

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side Myrtlewood Road, 107 feet N of		
Thistlewood Road	*	DEPUTY ZONING
(2016 Myrtlewood Road)		
3 rd Election District	*	COMMISSIONER
2 nd Councilmanic District		
	*	FOR BALTIMORE COUNTY
Steve Day and Fay Mesenbrink-Day		
<i>Petitioners</i>	*	Case No. 07-459-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Steve Day and Fay Mesenbrink-Day. The variance request is from Sections 504.2 and 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition (sunroom) with a 23-foot rear setback in lieu of the required 30 feet and to amend the latest final development plan for "Bonnie View Estates," Lot 131. The subject property and requested relief are more particularly described on the site plan, marked and accepted into evidence as Petitioners' Exhibit 1.

This Petition for Administrative Variance was filed on April 10, 2007 and notice was posted on the property on April 20, 2007. Although there were no Protestants or other interested parties opposed to the petition, on June 1, 2007, former Deputy Zoning Commissioner John V. Murphy requested that this matter be set in for a public hearing based on comments received from the Office of Planning dated May 16, 2007. After the property was again posted on July 16, 2007 and notice of the public hearing was published in "The Jeffersonian" newspaper on July 17, 2007 in order to notify all interested citizens of the requested zoning relief and the time and date of the public hearing, the hearing was subsequently scheduled for Tuesday, July 31, 2007 at 10:00 am in the County Courts Building, Room 407.

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Appearing at the requisite public hearing in support of the requested relief was Petitioner Fay Mesenbrink-Day. Also appearing in support of Petitioner's request were representatives of Patio Enclosures, Inc. Greg Falter and Ken Hunter. Nkechi Hislop, representing the Office of Planning, also attended the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped lot containing 7,923 square feet or .18 acre, more or less, and zoned D.R.2. The property is situated in a subdivision known as "Bonnie View Estates" on land that once contained the Bonnie View Country Club, south of Smith Avenue and north of the city line, in the Pikesville area of Baltimore County. The lot is improved by Petitioners' two-story, single family dwelling, approximately 43 feet wide by 47 feet deep.

Petitioners recently moved to the area from New Orleans, LA. They purchased the subject property on February 28, 2007 and moved in on March 23, 2007. Petitioners initially became aware that the Bonnie View Estates Subdivision was being built prior to moving to Baltimore, and were aware of the options list available on the homes from the builder, including a sunroom that was offered. See, Petitioners' Exhibit 7. While Petitioners were still considering the neighborhood, they became aware of an opportunity to purchase the subject property from the builder because the purchase by the original buyers had fallen through. Although Petitioners were happy with the home and the lot, they also purchased the home after it had already been built, as specified by the original purchasers. Now that Petitioners have settled into the home during recent months, they desire to construct a sunroom addition to their home approximately 18 feet wide by 10 feet deep, with an adjoining deck approximately nine feet wide by 10 feet deep. Petitioners have engaged Patio Enclosures, Inc. to design and build the proposed structure.

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8-22-07
PB

However, in order to do so, Petitioners require a variance from the 30-foot rear setback requirement to 23 feet.

The primary reason this matter was scheduled for public hearing stems from the Zoning Advisory Committee (ZAC) comment received from the Office of Planning dated May 16, 2007. That Office does not support Petitioners' request for variance because they believe there is no significant hardship or practical difficulty illustrated in this case. The lot is an average size lot that is not unique for this subdivision. The Planning Office also stated that it realizes this is a recently recorded subdivision plat (recorded in 2005) and as a result, the pattern book was referred to and it was noted that there were provisions made for the addition of sunrooms. However, the Planning Office notes that these optional sunrooms would have maintained the required rear yard setback.

In response, Petitioners counter that they believe hardship and practical difficulty are demonstrated in this case. First, they note that, as previously acknowledged, sunrooms were available as an option during construction of homes in the subdivision. Had Petitioners purchased the home from the builder during construction, they could have also purchased a sunroom at that time. Second, Petitioners indicate that a number of the lots in the subdivision are unique because of their size and/or shape. Although the configuration of most lots is rectangular in shape, a number of the lots are also irregularly shaped, especially those situated on the corner areas of the subdivision. As a result, the size of some of the lots would allow an addition to be built without the necessity of a variance from the rear yard setback requirement, while others could not be built under the same circumstances.

Third, Petitioners pointed out that when the subject home was constructed, the builder placed the home 30 feet from the front setback line, rather than the required 25 feet. In placing

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the home another five feet beyond the front setback requirement, the builder left Petitioners less area in the back with which to work, and fewer options in constructing a sunroom. In this vein, Petitioners also state that in order to comply with the rear yard setback requirement, they would need to construct a sunroom that is only three feet deep, which as a practical matter would not make the project economically feasible, and renders the back of the home useless. Fourth, Petitioners point out what they believe is an inconsistency in the regulations -- that if they were merely to construct a covered deck of the same size, enclosed with screens, they would not need variance relief, yet because they wish to enclose the screen with glass panels, they are in need of variance relief. However, with screens, they would have only limited use of the enclosure, but with glass window panels and a locking sliding door, they could utilize the room for at least three seasons. Petitioners also raised the issue of security. They alluded to a number of house break-ins and car break-ins that have occurred in the neighborhood. They desire to have the ability to lock their patio enclosure as added security.

Finally, Petitioners indicated that their lot is unique in that, as one of the "outside" lots within the subdivision, it is one of the few lots that back up to a conservation area. As a result, there are currently no abutting homeowners to the rear of Petitioners' property whose views would possibly be affected by a sunroom on Petitioners' home. In fact, the next nearest subdivision is over 300 feet west of Petitioners' lot. In addition, the conservation area would prevent any further development behind Petitioner's home, which they believe makes their lot and their current request for variance relief distinguishable from other lots in the subdivision.

Testifying on behalf of the Office of Planning was Nkechi Hislop. Ms. Hislop has a degree in architecture and serves as a Community Planner with the Planning Office. Her duties include reviewing variance requests, conducting field visits, and assisting in the development

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4B

review process. Her Office reviewed the instant variance request on several occasions and Ms. Hislop testified consistent with the comment received from the Planning Office -- that the Office could not support the request because there was no significant hardship or practical difficulty illustrated in this case.

Based on the testimony and evidence, I find that special circumstances or conditions exist that are peculiar to the land or structure which is subject to the variance request. Thus, I am persuaded to grant the requested variance relief. Although I am certainly mindful of the position taken by the Office of Planning in this matter, I also believe the facts and circumstances put forth by Petitioners in this case make their property distinguishable from a number of other lots in the subdivision. Hence, I find that strict compliance with the zoning regulations of Baltimore County would result in practical difficulty, and would disproportionately affect Petitioners to an extent beyond that of the rest of the community. Finally, I find that this variance shall be granted in strict harmony with the spirit and intent of the zoning regulations, so as to grant relief without injury to the public, health, safety or general welfare. I also find that the relief can be granted in such a manner that there will be no detrimental impact to adjacent properties or the surrounding locale.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 22nd day of August, 2007, that an administrative variance from Sections 504.2 and 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (sunroom) with a 23-foot rear setback in lieu of the required 30-feet and to amend the

ORDER RECEIVED FOR FILE

8-22-07

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latest final development plan for "Bonnie View Estates," Lot 131, be and is hereby GRANTED, subject to the following:

1. 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, 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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

8-22-07

403



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 22, 2007

STEVE DAY AND FAY MESENBRINK-DAY
2016 MYRTLEWOOD ROAD
BALTIMORE MD 21209

Re: Petition for Administrative Variance
Case No. 07-459-A
Property: 2016 Myrtlewood Road

Dear Mr. and Mrs. Day:

Enclosed please find the decision rendered in the above-captioned case.

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 black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Greg Falter, 224 8th Avenue NW, Glen Burnie, MD 21061
Ken Hunter, 608 Amuss Road, Severna Park, MD 21116
Nkechi Hislop, Baltimore County Office of Planning

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 16, 2007

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

SUBJECT: 2016 Myrtlewood Road

INFORMATION:

Item Number: 7-459

Petitioner: Mr. And Mrs. Steve and Fay Mesenbrink Day

Zoning: DR 2

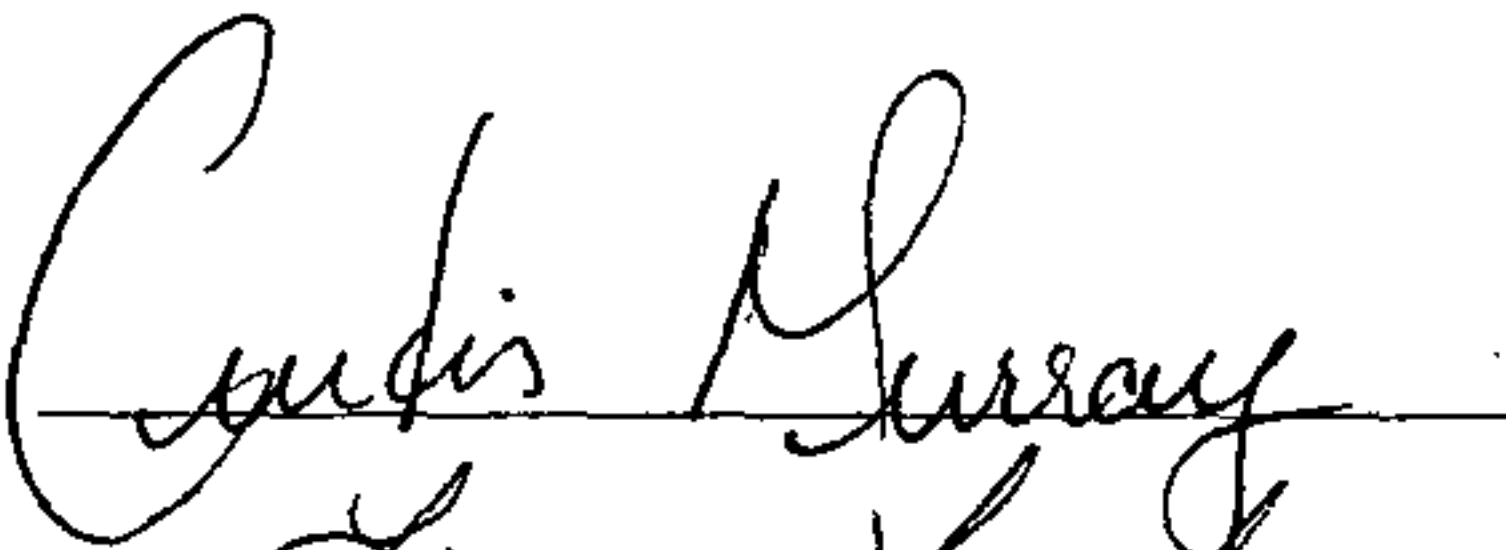
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

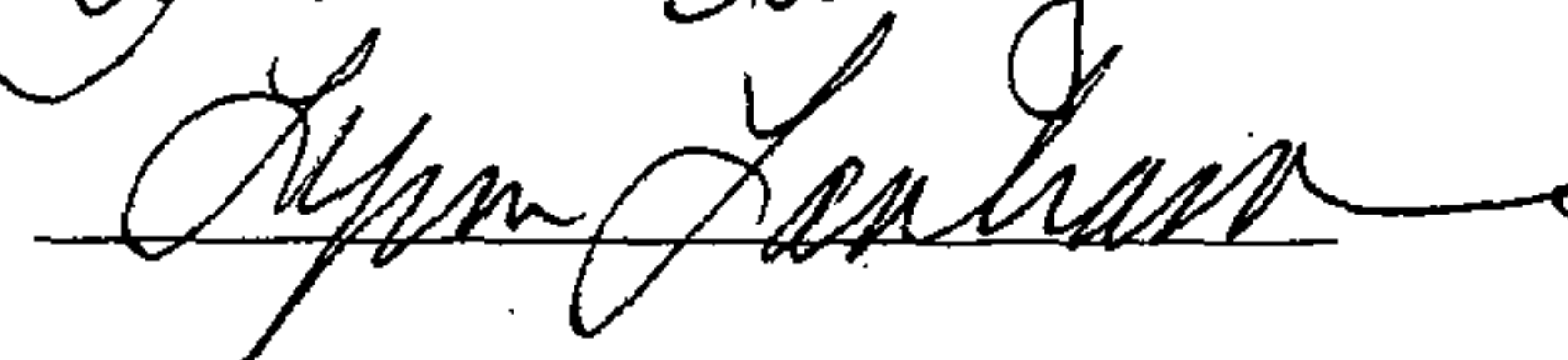
The Office of Planning does not support the petitioner's request, as there is no significant hardship or practical difficulty illustrated in the subject case. The lot is an average size lot that is not unique for this subdivision. The Office of Planning realizes that this is a recently recorded subdivision plat (recorded in 2005). As a result, the pattern book was referred to and it was noted that there were provisions made for the addition of sunrooms. These optional sunrooms would have maintained the required rear yard setbacks.

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

Reviewed by:



Division Chief:
AFK/LL: CM





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2016 Myrtlewood Rd.
which is presently zoned DR 2.5

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) 504.2, 1801.2C.1. (BCZL)

TO PERMIT AN ADDITION (SUNROOM) WITH A 23-FOOT REAR
SETBACK IN LIEU OF THE REQUIRED 30-FOET AND TO AMEND
THE LATEST F.D.P. FOR "BONNIE VIEW ESTATES", LOT 131.

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Steve Day

Name - Type or Print

Signature

Fay Mesenbrink-Day

Name - Type or Print

Signature

2016 Myrtlewood Rd.

Address

410-388-9953

Telephone No.

Baltimore, MD 21209

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. 07-459-A

Reviewed By D.T.

Date 4/10/07

REV 9/15/98

ORDER RECEIVED FOR FILING

Estimated Posting Date 4/22/07

8-22-07

B3

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 - 2016 Myrtlewood Rd.

Address

Baltimore, MD 21209

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):

1. This area lends itself to the utilization of existing facilities without major interruptions to the existing floorplan of the dwelling.
2. Insulate and reduce heating bills.
3. Reduce road and ambient noise.
4. A place to sit out and enjoy the outdoors without concern for bugs, flies, mosquitos, the sun's harmful rays etc...
5. Improve overall appearance of the house.
6. The restrictiveness of the lot does not lend itself to any addition of adequate size without a variance.

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.

X [Signature]
Signature

Steve Day
Name - Type or Print

X [Signature]
Signature

Fay Mesenbrink-Day
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

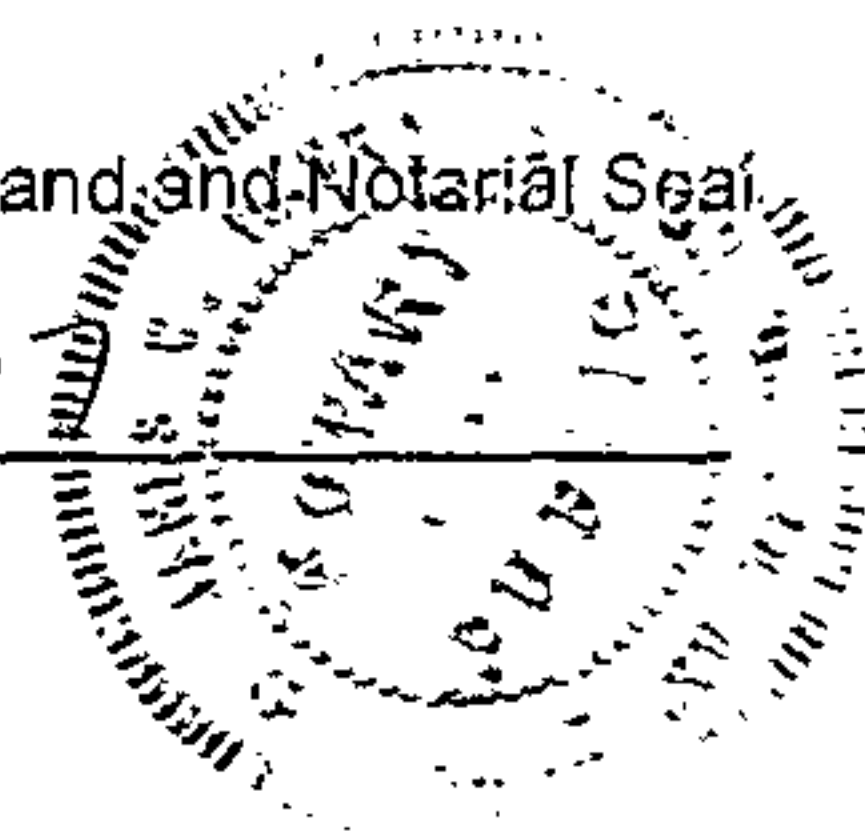
I HEREBY CERTIFY, this 26th day of MARCH, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

STEVE DAY & FAY MESENBRINK-DAY

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

3/26/2007
Date



[Signature]
Notary Public

My Commission Expires 11/1/2009



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2016 Myrtlewood Rd.
which is presently zoned DR 2

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) 504.2, 1B01.2C.1. (BCZP)

TO PERMIT AN ADDITION (SUNROOM) WITH A 23-FOOT REAR
SETBACK IN LIEU OF THE REQUIRED 30-FEET AND TO AMEND
THE LATEST F.D.P. FOR "BONNIE VIEW ESTATES", LOT 131.

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.

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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 _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Steve Day
Name - Type or Print _____
Signature _____
Fay Mesenbrink-Day
Name - Type or Print _____
Signature _____
2016 Myrtlewood Rd. 410-388-9953
Address Telephone No.
Baltimore, MD 21209
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. 07-459-A

Reviewed By D.T.

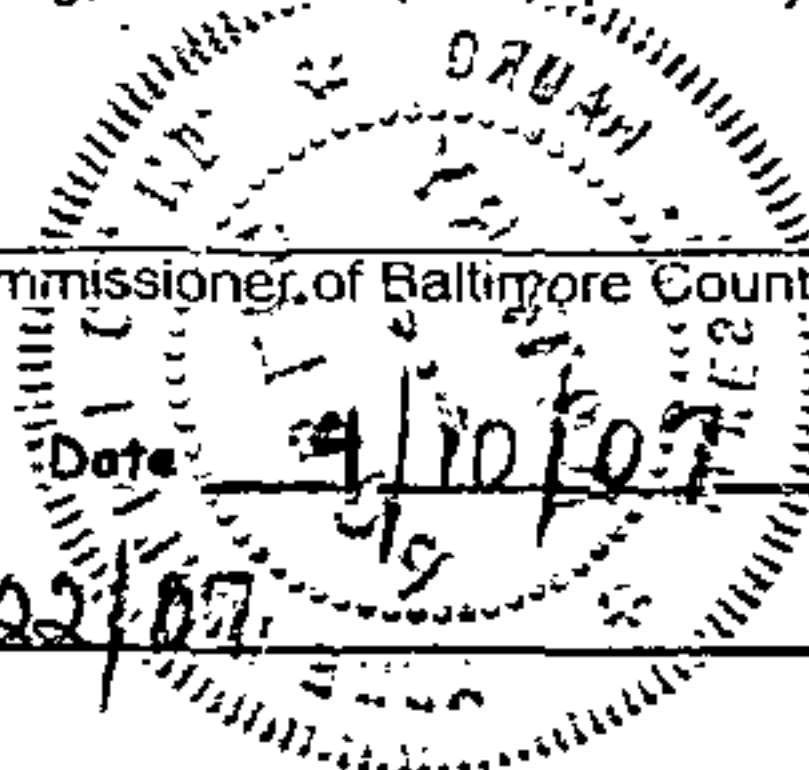
REV 9/15/98

ORDER RECEIVED FOR ALDER

Estimated Posting Date 4/22/07

8-22-07

45



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 - 2016 Myrtlewood Rd.

Address

Baltimore, MD 21209

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):

1. This area lends itself to the utilization of existing facilities without major interruptions to the existing floorplan of the dwelling.
2. Insulate and reduce heating bills.
3. Reduce road and ambient noise.
4. A place to sit out and enjoy the outdoors without concern for bugs, flies, mosquitos, the sun's harmful rays etc...
5. Improve overall appearance of the house.
6. The restrictiveness of the lot does not lend itself to any addition of adequate size without a variance.

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

Steve Day
Name - Type or Print

[Signature]
Signature

Fay Mesenbrink-Day
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

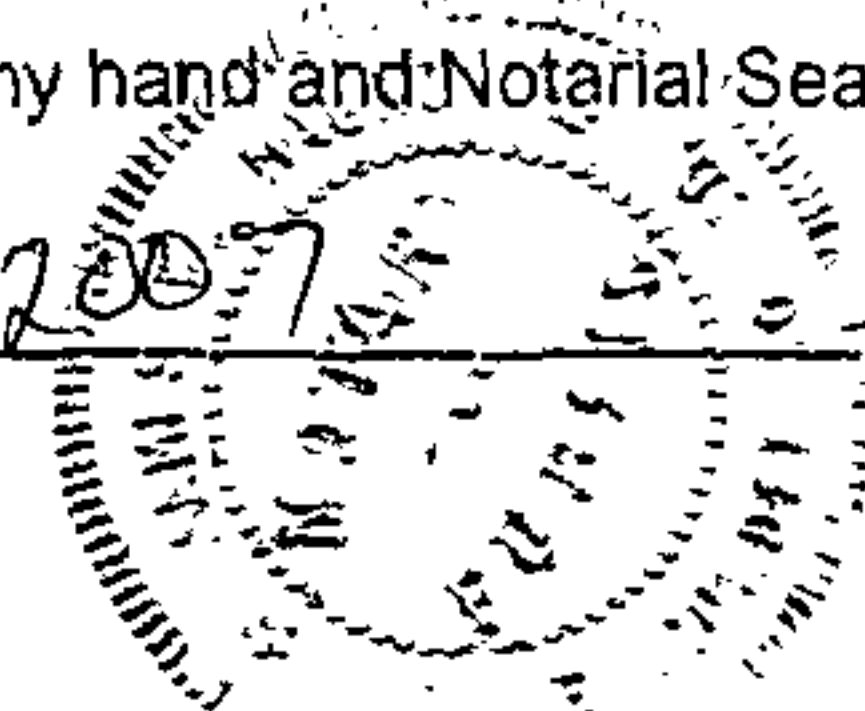
I HEREBY CERTIFY, this 26th day of MARCH, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

STEVE DAY & FAY MESENBRINK-DAY

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

3/26/2007
Date



[Signature]
Notary Public

My Commission Expires 11/1/2009

ZONING DESCRIPTION FOR:

2016 Myrtlewood Rd.

Baltimore, MD 21209

BEGINNING AT A POINT ON THE WEST SIDE OF MYRTLEWOOD RD.

*WHICH IS 40' WIDE AT THE DISTANCE OF 107' NORTH OF THE
NEAREST IMPROVED INTERSECTING STREET THISTLEWOOD RD,*

WHICH IS 40' WIDE. BEING LOT # 131 BLOCK __, SECTION __, IN

*THE SUBDIVISION OF BONNIE VIEW EST. AS RECORDED N
COUNTY PLAT BOOK # 78, FOLIO # 17, CONTAINING 7,923 SQ'. ALSO*

KNOWN AS 2016 MYRTLEWOOD RD. LOCATED IN THE 3RD

ELECTION DISTRICT, 2ND COUNCILMANIC DISTRICT.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 26609

DATE 4/10/07

ACCOUNT

001006150

AMOUNT \$

115.00

RECEIVED
FROM:

PATRICIA KENOSHERTS

FOR: ITEM # 459

07-459-A 4 AMFAS FDP

2016 MARKETWOOD RD. D THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE 4/10/2007 TIME 11:50 AM

BY 001006150

AMOUNT 115.00

RECEIVED BY 001006150

DATE 4/10/2007

TIME 11:50 AM

BY 001006150

AMOUNT 115.00

RECEIVED BY 001006150

DATE 4/10/2007

TIME 11:50 AM

BY 001006150

AMOUNT 115.00

RECEIVED BY 001006150

DATE 4/10/2007

TIME 11:50 AM

BY 001006150

CASHIER'S VALIDATION



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
June 18, 2007 *Department of Permits and
Development Management*

Steve Day
Fay Masenbrink-Day
2016 Myrtlewood Road
Baltimore, MD 21209

Dear Mr. & Mrs. Day:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 07-459-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand by the deputy zoning commissioner requiring a public hearing concerning the above proposed administrative procedure.

The hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information, which will be done by this office at no charge.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian directly by Patuxent Publishing and this department will also handle the bill.

If you need any further explanation or additional information, please feel free to contact Donna Thompson at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Greg Falter, 224 8th Street, NW, Glen Burnie 21061

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 17, 2007 Issue - Jeffersonian

Please forward billing to:

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

410-887-3353

NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-459-A

2016 Myrtlewood Road

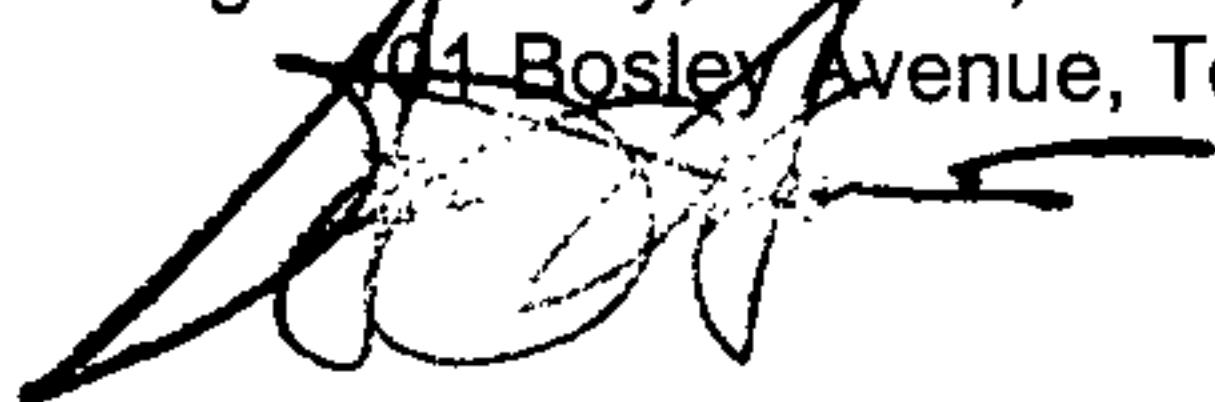
W/side of Myrtlewood Road, 107 feet north of Thistlewood Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Steve Day and Fay Masenbrink-Day

Variance to permit an addition (sunroom) with a 23-foot rear setback in lieu of the required 30 feet and to amend the latest F.D.P. for "Bonnie View Estates", Lot 131.

Hearing: Tuesday, July 31, 2007 at 10:00 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 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 18, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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:

MAP 26 D11

CASE NUMBER: 07-459-A

2016 Myrtlewood Road
W/side of Myrtlewood Road, 107 feet north of Thistlewood Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Steve Day and Fay Masenbrink-Day

Variance to permit an addition (sunroom) with a 23-foot rear setback in lieu of the required 30 feet and to amend the latest F.D.P. for "Bonnie View Estates", Lot 131.

Hearing: Tuesday, July 31, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

Posted
7/16/07
JRA

TK:klm

C: Mr. & Mrs. Day, 2016 Myrtlewood Road, Baltimore 21209
Greg Falter, 224 8th Avenue, NW, Glen Burnie 21061

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 16, 2007.**
- (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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 18, 2007
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

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: 07-459-A

2016 Myrtlewood Road

W/side of Myrtlewood Road, 107 feet north of Thistlewood Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Steve Day and Fay Masenbrink-Day

Variance to permit an addition (sunroom) with a 23-foot rear setback in lieu of the required 30 feet and to amend the latest F.D.P. for "Bonnie View Estates", Lot 131.

Hearing: Tuesday, July 31, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Day, 2016 Myrtlewood Road, Baltimore 21209
Greg Falter, 224 8th Avenue, NW, Glen Burnie 21061

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 16, 2007.**
- (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.

DATE _____

E-MAIL

[illegible]

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 07-459-A

DATE

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

NKECHI M. HISLOP

OFFICE OF PLANNING
401 BOSLEY AVE
BALTIMORE, MD 21204

TOWSON MD 21204

nhislop@baltimorecountymd.gov

Case No.:

07-459-A

Exhibit Sheet

Petitioner/Developer

Protestant

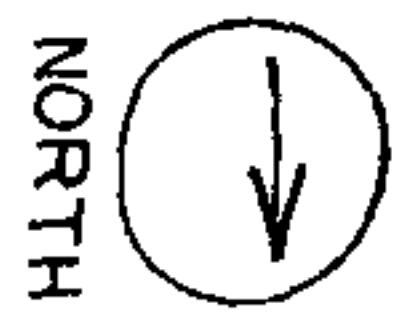
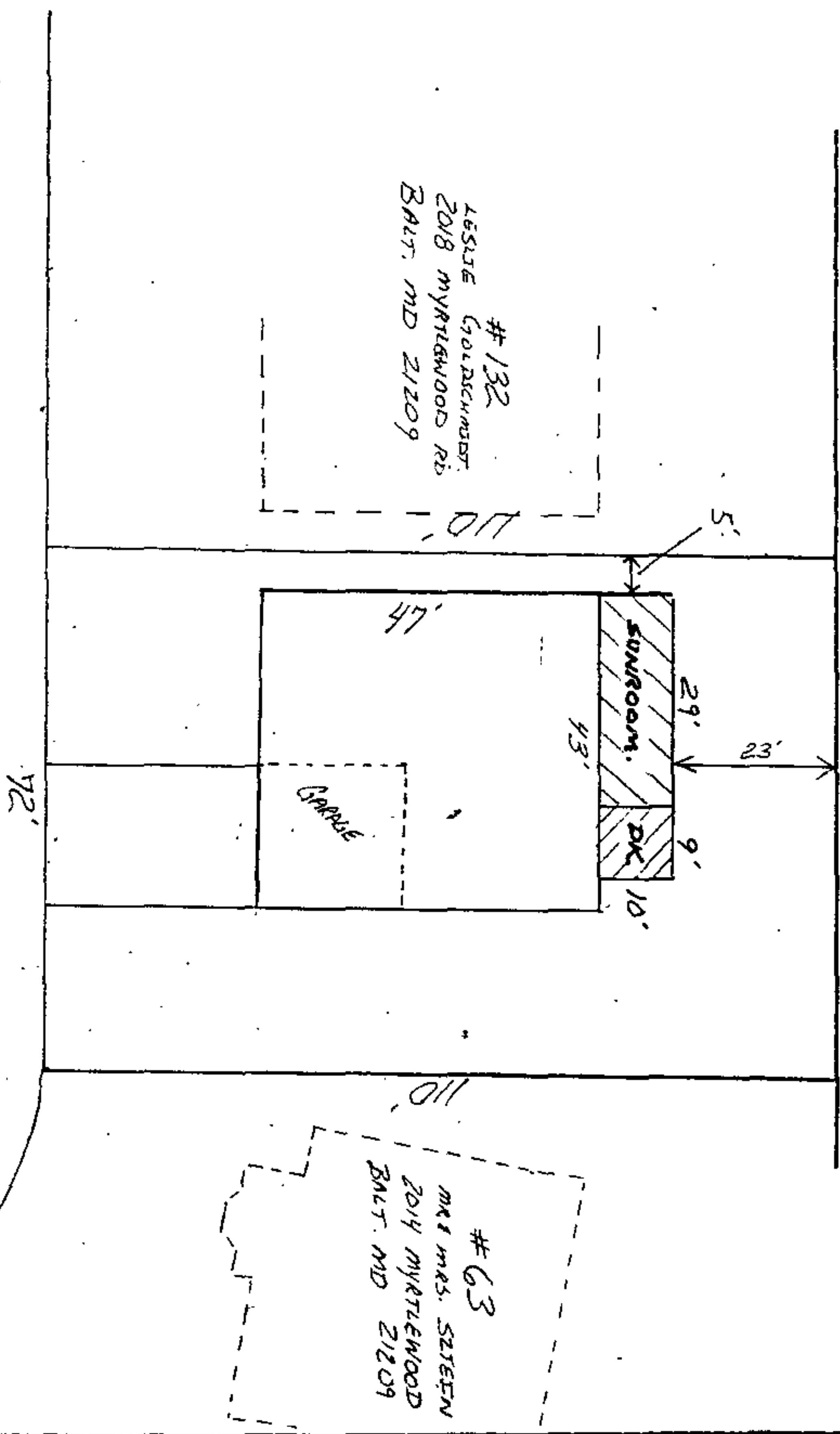
No. 1	Site Plan	
No. 2	Development Plat	
No. 3	Topography Map	
No. 4	Photo of back of subject property	
No. 5	photo of other properties in subdivision	
No. 6	photo of property in subdivision w/ sunroom	
No. 7	list of options available (including sunroom)	
No. 8	drawing of lot 131 w/ dwelling + topography	
No. 9	photo of typical design of sunroom to be built	
No. 10	Patio Enclosures, Inc. Layout Plan	
No. 11	Zoning Map	
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

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

PROPERTY ADDRESS 2016 MYRTLEWOOD RD
 SUBDIVISION NAME BOWTIE VIEW EST.
 PLAT BOOK # 28 FOLIO # 17 LOT # 131 SECTION #
 OWNER DAY, STEVE & FAY

STORMWATER
 MANAGEMENT
 AREA



NORTH

PREPARED BY Gregory A. Felter

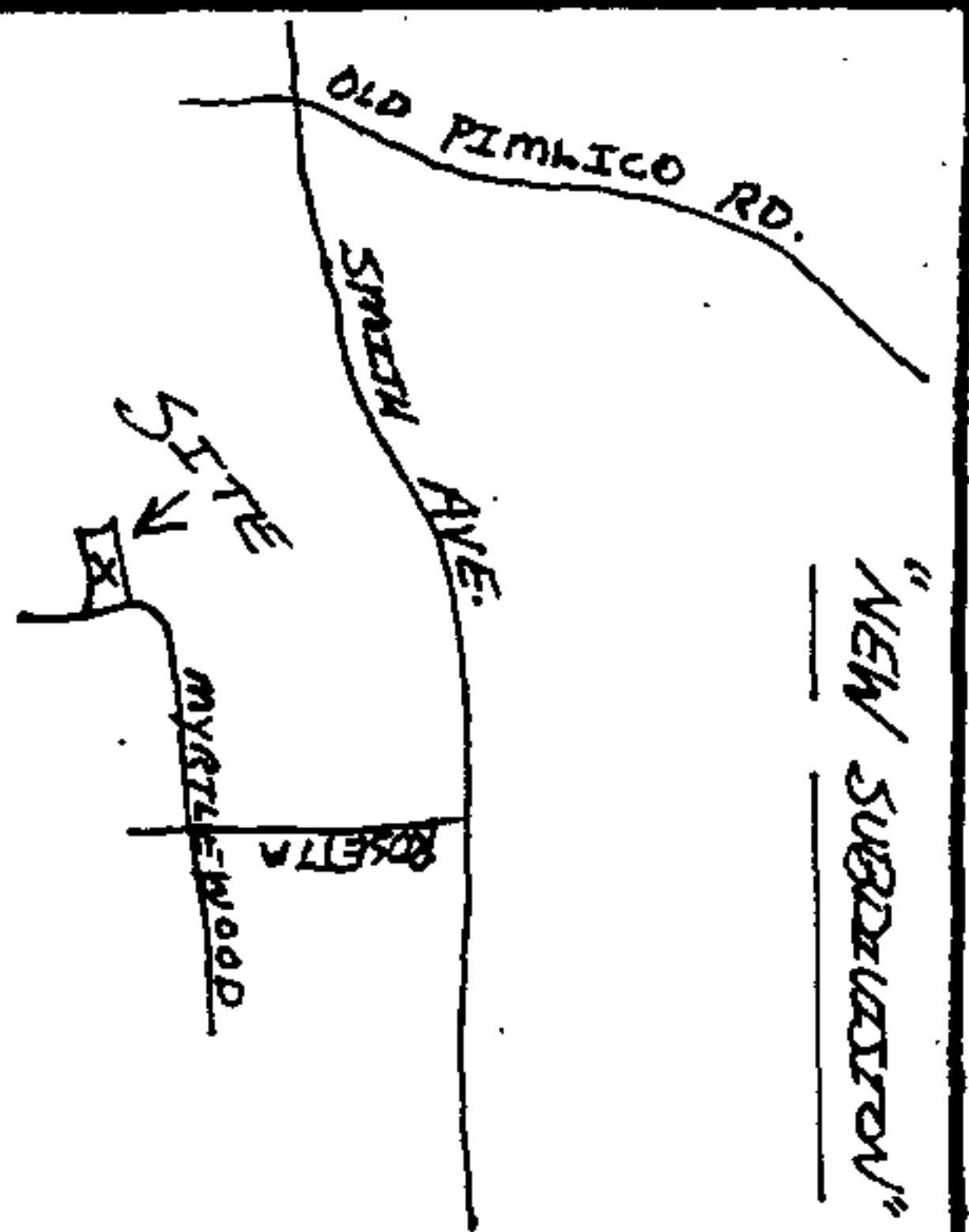
SCALE OF DRAWING: 1" = 30'

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP
 SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 03
 COUNCILMANIC DISTRICT 02
 1" = 200' SCALE MAP # 079A1
 ZONING DR 2

LOT SIZE .18 ACRES 7,923 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
 WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
 100 YEAR FLOOD PLAIN ☐ YES ☒ NO
 HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
 PRIOR ZONING HEARING N/A

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

DT 1 459 01-459-A

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: June 1, 2007

TO: Kristen Matthews
Department of Permits & Development Management

FROM: Patti Zook, Legal Secretary to
John V. Murphy, Deputy Zoning Commissioner

RE: Petition for Administrative Variance – Closing Date of 5-7-07
Case No. 07-459-A

After a review of the above-captioned case file, comments from the Office of Planning, and discussions with the Petitioner's contractor, Jack Murphy has requested that this case be set in for a public hearing. We are returning the file to you for further processing, i.e., notifying the Petitioner and Gregory Falter, with Patio Enclosures, posting of hearing notices, etc. Per Jack, the posting and advertising are to be done by the County.

Please let Nkechi Hislop, with the Office of Planning, know when the case is scheduled for hearing.

Thank you for your attention and cooperation in this matter.



RIC-LEE CORPORATION

T/A PATIO ENCLOSURES

224 8TH AVENUE, N.W.
GLEN BURNIE, MARYLAND 21061-2828
410-760-1919

Post-it* Fax Note	7671	Date	6-1-07	# of pages	1
To	JEAN MURPHY		From	GREG	
Co./Dept.			Co.	PATIO ENS.	
Phone #			Phone #		
Fax #	410 887-3468		Fax #		

June 1, 2007

Admin. variance case 07-459-A

Zoning Commissioner of Baltimore Co.

REQUEST FOR PUBLIC HEARING

Mr. John Murphy. After our conversation this morning, we would like to request the above mentioned variance case be sent to public hearing so we can plead our case.

Sincerely,

Gregory A. Falter
Gregory A. Falter

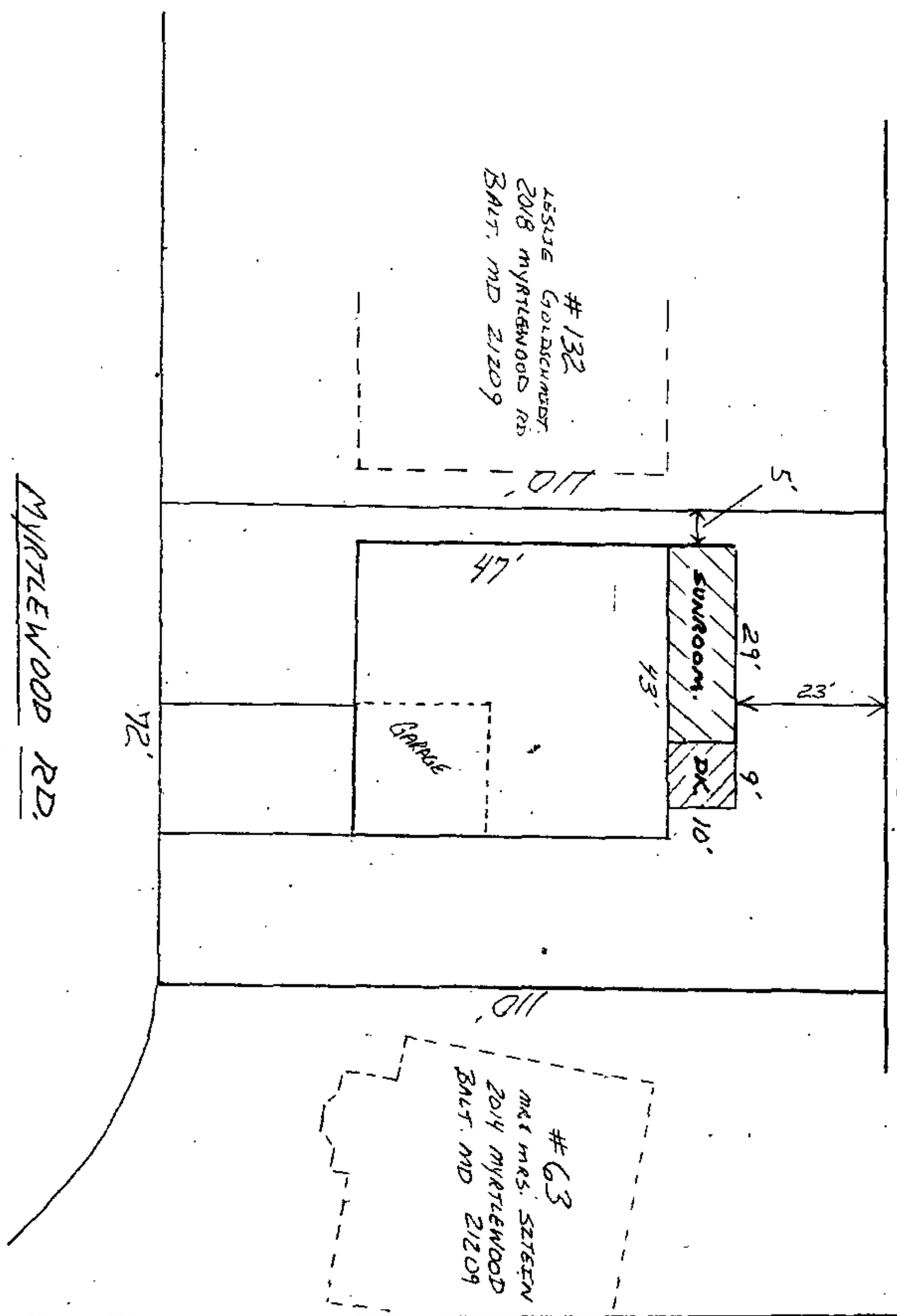
P.S please forward any information or hearing notices to 224 8th Ave NW Glen Burnie, MD 21061 attn: Greg Falter. As we are the contractor and would like to attend the hearing.

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

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

PROPERTY ADDRESS 2016 MYRTLEWOOD RD BALT 21209
 SUBDIVISION NAME BOWTIE VILLAGE EST.
 PLAT BOOK # 28 FOLIO # 17 LOT # 131 SECTION #
 OWNER DAY, STEVE & FAY

STORMWATER
MANAGEMENT
AREA



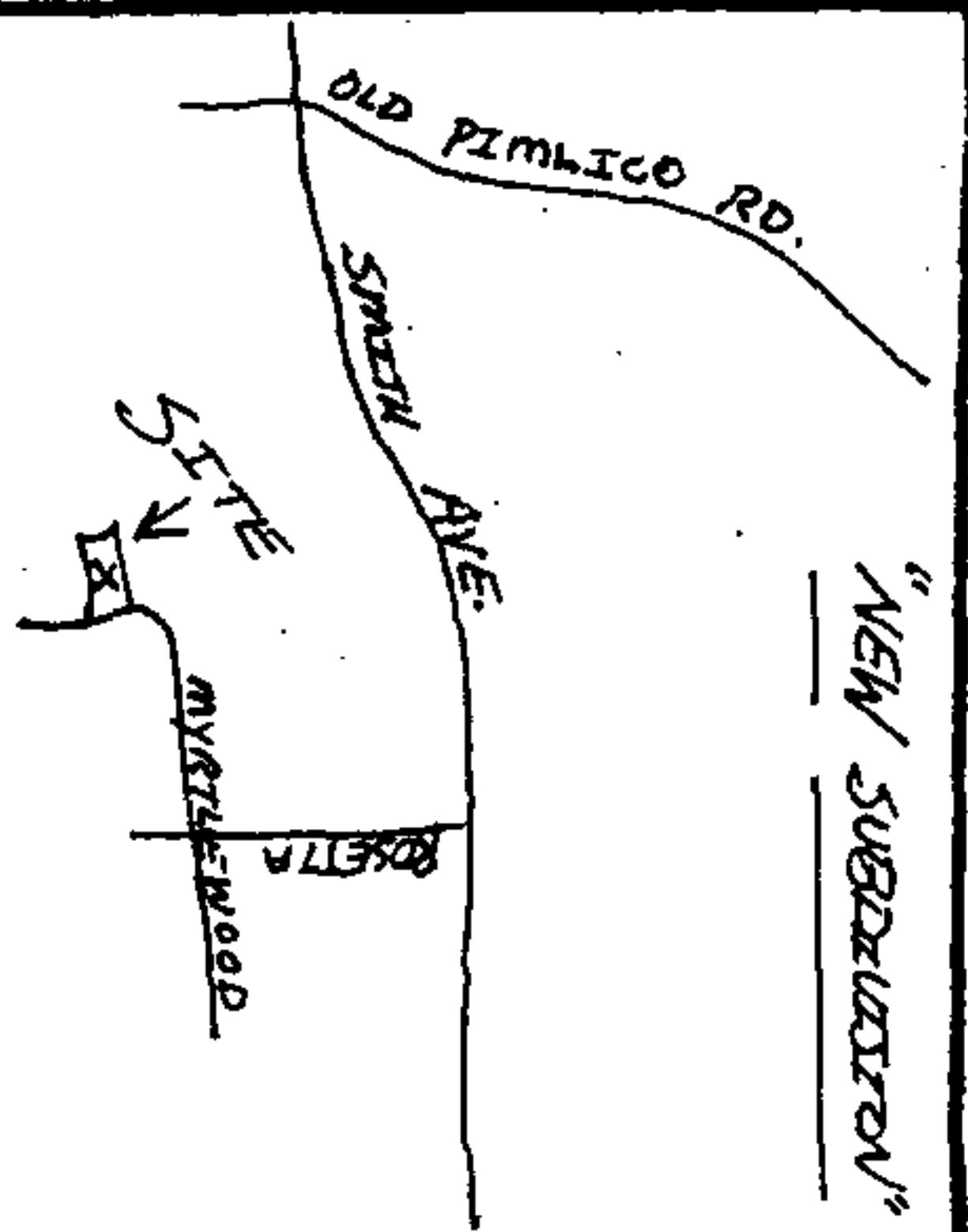
MYRTLEWOOD RD.
40' R/W



PREPARED BY Gregory A. Felter SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 03
 COUNCILMANIC DISTRICT 02
 1" = 200' SCALE MAP # 079A1
 ZONING DR 2

LOT SIZE .18 ACRES 7,923 SQUARE FEET

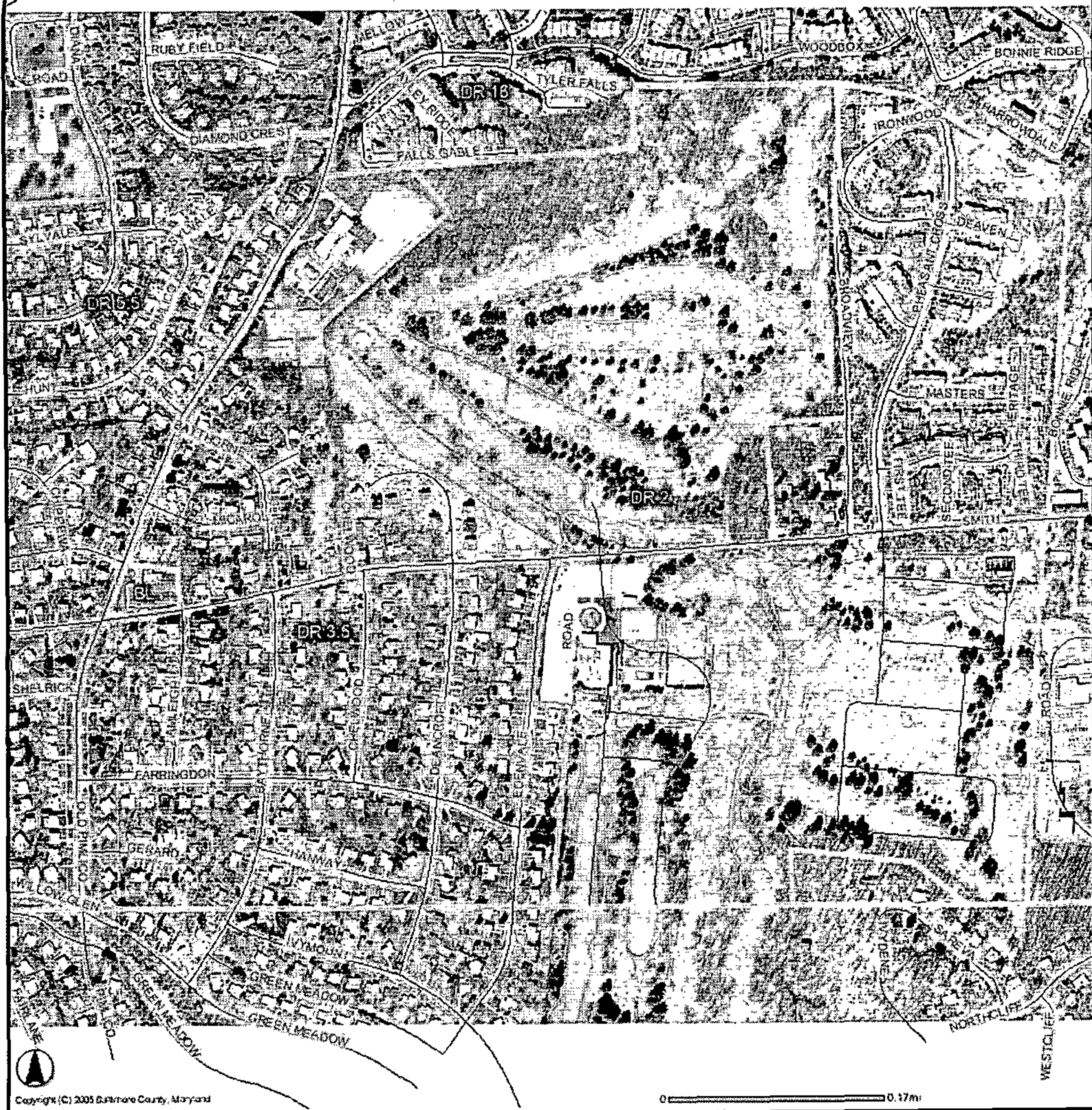
SEWER ☒ PUBLIC ☐ PRIVATE
 WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
 100 YEAR FLOOD PLAIN ☐ ☒
 HISTORIC PROPERTY / BUILDING ☐ ☒
 PRIOR ZONING HEARING N/A

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

DT 459 07-459-A

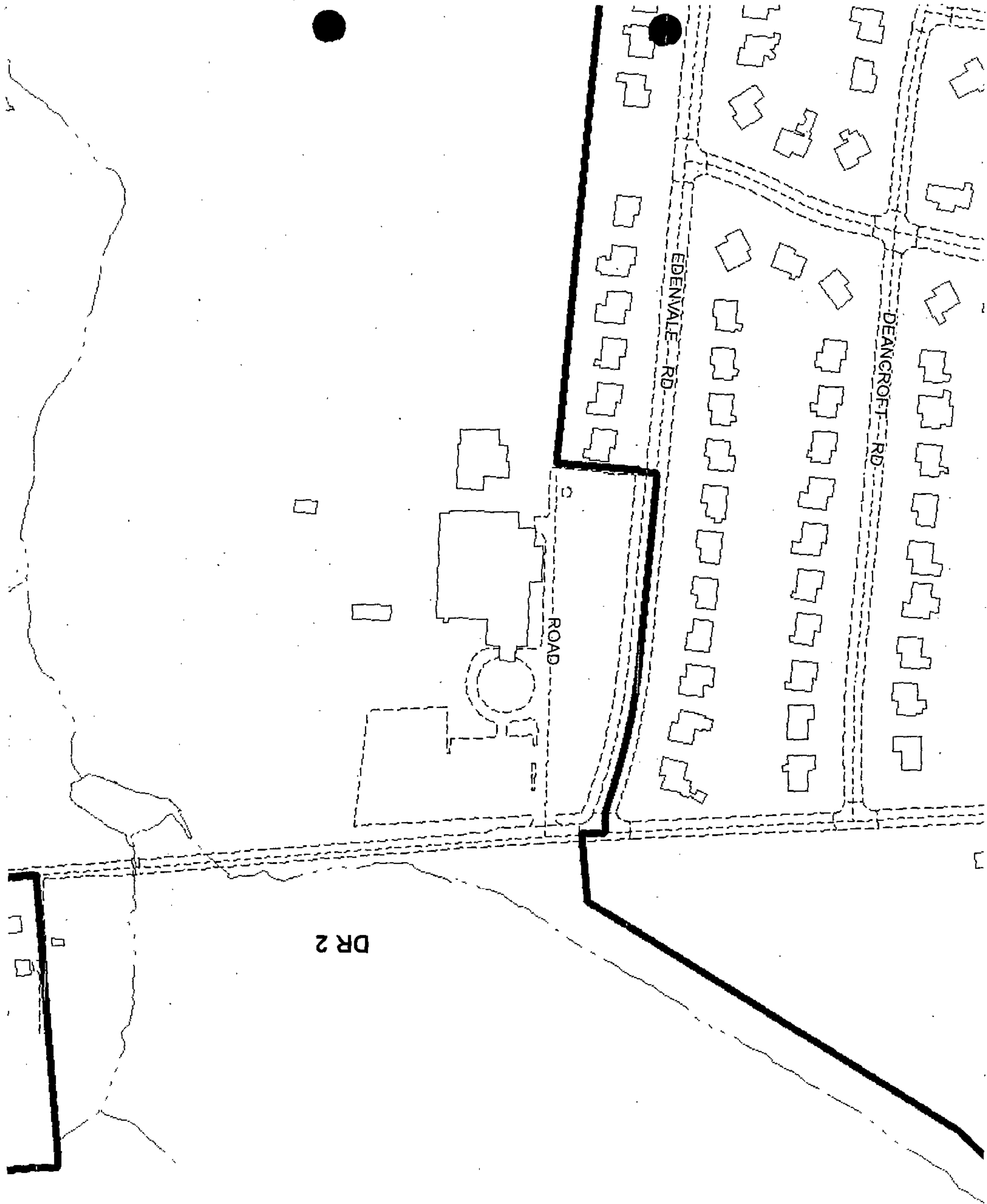
Baltimore County - My Neighborhood



Copyright (C) 2005 Baltimore County, Maryland

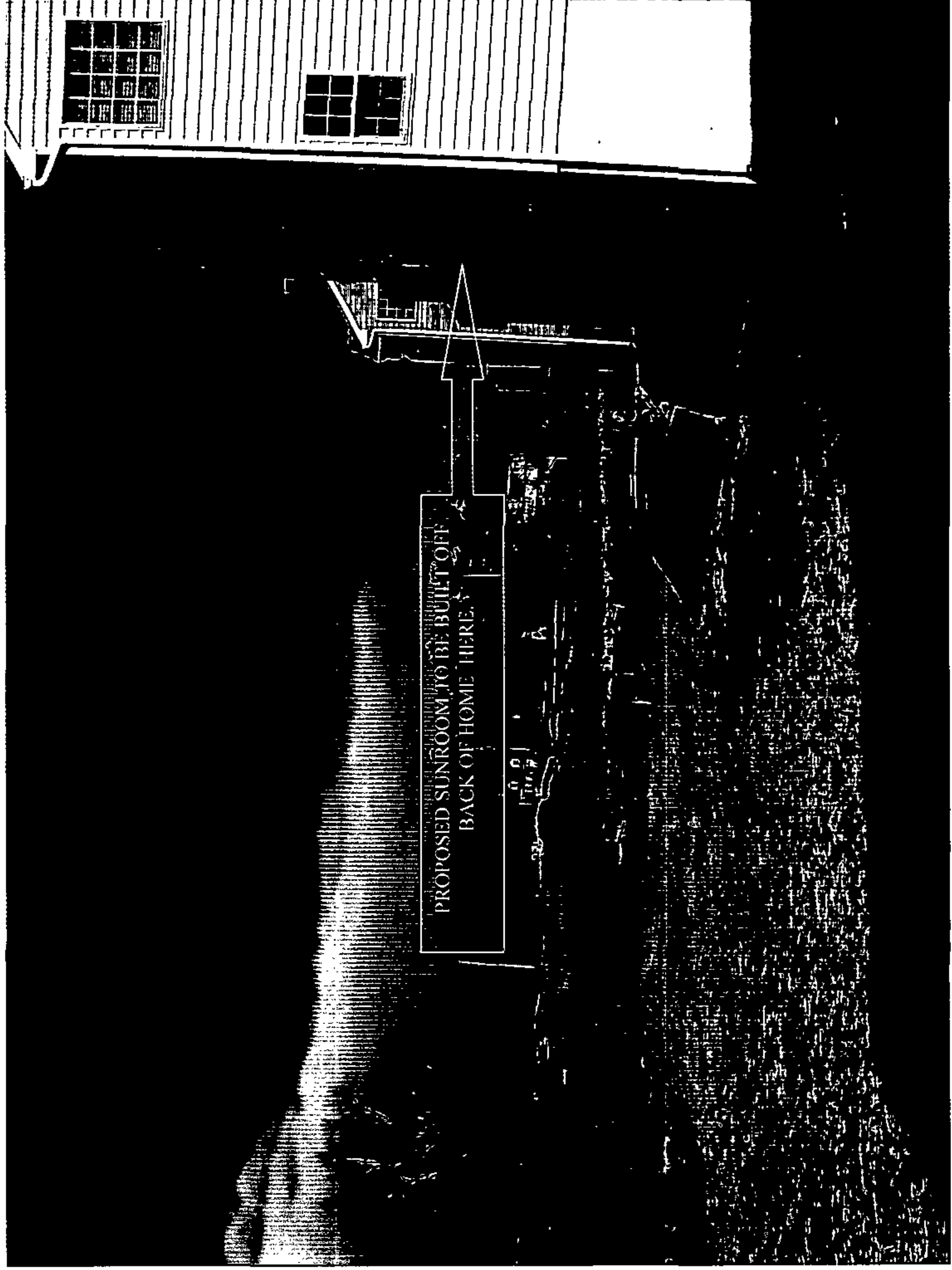
0 0.17mi

07-459-A



079A1

Variance photo for:
Steve and Fay Day
2016 Myrtlewood Rd.
Baltimore, MD 21209



07-459-A



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 4/24/2007

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

RE: Baltimore County
Item No. 07-459-A
2016 MYRTLEWOOD ROAD
DAY PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

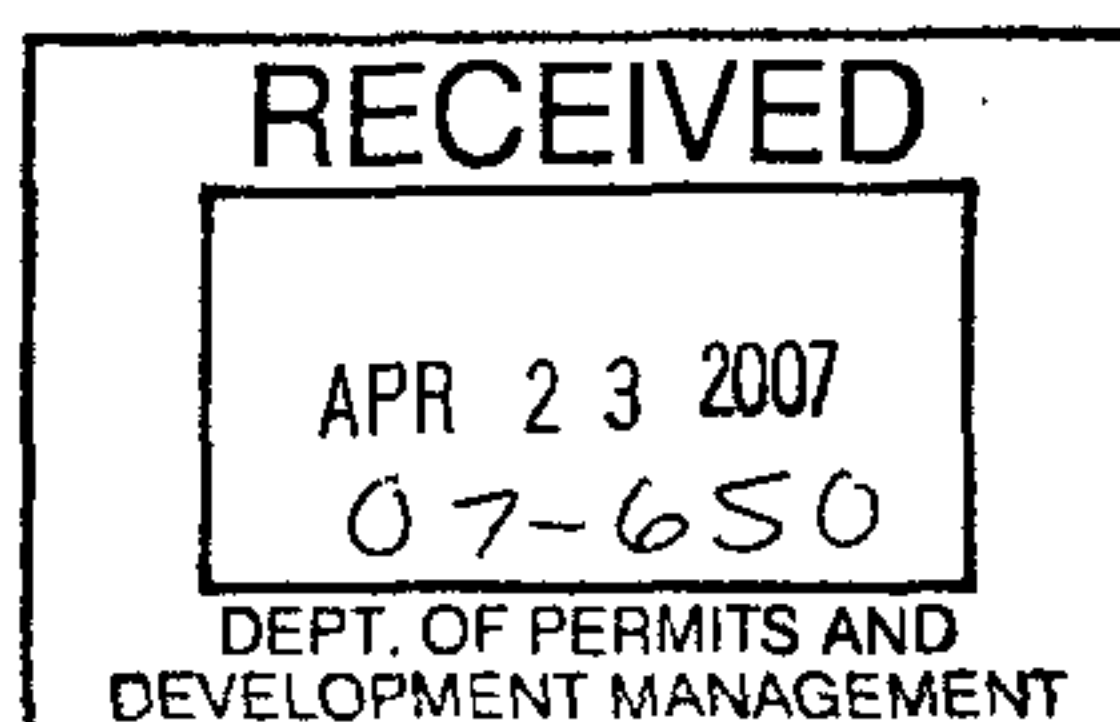
Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 07-459-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



CERTIFICATE OF POSTING

RE: Case No.: 07-459-A

Petitioner/Developer: DAY

Date of Hearing/Closing: MAY 7, 2007

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

Attention: Christen Matthews

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 _____

2016 MYRTLEWOOD ROAD

The sign(s) were posted on APRIL 20, 2007
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 07-459-A

TO PERMIT AN ADDITION (SUNROOM) WITH A
25 FOOT REAR SETBACK IN L E.U. OF THE
REQUIRED 30 FEET AND TO AMEND THE
LATEST R.D.P. FOR "BONNIEVIEW
ESTATES", LOT 131

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON -- MAY 7, 2007

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 459 -A

Address 2016 MYRTLEWOOD RD.

Contact Person: DONNA THOMPSON

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4/10/07

Posting Date: 4/22/07

Closing Date: 5/7/07

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- 459 -A

Address 2016 MYRTLEWOOD RD.

Petitioner's Name DAY

Telephone 410-388-9953

Posting Date: 4/22/07

Closing Date: 5/7/07

Wording for Sign: To Permit AN ADDITION (SUNROOM) WITH A 23-FOOT

REAR SETBACK IN LIEU OF THE REQUIRED 30-FEET AND

TO AMEND THE LATEST F.D.P. FOR "BONNIE VIEW ESTATES", LOT 131.

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: 07-459-A

Petitioner: DAY, STEVE & FAY.

Address or Location: 2016. MYRTLEWOOD RD BALT. MD 21209

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patio Enclosures Inc. (Attn: Greg Falter)

Address: 224 8th avw. NW

Glen Burnie, MD 21061

Telephone Number: 410-760-1919

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 24, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For April 30, 2007
Item Nos. 07-454, 455, 456, 457, 458, 459,
461, 464, 465, 467, 468, 471, 472, and 473

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 04242007.doc

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

April 24, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: April 23, 2007

Item No.: 454, 455, 456, 457, 458, 459, 460, 461, 462, 464, 465, 466, 467,
468, 469, 470, 471, and 472.

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
(O) 410-887-4880
MS-1102F

cc: File

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



MODE = MEMORY TRANSMISSION

START=JUN-01 15:38

END=JUN-01 15:39

FILE NO.=080

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	94107601988	002/002	00:00:24

-ZONING COMMISSIONER OFF M-

***** - ***** - 410 887 3468- *****



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 1, 2007

GREG FALTER
PATIO ENCLOSURES
Via FAX 410 760 1988

Re: Petition for Administrative Variance
Case No. 07-459-A
Property: 2016 Myrtlewood Road

Dear Mr. Falter:

The Days' request for Administrative Variance has been given to me for review. Upon my review of your file, it came to my attention that the Zoning Advisory Committee (ZAC) comment prepared by the Office of Planning is opposed to your request. I am enclosing a copy of this ZAC comment for your review.

Please write to me at your earliest convenience if you are able to modify the site plan and comply with the required setback, and thus not needing the administrative variance. If not, I will schedule a public hearing on this matter.

Thank you for your attention and cooperation in this matter.

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Steve and Fay Day, 2016 Myrtlewood Road, Baltimore MD 21209
Nkechi Hislop, Office of Planning



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 1, 2007

GREG FALTER
PATIO ENCLOSURES
Via FAX 410 760 1988

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John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Steve and Fay Day, 2016 Myrtlewood Road, Baltimore MD 21209
Nkechi Hislop, Office of Planning

AV 57

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 16, 2007

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

SUBJECT: 2016 Myrtlewood Road

INFORMATION:

Item Number: 7-459

Petitioner: Mr. And Mrs. Steve and Fay Mesenbrink Day

Zoning: DR 2

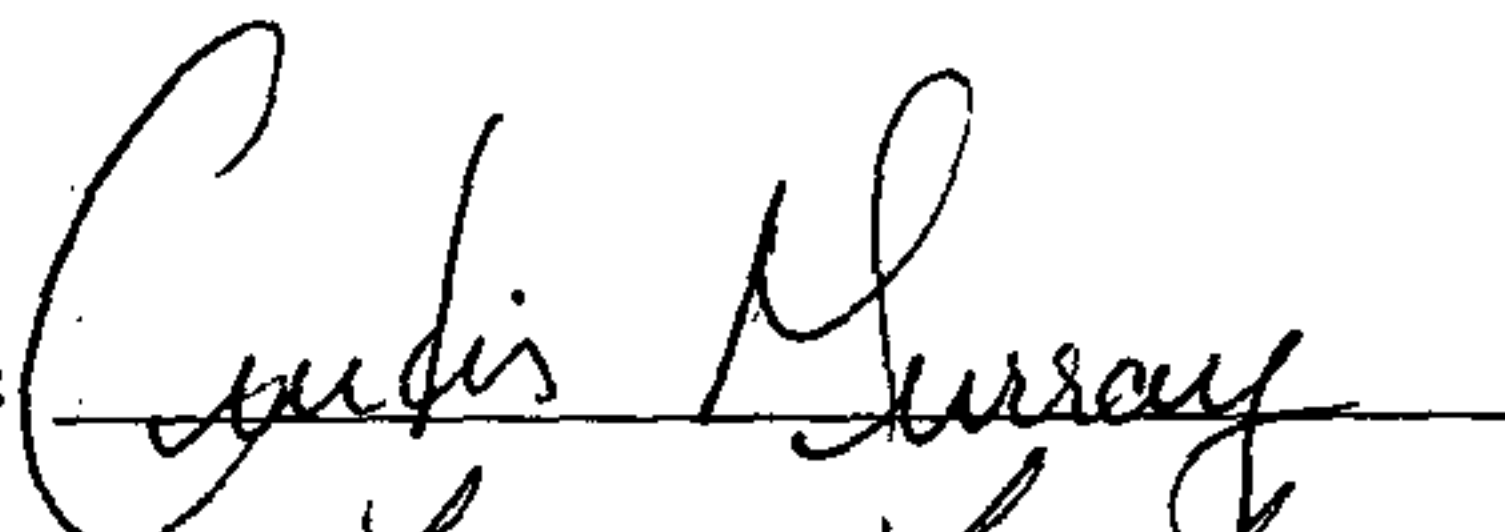
Requested Action: Variance

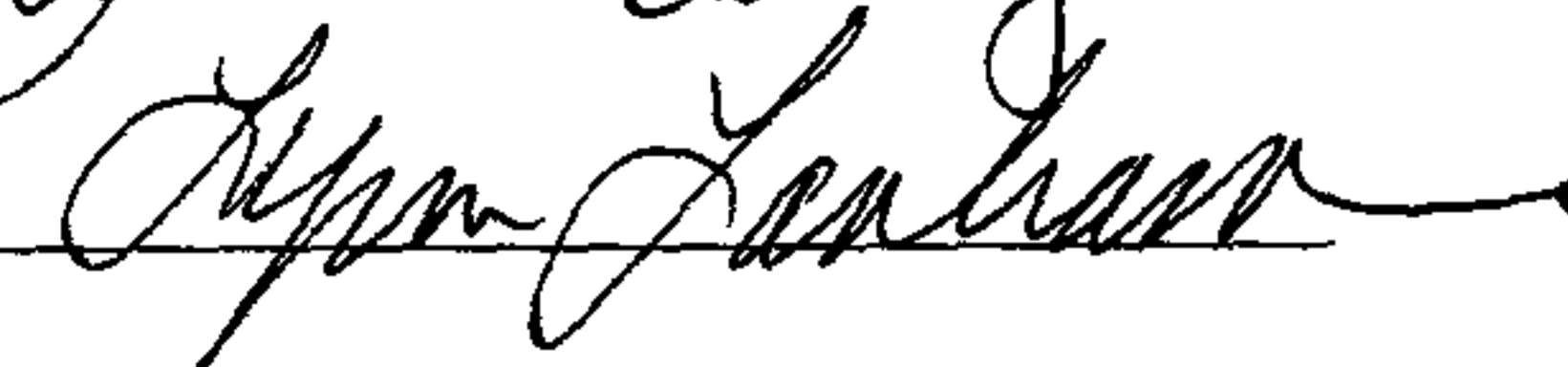
RECEIVED
MAY 25 2007
BY:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request, as there is no significant hardship or practical difficulty illustrated in the subject case. The lot is an average size lot that is not unique for this subdivision. The Office of Planning realizes that this is a recently recorded subdivision plat (recorded in 2005). As a result, the pattern book was referred to and it was noted that there were provisions made for the addition of sunrooms. These optional sunrooms would have maintained the required rear yard setbacks.

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

Reviewed by: 

Division Chief: 
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 16, 2007

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

SUBJECT: 2016 Myrtlewood Road

INFORMATION:

Item Number: 7-459

Petitioner: Mr. And Mrs. Steve and Fay Mesenbrink Day

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request, as there is no significant hardship or practical difficulty illustrated in the subject case. The lot is an average size lot that is not unique for this subdivision. The Office of Planning realizes that this is a recently recorded subdivision plat (recorded in 2005). As a result, the pattern book was referred to and it was noted that there were provisions made for the addition of sunrooms. These optional sunrooms would have maintained the required rear yard setbacks.

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

Reviewed by: _____

Division Chief: _____
AFK/LL: CM

From: Curtis Murray
To: Zook, Patricia
Date: 5/22/2007 9:59:17 AM
Subject: 7-459

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
410-887-3480
Fax: 410-887-5862
cjmurray@co.ba.md.us



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

May 8, 2007

Steve Day
Fay Mesenbrink-Day
2016 Myrtlewood Road
Baltimore, MD 21209

Dear Mr. and Mrs. Day:

RE: Case Number: 07-459-A, 2016 Myrtlewood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 10, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

From: Nkechi Hislop
To: Zook, Patricia
Date: 5/30/2007 1:31:53 PM
Subject: Re: Case 07-459 (administrative variance) @ 2016 Myrtlewood Road

Hi Patti, the case 07-191-A was also denied from that subdivision. The address on the property is 2006 Willowcrest Road. I hope this helps.
Nkechi

Nkechi M. Hislop
Planner I
Baltimore County Department of Planning
401 Bosley Ave Towson MD 21204.
nhislop@baltimorecountymd.gov

>>> Patricia Zook 05/29/07 12:32 PM >>>
Hello Nkechi -

We are in receipt of your comments regarding the above-referenced case. Is it possible to obtain clarification of your comment regarding the proposed sunroom? If the Petitioner had built the sunroom when the rest of the home was constructed, it appears (from the comment) that the sunroom would have met the required setbacks.

I'm guessing that the Petitioner decided to construct the sunroom using a vendor other than the builder in order to save money.

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

From: Nkechi Hislop
To: Zook, Patricia
Date: 5/29/2007 2:56:08 PM
Subject: Re: Case 07-459 (administrative variance) @ 2016 Myrtlewood Road

I'll have one for you first thing in the morning! Thank you, its just I've been a little busy.

>>> Patricia Zook 05/29/07 2:52 PM >>>

If I could have an answer in the next day or two. Administrative variances have a quick turn around.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

>>> Nkechi Hislop 5/29/2007 2:51:03 PM >>>

Hi Patty, I was in a meeting. I will call you as soon as I can in regard to the zac. Is my response time sensitive?

>>> Patricia Zook 05/29/07 12:32 PM >>>

Hello Nkechi -

We are in receipt of your comments regarding the above-referenced case. Is it possible to obtain clarification of your comment regarding the proposed sunroom? If the Petitioner had built the sunroom when the rest of the home was constructed, it appears (from the comment) that the sunroom would have met the required setbacks.

I'm guessing that the Petitioner decided to construct the sunroom using a vendor other than the builder in order to save money.

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Case 07-459 (administrative variance) @ 2016 Myrtlewood Road

From: Patricia Zook
To: Hislop, Nkechi
Date: 5/29/2007 12:32:04 PM
Subject: Case 07-459 (administrative variance) @ 2016 Myrtlewood Road
CC: Murphy, John

Hello Nkechi -

We are in receipt of your comments regarding the above-referenced case. Is it possible to obtain clarification of your comment regarding the proposed sunroom? If the Petitioner had built the sunroom when the rest of the home was constructed, it appears (from the comment) that the sunroom would have met the required setbacks.

I'm guessing that the Petitioner decided to construct the sunroom using a vendor other than the builder in order to save money.

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: June 1, 2007

TO: Kristen Matthews
Department of Permits & Development Management

FROM: Patti Zook, Legal Secretary to
John V. Murphy, Deputy Zoning Commissioner

RE: Petition for Administrative Variance – Closing Date of 5-7-07
Case No. 07-459-A

After a review of the above-captioned case file, comments from the Office of Planning, and discussions with the Petitioner's contractor, Jack Murphy has requested that this case be set in for a public hearing. We are returning the file to you for further processing, i.e., notifying the Petitioner and Gregory Falter, with Patio Enclosures, posting of hearing notices, etc. Per Jack, the posting and advertising are to be done by the County.

Please let Nkechi Hislop, with the Office of Planning, know when the case is scheduled for hearing.

Thank you for your attention and cooperation in this matter.

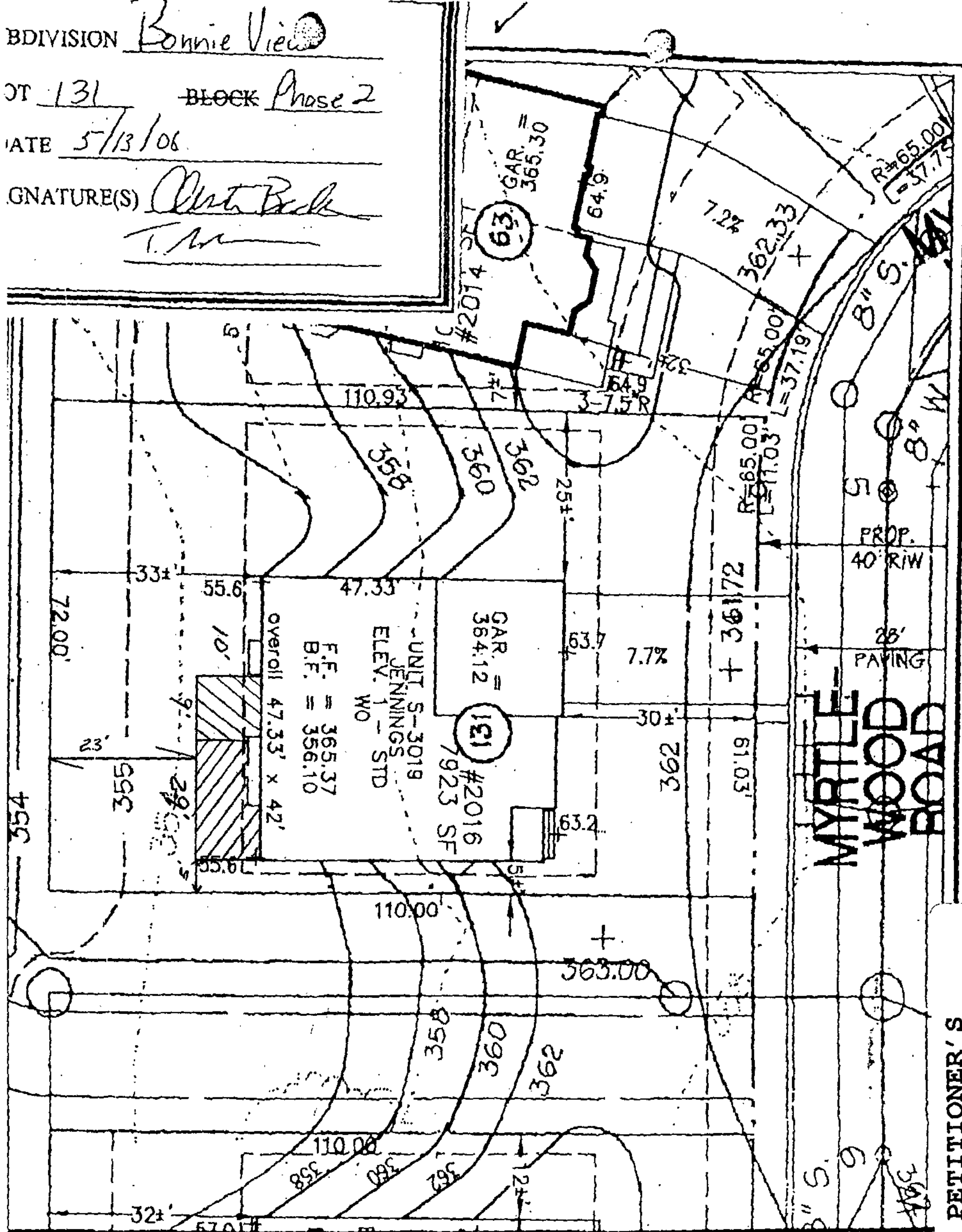
BDIVISION Bonnie View

OT 131 ~~BLOCK~~ Phase 2

DATE 5-13/06

SIGNATURE(S) Chris Beck

T. M.



PETITIONER'S

EXHIBIT NO.

PHRA.

BONNIE VIEW ESTATES PHASE 2

BEAVER HOMES
RESIDENT LOT 13

DWG. NO.

1 OF 1

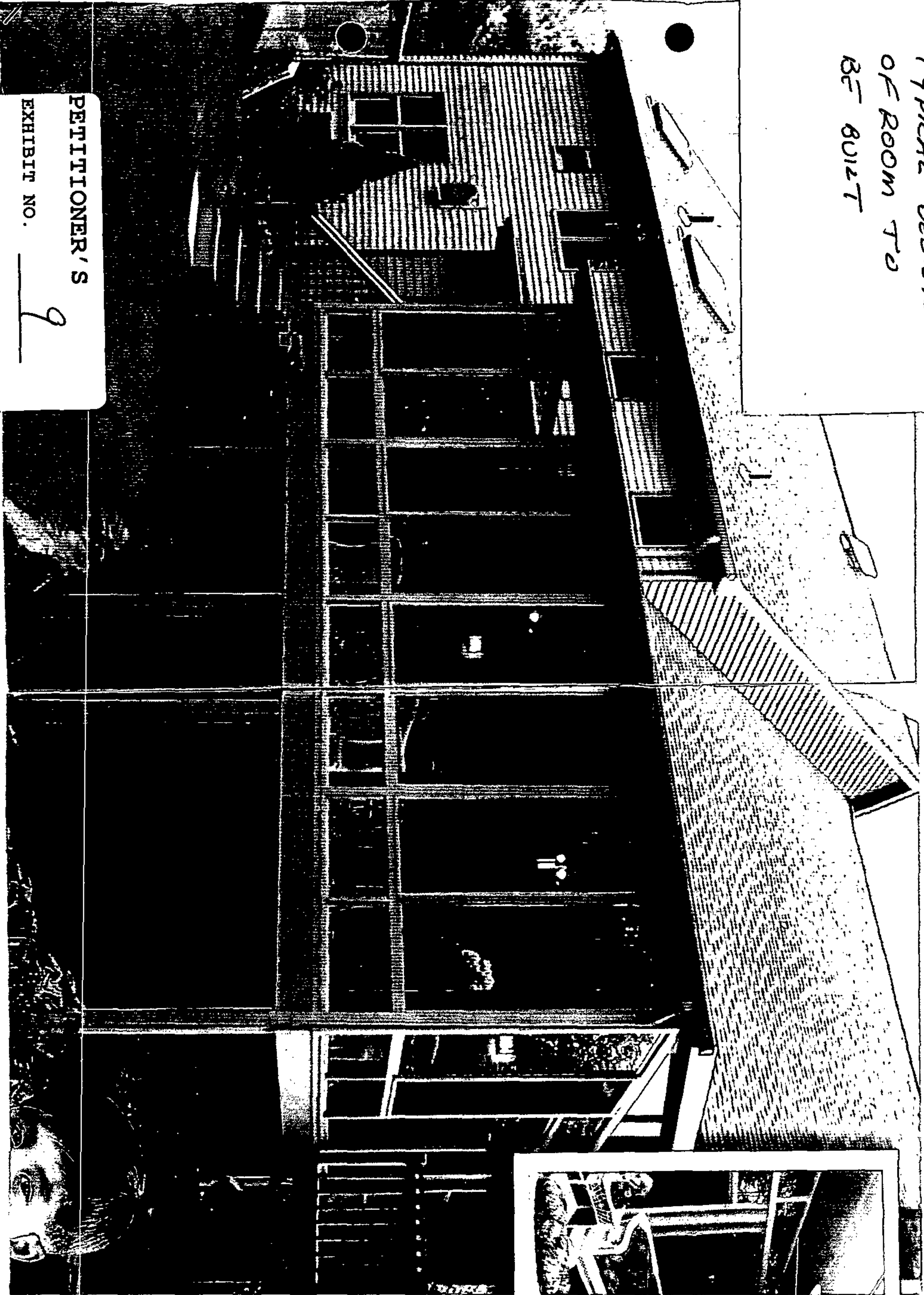
SCALE: 1" = 20'

TYPICAL DESIGN
OF ROOM TWO
BE BUILT

PETITIONER'S

EXHIBIT NO.

9



LAYOUT PLAN

REAR OF HOUSE

KITCHEN

HOUSE WALL

HOUSE WALL

HOUSE WALL
SIDE PATIO DOOR
A WALL NOT INSIDE
SIDE PATIO DOOR

CONVENTIONAL
OPEN
DECK

STEPS

DOOR

STEP

1' 2"

8'

3'

3'

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FAV LOCATION

STEPS

RAILING

RAILING

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NOTES

① W = WINDOW WITH SCREEN

② ES = DOWN SPOUT

③

Steve & Fay Day

③

PETITIONER'S

10

EXHIBIT NO.

STEVE & FAY DAY

Client: 2016 MYRTLE

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Date: 2-6-06

Designer: K F Hunter

1/4" = Approx 1'

Not to Scale

Conceptual Drawings Only



RIC-LEE CORPORATION

From: Nkechi Hislop
To: Bostwick, Thomas
Date: 08/14/07 12:49:46 PM
Subject: Re: Petition for Variance - Case No. 07-459-A

I spoke with Jeff Mayhew and he said that I wouldnt need to do new comments. YOu can use the email as a supplement.

Thank you and have a great day!
Nkechi

Nkechi M. Hislop, CNU
Planner I
Baltimore County Department of Planning
401 Bosley Ave Towson MD 21204.
nhislop@baltimorecountymd.gov

>>> Thomas Bostwick 08/10/07 11:41 AM >>>
Thanks very much for getting back to me Nkechi.

Just as a house-keeping question, did you want to submit another updated comment reflecting that you are keeping your comments the same, or do you want me to put your email response in the file as a supplement to the original comments? Whatever you prefer. Thanks again. Tom.

>>> Nkechi Hislop 08/10/07 11:15 AM >>>
Hi Thomas, I just wanted to let you know that I have reviewed the comments from the hearing with the area planner, Diana Itter and we have decided to keep our comments the same. The points mentioned are valid but they do not constitute a practical hardship or difficulty.
If there is anything else you need please let me know.

Thank you and have a great day.
Nkechi

>>> Thomas Bostwick 07/31/07 12:44 PM >>>
Nkechi,

I am writing to memorialize our discussions at the end of the above-referenced hearing, which took place this morning at 10:00 AM.

As you may recall, Petitioners live in a new home on Myrtlewood Road in the Bonnie View Estates subdivision off Smith Avenue. They wish to erect a "Patio Enclosures" sunroom off the back of their house approximately 10 feet deep, which will result in a rear yard setback of 23 feet instead of the required 30 feet. As such, they requested administrative variance relief.

Initially, the Office of Planning's Zoning Advisory Committee (ZAC) comment dated May 16, 2007 indicated Planning did not support Petitioners' request because there was no significant hardship or practical difficulty demonstrated, which is why the matter was set in for a public hearing.

At the conclusion of the hearing, in response to my query, you expressed a desire to review this matter with your colleagues, based on the information you heard and documentation presented at the hearing, and to submit a revised ZAC comment, which would potentially be unchanged from Planning's previous comment or might contain changes based on information learned at the hearing. In order to give you the opportunity to review this matter and submit a revised comment if appropriate, I offered, and Petitioners agreed, to allow this matter to remain open until August 13, 2007. After that date, I will prepare an Order based on the information gathered at the hearing and contained in my file up to that point.

Thank you for your cooperation and attention to this matter. If you have any questions or comments, please do not hesitate to contact me.

Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County
401 Bosley Avenue, Room 405
Towson, Maryland 21204
Phone: (410) 887-3868
Fax: (410) 887-3468

Confidentiality Statement

This electronic mail transmission contains information belonging to the sender which may be confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

**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: #07-459-A

2016 Myrtlewood Road
W/side of Myrtlewood
Road, 107 feet north of
Thistlewood Road

3rd Election District
2nd Councilmatic District

Legal Owner(s): Steve Day
and Fay Masenbrink-Day

Variance: to permit an addition (sunroom) with a 23-foot rear setback in lieu of the required 30 feet and to amend the latest F.O.P. for "Bonnie View Estates", Lot 131.

Hearing: Tuesday, July 31, 2007 at 10:00 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) 887-4386.

(2) For information concerning the file and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 7/6/85 July 17 142176

CERTIFICATE OF PUBLICATION

7/19/2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/17/2007.

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

S. Wilkinson
LEGAL ADVERTISING

From: Thomas Bostwick
To: Hislop, Nkechi
Date: 07/31/07 12:44:54 PM
Subject: Petition for Variance - Case No. 07-459-A

Nkechi,

I am writing to memorialize our discussions at the end of the above-referenced hearing, which took place this morning at 10:00 AM.

As you may recall, Petitioners live in a new home on Myrtlewood Road in the Bonnie View Estates subdivision off Smith Avenue. They wish to erect a "Patio Enclosures" sunroom off the back of their house approximately 10 feet deep, which will result in a rear yard setback of 23 feet instead of the required 30 feet. As such, they requested administrative variance relief.

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CC: greg@ric-lee.com; kfhunter@verizon.net; Mayhew, Jeff; sfeday@yahoo.com



*** INTERIOR LOT**

(DETAILED/TYPICAL)

N.T.S.

COUNTY ZONING REGULATIONS AND POLICIES.
IF THE CONFLICT.

PDM file #111-454

DR-C 101804D

**PLAN TO ACCOMPANY
HEARING OFFICER'S ORDER**

3/30/05
Michael R. Rabe
DATE PROJECT MANAGER

1st REFINED

DEVELOPMENT PLAN

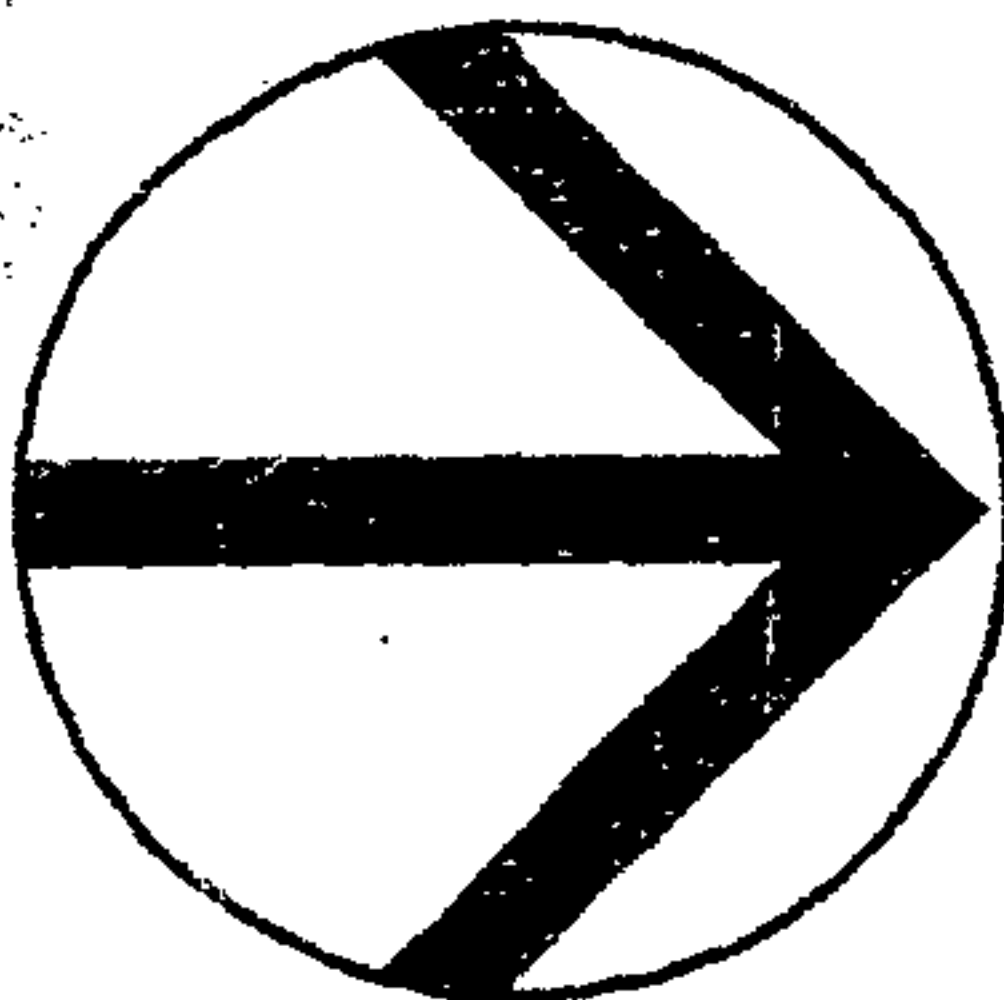
BONNIE VIEW ESTATES

ALTERNATE

TAX MAP 79 GRID 2 PARCEL 83

3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MD



HEARING OFFICER'S ORDER
DUE DILIGENCE THIS DEVELOPMENT
PLAN PURSUANT TO THAT ORDER.

DATE BY

REVISIONS

02-28-05 DMW REVISED TO REFLECT DR-2 ZONE CHANGE
AND IN ACCORDANCE WITH DRC NO. 101804D

3-24-06

ISSUE DATES

REVIEW: 8/5/03

BID: _____

PERMIT: _____

CONSTRUCTION: _____

BASE: K0

DRAWN: LC

DESIGNED: THR/CYM

CHECKED BY: _____

DATE CHECKED: _____

SCALE: 1"=100'

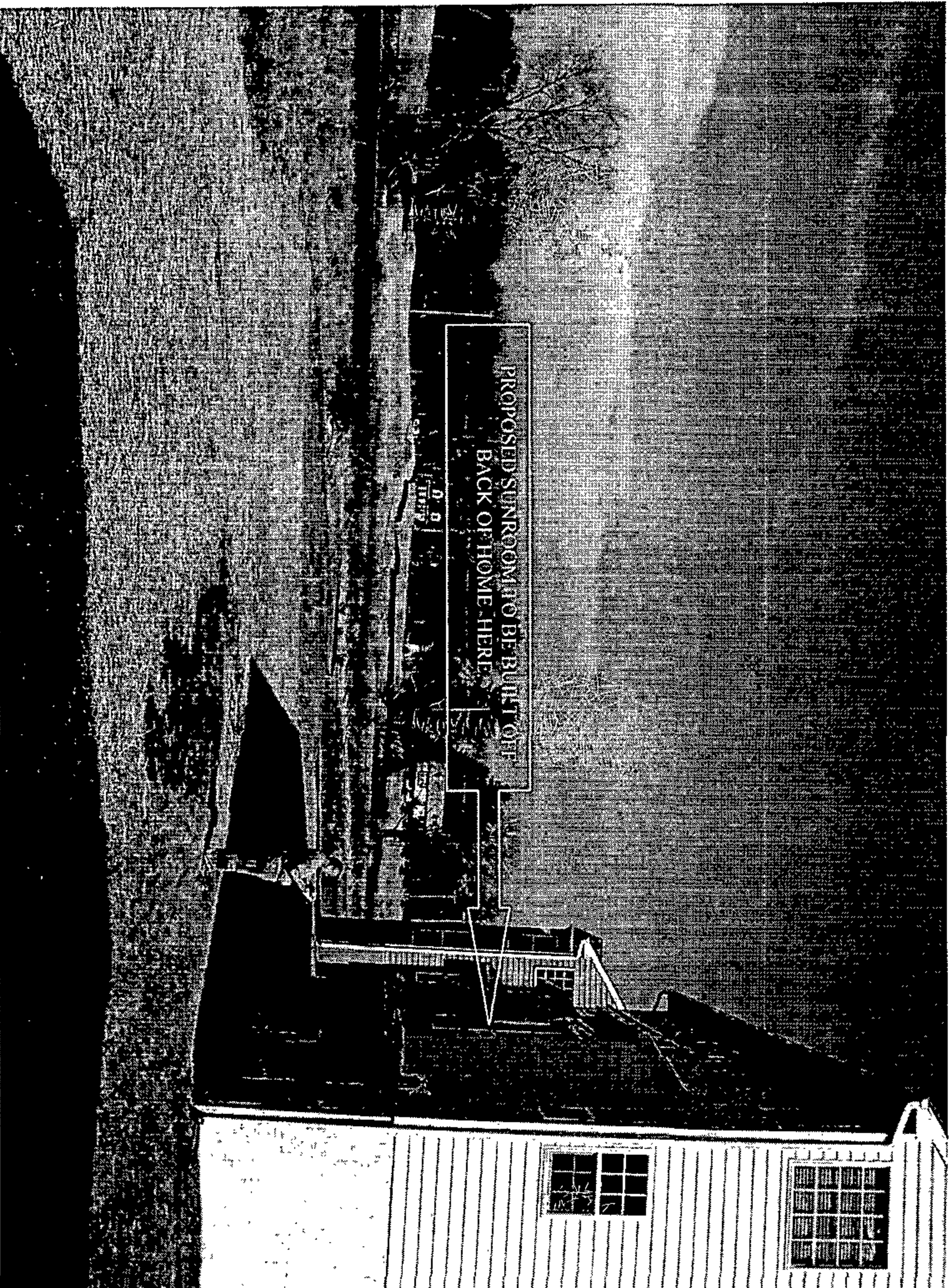
PROJECT NO.: 02074.a

DRAWING: 1 of 1

n:\02074\02074.dwg Wed Mar 16 08:20:17 2005

Michael R. Rabe 3/30/05 Approved

Variance photo for:
Steve and Fay Day
2016 Myrtlewood Rd.
Baltimore, MD 21209



PETITIONER'S

EXHIBIT NO.

4

Lot 109





Lot 64



PETITIONER'S
EXHIBIT NO. 5

The Parke At Mt. Washington

Included Features

Exterior Features

- █ Slatelty traditional designs with brick or stone skirt front, per plan
- █ Color coordinated low maintenance exteriors
- █ Professionally designed landscaping with sodded front, sides and 10' of rear
- █ 6" low maintenance vinyl siding
- █ Copper roofs on front bay windows, per elevation
- █ Shingle roof with 30 year guarantee
- █ Asphalt driveway with concrete apron
- █ Two car garage
- █ Two hose bibs, one each front and rear
- █ Two weatherproof electrical outlets, one each front and rear
- █ Satin nickel kick plate, door knocker and handles

Interior Features

- █ Nine foot ceiling on first floor
- █ Hardwood flooring in foyer and powder room
- █ Classic oak railing and balusters
- █ Tray ceiling in owner's bedroom and bath per plan
- █ Traditional six panel doors
- █ Elegant crown molding in foyer, living and dining room
- █ Chair rail molding in dining room
- █ Direct vent gas fireplace per plan with two recessed lights and slate surround
- █ First floor library per plan
- █ Sliding glass door with grills per plan
- █ Decorative interior light fixtures
- █ Decorative exterior door handle
- █ Dead bolt lock, front and rear doors
- █ Dramatic recessed lighting, per plan
- █ Wall-to-wall carpet
- █ Pre-wired outlets for telephone and cable in pre-selected locations
- █ Ceiling fan pre-wire in family room and owner's bedroom

- █ Ventilated closet/shelving

- █ 3-piece rough in plumbing for full bath in lower level

- █ Door chimera

- █ Smoke detector

Designer Kitchens

- █ Gourmet kitchen with electric cooktop and wall oven

- █ 42" oak kitchen cabinets with raised panel

- █ Breakfast nook sliding glass door with low-E glass and grills per plan

- █ Pantry

- █ Spacious breakfast areas

- █ Kitchen islands per plan

- █ Stainless steel double bowl sink

- █ GE 18 cubic feet frost-free refrigerator with icemaker

- █ GE energy saving polycrystalline dishwasher and disposal

- █ Easy care resilient flooring

- █ Elegant Baths

- █ Ceramic tile floor in owner's and bath

- █ Owner's bath with soaking tub and separate shower

- █ Oak front vanities with cultured marble tops and dual sinks per plan

- █ Full width mirrors over vanities

- █ Elongated commodes

- █ Pedestal sink in powder room

- █ Modern plumbing fixtures

- █ Energy Saving Features

- █ Economical 2 zone gas heat

- █ Insulated vinyl single hung tilt-out windows, low-E glass with grills

- █ Two car garage with insulated garage doors

- █ Insulated entry door

- █ R-38 insulation in ceilings

- █ R-13 insulation in exterior walls

- █ R-19 insulation in garage ceiling and overhang

- █ R-11 insulation in basement wall

- █ 50 gallon gas hot water heater

Customer Options

- █ Various front elevations with partial brick or stone

- █ Walk out basements or oversize arway per plan

- █ Rear extensions per plan

- █ Sunrooms per plan

- █ Fifth bedroom per plan

- █ Bay windows

- █ Gas cooktop

- █ Upgraded cabinetry for kitchens and bathrooms

- █ Granite or corian kitchen countertops

- █ Finished recreation room and lower level

- █ Upgrade trim packages

- █ Whirlpool in owner's bath

- █ Security systems

- █ Sitting rooms per plan

- █ Hardwood flooring

- █ Appliance upgrades

- █ Carpet and padding upgrades

- █ Central vac

- █ Upgrade plumbing fixtures

- █ Post lamps

- █ 75 gallon water heater

- █ Upgraded communication wiring package

- █ Marble surround fireplace

- █ Laundry tub per plan

- █ Garage door opener

- █ Quality Assurance Program

- █ Beazer Homes commitment to quality from start to finish

- █ Ten-year PVC owner's warranty

- █ Sales/Construction/Owner Service

- █ Pre-construction meeting

- █ Pre-close in/dry wall orientation

- █ Homeowner orientation

- █ 45 day courtesy visit

- █ 11 month courtesy visit

Wall coverings, floor painting, built-in shelving, decorative mirrors and special lighting, furnishing, drapes and special landscaping are for display purposes only and are not included in the standard home finish.

Subject to change without notice.

MM08 193

4/6/2007



PETITIONER'S
EXHIBIT NO. 7

Options Available Report

Sales Options

Parke at Mt Wash - Non-English

Option Number	Option Description	Cut off Stage	Sales Price
Structural			
RMSCOLUM	Interior Columns (2). Sold In Pairs. Located Between Liv Rm & Din Rm / Liv Rm. & M. Hall	1	\$0.00
RMSFPELC	Elec. FP w/Wood (Corner/Wall) Cabinet Surround Painted White (Specify Location). Includes Remote Control, Glass Doors Black Trim & Black Perimeter Trim.	1	\$2,850.00
RMSHWHR	Hardwood Upstairs Hallway or Living Level For Stair Height Modification "Note Only"	1	\$0.00
RMSKOSKT	Kitchen Island Upgrade Package Includes 2nd Dishwasher & 2nd SS single bowl sink w/disposal MUST SELECT DISHWASHER, CABINETS, AND FAUCET Adds knee wall to Island	1	\$2,190.00

Plan: 3019

Elevation: All Elevations

Cabinets

CABCBSGO	Add for Gourmet Kitchen *****Sales Option*****	1	\$0.00
----------	--	---	--------

Doors/Millwork

DRMMW103	Interior 4ft French Door Library Per Plan (10 Lite)	1	\$935.00
DRMMW150	Exterior 6068 Atrium Door in Breakfast Area In Lieu of Sliding Glass Door	1	\$550.00
DRMMW151	Exterior 6068 Atrium Door in Sunroom In Lieu of Sliding Glass Door	1	\$550.00
DRMMW155	Exterior 6068 Atrium Door In Walk Out Basement In Lieu of Sliding Glass Door	1	\$550.00
DRMTP1DR	Upgrade Trim Pkg. Dining Room 2pc Crown Moulding and Chair Rail	1	\$365.00
DRMTP1FO	Upgrade Trim Package Foyer 2pc Crown Moulding Upper Foyer Excludes Hall	1	\$495.00
DRMTP1LR	Upgrade Trim Pkg. Living Room 2pc Crown Moulding	1	\$220.00
DRMTPWD1	Trim Pkg. 1st Floor Windows	1	\$685.00
DRMTPWD2	Trim Pkg. 2nd Floor Windows	1	\$715.00

Electrical

ELCSECSR	* Security System Sunroom	1	\$385.00
ELCSECUR	Security System w/Two Key Pads (Entry & MBR), Contacts On All Doors, 1 Motion Detector and Contacts on all windows on basement and/or 1st ground level	1	\$1,820.00

Exterior

EXTAWWUP	Areaway Walk-Up (Oversized) 8ft Wide w/6ft. Slider May Interfere With Deck	1	\$7,000.00
EXTWO000	Walk Out Basement	1	\$6,000.00

Plumbing

PLMWHPOO	Jacuzzi "Tara" Whirlpool Tub (Per Plan)	1	\$2,420.00
----------	---	---	------------

Structural

RMSBSTTU	Basement Tub Bath Must Select Rec Room With This Option.	1	\$5,545.00
RMSEXTBK	Extended Breakfast Bay	1	\$2,425.00
RMSEXTFR	Extended Family Room Includes Owner's Suite INGROUND	1	\$19,100.00
RMSEXTFW	Extended Family Room Includes Owner's Suite WALKOUT	1	\$20,100.00
RMSEXTSD	Extended Study/Den Must Select Rear Extension Includes Optional Study/Den Must Have Finished Rec Room	1	\$13,050.00
RMSFP277	Dry Stacked Stone Facing Family Rm. To Ceiling With Hearth & Stained Oak Mantel	3	\$5,900.00
RMSRECRM	Finished Recreation Room MUST Select 'EXTWELL' Egress Well, T.V. & Phone Rough-In Included	1	\$20,900.00
RMSSD000	Basement Study/Den TV & Phone Rough In Included Must Have Finished Recroom	1	\$8,850.00
RMSSTAO1	Oak Stairs - 1st Floor To 2nd Floor Including Runner & Landing	1	\$3,170.00
RMSSUN00	* Basement Sunroom Area Finish Must Have Finished Rec Room and Select Sunroom	1	\$7,850.00
RMSSUNRM	* Sunroom Rear Ing. Incl. R/I For Ceiling Fan, TV & Phone.	1	\$23,100.00
RMSSUNWO	* Sunroom Rear Walkout Condition Incl. R/I For Ceiling Fan, TV & Phone. Must select Walkout Condition	1	\$25,100.00

