

IN RE: PETITION FOR ADMIN. VARIANCE
NE side Kelly Ann Way,
820 feet +/- NW
14th Election District
6th Councilmanic District
(6623 Kelly Ann Way)

Arnel Abesamis and Dyleen Abesamis
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 07-159-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Arnel Abesamis and Dyleen Abesamis. The variance request is for property located at 6623 Kelly Ann Way. The variance request is from Sections 1B02.3.C.1 and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (deck) to have a rear yard setback of 17 feet in lieu of the permitted 22.5, and to amend the Final Development Plan of Lennings Crossing, Lot 46 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they are trying to build a deck that is similar in shape and size to a neighbor's deck. The property behind their house is much higher and stormwater runoff creates a marshy back yard behind their house. An elevated deck would allow more efficient and enhanced use of their back yard. The proposed deck measures 13 feet x 31 feet in size.

Zoning Advisory Committee Comments

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

Applicable Law

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

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

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11-6-06

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

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 14, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

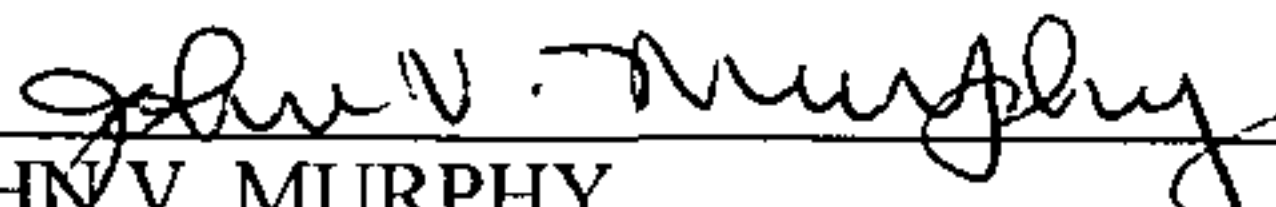
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6th day of November, 2006, that a variance from Sections 1B02.3.C.1 and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (deck) to

have a rear yard setback of 17 feet in lieu of the permitted 22.5, and to amend the Final Development Plan of Lennings Crossing, Lot 46 only be and is hereby GRANTED, subject to the following:

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

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

ORDER RECEIVED FOR FILING

11-6-06

P3



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6623 KELLY ANN WAY
which is presently zoned DR 35

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 and 301.1A -

to permit a proposed open projection (deck) to have a rear yard setback of 17 feet in lieu of the permitted 22 1/2, and to amend the Final Development Plan of Lenning's Crossing, lot 46 only

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

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-159-A

Reviewed By RDD Date 10/5/06

REV 10/25/01 116-016

Estimated Posting Date 10/15/06

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 6623 KELLY ANN WAY
Address
BALTIMORE MD 21237
City State Zip Code

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

- TO provide a safe environment where my 2 children can play
- TO provide an extension where we can enjoy the outdoor scenery and be close to nature
- TO provide a place where we can entertain family and friends outside our house

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

Arnel Romas
Signature
ARNEL ROMAS ABESAMIS
Name - Type or Print

Dyleen Mesada
Signature
DYLEEN ABESAMIS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29 day of September, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Arnel Romas Abesamis and Dyleen Mesada Abesamis
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Ghadeer Shomali
Notary Public
My Commission Expires
Ghadeer Shomali, Notary Public
Wicomico County
State of Maryland
My Commission Expires Oct. 12, 2008

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

Address 6623 KELLY ANN WAY
City BALTIMORE State MD Zip Code 21237

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):

- TO provide a safe environment where my 2 children can play
- TO provide an environment where we can enjoy the outdoor scenery and be close to nature
- TO provide a place where we can entertain family and friends outside our house

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

Signature [Signature]
Name - Type or Print ARNEL ABESAMIS

Signature [Signature]
Name - Type or Print DYLEEN ABESAMIS

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29 day of September, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Arnel Ramos Abesamis and Dyleen Mesada Abesamis
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires Oct 12, 2008



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6623 KELLY ANN WAY
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 and 301.1.A -

to permit a proposed open projection (deck) to have a rear yard setback of 17 feet in lieu of the permitted 22 1/2, and to amend the Final Development Plan of Lennings Crossing, lot 46 only

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

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11 day of October, 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. 07-159-A

Reviewed By KTD Date 10/5/06

REV 10/25/01 11-6-06

Estimated Posting Date 10/15/06

DESCRIPTION

BEGINNING AT A POINT ON THE NORTHEAST
SIDE OF KELLY ANN WAY WHICH IS
50 FT WIDE AT THE DISTANCE OF 800 FT
NORTHWEST OF THE CENTERLINE OF THE
NEAREST IMPROVED INTERSECTING STREET
LENNINGS LANE, WHICH IS 50 FT WIDE.
BEING LOT #46 IN THE SUBDIVISION OF
LENNINGS CROSSING AS RECORDED IN BALTIMORE
COUNTY PLAT BOOK #76, FOLIO #23, CONTAINING
6615 SQ FEET. ALSO KNOWN AS 6623
KELLY ANN WAY AND LOCATED IN THE
14 ELECTION DISTRICT, 6 COUNCILMAN DISTRICT

Item #159

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21720

DATE

10/15/06

ACCOUNT

Receipts 15150

AMOUNT

\$ 115.00

RECEIVED
FROM:

FOR:

2011-10-15

REC #07-159-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME

10/15/2006 10/15/2006 12:01:12

RED MOD BALTIM JUNE JHR

>>RECEIPT 0 305000 10/15/2006

DEPT 5 528 ZINING VERIFICATION

CR NO. 021720

Receipt Tot. \$115.00

\$115.00 CR

\$ 0.00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-159-A

Petitioner/Developer: ARNEL
ABESAMIS

Date Of Hearing/Closing: 10/30/06

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 6623 KELLY ANN WAY

This sign(s) were posted on October 14, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 10/14/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 07-157-A

TO PERMIT A DEVELOPMENT OF A SINGLE-FAMILY RESIDENTIAL HOME
TO BE A TWO STORY HOUSE ON LOT 12121 IN ZONE OF
LOT 12121, 2370 1/2 N. 10TH AVE. S.W. ALBUQUERQUE, NM 87104
TO BE USED FOR RESIDENTIAL PURPOSES IN
CONFORMANCE WITH THE ZONING ORDINANCE, BY
THE CITY

PUBLIC HEARING

HEARING BY DESIGNATED OFFICIAL, ALBUQUERQUE, NEW MEXICO
 AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING ON THE PROPOSED VARIANCE. THE PUBLIC HEARING IS DONE IN THE ZONING DEPARTMENT, 2301 A.D. ON TUESDAY, JANUARY 12, 2010, AT 10:00 AM. ANY INDIVIDUAL DESIRING TO REQUEST A PUBLIC HEARING SHOULD CONTACT THE ZONING DEPARTMENT, 2301 A.D. ON TUESDAY, JANUARY 12, 2010, AT 10:00 AM.

Myatt 10/14/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 159 -A Address 6623 Kelly Ann Way
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/5/06 Posting Date: 10/15/06 Closing Date: 10/30/06

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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- 159 -A Address 6623 Kelly Ann Way
Petitioner's Name Arnel Abesamis Telephone 410 682 2125
Posting Date: 10/15/06 Closing Date: 10/30/06
Wording for Sign: To Permit a proposed open projection (deck) to have a rear
yard setback of 17 feet in lieu of the permitted 22 1/2, and to
amend the Final Development Plan of Lennings Crossing, lot 46 only

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: 07-159-A
Petitioner: ARNEL ABESAMIS
Address or Location: 6623 KELLY ANN WAY, BALTIMORE MD 21237

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNEL ABESAMIS
Address: 6623 KELLY ANN WAY
BALTIMORE, MD 21237
Telephone Number: (410) 682-2125



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 31, 2006

Arnel Abesmis
Dyleen Abesmis
6623 Kelly Ann Way
Baltimore, MD 21237

Dear Mr. and Mrs. Abesmis:

RE: Case Number: 07-159-A, 6623 Kelly Ann Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 5, 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



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

October 20, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

Item Number(s): 157 through 169

159
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

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

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: **OCTOBER 20, 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. 7-159-A
4603 KELLY ANN WAY
LENNINGS CROSSING
ADMIN. VARIANCE

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. **7-159A**.

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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 6, 2006

ARNEL ABESAMIS AND DYLEEN ABESAMIS
6623 KELLY ANN WAY
BALTIMORE MD 21237

Re: Petition for Administrative Variance
Case No. 07-159-A
Property: 6623 Kelly Ann Way

Dear Mr. and Mrs. Abesamis:

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

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

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

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11-6-06

JB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 18, 2006

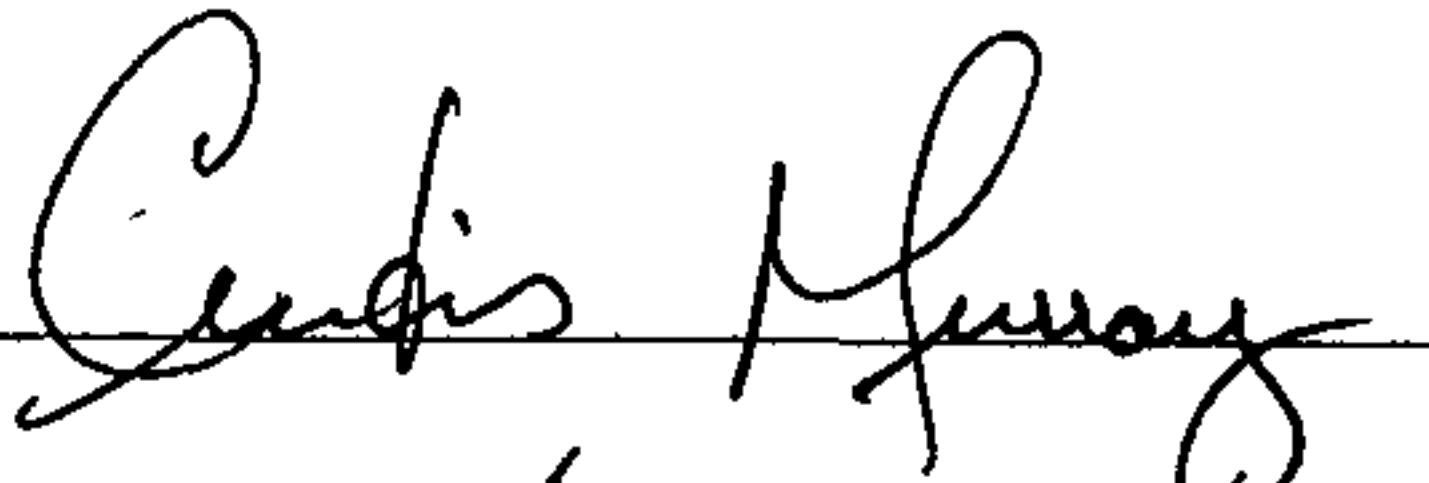
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-159- Administrative Variance**

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

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 19, 2006

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

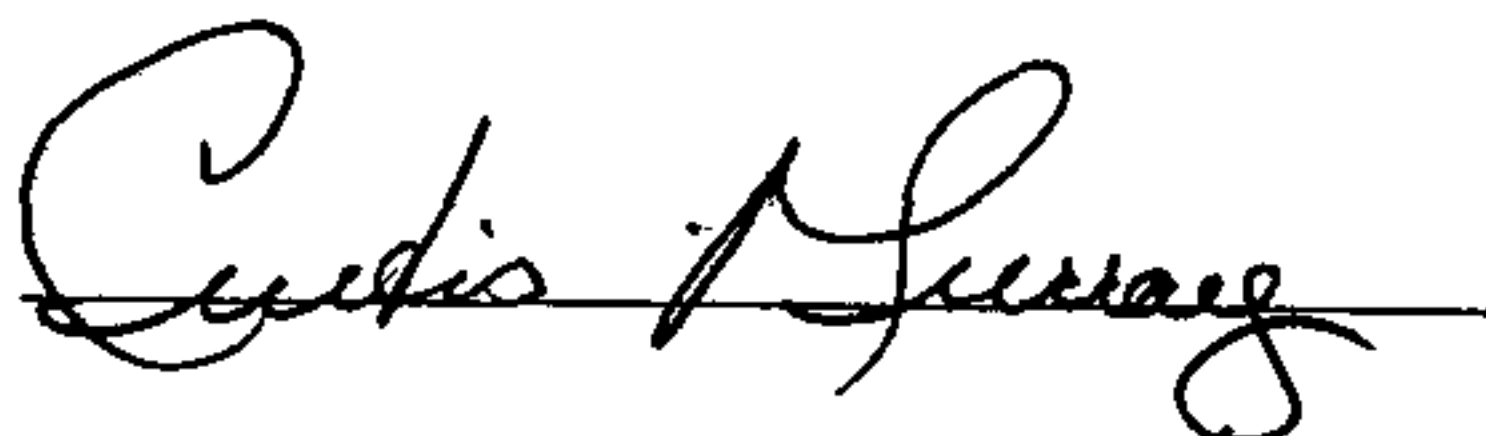
SUBJECT: 7-137 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 27 feet in lieu of the maximum permitted 15 feet and to be located in the one-third portion of the rear yard closest to the street provided the following conditions are met:

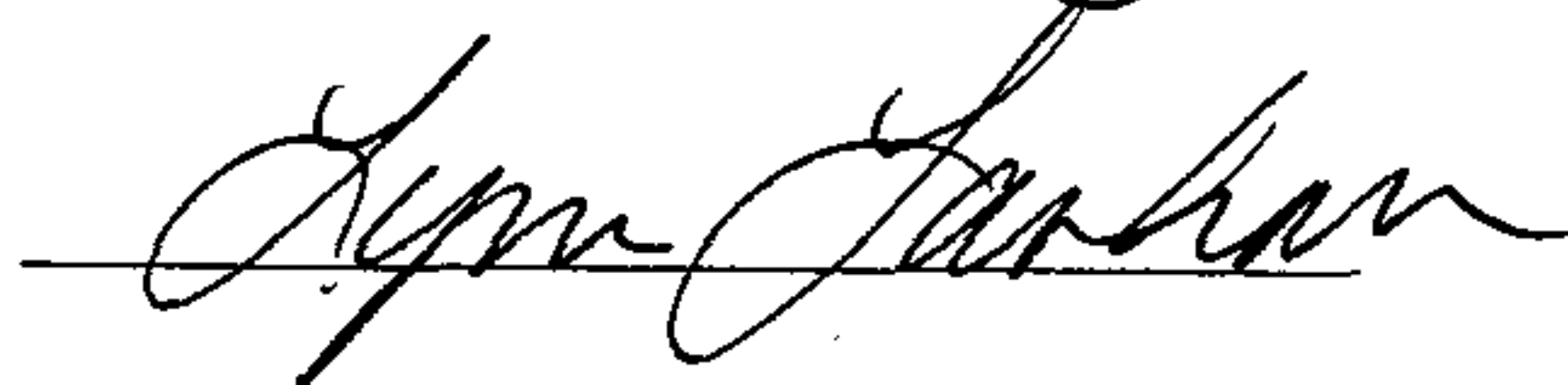
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Diana Itter or Nkechi Hislop at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 18, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For October 23, 2006
Item Nos. 07-102, 157, 159, 160, 161, 162,
163, 164, 165, 166, 167, 168, and 169

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-10182006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 16, 2006

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

SUBJECT: 8 North Prospect Avenue

Item Number: 7-104

Petitioner: John Argiropoulos

Zoning: DR 5.5

Requested Action: Variance

K.H.
Please make
sure these get filed
T-

SUMMARY OF RECOMMENDATIONS:

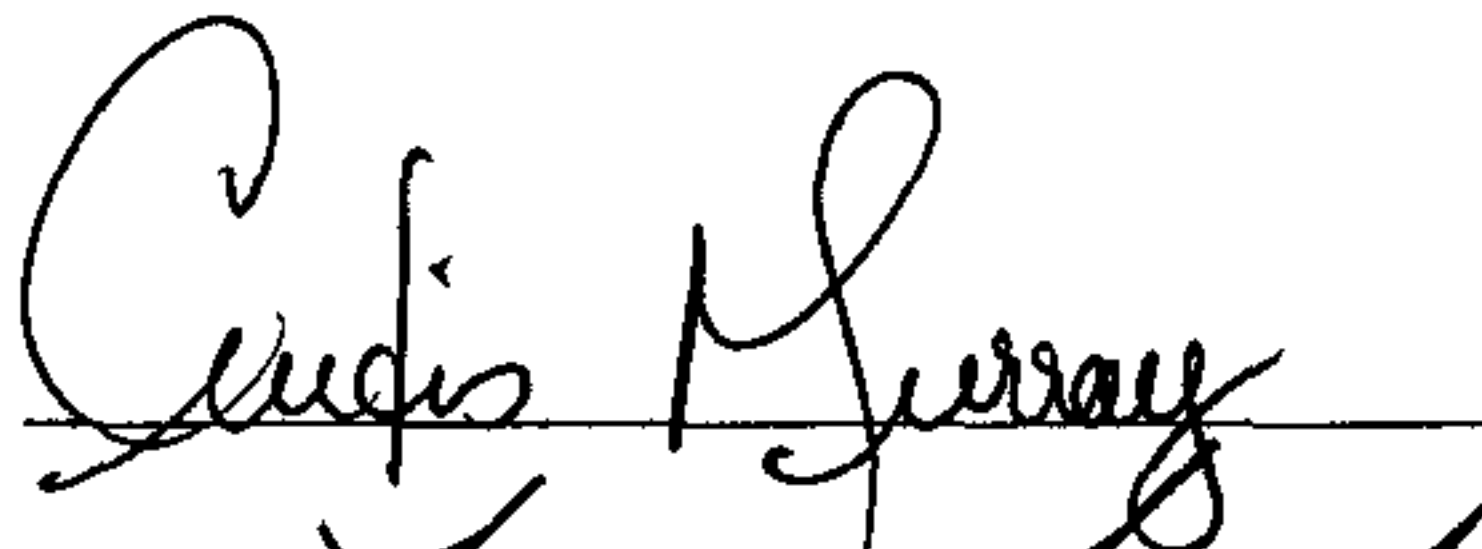
The Office of Planning has reviewed the petitioner's request and offers the following comments:

North Prospect Avenue is lined with older, single-family detached dwellings on small lots. Most dwellings have front porches and the setbacks of the dwellings from the street are similar. Many of the dwellings do indeed have garages. However, in all such cases, the garages are detached and are located in the rear yard.

The subject proposal is inconsistent with the existing pattern of the neighborhood. It is dramatically different from other properties on North Prospect Avenue because it would remove the existing front porch and place a two-car garage entirely in front of the existing dwelling. Additionally, the front setback of this addition would be inconsistent with the pattern along North Prospect Avenue. Lastly, the front yard of the subject property is at a much higher elevation than the street. It is not clear how the front yard will be graded to accommodate the proposed garage. As such the Office of Planning recommends the petitioner's request be denied.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 23, 2006

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

SUBJECT: 2 Biehl Court

INFORMATION:

Item Number: 7-161

Petitioner: Michael and Anita Goldstein

Zoning: DR 2

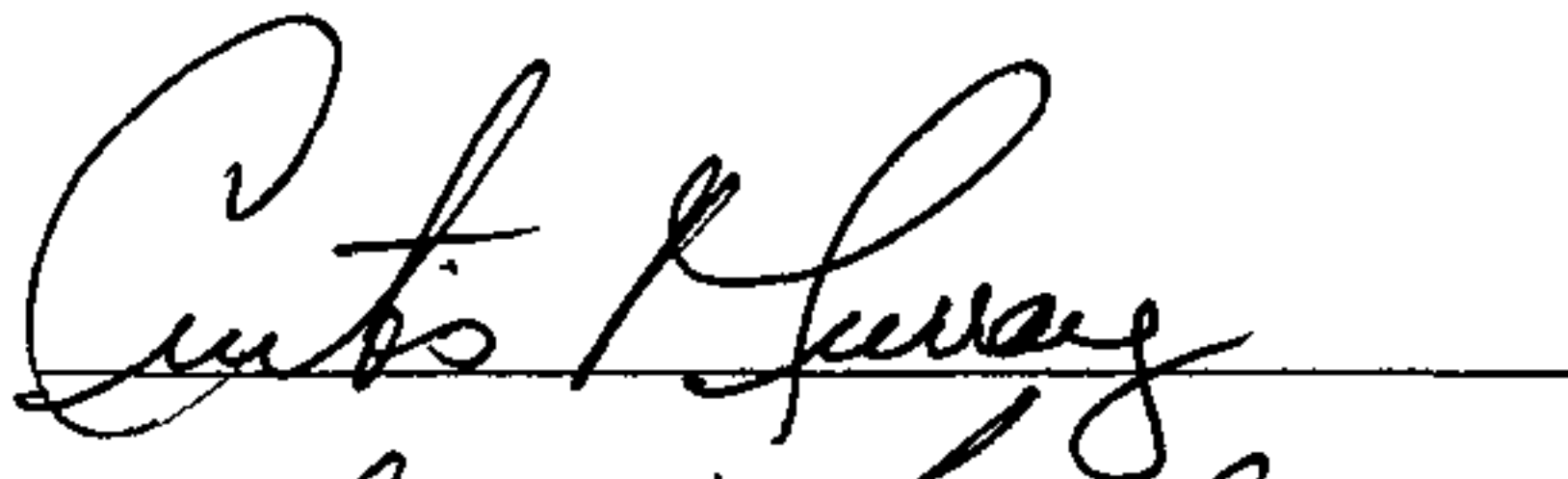
Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

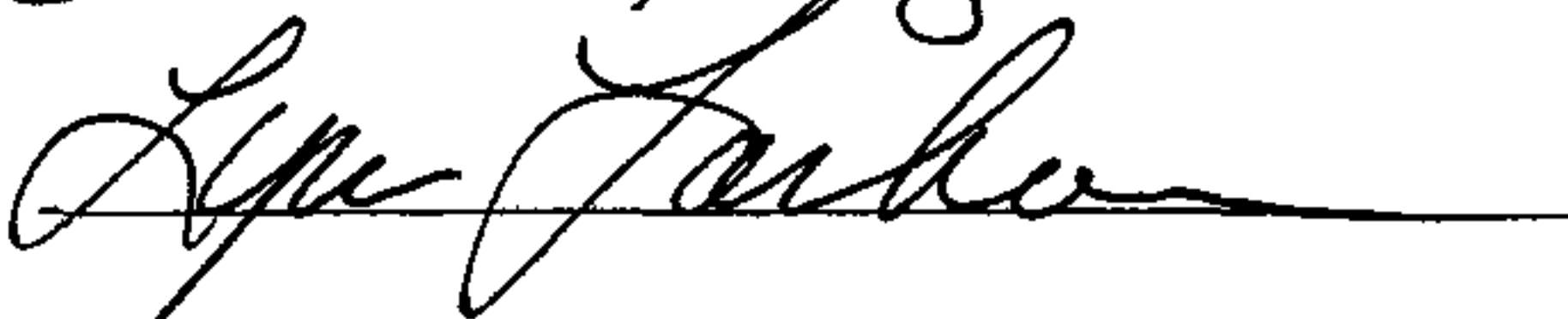
The petitioner requests several variances to allow an addition to the existing dwelling for an in-law suite. The Office of Planning does not oppose the requested variances. However the dwelling is considered a single-family dwelling. Furthermore, in the event that the disabled individual no longer resides at the subject dwelling, the residence shall not be converted to a two family dwelling.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 23, 2006

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

SUBJECT: Lot 92-Bayside Road, ½ Lot 90, Lot 91 – Bayside Road

INFORMATION:

Item Number: 07-072, 07-073

Petitioner: Thomas Kinch

Zoning: RC- 5

Requested Action: Variance from Section 1A04.3.B.2.b of the BCZR to permit side setbacks of 10 feet in lieu of the required 50 foot and a front setback of 55 feet to centerline of the road in lieu of the required 75 feet on an undersized RC-5 lot.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request(s) and has the following comments:

According to Section 4A03.4.B.1 (Growth Management Plan for Bowleys Quarters and Back River Neck Areas) a building permit may only be issued for an existing undersized lot if the owner of the lot does not own sufficient adjoining land that if combined with the adjoining land would allow the property owner to conform to the current regulations. In the subject case, the property owner owns two and one half lots that are contiguous with one another.

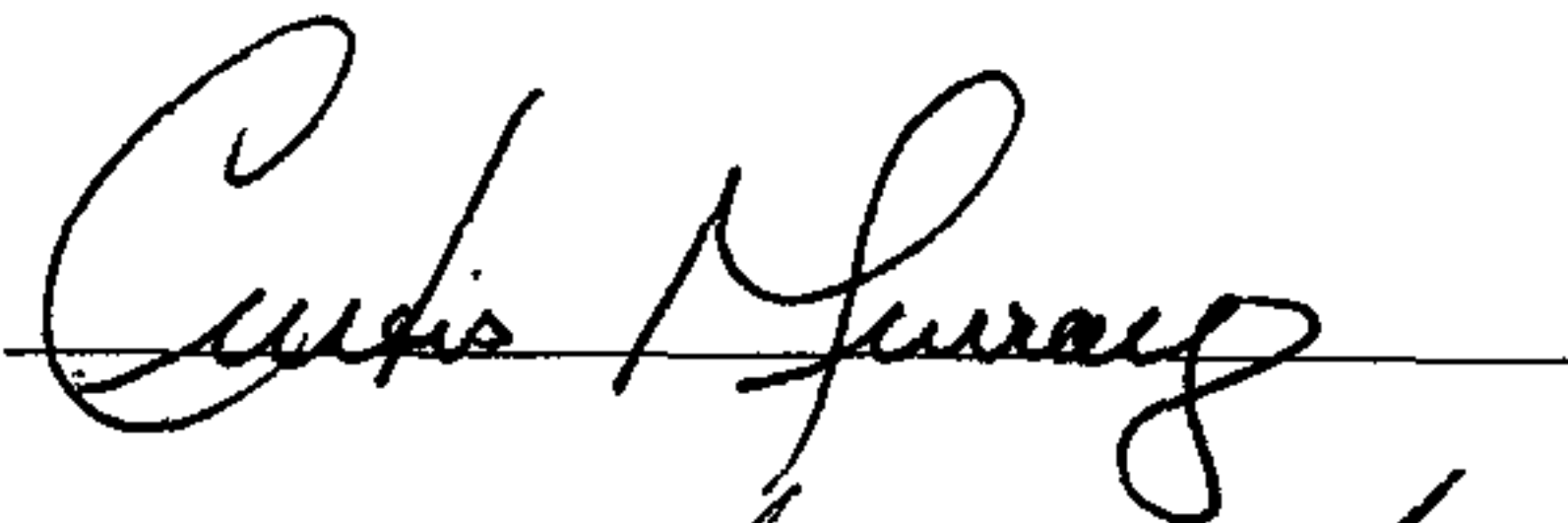
It is the opinion of this office that the applicant should be required to combine the subject lots and redesign the site for one dwelling unit. The properties are located on the north side of the street, where the development pattern is more consistent with the intent of the RC-5 regulations, which is to provide for rural residential development in suitable areas in which basic services are not anticipated, to assure that encroachments into productive or critical natural resource areas are minimized and to eliminate scattered and generally disorderly patterns of future rural residential development.

Construction of a single dwelling would allow for retention of more of the existing mature vegetation that currently exists on the lot, as well as decrease the amount of side setback variances required, and allow for greater compatibility with the character of the surrounding RC-5 area.

Additionally, all new construction located in an RC-5 district is subject to a finding indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

Prepared by:



Division Chief:



AFK/LL: CM

6623 KELLY ANN WAY
082A3 090A1
14th DIST

DR 16

DR 3.5

KELLY ANN WAY

AARON MEE WAY

AARON MEE WAY

KELLY ANN WAY

ROAD

HEAD CT

MAYFLOWER RD

LENNINGS LN

DR 3.5

Item #159

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

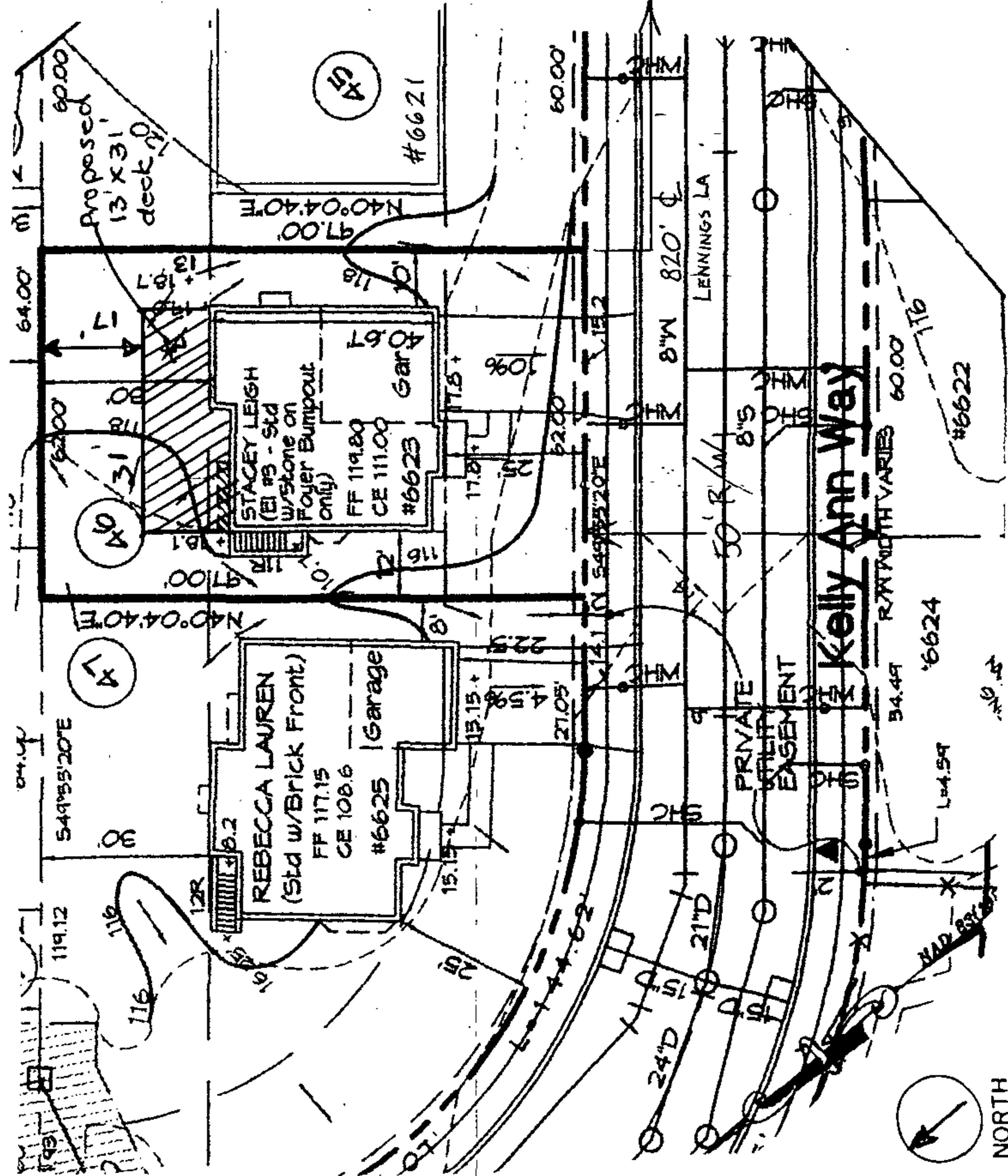
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 6623 KELLY ANN WAY

SUBDIVISION NAME LENNINGS CROSSING

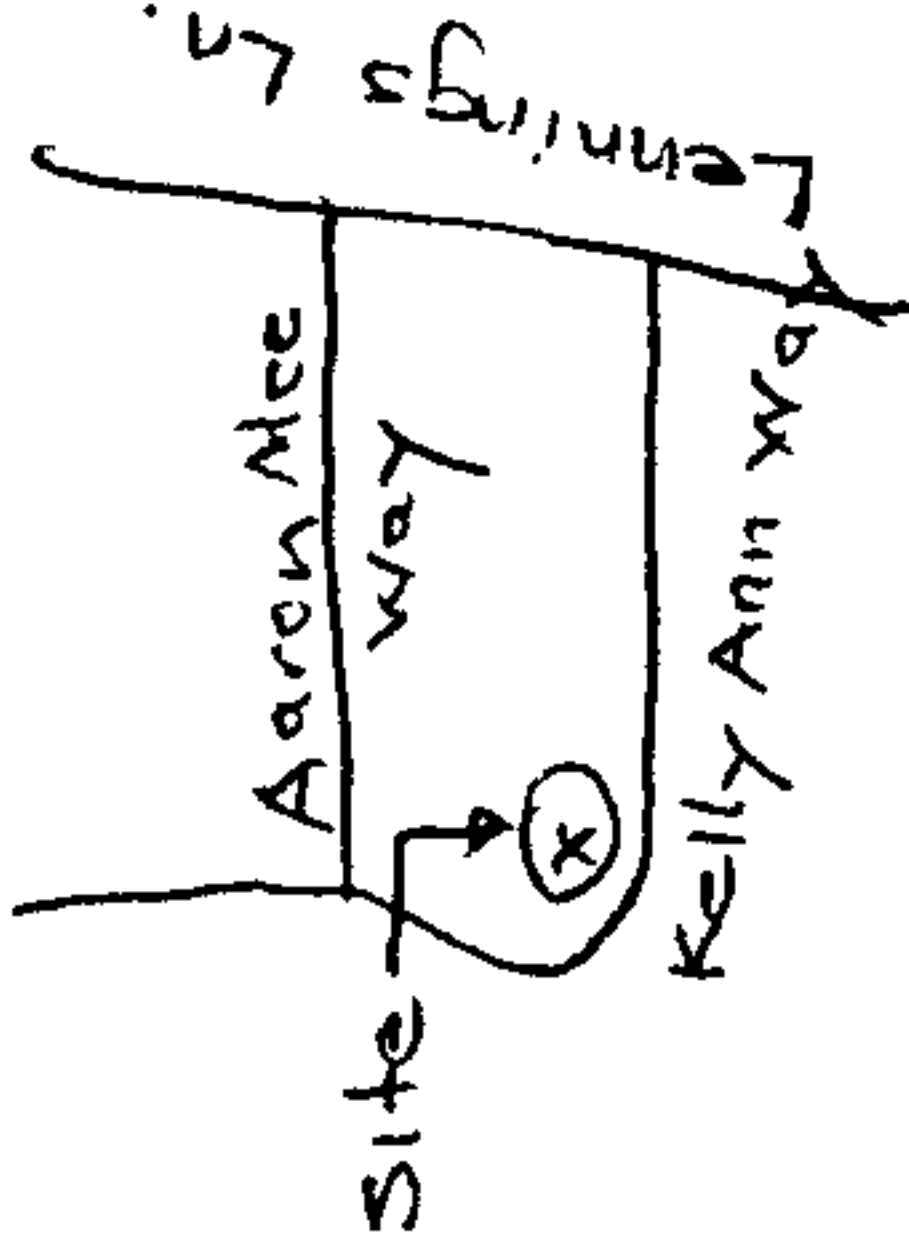
PLAT BOOK # 76 FOLIO # 23 LOT # 46 SECTION # 1

OWNER ARUEL & DYLAN ABERNATHY



SCALE OF DRAWING: 1" = 30'

PREPARED BY AA



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 14A
COUNCILMANIC DISTRICT 6
1" = 200' SCALE MAP # 090A1
ZONING DR 3.5
LOT SIZE 6,015 SQ. FT.

ACREAGE

PUBLIC ☒ PRIVATE ☐
SEWER ☒ WATER ☒

YES ☐ NO ☒
CHESAPEAKE BAY CRITICAL AREA ☐ ☒
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY / BUILDING ☐ ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE # 07-159-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

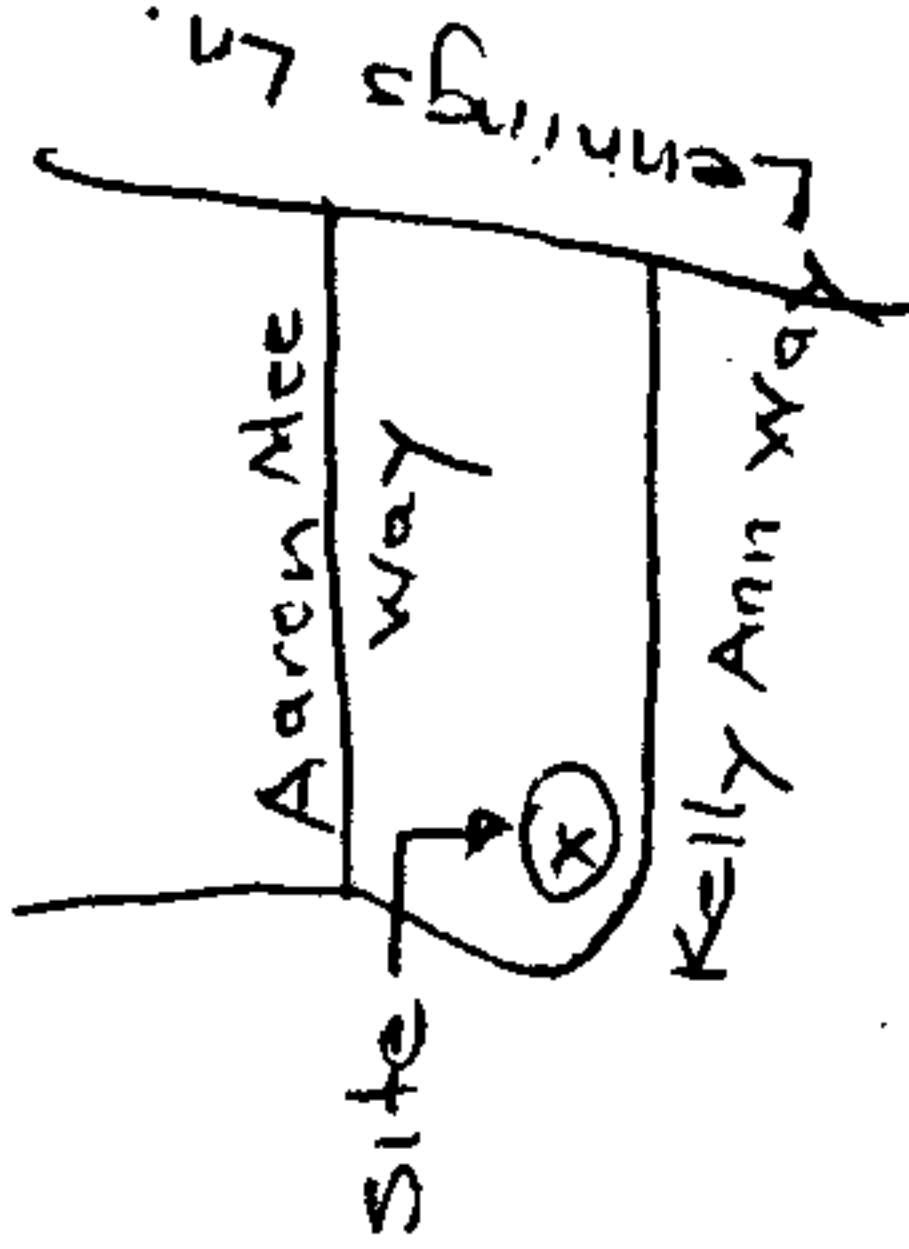
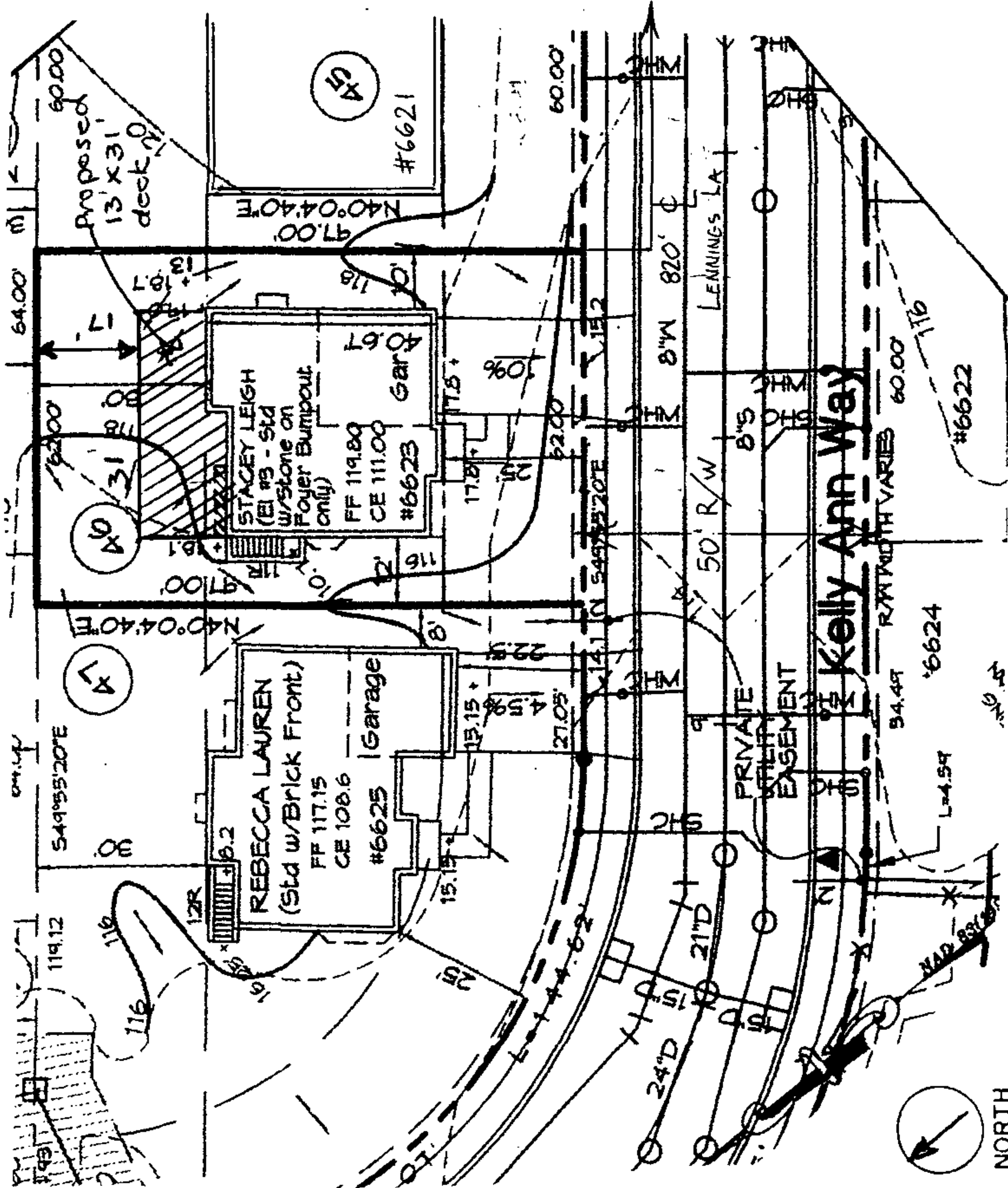
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PROPERTY ADDRESS 6623 KELLY ANN WAY

SUBDIVISION NAME LENNINGS CROSSING

PLAT BOOK # 76 FOLIO # 23 LOT # 46 SECTION # 1

OWNER ARUEL & DYER ABERNATHY



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 14A

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 090A1

ZONING DR 3.5

LOT SIZE 6,015 SQ

ACREAGE 0.138 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE ☐

WATER ☒ PUBLIC ☐ PRIVATE ☐

YES ☐ NO ☒

CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY / BUILDING

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY AD ITEM # 107-159-A CASE #

SCALE OF DRAWING: 1" = 30'

PREPARED BY AD

Picture of one of my neighbor's Deck
we want to Build up a Deck Similar
to This one

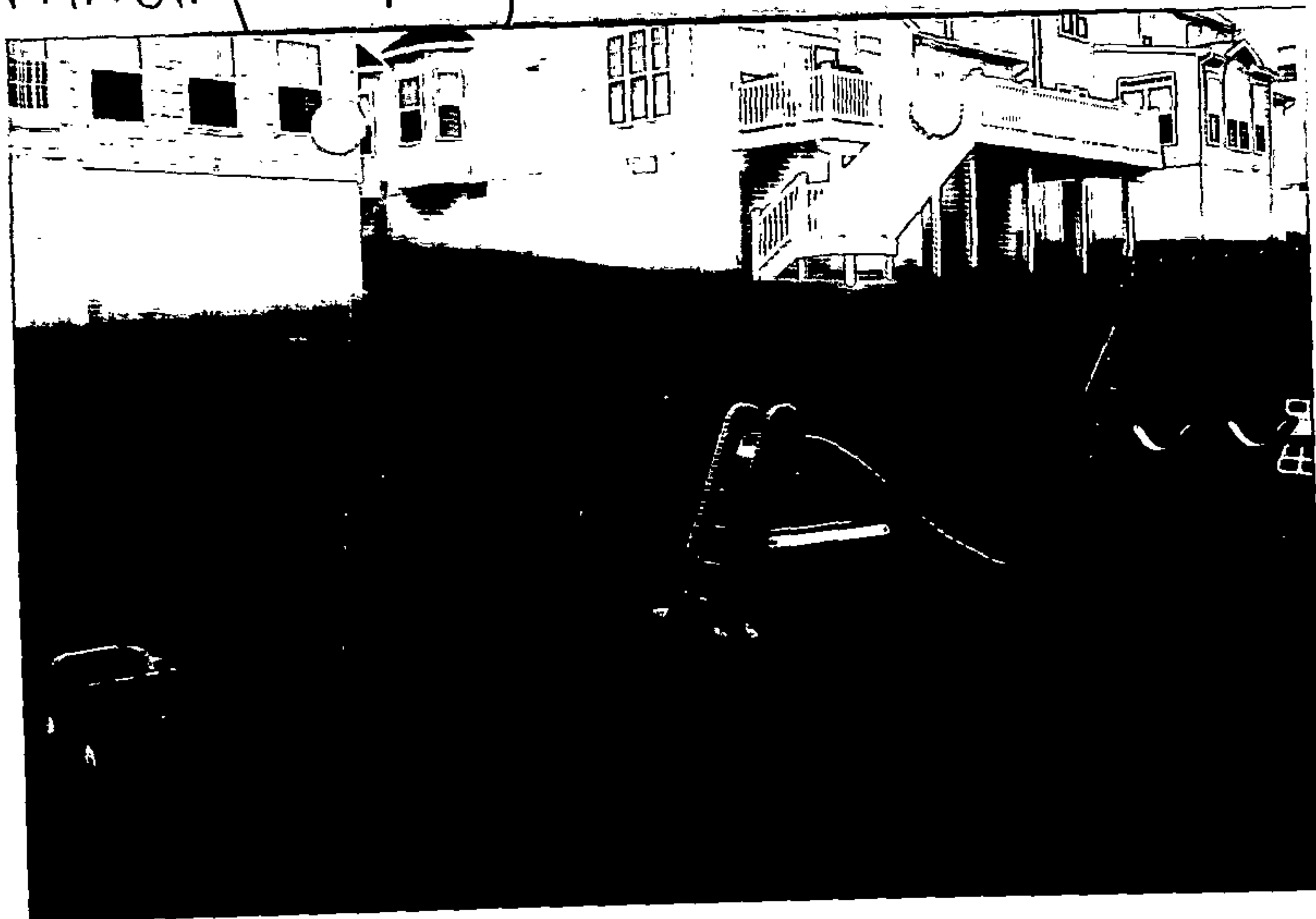


Picture of one of my neighbor's
w/ a Deck





Picture of my Backyard and the
Surrounding Neighbor



Different view - of my neighbor's



