

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W corner of Placid and Montego Avenues		
9 th Election District	*	DEPUTY ZONING COMMISSIONER
3 rd Councilmanic District		
(2718 Placid Avenue)	*	BALTIMORE COUNTY
Floyd S., Jr. and Yvonne L. Werner		
Petitioners	*	CASE NO. 07-350-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, Floyd S., Jr. and Yvonne L. Werner. The variance request is for property located at 2718 Placid Avenue. The variance request is from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback for a porch of 18.5 feet in lieu of the required 22.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that due to the interior layout of the house the only place to add a porch to the property is in the place of the current steps on the Montego side of the house. There is a fire exit from the basement which prevents them from building a porch on the back of the house. In the interest of fire safety they need to upgrade the exit on the Montego side of the home.

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 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

3-6-07
-P3

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 February 9, 2007 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.

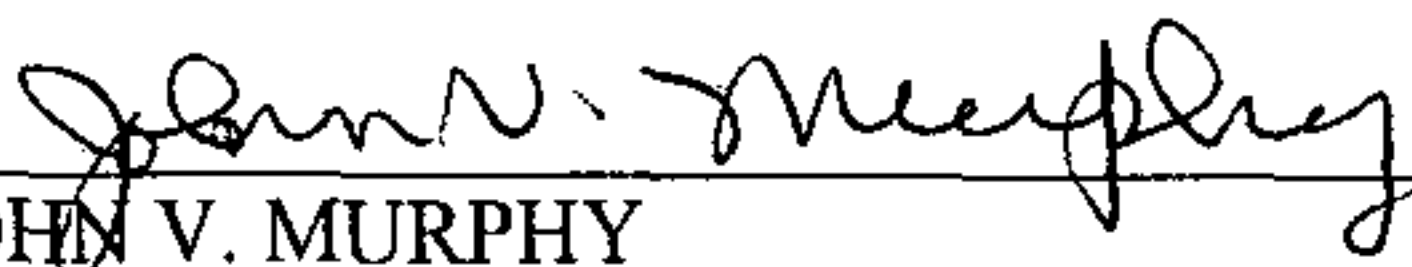
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6th day of March, 2007 that a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback for a

3-6-07
[Signature]

porch of 18.5 feet in lieu of the required 22.5 feet 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

RECEIVED
3-6-07
PZ

CERTIFICATE OF POSTING

RE: Case No.: 07-350-A

Petitioner/Developer: _____

FLOYD WERNER

Date of Hearing/Closing: 2/26/07

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

Attention:

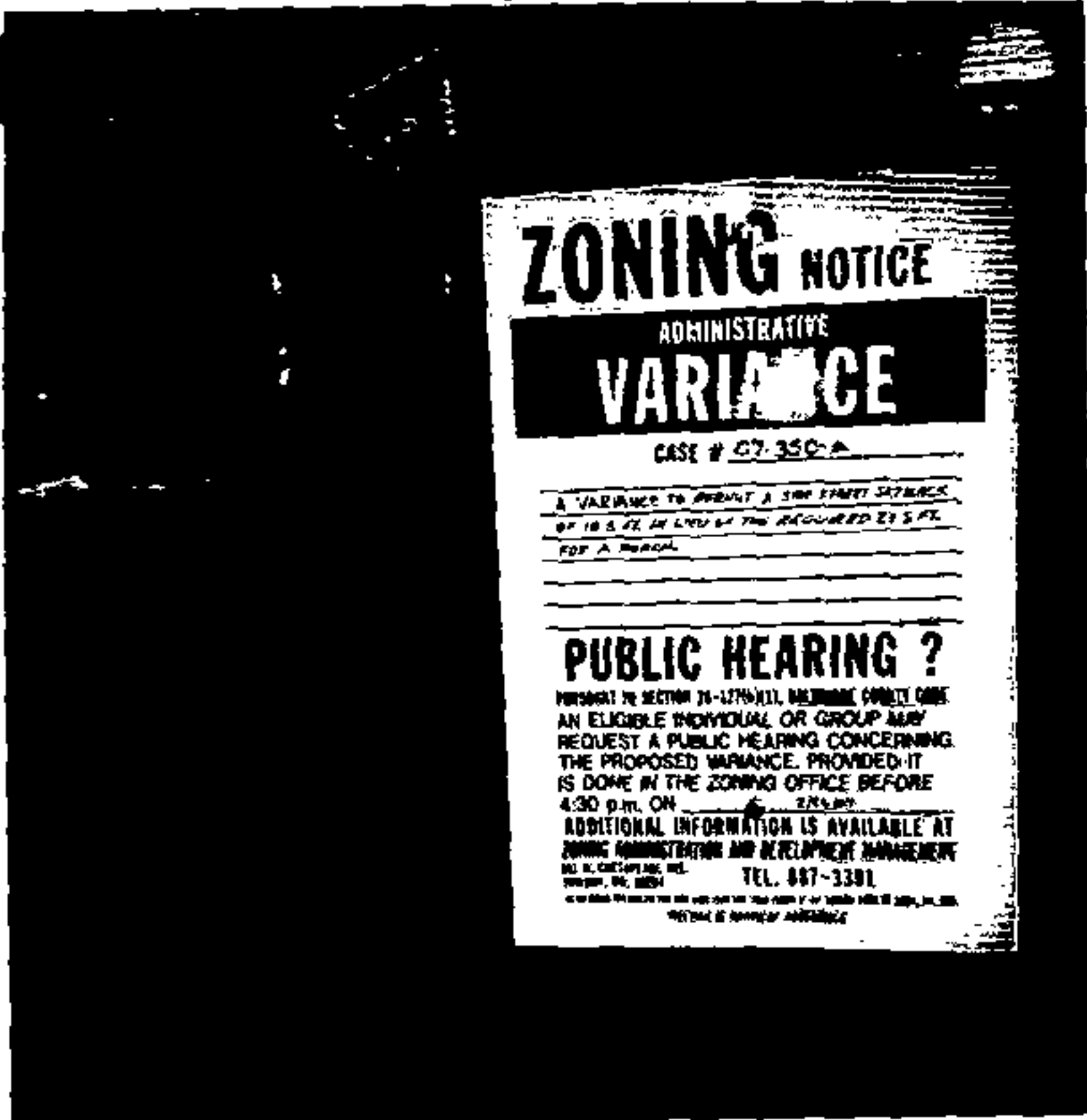
Ladies and Gentlemen:

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

2718 PLACID AVE.

The sign(s) were posted on 2/9/07
(Month, Day, Year)

CASE # 07-350-A



2718 PLACID AVE.
POSTED 2/9/07
Richard E. Hoffman 2/9/07

Sincerely,

Richard E. Hoffman 2/9/07
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 2.1.07

ACCOUNT

2001-006-6150

AMOUNT

٥٢

RECEIVED
FROM: _____

F. Wepner

FOR:

AD VAR.

DISTRIBUTION
WHITE - CASH

PINK - AGENCY

YELLOW - CUSTOMER

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100-101-11924-617407-825 C

SECRET

Sept 10: 30

1963-1964

Baltimore County, Maryland

CASHIER'S VALIDATION

Zoning Description for 2718 Placid Avenue

Beginning at a point on the North intersection of Placid Avenue which is 50 feet right of way width at a corner of Montego Avenue which is 50 feet right of way width. Being lot # 4, section B in the subdivision of MIS JÁN Estates as recorded in Baltimore County Plat Book # O.T.G. No. 31, Folio # 119, containing .25 acres. Also known as 2718 Placid Avenue and located in the 9th Election District, 5th Councilman District.

**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/neighbors 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: 350
Petitioner: Floyd S. Werner Jr
Address or Location: 2718 Placid Ave, Baltimore, MD 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: Floyd S. Werner Jr
Address: 2718 Placid Ave
Baltimore MD 21234

Telephone Number: 410 - 668 - 2368

Revised 7/11/05 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 350 -A Address 2718 PLACID Ave.
Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 2.1.07 Posting Date: 2/11 Closing Date: 2/26

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 07- 350 -A Address 2718 PLACID Ave.
Petitioner's Name FLOYD WERNER Telephone 410-668-2368
Posting Date: 2/11 Closing Date: 2/26
Wording for Sign: A VARIANCE
To Permit A SIDE STREET SETBACK OF 18.5 ft.
IN LIEU OF THE REQUIRED 22.5 ft. for A Porch.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2718 Placid Avenue
which is presently zoned OM-BA DB3.5

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 & 301.1; BCZR,

TO PERMIT AS IDESTREET SETBACK FOR A PORCH OF 18.5 FT IN LIEU
OF THE REQUIRED 22.5 FT

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):

Floyd S. Werner Jr.
Name - Type or Print

Floyd S. Werner
Signature

Yvonne L. Werner
Name - Type or Print

Yvonne Werner
Signature

2718 Placid Avenue 410-668-2368
Address Telephone No.

Parkville MD 21234
City State Zip Code

Representative to be Contacted:

Floyd S. Werner Jr
Name

2718 Placid Avenue 410 668 2368
Address Telephone No.

Parkville MD 21234
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. 07-350-A

Reviewed By [Signature]

Date

2-1-07

REV 10/25/01

Estimated Posting Date

2/11/07

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 2718 Placid Avenue
Address
Parkville MD 21234
City State Zip Code

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

SEE ATTACHED

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.

Floyd S. Werner Jr
Signature
Floyd S. Werner Jr
Name - Type or Print

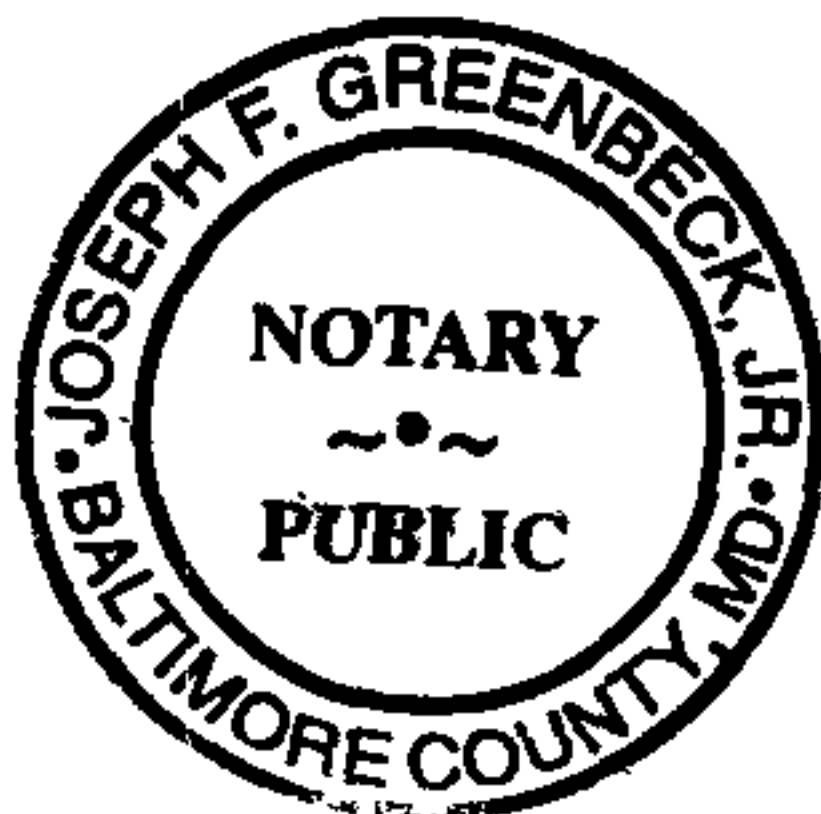
Yvonne L Werner
Signature
Yvonne L Werner
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of FEBRUARY, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

FLOYD S. & YVONNE WERNER
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 July 21, 2007

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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.

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City State Zip Code

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Floyd S. Werner Jr.
Signature

Floyd S. Werner Jr.
Name - Type or Print

Yvonne L. Werner
Signature

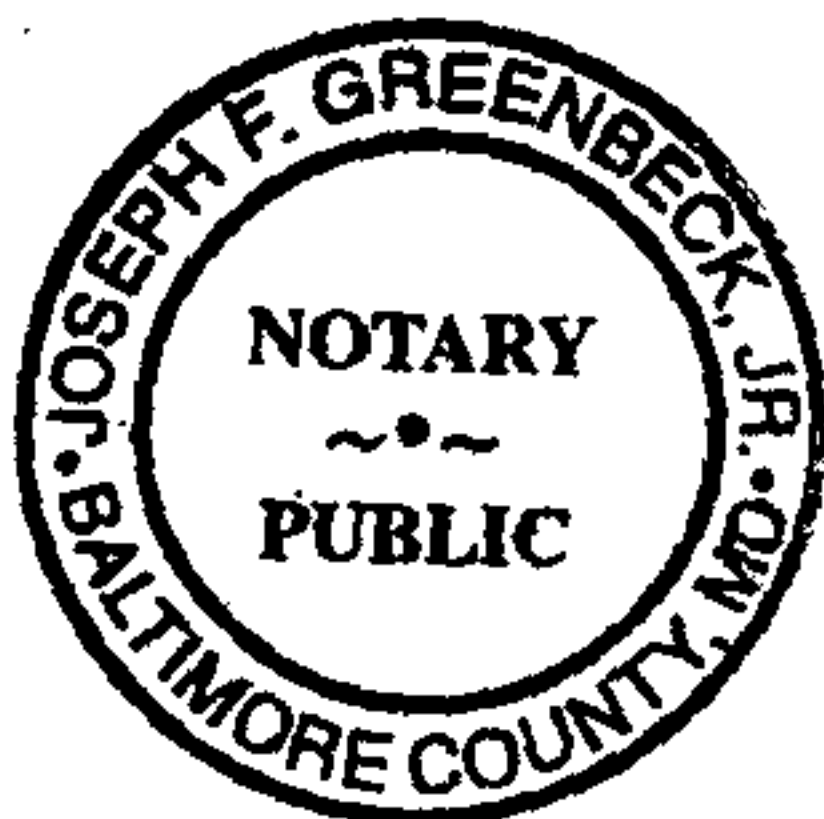
Yvonne L. Werner
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of FEBRUARY, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

FLOYD S + YVONNE WERNER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



REV 10/25/01

[Signature]
Notary Public
My Commission Expires July 21, 2007



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2718 Placid Avenue

which is presently zoned ~~OR3.5~~ OR3.5

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) 1802.3.C.1 & 301.1; BCZR,

TO PERMIT A SIDESTREET SETBACK FOR A PORCH OF
18.5ft. IN LIEU OF THE REQUIRED 22.5ft.

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.

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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):

Floyd S. Werner Jr.

Name - Type or Print

Signature

Yvonne L. Werner

Name - Type or Print

Signature

2718 Placid Avenue

410-668-2368

Address

Telephone No.

Parkville

MD

21234

City

State

Zip Code

Representative to be Contacted:

Floyd S. Werner Jr

Name

2718 Placid Avenue

410 668 2368

Address

Telephone No.

Parkville

MD

21234

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 3-6-07 day of March, 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. 07-350-A

Reviewed By Jum

Date 2-1-07

Estimated Posting Date 2/11/07

REV 10/25/01

Due to the interior layout of our house the only place to add a porch to our property is in the place of the current steps on the Montego side of our house. There is a fire exit from the basement which prevents our building a porch to the back of our house. In the interest of fire safety we need to upgrade our exit on the Montego side of the house.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

February 26, 2007

Floyd S. Werner, Jr.
Yvonne L. Werner
2718 Placid Avenue
Parkville, MD 21234

Dear Mr. and Mrs. Werner:

RE: Case Number: 07-350-A, 2718 Placid Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 1, 2007.

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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 12, 2007

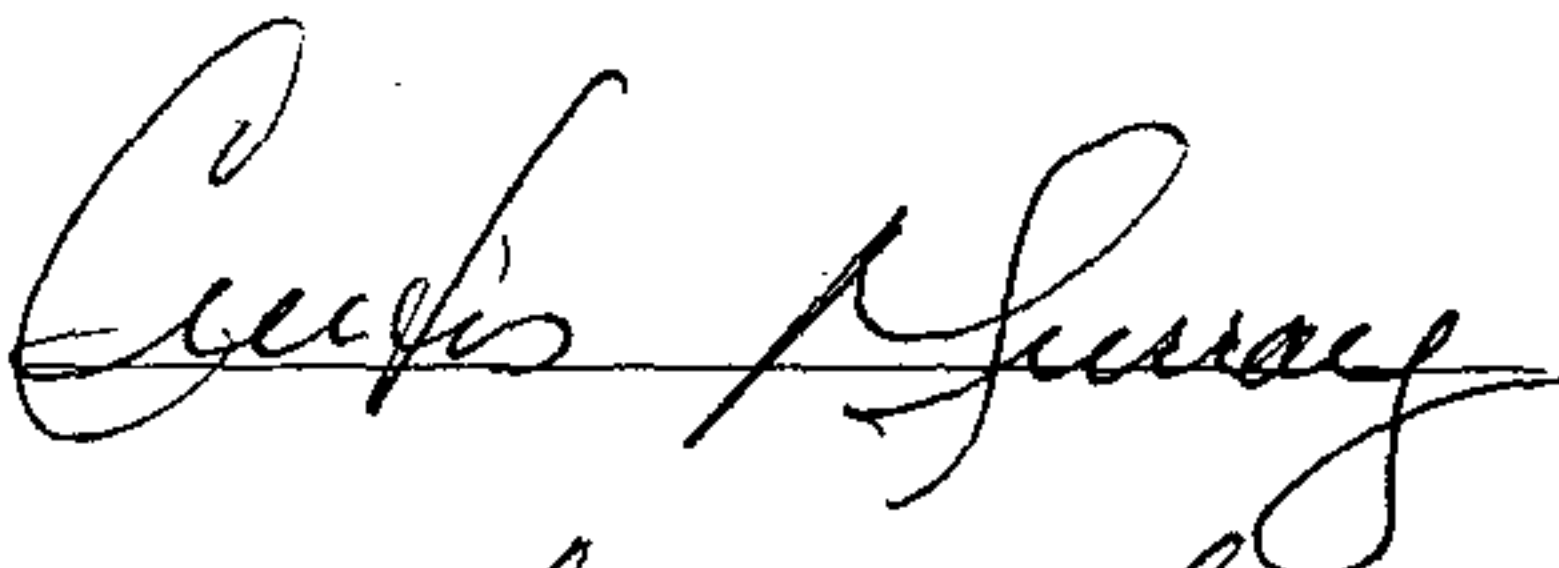
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-350- 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 20, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For February 19, 2007
Item Nos. 07-349, 350, 351, 352, 353,
354, 355, 356, 357, 360, 361, and 362

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-02202007.doc



Martin O'Malley, Governor
Anthony Brown, Lt. Governor

Driven to Excel
State Highway
Administration

John D. Porcari, Secretary Designate
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 2/12/2007

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

RE: Baltimore County
Item No. 7-350-A
2718 PLACID AVENUE
WERNER PROPERTY
ADMINISTRATIVE 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. 7-350-A.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

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

29 Jan 2007

Letter of understanding

I have looked over the proposed porch replacement for 2718 Placid Avenue, Parkville, MD 21234 and have no objection to it.

By my signature below I have no issues with the proposed porch replacement for 2718 Placid Avenue.

Name	Address	Signature
TIM OETSCHER	2716 PLACID AVE	Tim Oetscher
TONY COERPAS	2721 PLACID AVE	Tony Coerpas
MARY DASHIELL	9301 MONTEGO AVE	Mary Dashell
EDWARD V. MEERKS	9302 MONTEGO AVE.	Edward V. Meeks
LINDA HENN	9303 MONTEGO AVE	Linda Henn



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 6, 2007

FLOYD S., JR. AND YVONNE L. WERNER
2718 PLACID AVENUE
PARKVILLE MD 21234

Re: Petition for Administrative Variance
Case No. 07-350-A
Property: 2718 Placid Avenue

Dear Mr. and Mrs. Werner:

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, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

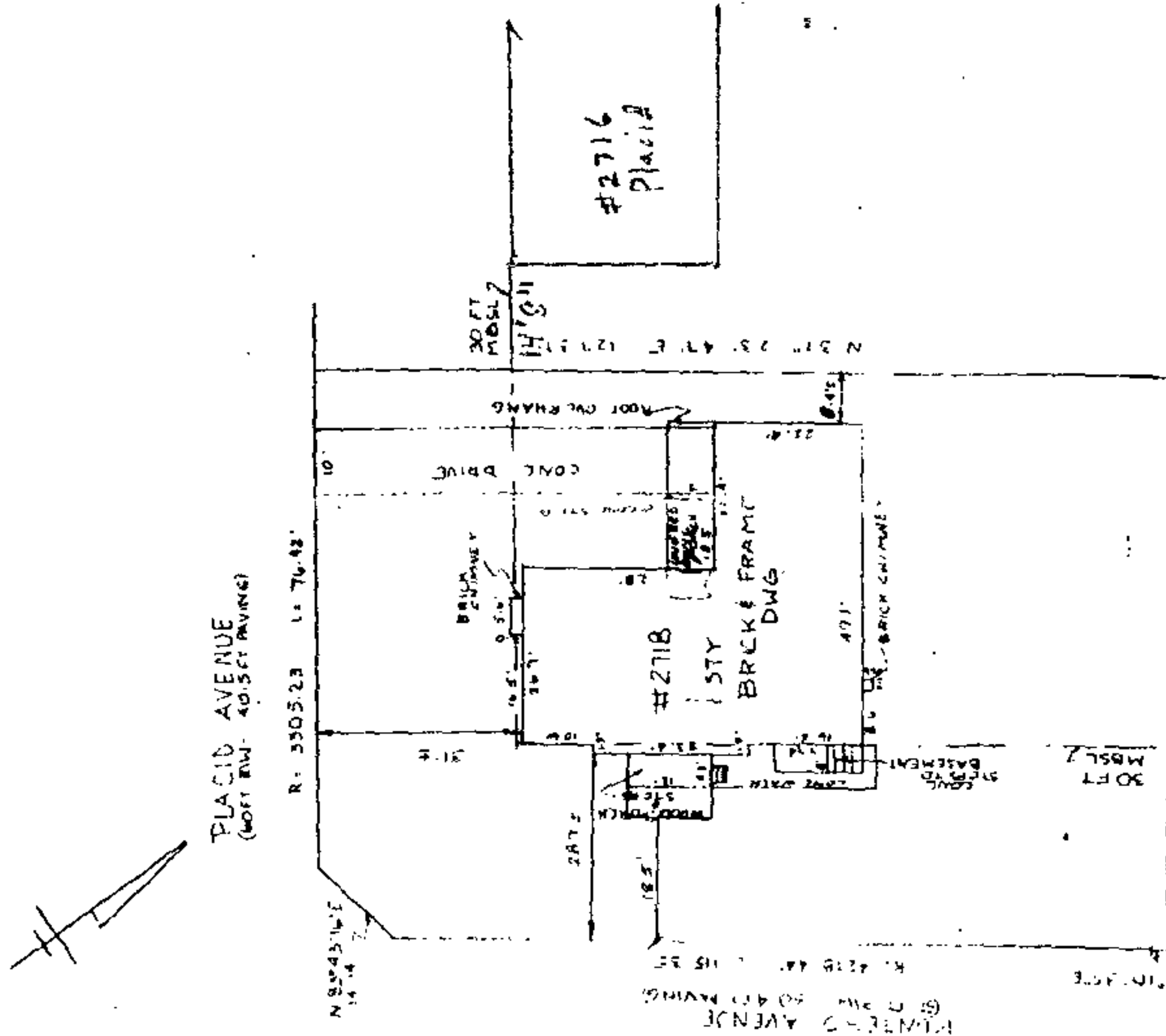
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2718 PLACID AVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME MIS JAN ESTATE

PLAT BOOK # 31 FOLIO # 119 LOT # 4 SECTION # B

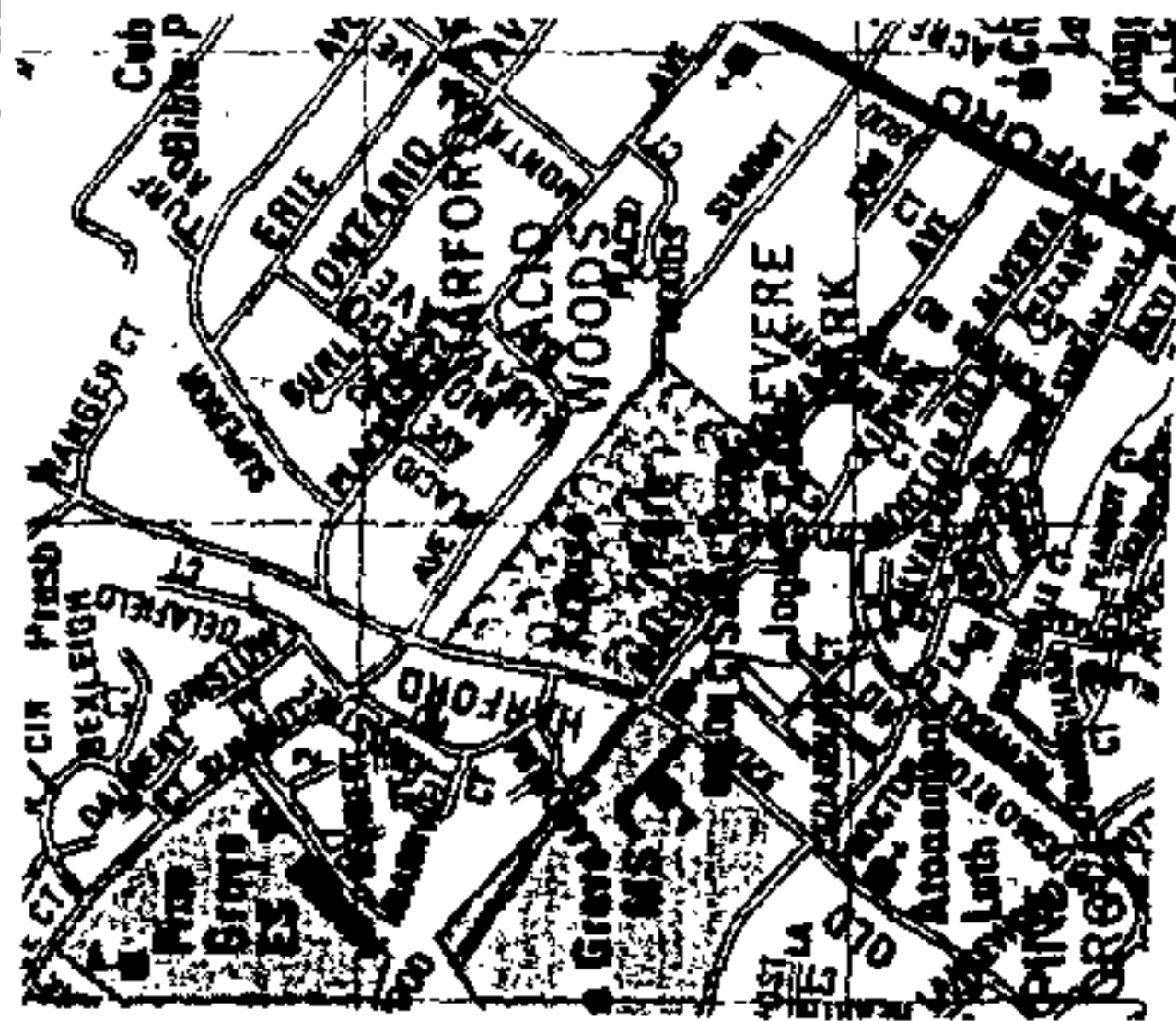
OWNER FLOYD S. WERNER JR



NORTH

PREPARED BY

SCALE OF DRAWING: 1" = 40'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 071-B-1

ZONING DR-3.5

LOT SIZE 225 ACRES 11,380 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE

WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

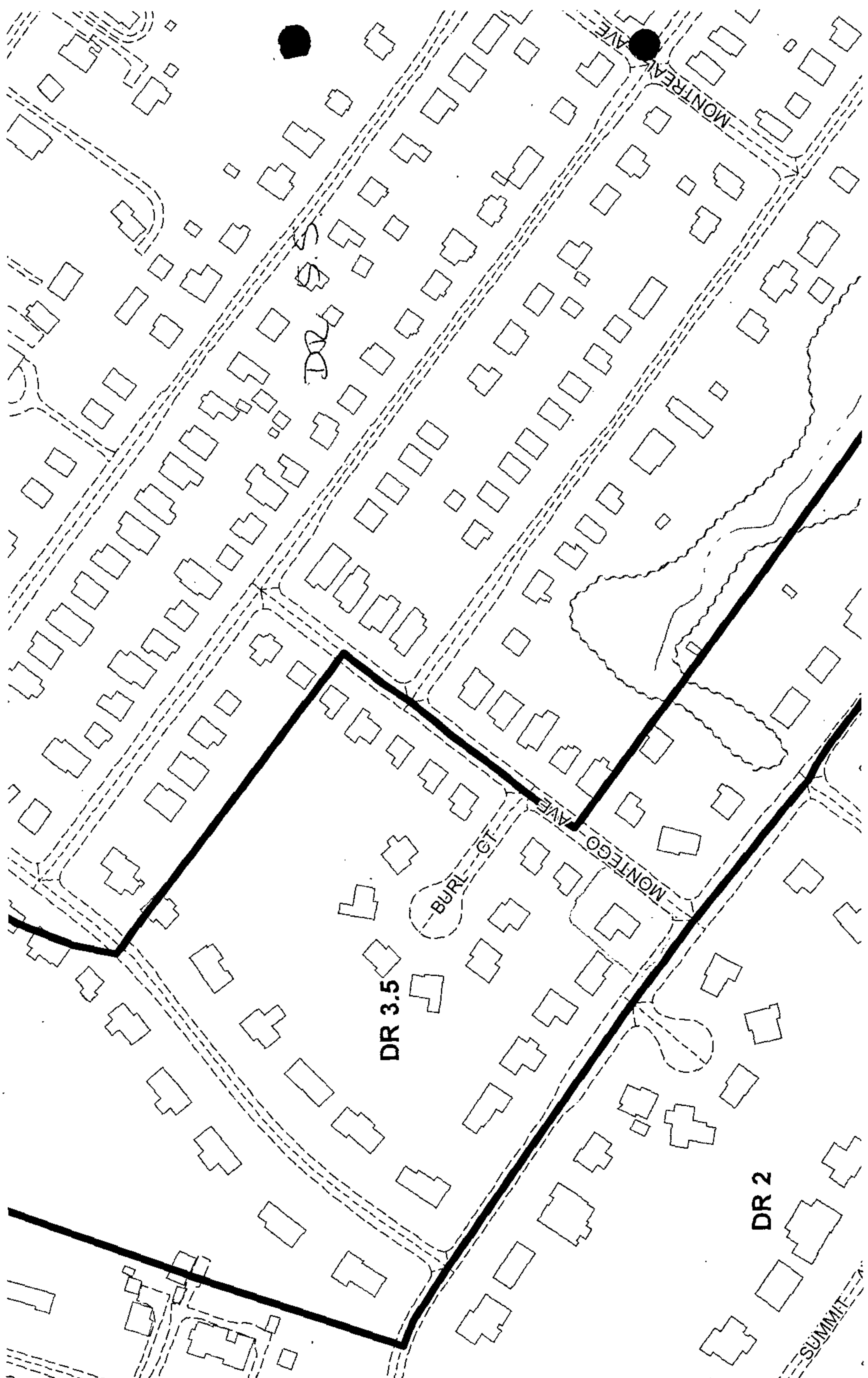
100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY / BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

0711-31
1"=100 FT
Zone DR3.5



DR 3.5

DR 3.5

DR 2

SUMMIT



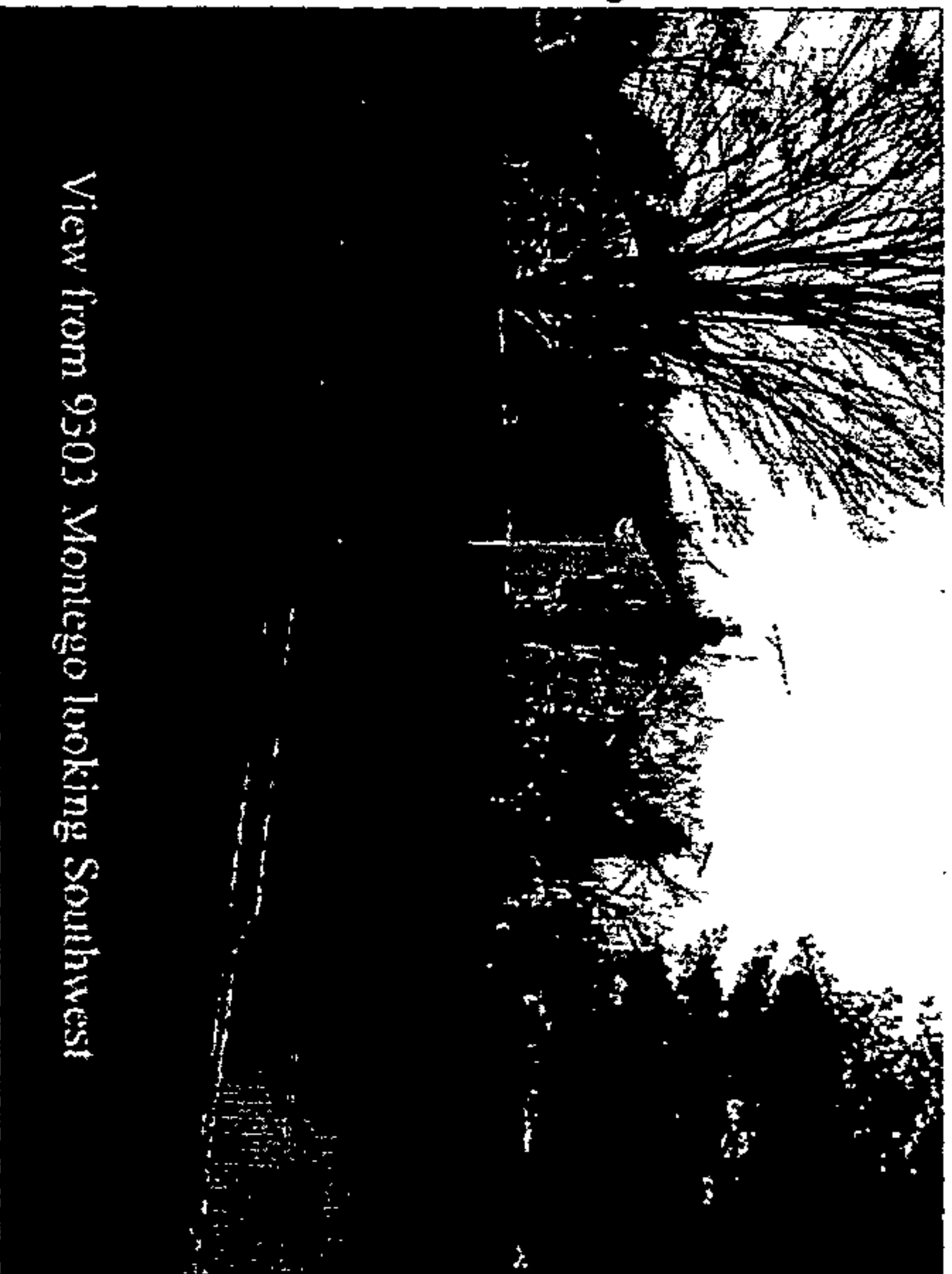


View from corner of Placid and Monteo looking North





View from corner of Placid and Montego looking North



View from 9503 Montego looking Southwest

