, Petitioner(s).

RECEIVED

SEP 1 8 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEVT. 18, 2006

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

Dear Ms. Matthews:

RE: Baltimore County
Item No. 100

7-100-A Russell Leon Kelly

PROPERTY

VARIANCE - LOCATE GARAGE AT REAR OF DWELLING

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. 100

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,

Engineering Access Permits

Division

SDF/MB



Department of Permits and Development Management

County Office B ag 111 West Chesapeake Avenue

Code Enforcement: Building Inspection: 410-887-3351

Plumbing Inspection: 410-887-3620

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

Citation/Case No. Property No. 1404022590	
06-15-74 1404 0225.90	Zoning:
	08-5-5
Name(s): Russe // - Ke//	
The second section of	tal and the same of the same o
Address:	The second secon
2/22 Summit Hye	
Violation Location: 2121 Summit Ale	m1 21237
Violation	
Dates: 04/24/06 and -continuing	Through - 2/4/06
BALTIMORY COUNTY FORMALLY CHARGES THAT THE ALL OWING BALTIMORY COL	BOVE NAMED PERSON(SYDID
BILLING	
TILL INDICE COUNTY COUNCIL DITTE	
International Residential Cuile	- 2003 - 100 M
The second secon	A SECTION OF THE PROPERTY OF T
Detached garage built on SI	de of location
without neversary permit	57
Pursuant to Section 1-8, Baltimore County Code, a civil penalty	The same and the same of the s
has been assessed, as a result of the violation cited herein, in	Same and the same
the amount indicated:	**************************************
A quasi-judicial hearing has been pre-scheduled in Room 116;	Date:
111 West Chesapeake Avenue, Towson, Maryland, for:	Time:
n	- An
Citation must be served by:	Date:
	8/14/06
I do solemnly declare and affirm, under the penalty of perjury, tha	t the contents stated above are true
	t the contents stated above are true
I do solemnly declare and affirm, under the penalty of perjury, that and correct to the best of my knowledge, information, and belief.	t the contents stated above are true
I do solemnly declare and affirm, under the penalty of perjury, that and correct to the best of my knowledge, information, and belief. Print Name: (/ a cu de	t the contents stated above are true
I do solemnly declare and affirm, under the penalty of perjury, that and correct to the best of my knowledge, information, and belief. Print Name: OS /08/06 Inspector's Signature	t the contents stated above are true
I do solemnly declare and affirm, under the penalty of perjury, that and correct to the best of my knowledge, information, and belief. Print Name: OG/OS/OG Inspector's Signature SEE REVERSE SIDE FOR ADDITIONAL DETAILS	t the contents stated above are true AND INFORMATION
I do solemnly declare and affirm, under the penalty of perjury, that and correct to the best of my knowledge, information, and belief. Print Name: OS/08/06 Inspector's Signature	t the contents stated above are true AND INFORMATION
I do solemnly declare and affirm, under the penalty of perjury, that and correct to the best of my knowledge, information, and belief. Print Name: OG/OS/OG Inspector's Signature SEE REVERSE SIDE FOR ADDITIONAL DETAILS	t the contents stated above are true AND INFORMATION
I do solemnly declare and affirm, under the penalty of perjury, that and correct to the best of my knowledge, information, and belief. Print Name: OS/OS/CG Inspector's Signature SEE REVERSE SIDE FOR ADDITIONAL DETAILS NOTICE OF INTENTION-TO Print Name:	t the contents stated above are true AND INFORMATION DEFEND
I do solemnly declare and affirm, under the penalty of perjury, that and correct to the best of my knowledge, information, and belief. Print Name: OS/OS/CG Inspector's Signature SEE REVERSE SIDE FOR ADDITIONAL DETAILS NOTICE OF INTENTION-TO Print Name:	t the contents stated above are true AND INFORMATION DEFEND Citation/Case No. - 0 6 - /5 7 4-



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue 157
Towson; MD 21204

Code Enforcement:

410-887-3351

Building Inspection:

410-887-3953

Plumbing Inspection: Electrical Inspection:

410-887-3620 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. Property 14	No. 72590 Zoning:
Name(s): Russell Ke	
Address:	nit Ave
	ni) MV
Violation Location: 2/12 Sunn	- 1 A
-	
	E THE FOLLOWING BALTIMORE COUNTY LAWS:
	cil 6:11 1-05
International Reside	ested Code 2003
Garage Suilt of	o side of location without
permit (5)	Side of location without " (detached metal)
_ Un Tain necessar	ry permit(s)
S	
- Oug jest to 1000	investigation de 35-2-304
<u> </u>	
······································	
	· · · · · · · · · · · · · · · · · · ·
	•
YOU ARE HEREBY ORDERED TO CORR	ECT THESE VIOLATION(S) ON OR BEFORE:
On or Before	Date Issued:
5/04/06	7/24/06
FAILURE TO COMPLY WITH THE DEA	DLINE STATED IS A MISDEMEANOR. A CONVICTION FOR
VIOLATION DEPENDING ON THE	POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER
VIOLATION, DEPENDING ON VIOLATIO	ON, OR 90 DAYS IN JAIL, OR BOTH.
Maude, V Fra	1+1/1
INSPECTOR: [Laudi]	Profit.
VSTO	OP WORK NOTICE
PURSUANT TO INSPECTION OF THE	FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK
UNTIL THE VIOLATIONS ARE CORRE	CTED AND/OR PROPER PERMITS OBTAINED, WORK CAN
RESUME WITH THE APPROVAL OF THE THESE CONDITIONS MUST BE CORRE	E DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. CTED NOT LATER THAN:
Not Later Than:	Date Issued:
<u> </u>	
	- · · · · · · · · · · · · · · · · · · ·
INSPECTOR NAME:	•

Copy Distribution: White: Agency Yellow: Violation Site Pink: Defendant Goldenrod: Remains in Book

(PRINT NAME)

Date:	9/20/06				•
Inspector:	Prof.	· · · · · · · · · · · · · · · · · · ·			
Case #:	06 1574	<u> </u>			•
Address:	2112 Sun	ait Aso	_		•
Comments:	wow has	Liled	for va	Clasco.	07-100-
No hearing					
	·	· · · · · · · · · · · · · · · · · · ·		<i></i>	
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		<u> </u>		· · · · · · · · · · · · · · · · · · ·	

Entered into AS400 ______

Date: $\frac{g/g}{vc}$	
Inspector: P_{Γ} , f_{Γ}	•
Case #: 06_1574	•
Address: 2122 Sunnit Aje	•
Comments: No change at site no answer at	
Front door. Posted citation.	·
Ms Kelly called and stated tha	<u>.</u>
She has another meeting with zoning t	
Variance on Aug 11	•
PU renains 9/20/06. C/P	-
	•
	••
· · · · · · · · · · · · · · · · · · ·	- -
·	· · ·
	<u> </u>

Entered into AS400

Date:	9/	4/06			•		
Inspector:	Prot	£/;				•	
Case #:		1574	·	 -			•
Address:	2122	Sunai	+ Dr	ب	•	•	
Comments:	Nose	mit o	c.f.lin	175 A	bund	Citat	100
To Se	155ucl	Pu	9/20	106	C/P		,
	,				/Y	, 	
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						·	

Date:		119/06	<u></u>			•	
Inspector:	Pr	£li	,			•	
Case #:	06	1574	· 				
Address:	2,	12 Sum	it As	<u></u>	•	•	
Comments	: No	affaren	t chan	725 Bu.10	L V.	ilation s	5] .]
eyist.	Pu	8/3/0	6 C/	e frank	_	·	_ <u>.</u>
· · · ·			<u> </u>	· (<u>.</u>	<u></u> .	
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Entered into AS400 6/21/06 (Dar)

	Date: 5/26/06	
	Inspector:	
	Case #:06-1574	•
	Address: 2122 Summit Are	-
	Comments: No change at site, no evidence of filing	
	Forvariance Found pu 6/19/06 Op	•
	Having property surveyed per phone nessage at office)	•
	message at other	
	<u></u>	
•		
	Entered into AS400	

Date:	<u> </u>	-		
Inspector: Pof.	·	- -		
Case #: 06-1574			•	
Address: 2/12254	mait Arc	•		
Comments: Jina K	elly called	and stat	ted she	
Se filing for varia	/			
	<u></u>			· · · · · · · · · · · · · · · · · · ·
		<u></u>	<u> </u>	<u> </u>
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				<u> </u>
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Entered into AS400

	ODE ENF	ORCEMENT RE	POF		
DATE: 4 124 106 IN	TAKE BY: <u></u>	nai / CASE #:	06-1574	INSPEC: Profil	/.
COMPLAINT LOCATION: 2/22	Su monit	Are		- -	
			ZIP CODE:_	2/237 DIST: 1	4
COMPLAINANT NAME: anany	nou5	PHONE #: (H)		(W)	
ADDRESS:		<u>.</u>		_ZIP CODE:	
PROBLEM: detach	ed garage	Suit 1/0	pernit !	5)	·
IS THIS A RENTAL UNIT? IF YES, IS THIS SECTION 8? OWNER/TENANT INFORMATION: 4/0 4/9	YES	NO NO 43 802 5296			
TAX ACCOUNT #: 14 0	4 022590	2	ZONING:		
INSPECTION: 4/24/06 Suit on side of and front door, co	Observe. location wi oi sent to	thout sormi	retalga t/s/. Al	case recently tiee posted Du 5/04/06	
REINSPECTION:	57	<i>^</i>			
······································	6	5	- <u> </u>	-	<u></u>
· · · · · · · · · · · · · · · · · · ·		<u></u>			
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REINSPECTION:		-	<u></u>		
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		-	· · · · · · · · · · · · · · · · · · ·		
REINSPECTION:	<u> </u>		<u> </u>		
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,,	<u></u>		<u>. </u>	<u> </u>	

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ANDARD ASSESSMENT INQUIRY

H

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC 14 04 022590 14

3-0 04-00

 \mathtt{DEL} LOAD DATE

01/04/06

KELLY RUSSELL LEON

DESC-1.. IMPSLTS 710-711-712

DESC-2.. SUMMIT FARMS

NO

2122 SUMMIT AVE

PREMISE. 02122 SUMMIT

AVE

00000-0000

_BALTIMOR	·	MD .21237_1336_	LOKMEK	OMNER:	DOLI	DAVID	А
•	T-011	•			_		

	IN	PHASED		FCV				
PRIOR	CURR	CURR		PROPOSED	PRIOR			
ASSESS	ASSESS	FCV		70,390	28,140	LAND:		
118,320	139,630	139,630	TOTAL	111,860	90,180	IMPV:		
. 0	0	0	PREF	182,250	118,320	TOTL:		
118,320	139,630	139,630	CURT	0	0	PREF:		
0	· 0		EXEMPT.	182,250	118,320	CURT:		
,	·		······································					

06/02 08/05 DATE:

TAXABLE BASIS

FM DATE

ASSESS:

11/10/05 139,630

ASSESS:

118,320

ASSESS:

ENTER-INQUIRY2

PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 08/11/2006

STANDARD ASSESSMENT INQUIR (1)

H

TIME: 10:34:14

PROPERTY NO. DIST GROUP OCC. HISTORIC DEL CLASS 14 04 022590 14 3-0 04-00

LOAD DATE

01/04/06

KELLY RUSSELL LEON

DESC-1.. IMPSLTS 710-711-712

DESC-2.. SUMMIT FARMS

NO

2122 SUMMIT AVE

PREMISE. 02122 SUMMIT

AVE

00000-0000

BALTIMORE MD 21237-1336 FORMER OWNER: DUTY DAVID A

------ FCV ------ ------ PHASED IN -------PRIOR PROPOSED CURR CURR PRIOR LAND: 28,140 70,390 FCV ASSESS ASSESS IMPV: 90,180 111,860 TOTAL.. 139,630 139,630 118,320 TOTL: 118,320 182,250 PREF... 0 PREF: 0 0 CURT... 139,630 139,630 118,320 CURT: 118,320 182,250 EXEMPT. DATE: 06/02 08/05

---- TAXABLE BASIS ---- FM DATE

ASSESS: 139,630 11/10/05

ASSESS: 118,320

ASSESS:

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

ITEM # 100

DATE: 08/11/2006 STANDARD ASSESSMENT INQUIR (2)

07108

TIME: 10:34:21			2011(1)
PROPERTY NO. DIST 14 04 022590 14 LOT 710 BOX BLOCK FOR SECTION PLAT	3-0 04-00 OK 0007	MAP 0089	DEL LOAD DATE 01/04/06 LOT WIDTH
DATE. PURCHASE PRICE. GROUND RENT. DEED REF LIBER. DEED REF FOLIO. CONVEYED IND. TOT-PART TRAN IND. GRANTOR ACCT NO. 14 CRITICAL NEW CO	158582 02/10/99 122,000 0 13519 0139 3 T -04-022590 NST CARD	STATUS CLASS CODE STATE EXEMPT COUNTY EXEMPT CURR STATE EX PRIOR STATE EX	
AREAS CODE YEAR	NO		FEET

1332 ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

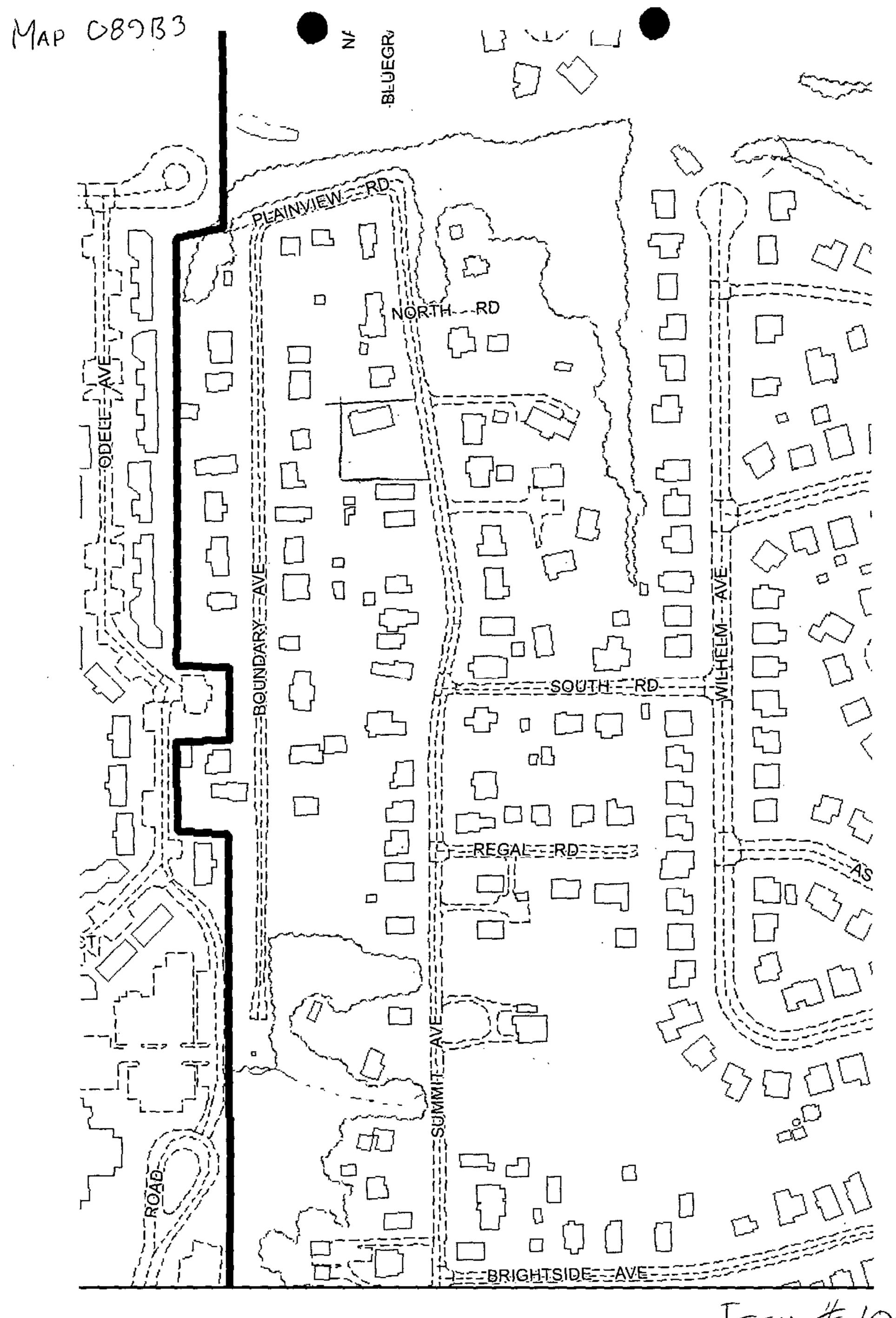
SQ. FEET

PLEASE PRINT CLEARLY

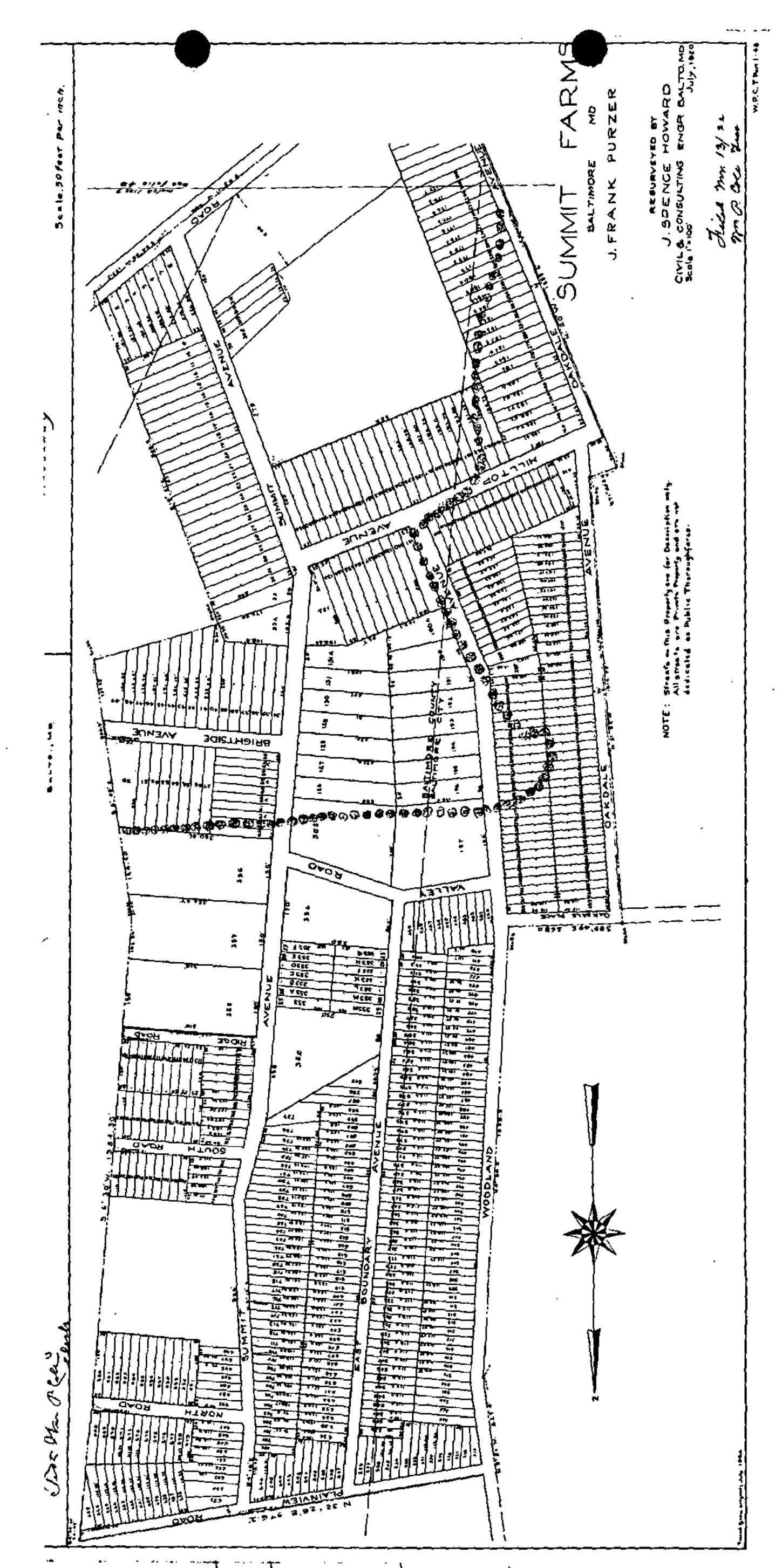
CASE NAME 0 7-1/ CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

	Remore										
ITY, STA	8										
ADDRESS	2122 Symphica Are										
NAME	1200 Char	XX awagar - SXA									



ITEM # 100



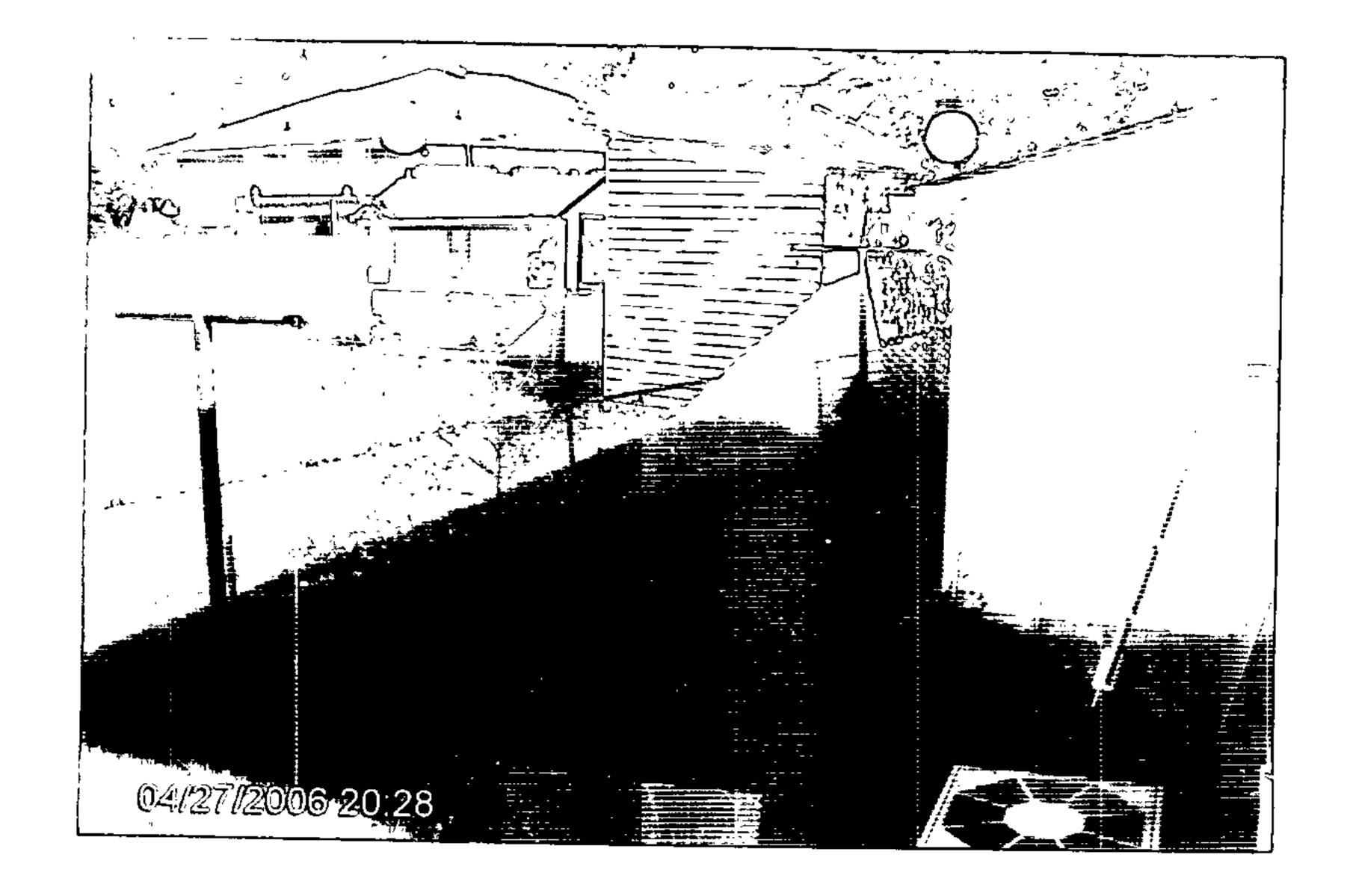
ITEM #100

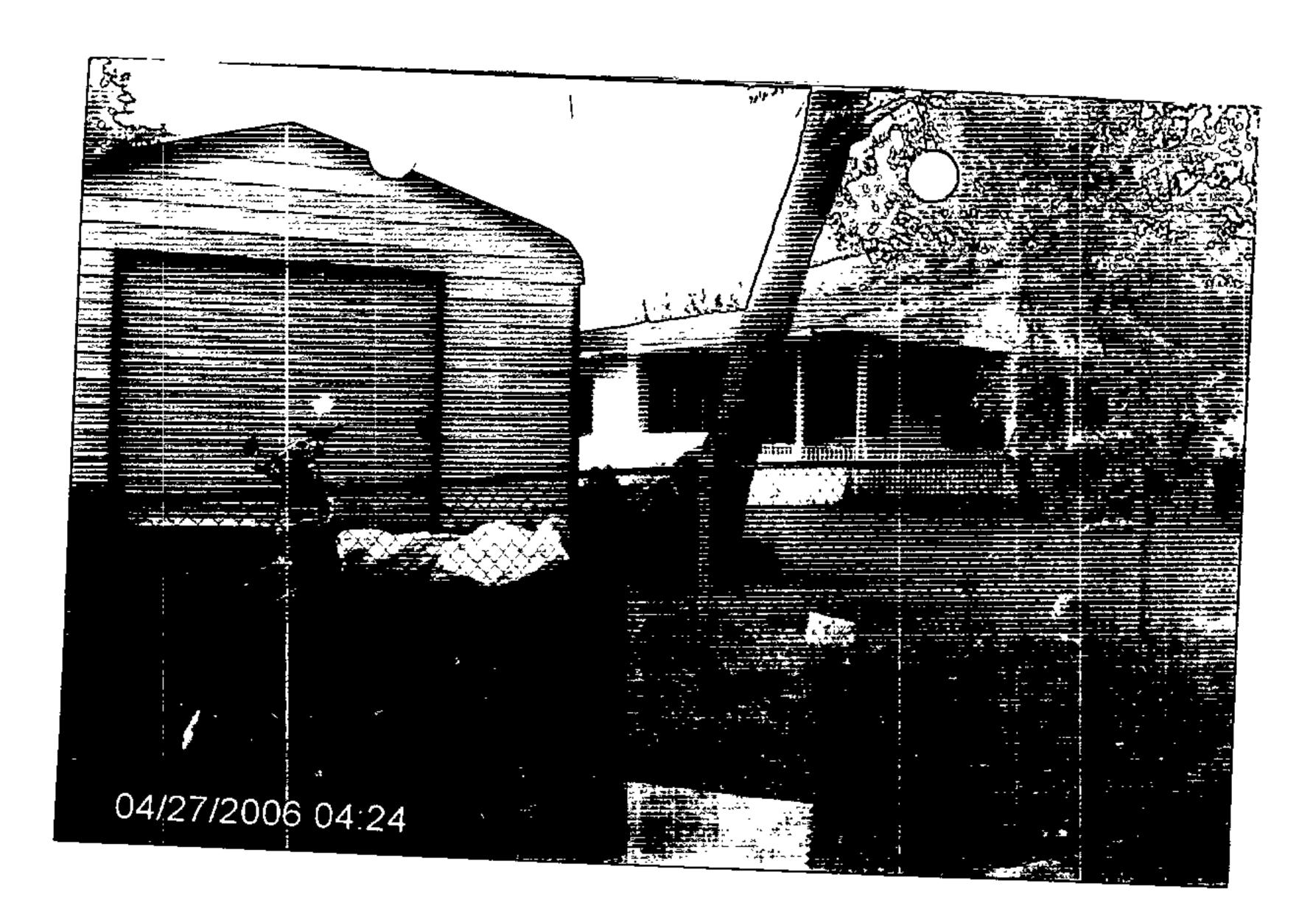


NTV

Zoning Commissioner's Office 401 Bosley Avenue, Suite 405 County Courts Building Towson, Maryland, 21204 Return Service Requested

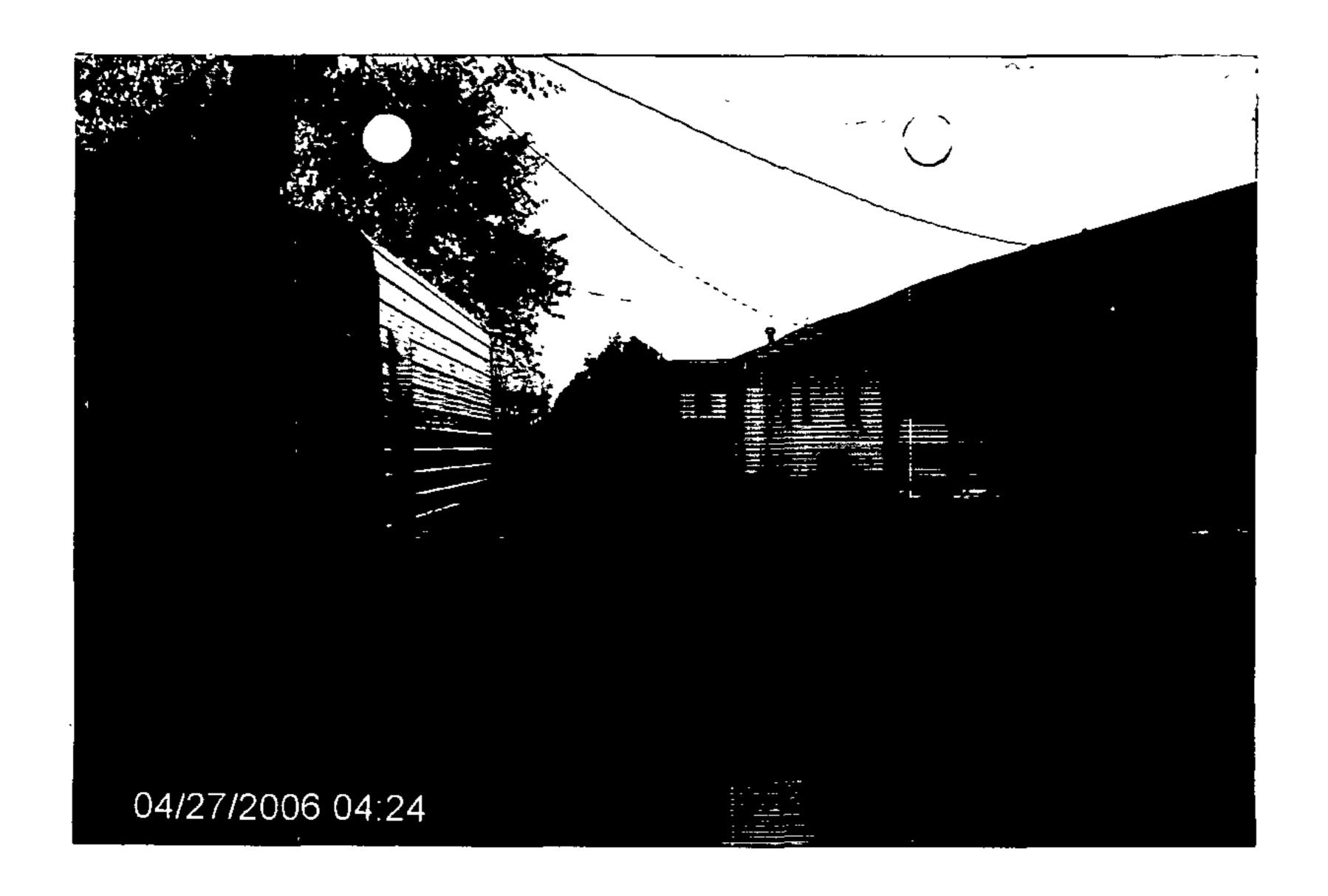
01-100



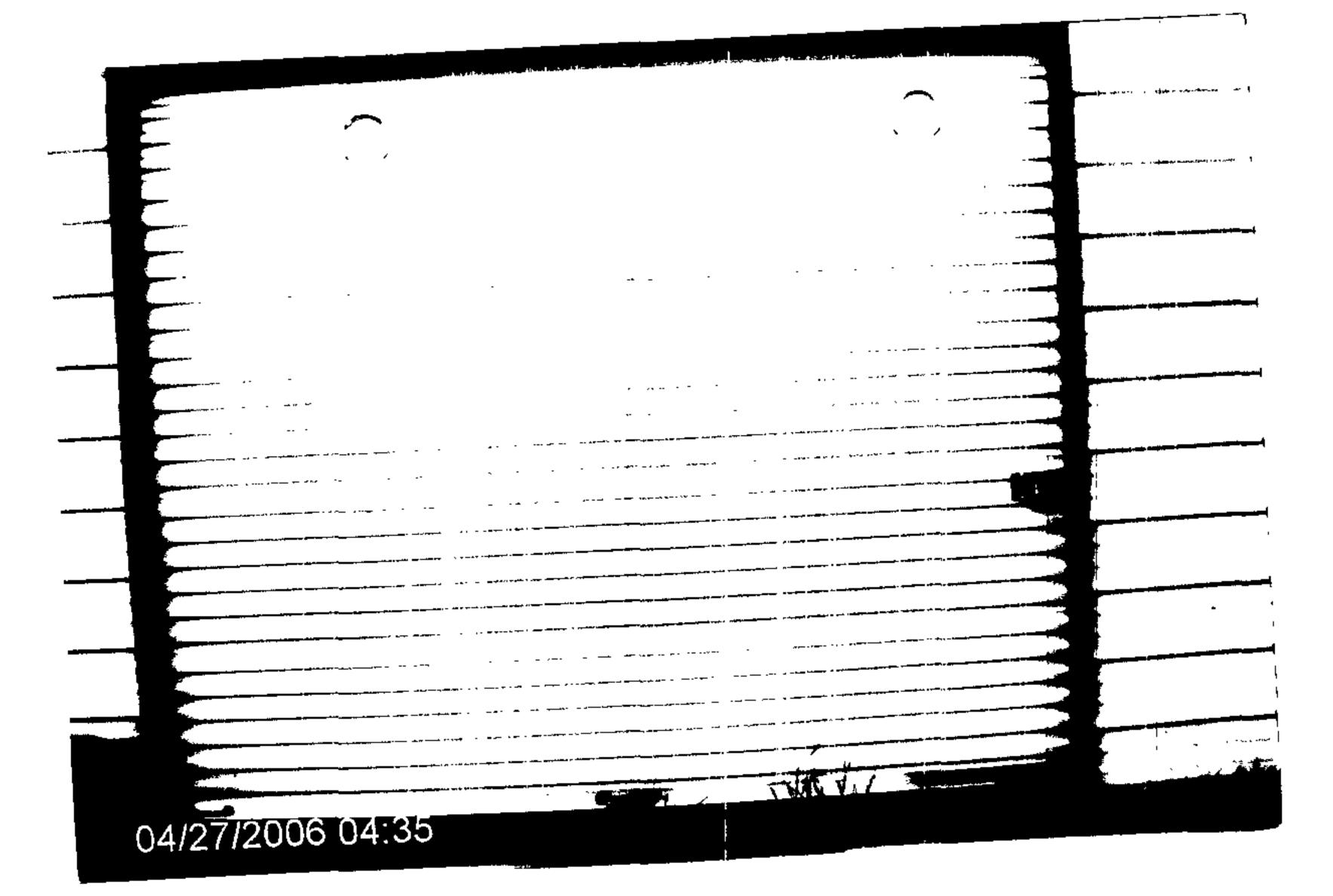


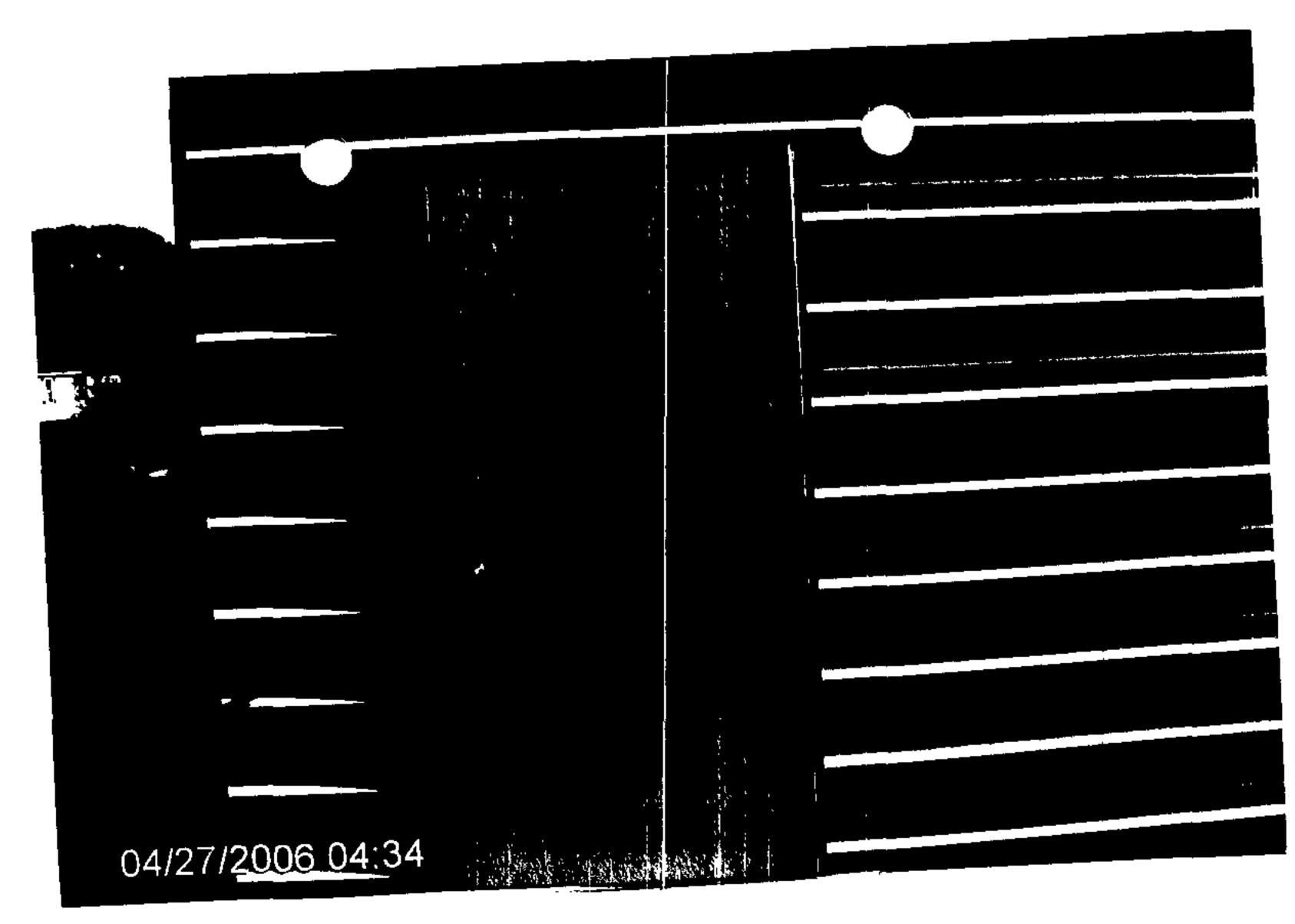




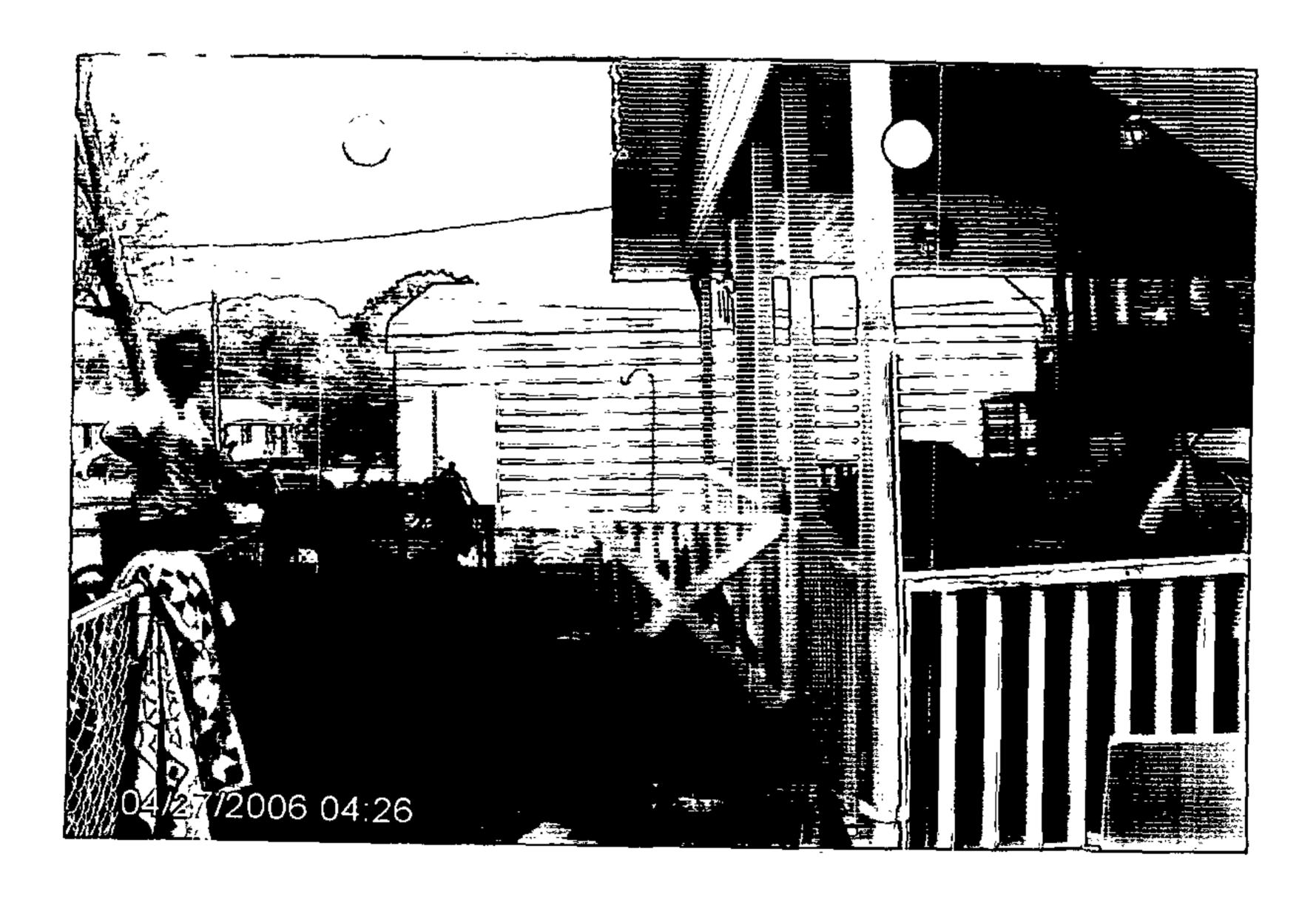






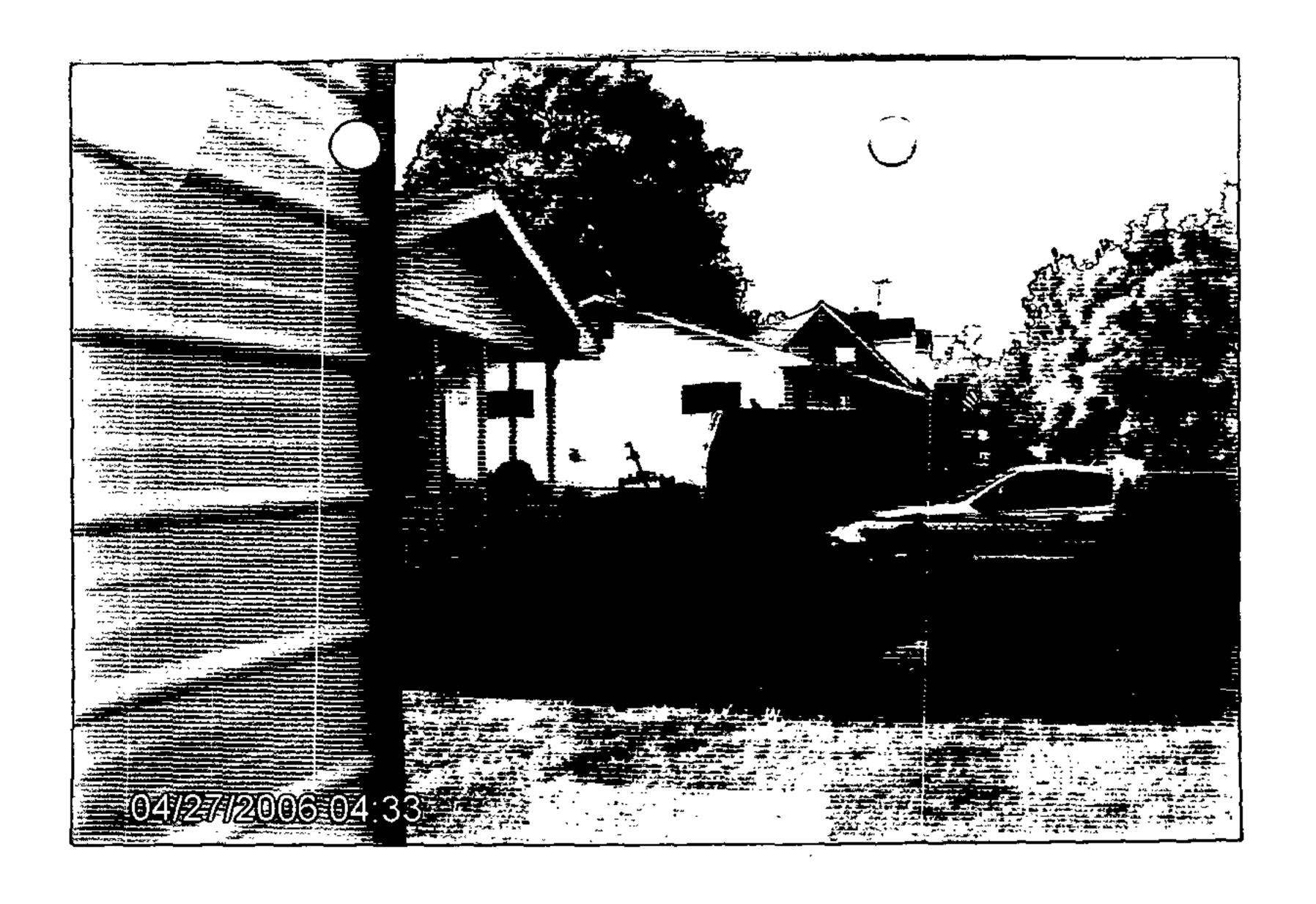














2002 JULY 24, 2006 : 3TAO HΞO CHECKED BA: :YB NWARD 21800 10B NO: DRAWING NO.: PETITION FOR ZONING VARIANCE PLAT TO ACCOMPANY DRAWING TITLE: BALTIMORE CO. MD 21237 LOTS 710 THUR 715 OF "SUMMIT FARMS" PLAT LIBER W.P.C. NO. 7. F.48 SISS SUMMIT AVENUE PROJECT TITLE: ENGINEERS, SURVEYORS & PLANNERS 200 EAST JOPPA ROAD - SUITE 402 TOWSON, MARYLAND 21286-3160 (410) 494-0001 FAX: (410)821-8890 BALTIMORE. MD 21237-1336 LIBER 13519. FOLIO 139 2122 SUMMIT AVENUE BUSSELL LEON KELLY VAENNE OWNER: BESSS CONTRINGS CONTRINGS SESSE S 02013, W AEE-A9 CONTRINOS CO. CONTR. NO. 64-334 EX.2"GAS DWLG. BRICK & BRICK. 8112# Ŧ, LÞ 13218-138 1404055280 FFF FEON KEFFL ∓,0€ BUSSELL 961-9408 **OWNER:** WILLIAM T. & MARCIA AIJWOOD 14262/555 1408006240 14262/555 NORTHEASTERLY 120.00 4 NOITATION MOITAJOIN CRITICAL AREA. WITHIN THE CHESAPEAKE BAY 3. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A HISTORICAL DISTRICT. HISTORICAL SITE NOR DOES IT LIE 2. THE SUBJECT PROPERTY IS NOT A SCALE: 1" = 2.000'PUBLIC WATER AND SEWER FACILITIES. VICINITY MAP 1. THE SUBJECT PROPERTY IS SERVED BY CENERAL NOTES COUNCILMANIC DISTRICT: 7 ELECTION DISTRICT: OE BNILDINGS: .TA 02 MAXIMUM HEIGHT :.ON.TODA XAT 1404022590 ES1 680# 9AM 2.2 AG P.B.T. F.48 PLAT REERENCE: EXIZINC ZONINC: SITE AREA: DEED REFERENCE:

∃0 l

SHEETS PER SET:

N==80v

SCALE:

H.E.A. JOB # 21800