IN RE: PETITION FOR ADMIN. VARIANCE SW side Black Rock Road, 1650 feet

+/- SE c/l Benson Mill Road

5th Election District

3rd Councilmanic District

(3329 Black Rock Road)

Stephen W. and Diana K. Sipe *Petitioners*

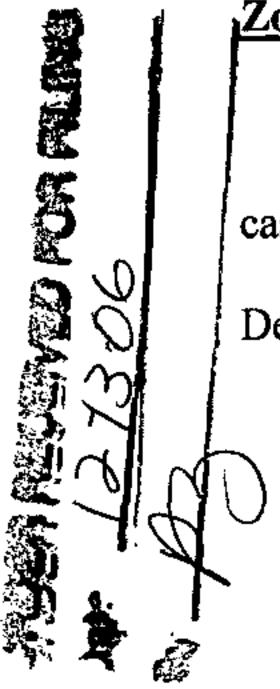
- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * BALTIMORE COUNTY
- * CASE NO. 07-206-A

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, Stephen W. and Diana K. Sipe. The variance request is for property located at 3329 Black Rock Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (garage) to be located in the front of the principle dwelling in lieu of the required rear. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 22 foot x 24 foot detached garage. The planned location for the garage will utilize the existing driveway and parking pad. The rear yard contains the septic and septic reserve area. The topography of the rear yard will not allow rear access for the garage. The rear of the property holds water runoff from the adjacent cornfield. The nearest building is 400 feet away. The Petitioners' property contains 5.925 acres zoned RC 2.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Department of Environmental Protection and Resource Management dated December 7, 2006



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which contains a restriction, and a copy of which is attached hereto and made a part hereof the file.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 18, 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 13th day of December, 2006, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (garage) to be located in the front of the principle dwelling in lieu of the required rear 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.
- 2. If the garage is less than 30 feet from the well, a variance request must be submitted to the Department of Environmental Protection and Resource Management's Water Management (GWM) section.

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

WILLIAM J. WISEMAN III

Zoning Commissioner

December 13, 2006

STEPHEN W. AND DIANA K. SIPE 3329 BLACK ROCK ROAD REISTERSTOWN MD 21136

Re: Petition for Administrative Variance

Case No. 07-206-A

Property: 3329 Black Rock Road

Dear Mr. and Mrs. Sipe:

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,

John V. Murphy

Deputy Zoning Commissioner

John v. Muy

JVM:pz

Enclosure

c: Michael F. Latini, 2047 Don Avenue, Westminster MD 21157



استاندین † 10/25/01 REV

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

| for the property located at | 3329 | BLACK | ROCK | Ko_ |
|-----------------------------|----------------|-------|------|-----|
| which | n is presently | zoned | RC 2 | |

I/We do solemnly declare and affirm, under the penalties of

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 - to permit a proposed detached accessory structure (garage) to be located in the front of the principle dwelling in lieu of the required rear

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.

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): Name - Type or Print Signature Telephone No. Name - Type or Print Address Zip Code City State Signature Attorney For Petitioner: • , Address State Name - Type or Print Representative to be Contacted: Signature Company Name Address Telephone No. Address Felephone No. Zip Code Zǐp Code City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day ofthis regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO. **Date** Reviewed By

Estimated Posting Date

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 | 2047 | Don Au | 10 | |
|--|--|------------------------------|-------------------|---------------------------------------|
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| That based upon personal knowledge, the followariance at the above address (indicate hardsh | owing are the facts | upon which I/we | | st for an Administrative |
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| A Garage. | | | | |
| 2. Rear of proper Adjacent cornt | ty holds | too muc | hwater | r from |
| Adjacent Cornt | Reld 6 | ACRES. | | |
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| That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a | ormal demand is additional informat | filed, Affiant(s) w tion. | ill be required t | o pay a reposting and |
| Signature Signature | | Signature |) <u>K</u> | 2 |
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| STATE OF MARYLAND, COUNTY OF BALTIN | | - - | | - |
| of Maryland, in and for the County aforesaid, per Diana and Stock | | | before me, a No | otary Public of the State |
| the Affiant(s) herein, personally known or satisfa | actorily identified to | o me as such Affia | ant(s). | · · · · · · · · · · · · · · · · · · · |
| AS WITNESS my hand and Notarial Seal | | 1.11 | A 1 | 2. Bull |
| | Notary F | Public | my 1/ /e | |

My Commission Expires

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 based upon personal knowledge, the following are the facts upon which live base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty): I Topography will refallow rear access for a garry 2. Ren of property halds for much watter from adjacent to 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 Signature Name Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this of day of the County aforesqid, personally appeared of Maryland, in and for the County aforesqid, personally appeared the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). As WITNESS my hand and Notarial Seal | That the Affiant(s) does/do presently reside at | 2047 Dan Ave |
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| 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): Topography will not allow year access for a gardy. Reun of property halds for much watter from adjacent for 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 Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: 1 HEREBY CERTIFY, this of a day of October of Maryland, in and for the County aforesaid, personally appeared The Affiant(s) herein, personally known or safisfactorily identified to me as such Affiant(s). As WITNESS my hand and Notarial Seal | | Address Westminster Md 2157 |
| 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 Signature Dicar K Sipa Name - Type or Print Name - Type or Print Name - Type or Print THEREBY CERTIFY, this of the day of or the county aforesaid, personally appeared Digar God The Company or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal | That based upon personal knowledge, the followariance at the above address (indicate hardships). | wing are the facts upon which I/we base the request for an Administrative |
| 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 Dica K Sipa Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this / 12 day of October of Maryland, in and for the County aforesaid, personally appeared Diana And Hephen Uppe the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal | 1. Topography will | I not allow rear access for a garage |
| 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 Dica K Sipa Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this / 12 day of October of Maryland, in and for the County aforesaid, personally appeared Diana And Hephen Uppe the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal | 2. Reas of prope | Hy holds too much water |
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| Signature Signature Signature Signature Signature Name - Type or Print Signature Name - Type or Print State OF MARYLAND, COUNTY OF BALTIMORE, to wit: 1 HEREBY CERTIFY, this of day of day of 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 | | |
| Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this December of Maryland, in and for the County aforesaid, personally appeared I and Jephen Jipe the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal Notary Public Notary Public | That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a | ormal demand is filed, Affiant(s) will be required to pay a reposting and additional information. |
| Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this of day of 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 Notary Public Notary Public | Signature | Signature Signature |
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| the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal Notary Public Notary Public | | |
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CASE N

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

Date

| for the property located at | 3329 | BLACK | ROCK | Ro |
|-----------------------------|------------------|-------|------|----|
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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)

made a part hereof, hereby petition for a Variance from Section(s) 400.1 - to permit a proposed detached accessory structure (garage) to be located in the front of the principle olwelling in lieu of the required rear

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Name - Type or Print Signature Name - Type or Print Telephone No. Address Zip Code State Signature City Attorney For Petitioner: Zîp Code State Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Zip Code State State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this regulations of Baltimore County and that the property be reposted.

Reviewed By

Estimated Posting Date

ZONING DESCRIPTION FOR 3329 Black Rock Road.

Beginning at a point on the south side of Black Rock Road which is 18 feet wide at a distance of 1650 feet south of the centerline of the nearest improved intersection street Benson Mill Road which is 18 feet wide, containing 5.925 acres. Also known as 3329 Black Rock Road and is located in the 5th Election District, 3rd Councilmanic District.

"As recorded in Deed Liber 5196 Folio 90"

N.56 07' 00" W. 309.00 ft., S. 53 55' 00" W. 577.50 ft., S. 54 35' 00" E. 627.00 ft., N. 21 46' 45" E. 572.05 ft. to the place of beginning.

Item#206

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CERTIFICATE OF POSTING

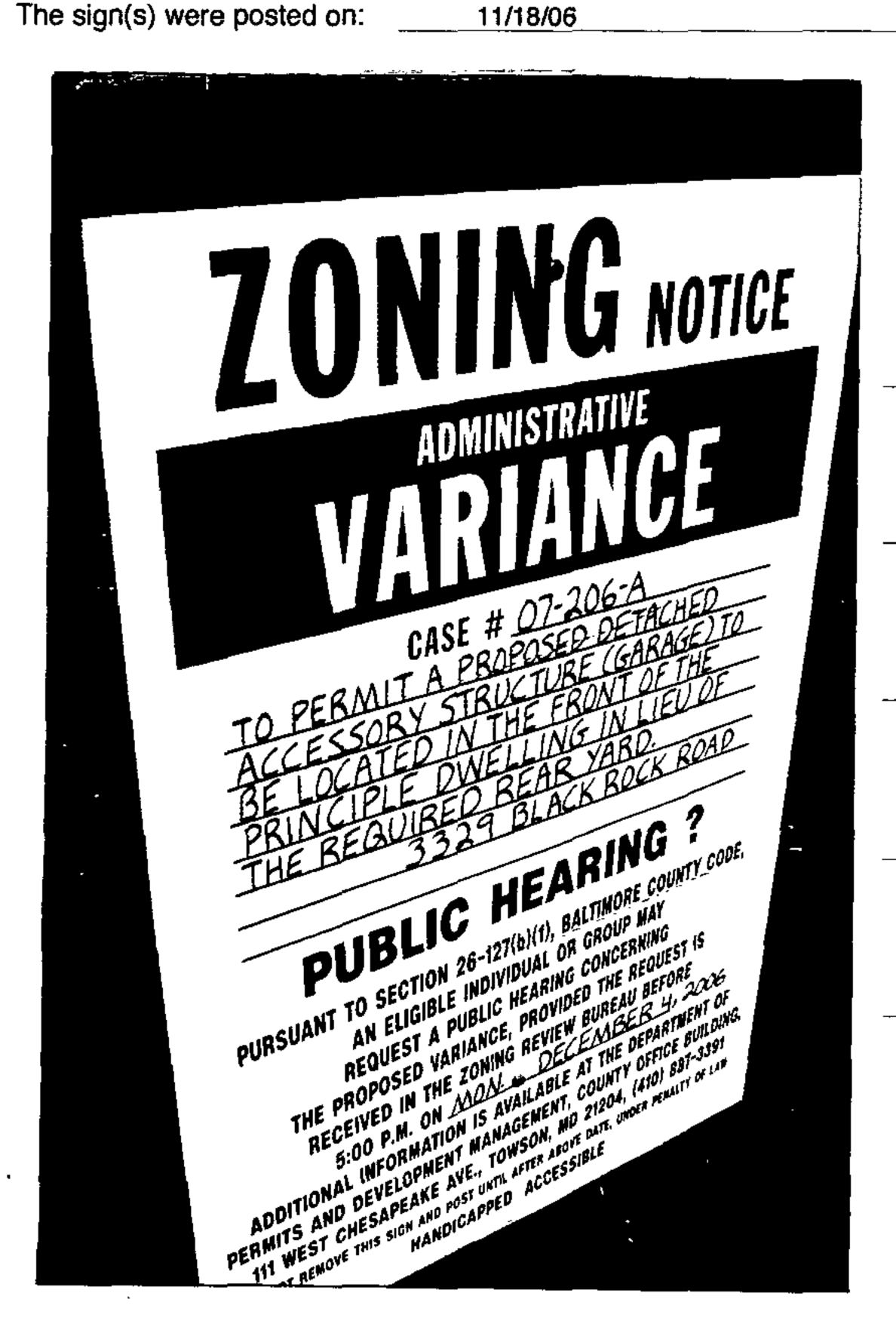
ATTENTION: KRISTEN MATHHEWS

Case Number: 07-206-A

Petitioner/Developer: STEPHEN SIPE

Date of Hearing (Closing): 12/04/06

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: 3329 BLACK ROCK ROAD



(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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case | Number 07- | 206 | -A | Address _ | 3329 | Black | Rock | Rd |
|---------|--------------------------------|--------------------------------|--|--|---|-----------------------------|--|--|
| Conta | act Person: _ | David | Please Print Your N | lame | | Phone N | umber: | 410-887-3391 |
| Filing | Date: | 6/00 | _ Posti | ng Date: <u>l</u> | 1/19/06 | Clos | ing Dat | e: 12/4/0 |
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| | commissione changed givin | r), notification | n will be forward day | varded to y | oy order or ou. The s | sign on the | ng or d | public hearing leputy zoning erty must be was originally forwarded to |
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| | | Stephen | Sipe | · | Te | lephone _ | 410 | 329 3120 |
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

| For Newspaper Advertising: |
|---|
| Item Number or Case Number: 07-206-A |
| Petitioner: Stephen & Diana Sipp |
| Address or Location: 3329 Black Rock Road |
| PLEASE FORWARD ADVERTISING BILL TO: Name: Stephen & Diana Sipe |
| Address: 3329 Black Rock Road |
| Baltimore County Maryland 21136 |
| |
| Telephone Number: 410-329.3120 |



JAMES T. SMITH, JR.

County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 5, 2006

Stephen W. Sipe Diana K. Sipe 3329 Black Rock Road Reisterstown, MD 21136

Dear Mr. and Mrs. Sipe:

RE: Case Number: 07-206-A, 3329 Black Rock Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 6, 2006.

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

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

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Michael F. Latini 2047 Don Avenue Westminster 21157



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-13-2006

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

RE:

Baltimore County

Item No. 7-206 A

3329 BLACK ROCKROAD

SIPE PROPERTY

VARIANCE-FORZ CARRAGE IN LIEU OF CODE REQUIREMENT

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. 7-206 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,

Steven D. Foster, Chief Ungineering Access Permits

Division

SDF/MB

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 16,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 13, 2006

(200)

Item Number(s): 203 through 212

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 14, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 20, 2006

Item Nos. 07-202, 203, 204, 205 (206), 207,

208, 209, 210, 211, and 212

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-11142006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco Dave Lykens, DEPRM - Development Coordination FROM: DATE: December 7, 2006 Zoning Item # 07-206-A SUBJECT: 3329 Black Rock Road Address (Sipe Property) Zoning Advisory Committee Meeting of November 13, 2006 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code). Additional Comments: If the garage is less than 30 feet from the well, a variance request must be submitted to

DEPRM's Ground Water Management (GWM) section.

Reviewer:

S. Farinetti

Date: December 5, 2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 20, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-206- Administrative Variance

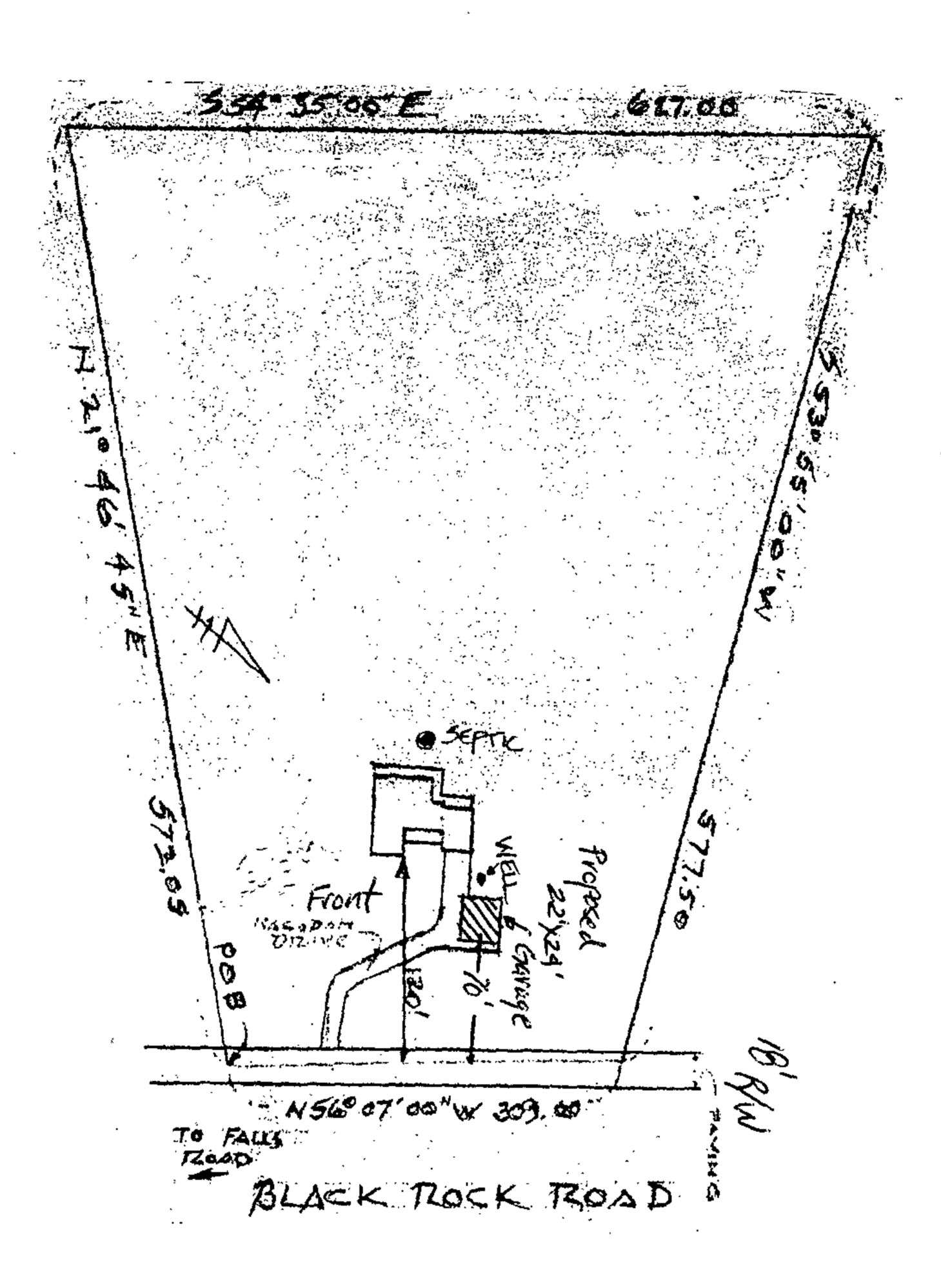
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

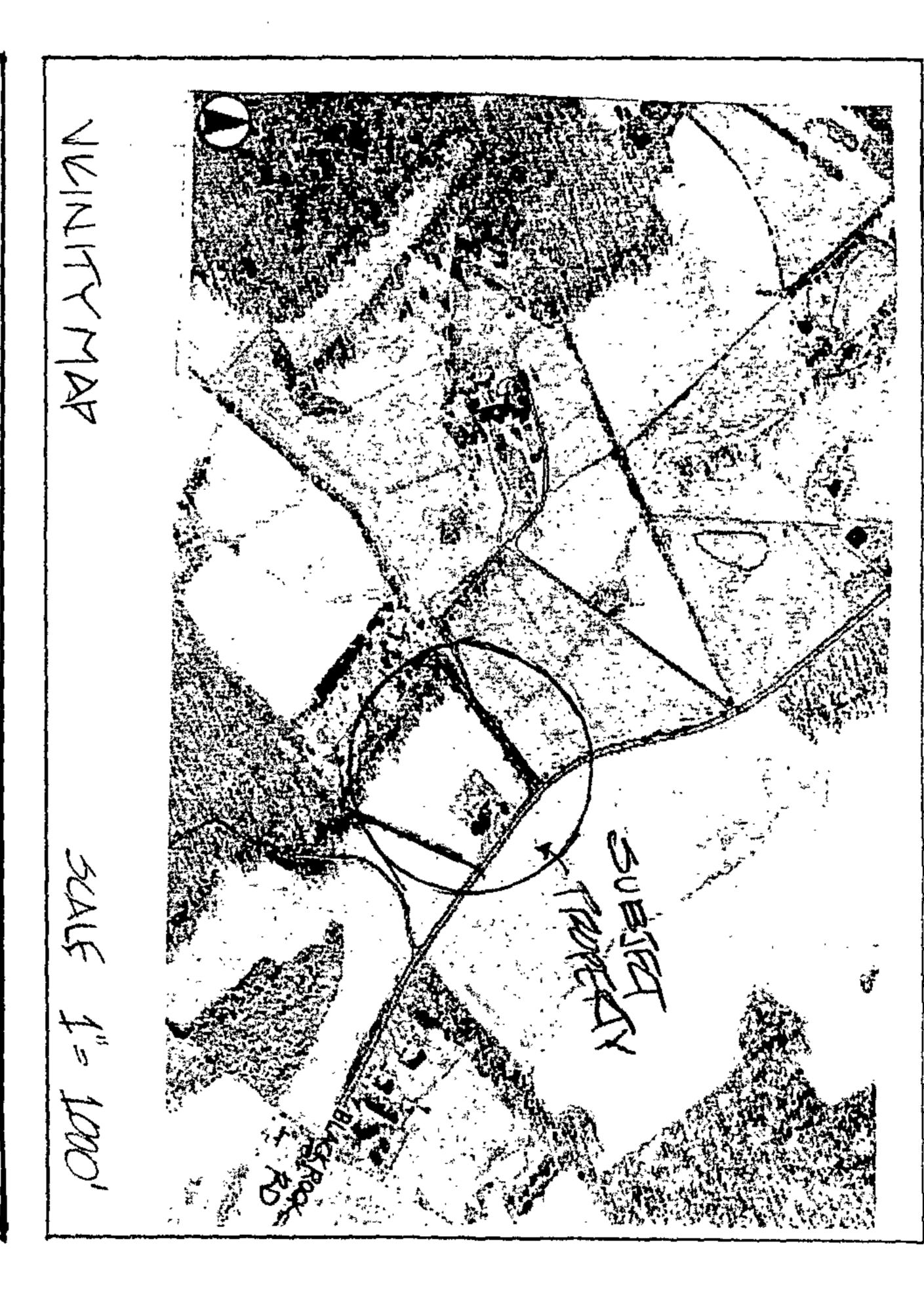
For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

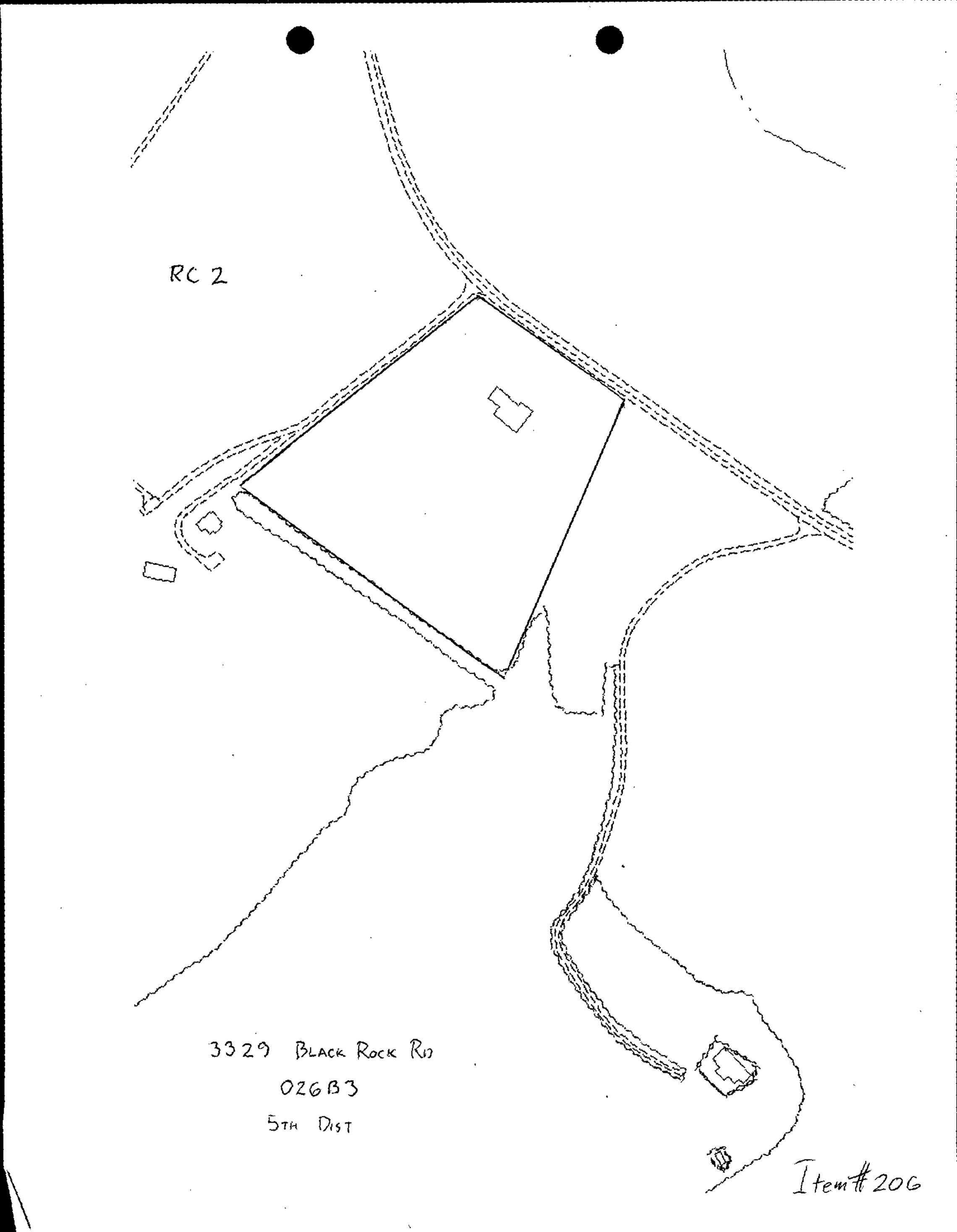
Prepared By:

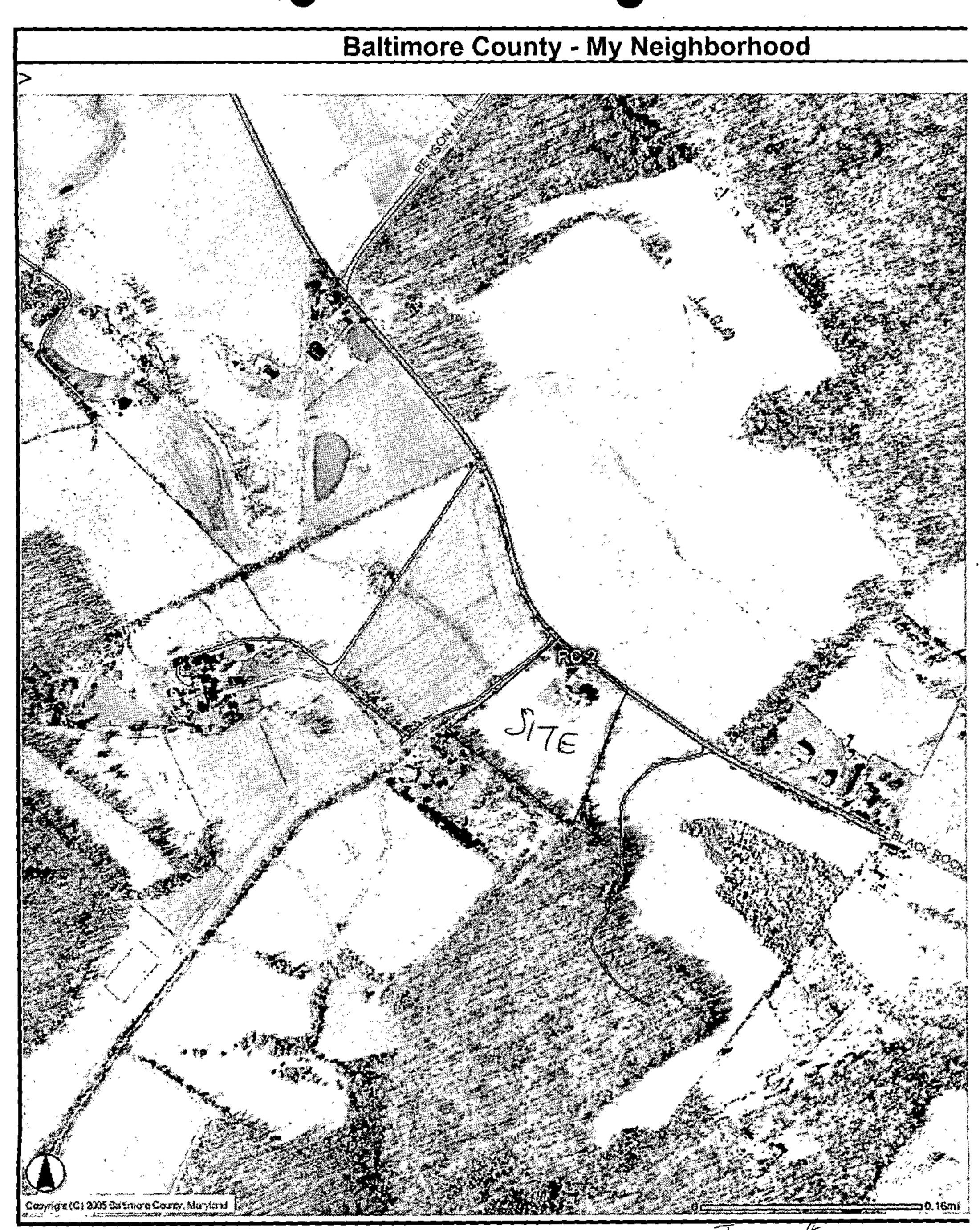
Division Chief:

CM/LL









Item #204



Front view of House with Garage on far right and parking pad near tree on right

Item #206



Discriptiont View of Garage to left
faking Pad to right,
Area for garage.

Item#206.