IN RE: PETITION FOR ADMIN. VARIANCE
SE side of Oakleigh Beach Road, 450
feet NE side of c/l of Pin Oak Avenue
15th Election District
7th Councilmanic District
(929 Oakleigh Beach Road)

Lisa A. Stratton and Deborah C. Flory Petitioners

A CONTRACTOR OF THE PARTY OF TH

BEFORE THE

DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-464-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, Lisa A. Stratton and Deborah C. Flory. The variance request is for property located at 929 Oakleigh Beach Road. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition on front of existing dwelling with a 20 foot setback in lieu of the required 40 foot front average setback. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners propose a 20 foot x 20 foot addition (garage) on the front of their home. The addition is necessary to provide more parking and storage. No street parking is available.

After review of the administrative variance request, a letter dated May 10, 2007 was sent to the Petitioners by the undersigned transmitting two letters from adjacent property owners, and asking the Petitioners to submit further evidence about the neighborhood in support of their request.

In a letter dated May 16, 2006, the Petitioners provided additional information about the neighborhood and provided 16 additional photographs showing similar additions throughout the

neighborhood. In addition, the Petitioners' contractor provided a picture of the proposed addition.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: The Office of Planning in a memorandum dated April 27, 2007, did not have any comments on the proposal. The undersigned requested that the Planning Office review the request and its potential change to the character of the neighborhood. On May 29, 2007, Amy Mantay, Community Planner, visited the site and neighborhood. She states that there are other property owners that have sheds and detached garages in their 'front yards' which is common in the waterfront communities. A copy of these comments are contained in the case file.

Applicable Law

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

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 21, 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 _____ day of June, 2007 that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition on front of existing dwelling with a 20 foot setback in lieu of the required 40 foot front average setback 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

TO CONTRACT OF



Petition for Administrative Variance

is the subject of this Petition.

to the Zoning Commissioner of Baltimore County

for the property located at 929 NAKleigh Beach ld which is presently zoned DB 5.5

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)

303. BCZR

TO PERMIT AN ADDITION ON FRONT OF EXISTING DWELLING WITH A 20 FEET SETBACK IN LIEU OF THE REQUIRED 40 FEET! FRONT AVERAGE SETBACK.

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.

Legal Owner(s): Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Telephone No. Address Zip Code Signature 4100 State City Attorney For Petitioner: Telephone No. Address 21222 41D DUNDAIK Zip Code State Name - Type or Print Representative to be Contacted: Signature Company Telephone No. Address Telephone No. Address 21226 Zip Code State Zip Code State City

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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

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

perjury, that I/we are the legal owner(s) of the property which

CASE NO.

REV 10/25/01

07-464 A

Reviewed By A.TSUC - Date 04/22/07 Estimated Posting Date 04/22/07 - 05/09/09

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		Ogkleigh	Beach	Rd
	Address <u> </u>	<u> </u>	MD State	2122 <u>7</u> Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	wing are the or practical	e facts upon which al difficulty):	ch I/we base the	, , ,
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111			- Flory	
Signature Lira A. Strytton	····		souh C	- Flory
Name - Type or Print		Name - Type	or Print	
STATE OF MARYLAND, COUNTY OF BALTIME I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, person		_	, before m	ne, a Notary Public of the State
of Maryland, in and for the County aforesaid, pers	sonally app	eared	 -	
the Affiant(s) herein, personally known or satisfac	ctorily identi	fied to me as su	ch Affiant(s).	
AS WITNESS my hand and Notarial Seal		_	•	
ANGELITA DELACRUZ-MACAHIA Notary Public Baltimore County	No	tary Public Commission Ex	Dela C	MZ-Macahia
Maryland REV 10/25/0My Commission Expires 11/03/2010	Му	Commission Ex	(pires 11 (03 2010

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That the Affiant(s) does/do presently reside at	929	Dakleigh 1	Beach	Ral.	
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	City		State		Zip Code
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STORAGE SPACE.				-	
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a			will be required	d to pay a rep	osting and
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Signature	•	Signature			-
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STATE OF MARYLAND, COUNTY OF BALTIN	ORE, to wit:				
I HEREBY CERTIFY, this day of And of Maryland, in and for the County aforesaid, per	rsonally appeare	<u>∞7</u> ,	_, before me, a	Notary Public	of the State
the Affiant(s) herein, personally known or satisfa	actorily identified	to me as such Af	fiant(s).		
AS WITNESS my hand and Notarial Seal		•	•		
ANGELITA DELACRUZ-MACAH	11 ~ 		la Cruz-	Macahio	ղ
Notary Public Baltimore County Maryland	My Co	Public mmission Expires	11/03	2010	<u>, , , , , , , , , , , , , , , , , , , </u>
REV 10/25/01 My Commission Expires 11/03/2010			i	J	



Petition for Administrative Variance

is the subject of this Petition.

to the Zoning Commissioner of Baltimore County

for the property located at	929	DAKLEICH BEACH Rd
whic	h is pres	esently zoned DR 505

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) 303. | BCZR

TO PERMIT AN APDITION OF FRONT OF EXISTING DWELLINGT WITH A 20 FEET SETRACK IN LIEU OF THE REQUIRED 40

FEET FRONT AVERAGE SETBACK.

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, 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.

Legal Owner(s): Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print Signature Signature Name - Type or Pript-Telephone No. Address Zip Code Signature 410 State City 1850 · 5284 Attorney For Petitioner: Telephone No. Address DUNDAK てしててて Zip Code State City Name - Type or Print Representative to be Contacted: Signature 410-421-5090 Name Company 659 Telephone No. Address Telephone No. Address MD 21226 Zip Code State Zip Code State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County,

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 to a public bearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Reviewed By A- Town Date 04/2/2007
Estimated Posting Date 04/22/05/07/05/09/07

" 1100 31

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

perjury, that I/we are the legal owner(s) of the property which

Zoning Description

Zoning Description For <u>929 Oakleigh Beach Rd</u>

Beginning at a point on the South side of Oakleigh Beach Rd which is 40 feet wide at the distance of 450 feet East of the centerline of the nearest improved intersecting street Pin Oak Ave which is 40 feet wide. *Being Lot #110 in the subdivision of Oakleigh Beach as recorded in Baltimore County Plat book #12. Folio #46 containing 7,500 sq ft. Also known as 929 Oakleigh Beach RD. and located in the 15th Election district, 7th Councilmanic District.

07-464-A

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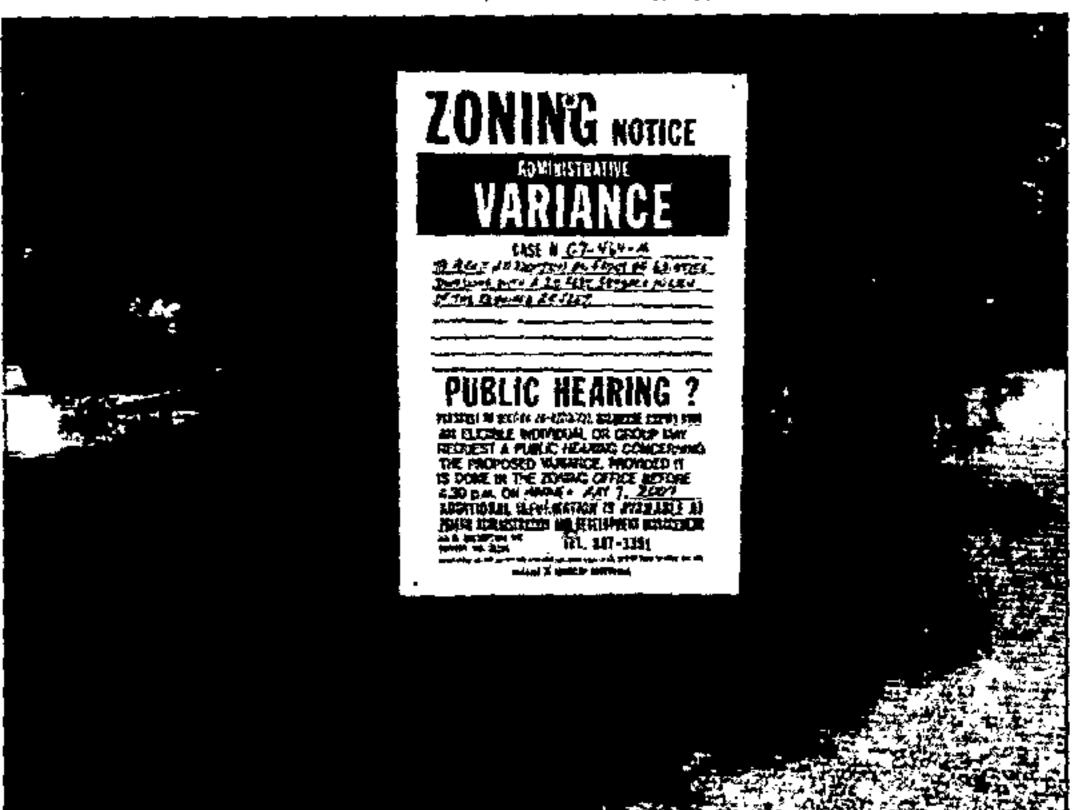
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CERTIFICATE OF POSTING

RE: Case No: <u>07-464-4</u>
Petitioner/Developer:
LISA STRATTON
Date Of Hearing/Closing: 5/7/07
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the penalties of perjury that the necessary posted conspicuously on the property 929 DAKLEIGH BEACH ROAD

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MultipOgl 4/21/07

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

Case Number 07- 464 - Address 929 OAKLEIGH BEACH ROAT
Contact Person: AARON TSUT Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 04/12/200 Posting Date: 04/22/07 Closing Date: 05/07/20
Any contact made with this office regarding the status of the administrative special hearing 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.
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 SPECIAL HEARING SIGN FORMAT
Case Number 07- 464 - Address 929 OAKLEIGH BEACH 120AD
Petitioner's Name LISA STRATTON Telephone 410-9111642
Posting Date: Closing Date: Closing Date:
Wording for Sign: Administrative Special Hearing to approve VARIANCE TO PERMIT
AN ADDITION ON FRONT OF EXISTING DWELLING WITH
A 20 FEET SETBACK IN LIEU OF THE REQUIRED
40 FEET. FRONT AVERAGE SETBACK.

WCR - 6/28/00



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 8, 2007

Lisa A. Stratton
Deborah C. Flory
929 Oakleigh Beach Road
Dundalk, MD 21222

Dear Ms. Stratton and Ms. Flory:

RE: Case Number: 07-464-A, 929 Oakleigh Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 12, 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,

U. Callalad

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Greg Arnold 609 Waterview Road Curtis Bay 21226

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 27, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s)07-464-Administrative Variance

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

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

Prepared By

Division Chief:

CM/LL

* Revised mountainent

faxed to zoning reviews. 04/11/2007 14104215092 * photos show that #-Tsuc disellings on both sides are pretty much in Time. MR GREG ARNOUD: PLEASE GIVE THE REVISED SIGN POSTING INFORMATION SHEET TO POSTER. THE OWNER IS VARIANCING THE FRONT AVERAGE SETBACK BASED ON THE REVISED SETBACKS YOU FAXED TO METHIS MORNING. AN QUESTIONS, GIVE ME A CALL AT 410-887-3391

5-7- Kenny

TIMOTHY KOTROCO, Director of Permits and Management

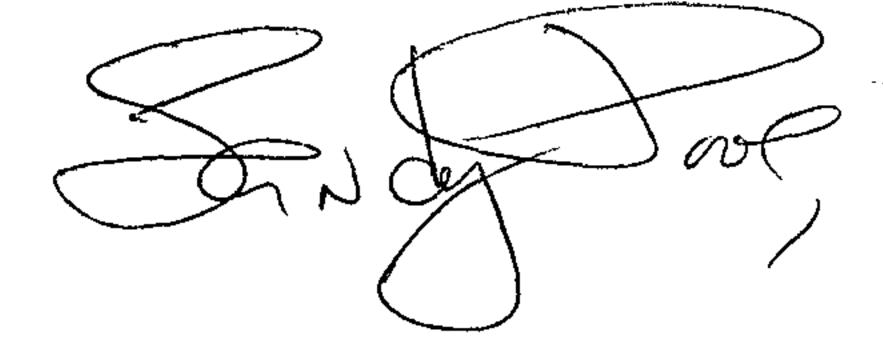
REFERENCE...variance zoning#.... 07-464-A

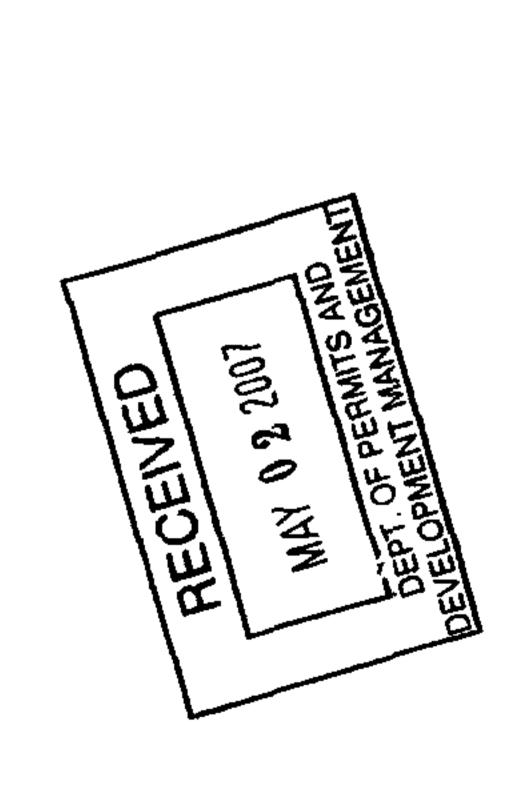
Address....929 Oakleigh Beach Rd./Baltimore, Md 21222

The variance is to add a garage addition to the front of the existing dwelling/house. I live next to the dwelling at 931 Oakleigh Beach Rd and am co-owner of that dwelling. We have a 3 foot dirt crawlspace under our home which sits on a natural spring. As a result of that natural spring, every time it rains we get water in our crawlspace. Unfortunately, there is no electricity in the crawlspace to install a sump pump. We are not even sure if installing a sump pump can be done because of the dirt floor and constant condensation in the crawlspace. To try and correct our water problem we have done this by various means. First, by trying to get the water to drain to 1 central spot were we have a small hole in our foundation for the water to drain out of the crawlspace The hole is about 2 feet deep under surface of the lawn. Naturally when the ground gets saturated the water has no place to go, so we have to wait for it to slowly drain out. Not good. We have put down lime to control the odor and plastic throughout the whole crawlspace to try and control the dampness. We have also installed insulation between the floorboard joists to control the dampness and odor from getting into our home. Right now, we have the water problem under control.

Our concerns are real simple. By digging the foundation for the garage next store to us will it disturb the spring? If it does, will we get more water in our crawlspace? If we do get more water, what course of action do we have? Can our neighbor be held responsible for the additional water and have it corrected at their expense?

Sandy Pool 931 Oakleigh Beach Rd Balto., MD 21222 410-388-0798 302-541-0587







JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

May 10, 2007

LISA A. STRATTON AND DEBORAH C. FLORY 929 OAKLEIGH BEACH ROAD DUNDALK MD 21222

> Re: Petition for Administrative Variance Case No. 07-464-A Property: 929 Oakleigh Beach Road

Dear Ms. Stratton and Ms. Flory:

I have been given your administrative variance for review. I note that you are requesting to construct a garage addition onto the front of your home.

Any variance which requests to build in the front yard is cause for very careful scrutiny. These structures can change the character of the neighborhood. Homes are required in DR 5.5 zones to be set back the average distance of the other homes on the street so that the view of the houses from the street is uniform.

In addition, this Office has received two letters of concern from neighbors which I have attached.

I am very reluctant to grant this request for the reasons given. However, I did not want to deny the request without giving you an opportunity to submit further evidence about the neighborhood or to request a public hearing in this regard.

Please let me hearing from you in writing at your convenience.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz
Attachments

c: Greg Arnold, 609 Waterview Road, Curtis Bay MD 21226

ZONING

4-27-07

05/02/2007 14:12

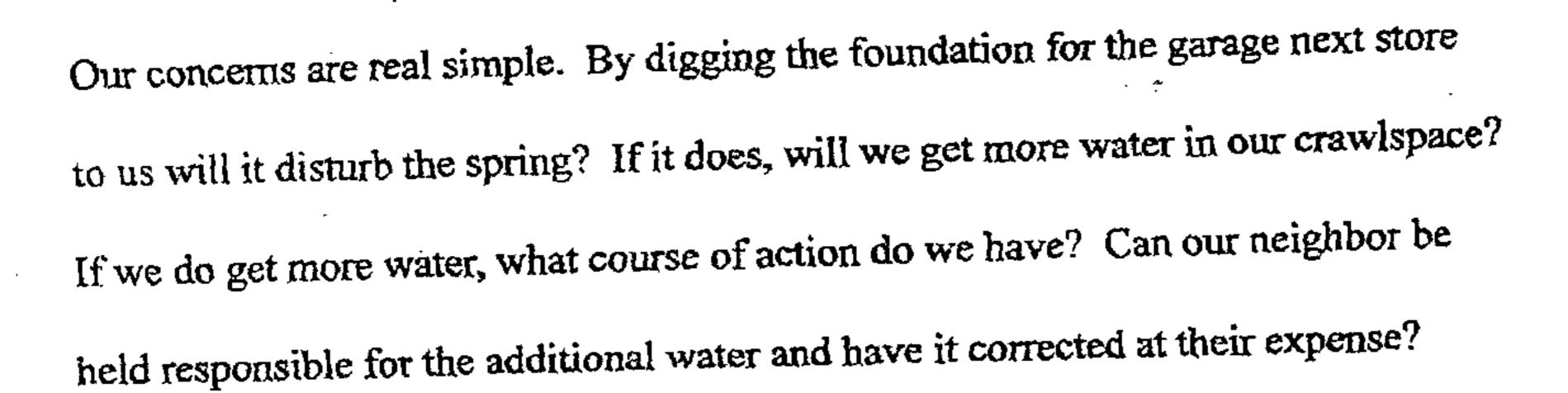
TIMOTHY KOTROCO, Director of Permits and Management

REFERENCE...variance zoning#.... 07-464-A

Address....929 Oakleigh Beach Rd./Baltimore, Md 21222

The variance is to add a garage addition to the front of the existing dwelling/house. I live next to the dwelling at 931 Oakleigh Beach Rd and am co-owner of that dwelling. We have a 3 foot dirt crawlspace under our home which sits on a natural spring. As a result of that natural spring, every time it rains we get water in our crawlspace. Unfortunately, there is no electricity in the crawlspace to install a sump pump. We are not even sure if installing a sump pump can be done because of the dirt floor and constant condensation in the crawlspace. To try and correct our water problem we have done this by various means. First, by trying to get the water to drain to 1 central spot were we have a small hole in our foundation for the water to drain out of the crawlspace The hole is about 2 feet deep under surface of the lawn. Naturally when the ground gets saturated the water has no place to go, so we have to wait for it to slowly drain out. Not good. We have put down lime to control the odor and plastic throughout the whole crawlspace to try and control the dampness. We have also installed insulation between the floorboard joists to control the dampness and odor

from getting into our home. Right now, we have the water problem under control.



Sandy Pool 931 Oakleigh Beach Rd Balto., MD 21222 410-388-0798 302-541-0587

May 1, 2007

Director of Permits and Managent 111 West Chesapeake avenue Suite 105 Towson, Maryland 21204 MAY 0 7 2007

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

Dear Mr. Kotroco,

not the second

I am writing in regard to a variance sign (case No: 07-464-A) which has been posted on my neighbor's property at 929 Oakleigh Beach 42d. (Lot No: 110) for the surpose of building a garage on the front of her house.

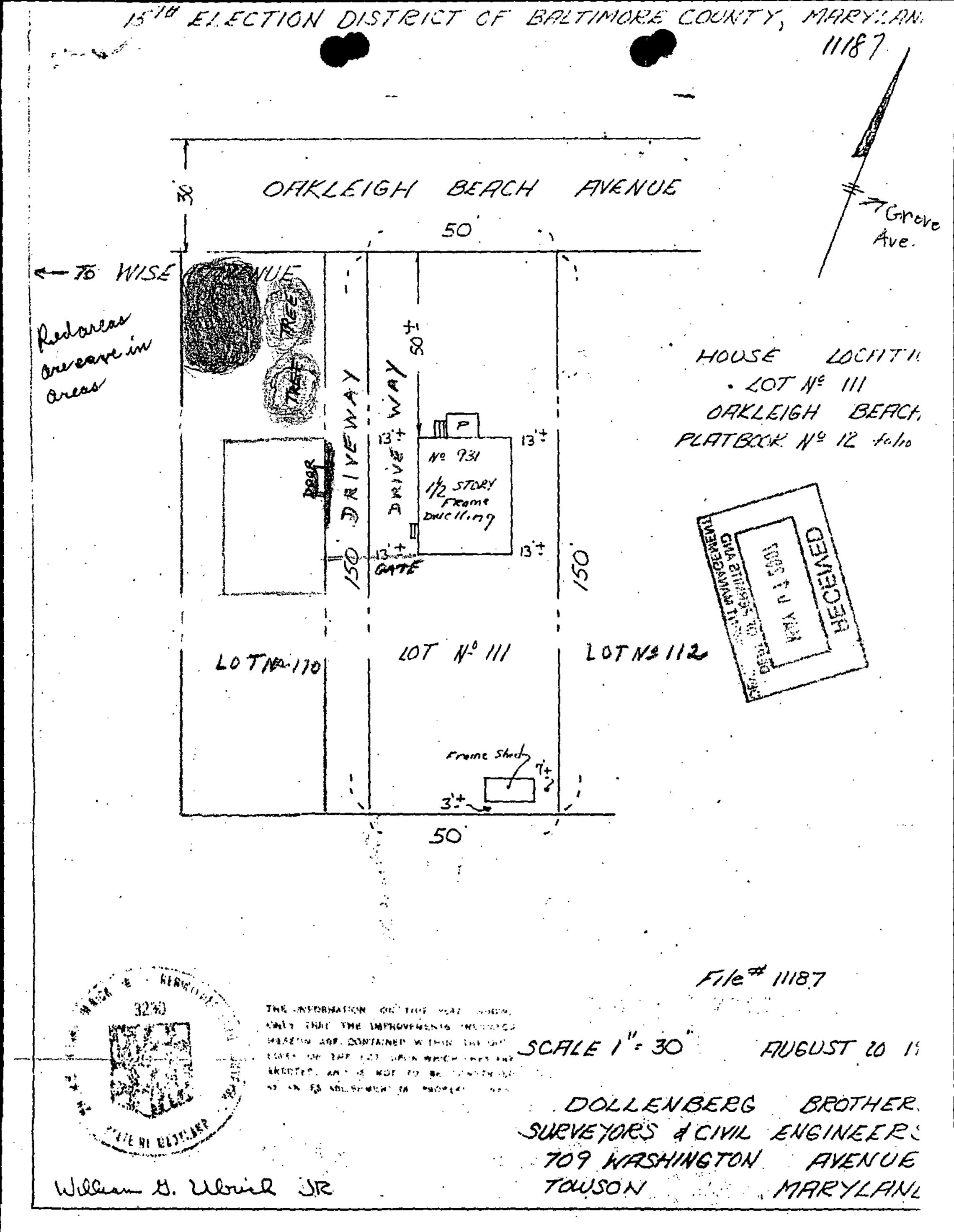
I live a 931 Oakleigh Beach Rd. (Lot No: 111) and am co-owner of this property with Sandra Pool who I'm sure you will also be hearing from. Our property is located across the street from those on Bear breek. The Jakleigh Beach area is a wet area. The ground is clay (which does not have much, if any, absorptive power). Water drainage is facilitated by the county easement area in front of the properties, some of which are trenches and some 4-5 feet of flat dirt ground. There are very few drains in the road. Therefore drainage is not the greatest.

My neighbor at 929 (Lot No: 110 told me she cannot put this garage in the back of her property because she has a spring. I also have a spring on my property. When Ms Pool and I bought this property in 1973, our first termite inspector informed wife how wet it was under our 3 foot crawl space and he suggested putting a moisture barrier underneath our house. We did this and a couple of things in addition to protect the unclerside of our house. When we dug holes for fence posts we hit water at 8 inches across our driveway.

Three years ago a large two story house with a basement was built next to me on Lot No. 112. The inspectors allowed all the dirt from the foundation to set piled up on the entire front and back lawn for a year. When the house was completed, the inspector would not make the builder haul it away and allowed the builder to

all of the dirt over the property raising it above my ground level and the neighbor the other side. The pector also allowed the builder to lay a lown and driveway which topered down to the road covering the 4-5 foot easement area. Before this house was built, the property line was exactly like mine. The property line ended with a 12 to 2 foot bank and there was att spoot dirt easement area (flat) which met the edge of the troud This has stopped my easement area from draining. This flat dirt easement area lies in front of all the properties from Lot No: 107 to Lot No: 114 and is the drainage area for these properties. It allows water to flow towards Grove avenue, For 30 years my easement areadried very well. It was solid and level and had grages which I mowed. The last 4 years I have had a verygerea with ruts 4 inches deep. I we spent money buying stones numerous times to try to solidify this area It is more solid but it doesn't look as nice as it used to. Reople are often parking in this area constantly and kickeing up the stones and I still get ruts after it rains. In the last 3 years I haven thately ground on my property both front and back, I've had a retaining wall built. with railroad ties in front of my front bank with a flower be behind it formany years. During the summer of 2006 I walked on this wall as I always did while trumming behind my flower bed with a weed later. In the falls of 2006, I had a gazing hole in the middle of my wall. a neighbor orross the street just informed me in march that he noticed a lot of water gushing from the entire width of the wall every time it rains. My wall at this time is about to totally collapse. After a good rain, my back lawn has so many puddles all over and mud like I've never had in all my years here. now I have to spend more money (which I really can 't afford) to build a new retaining wall and to put a draining system the entire length of my property along the border between the new house and me. So much for as I seave stated above, Lots 107 - 114 drain towarda Grove avenue in the easement area. I do not wish to a garage built on the front lawn of Lot No: 110. Digging up more ground and removing more trees can only decrease water absorption. I am afraid of having more water than I already have since my Easement area has been blocked by the new construction on Lot No 112.

The ground in the ex shifts a lot and wrong due to the fact that residents are often patching or repairing their driveways (concrete and blacktop) and I believe This shifting is due to numerous aprings in this area. I've been told by people in the 3 oning departments that they don't know where springs are located. This relates to my next reason for not allowing my neighbor to bruld a garage. About 4 or 5 years ago a good portion of my neighbor's front lawn caved in. The hole was quite deep (it appeared to be at least 6 feet) and as wide as at least half the width and length of her lawn I saw at least 4 truckloads of dirt dumped in it-I don't know how many sherin total because I had to go out. Several months later it caved in again. Perior to the front lawn caving in the co-owner and friend living there at the time, came over and asked me to look at the driveway around their door. There was a crack extending about a foot above the door to the end of the douse short of a few inches. The crack varied in width to 5 or 6 inches in with. The neighbor was very upset. She had a very long stick and had been probing in the crack and couldn't feel anything solid. I also probed with the stick and couldn't hit a stepping point, I suggested putting ended up doing. I only noticed a patch of black covering the cracks weeks later. Only noticed a patch of black covering the cracks Because my driveway is connected to hers, an very concerned about disturbing her ground and removing more trees and possibly affect my property. I certainly don't need my property to collapse, I believe In addition, this garage would block my view up the street (I like to have a view of my street) and I've lost much of my view on my other side with the new house. I also think the garage is unnecessary Cshehas a 4 our driveway. I also think a garage would be unseemly on the front Sincerely Jalberts Mary Phipps



4-27-07

5-7- Minny

TIMOTHY KOTROCO, Director of Permits and Management

REFERENCE...variance zoning#.... 07-464-A

Address....929 Oakleigh Beach Rd./Baltimore, Md 21222

The variance is to add a garage addition to the front of the existing dwelling/house. I live next to the dwelling at 931 Oakleigh Beach Rd and am co-owner of that dwelling. We have a 3 foot dirt crawlspace under our home which sits on a natural spring. As a result of that natural spring, every time it rains we get water in our crawlspace. Unfortunately, there is no electricity in the crawlspace to install a sump pump. We are not even sure if installing a sump pump can be done because of the dirt floor and constant condensation in the crawlspace. To try and correct our water problem we have done this by various means. First, by trying to get the water to drain to 1 central spot were we have a small hole in our foundation for the water to drain out of the crawlspace The hole is about 2 feet deep under surface of the lawn. Naturally when the ground gets saturated the water has no place to go, so we have to wait for it to slowly drain out. Not good. We have put down lime to control the odor and plastic throughout the whole crawlspace to try and control the dampness. We have also installed insulation between the floorboard joists to control the dampness and odor from getting into our home. Right now, we have the water problem under control.

Our concerns are real simple. By digging the foundation for the garage next store to us will it disturb the spring? If it does, will we get more water in our crawlspace? If we do get more water, what course of action do we have? Can our neighbor be held responsible for the additional water and have it corrected at their expense?

Sandy Pool 931 Oakleigh Beach Rd Balto., MD 21222 410-388-0798 302-541-0587 Son der Took

Director of Permits and Managent 111 West Chesapeake avenue Suite 105 Dowson, Maryland 21204 MAY 07 2007

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

Dear Mr. Kotroco,

. •> - - ₹}.

I am writing in regard to a variance sign (case No: 07-464-A) which has been posted on my neighbor's property at 929 Oakleigh Beach Rd. (Lot No: 110) for the surpose of Suilding-a garage on the front of her house.

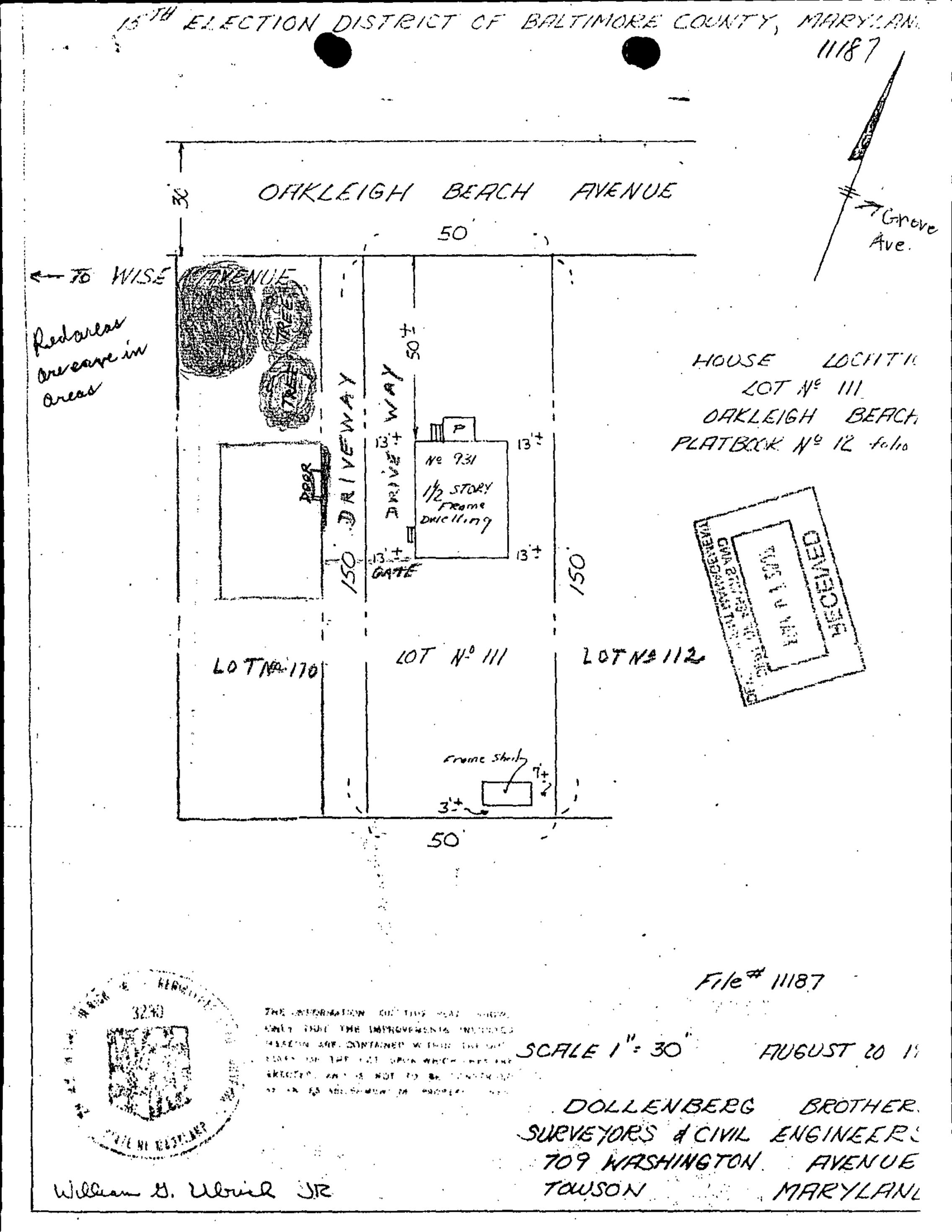
I live a 931 Oakleigh Beach Rd. (Lot No: 111) and am co-owner of this property with Sandra Pool who I'm sure you will also be hearing from. Our property is located across the street from those on Bear Breek. The Oakleigh Beach area is a wet area. The ground is clay (which does not have much, if any, absorptive power). Water drainage is facilitated by the county easement area in front of the properties, some of which are trenches and some 4-5 feet of flat dirt ground. There are very few drains in the road. Therefore drainage is not the greatest.

My neighbor at 929 (Lot No: 110 told me she cannot put this garage in the back of her property because she has a spring. I also have a spring on my property. When Ms Pool and I bought this property in 1973, our first termite inspector informed us of how wet it was under our 3 foot crawl space and he suggested putting a moisture barrier undernesth our house. We did this and a couple of things in adoletion to protect the underside of our house. When we duy holes for fence posts we hit water at 8 inches across our driveway.

Three years ago a large two story house with a basement was bruitt ment to me on Lot No. 112. The inspectors allowed all the dirt from the foundation to set siled up on the entire front and back lawn for a year. When the house was completed, the inspector would not make the builder haul it away and allowed the builder to

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: April 27, 2007

DECEIVE May 0 3 2007

BY:____

SUBJECT: Zoni

Zoning Advisory Petition(s): Case(s)07-464-Administrative Variance

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

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay 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

DATE: April 24, 2007

Department of Permits & Development Management

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





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.

Fursuant 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 (0)410-887-4880 MS-1102F

cc: File



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



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

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. 7-464

929 OAKLEIGH BEACH ROAD

STRATTON/FLORY 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. 7-464.

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,

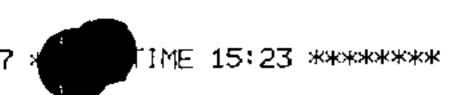
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Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB



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BALTIMORE COUNTY OFFICE OF THE ZONING COMMISSIONER COUTY COURTS BUILDING 401 BOSLEY ROAD, SUITE 405 TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

FAX COVER SHEET

DATE: 6-1-07	
NO. OF PAGES INCLUDING COVER SHEET:	6

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REMARKS: URGENT V FOR REVIEW	REPLY ASAP DLEASE COMMENT
PLEASE REPLY TO PLE	ASE RÉCYCLE



BALTIMORE COUNTY OFFICE OF THE ZONING COMMISSIONER COUTY COURTS BUILDING 401 BOSLEY ROAD, SUITE 405 TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

FAX COVER SHEET

DATE: 6-1-07 NO. OF PAGES INCLUDING COVER SHEET	: 6
Greg arnald Clo Mendy	FROM: Patte
PHONE.	
PHONE:	
MESSAGE: Case 07-464-A	- Order of approval
REMARKS: URGENT FOR REVIEW DEASE REPLY PLEA	

From:

Amy Mantay Zook, Patricia

To: Date:

5/29/2007 2:40:21 PM

Subject:

Re: Case No. 07-464-A (administrative variance)

I'll bring the file over on my way out of the office today.

John,

I went out to the neighborhood. The garage in front certainly isn't desirable much less attractive. However, there are others on the street that have sheds and detached garages in their "front yards", which is common in these waterfront communities.

Amy

>>> Patricia Zook 05/29/07 12:15:59 PM >>> Hello Amy -

John Murphy, Deputy Zoning Commissioner, advised me that you have the above-referenced case file for additional review. I am hopeful that you are finished with the review and can return the file to me.

Thanks for your help.

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

CC:

Murphy, John

From:

Amy Mantay

To:

Zook, Patricia

Date:

5/29/2007 12:36:53 PM

Subject:

Re: Case No. 07-464-A (administrative variance)

Yes, I just went out there this morning.

>>> Patricia Zook 05/29/07 12:15 PM >>> Hello Amy -

John Murphy, Deputy Zoning Commissioner, advised me that you have the above-referenced case file for additional review. I am hopeful that you are finished with the review and can return the file to me.

Thanks for your help.

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

CC:

-Murphy, John





Patricia Zook - Case No. 07-464-A (administrative variance)

From:

Patricia Zook

To:

Mantay, Amy

Date:

5/29/2007 12:15:59 PM

Subject:

Case No. 07-464-A (administrative variance)

CC:

Murphy, John

Hello Amy -

John Murphy, Deputy Zoning Commissioner, advised me that you have the above-referenced case file for additional review. I am hopeful that you are finished with the review and can return the file to me.

Thanks for your help.

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

Re: Petition for Administrative Variance Case No. 07-464-A

Property: 929 Oakleigh Beach Road.

D:	EC	<u> </u>	2		
	MAY	1	7	2007 .	
В	Y:				

Dear Mr. Murphy,

I am writing this letter-in response to your letter to me dated May, 10-2007, as well as in reference to Ms. Pool and Ms. Phipps' letters, both residents of 931 Oakleigh Beach Road.

Let me start by saying we are not asking if we can build in our front yard, only if we can extend what is permitted by the County by an additional five feet. This would still leave us 15 feet from the street, as you can see from the photos I have provided this would still leave us farther back than at least half of our neighbors, in particular 924, 911, 909, 902, 901 and 848 Oakleigh Beach Rd.

The photos I have provided are of all our immediate neighbors to the left and right of our house, as well as three photos of our house so you may have some idea of what a 20 x 20 addition may add to the property. The bottom of each photograph has the street in it, so that it may provide some perspective as to the current setbacks on our street. I also included some of the more 'diverse' homes up and down the street and within viewing distance of our property.

In your letter you stated that you are hesitant to grant our request because of the need for the 'view of the houses from the street be uniform'. As you can see from the enclosed pictures, there is no uniform look to our street or the surrounding streets. It is what attracts people to the neighborhood in the first place. It is not your typical cookie cutter subdivision. With the addition we would be closer to the street than some homes and farther back than others, but we will by no means stand out or change the 'uniformity' of the houses on Oakleigh Beach Rd.

After carefully reading the letters from Ms. Pool and Ms. Phipps that were written to your office reference my request to build, I am just a little confused. The main issue of the additional five feet is never addressed, only the reasons they do not want anything built at all. I was very upfront with Ms. Phipps and explained exactly what we were asking permission to do. None of this is addressed in the letters.

I will however address the issues brought up in the letters. First off, I have no idea if there is or has ever been a natural spring in the rear of my property or that of my neighbor's property. After personally contacting the Maryland Dept. of Natural Resources, they can find no records indicating that this has ever been the case. My main reason for wanting to extend the property in the front, as opposed to the rear of the property is I have a huge, maybe 300 yr old tree in my backyard. I would never allow the tree to be cut down. I told this to Ms. Phipps initially.

Second, I am sure you are not an arbiter of what is correct in the letter, but there are some major discrepancies in it. Most notably the fact that the street drains down toward Ms. Phipps' house. This is simply not the case. Ms. Phipps even notes in her letter that "lots 107-114 drain toward Grove Ave", as you can see from my lot map, Grove Ave. is <u>behind</u> both of our properties. The water does in fact drain that way. My backyard is much more saturated during rainy days than the front yard.

Both Ms. Phipps and Ms. Pool note the water they have in their crawl space. I have lived in my house since 1998 and have never seen a drop of water in my crawl space. All the inside wiring, cable/electric/telephone, as well as an electronic multiplexer for my satellite dish are located in the crawl space and my service has never been affected.

Ms. Phipps makes numerous mentions of Lot 112 and its construction in her letter, implying I would do the same thing, i.e. dig up ground/dirt and not replace it, thereby causing some sort of drainage issue for her. We are placing a 6 inch concrete slab; not a basement, no digging will be necessary or needed. You may confirm this with our contractor, Greg Arnold, at 410-421-5090 of APC Homes. I fear Ms. Phipps has issues with Lot 112, she fought the property being built there for two years before eventually losing her case, and may be taking it out on my property.

I hope this information helps with any decision you may need to make as it relates to my request.

Please feel free to contact me with any questions or concerns,

Lisa A. Stratton

929 Oakleigh Beach Road.

Dundalk, MD 21222

410-388-0384



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

June 1, 2007

LISA A. STRATTON AND DEBORAH C. FLORY 929 OAKLEIGH BEACH ROAD DUNDALK MD 21222

Re: Petition for Administrative Variance

Case No. 07-464-A

Property: 929 Oakleigh Beach Road

Dear Ms. Stratton and Ms. Flory:

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

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

Very truly yours,

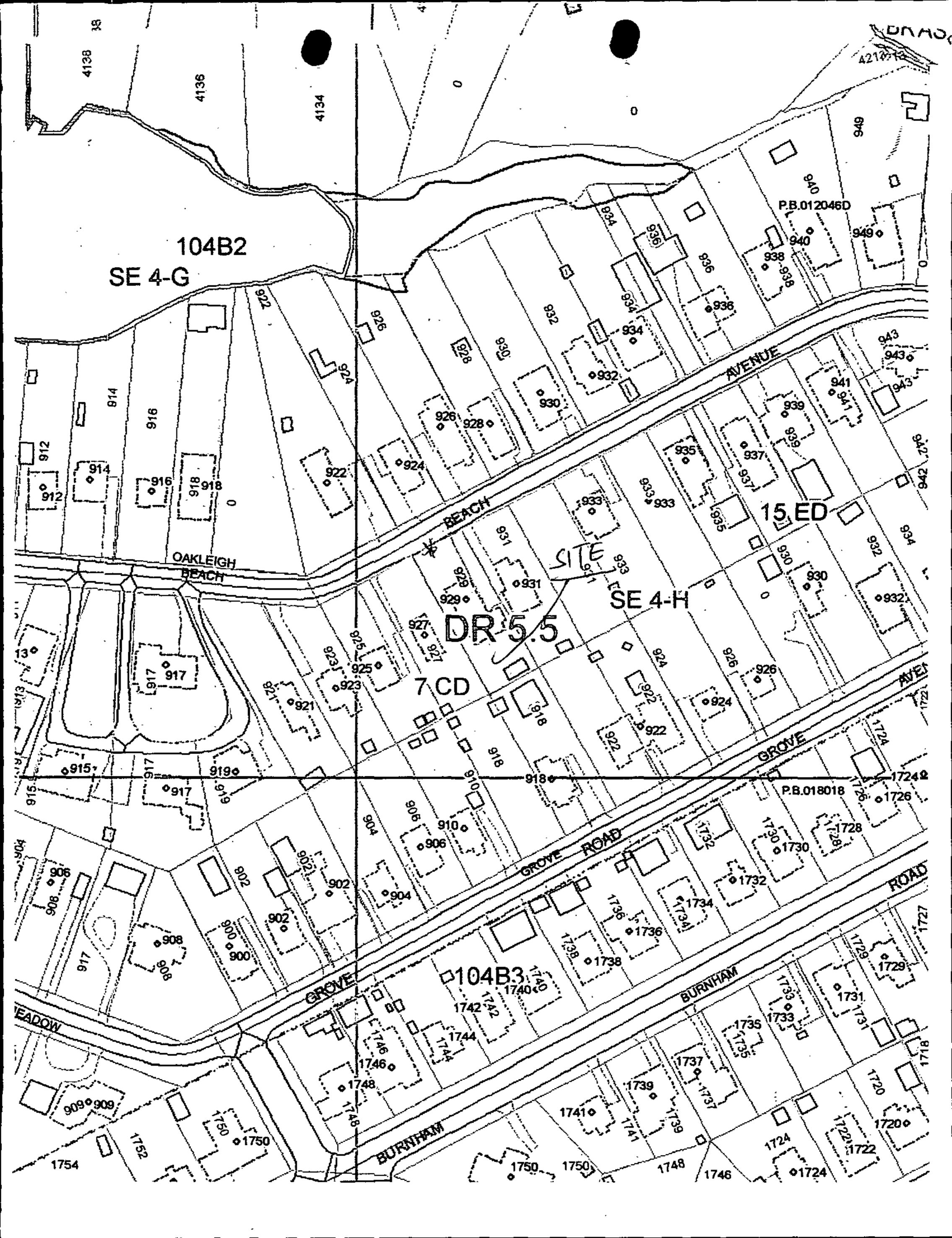
John V. Murphy

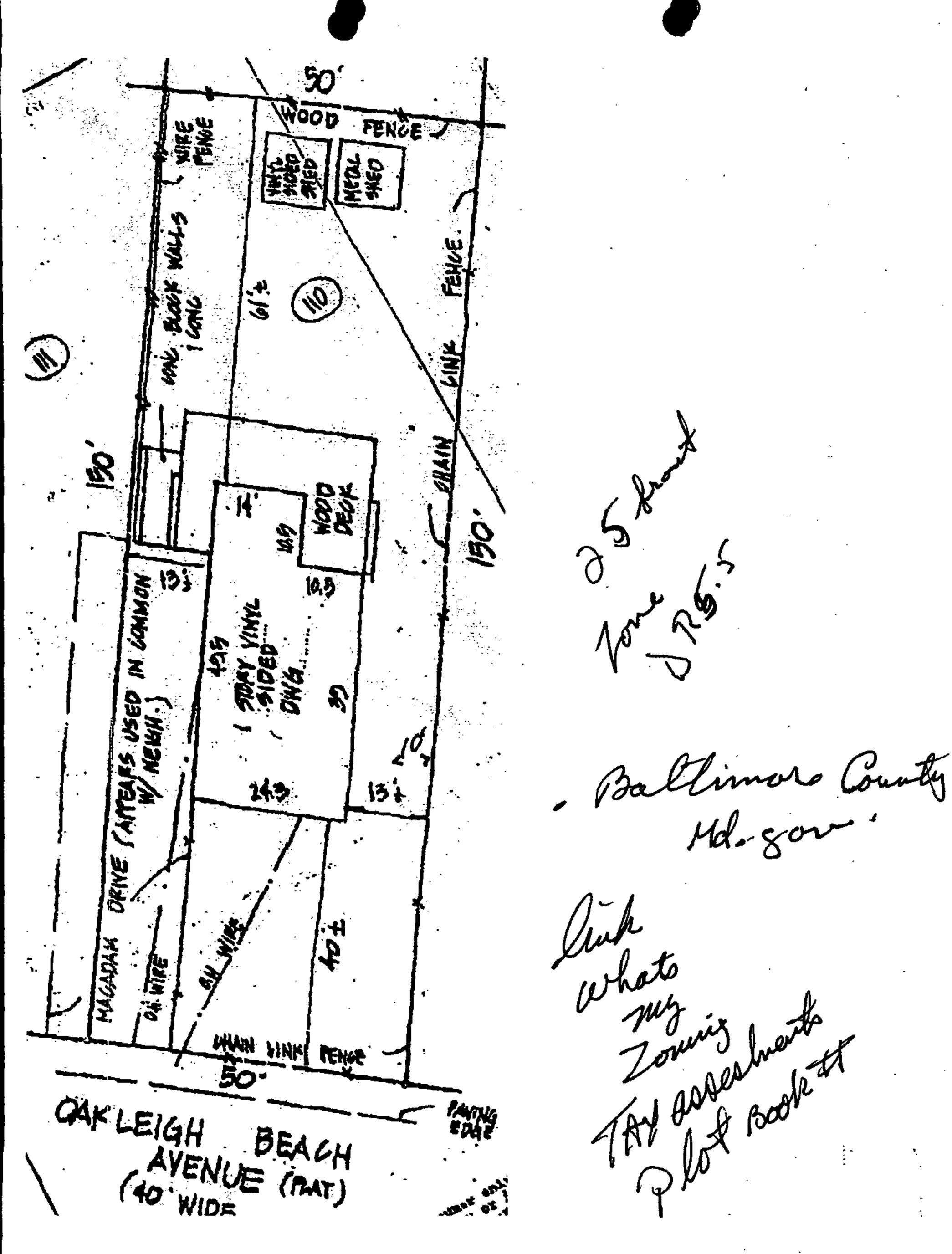
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Greg Arnold, 609 Waterview Road, Curtis Bay MD 21226





SITE PLAN TO BE USED IN JETERMINING FRONT YARD DEPTHS IN RESILENCE ZONES
WHEN THE PREDILTE ADJOINING LOTS ARE NOT INTROPED
Reference - Section 303.1 Baltamore County Zoning Repulations

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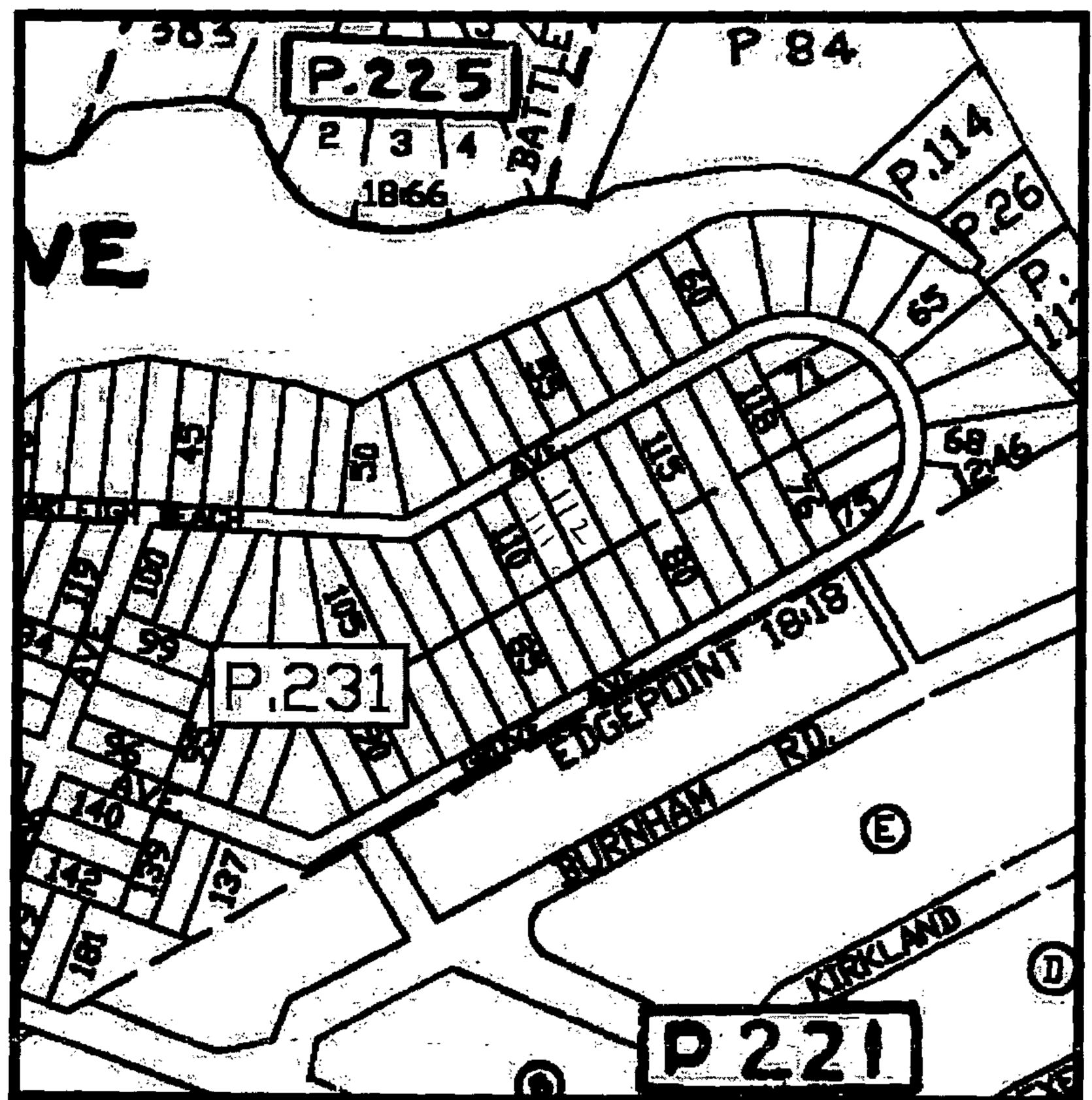
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= 929 Oakleigh Beach = 931 = 931 A

HEARING SPECIAL ARIANCE ZONING ACCOMPANY

REQUIRED INFORMATION HE CHECKLIST FOR ADDITIONAL FOL.10 # ADDR SUBDIVISION NAM PLAT BOOK # PROPERTY

OWNER

ORTH

P D BUSEAUE

1000° VICINITY MAP SCALE

LOCATION INFORMATION

104B PRIVATE 7500 SOUARE COUNCIL MANIC DISTRICT PUBILIC 1"= 200' SCALE MAP # × ELECTION DISTRICT D.89. SEWER LOT SIZE ZONING

B WATER

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ZONING OFFICE USE

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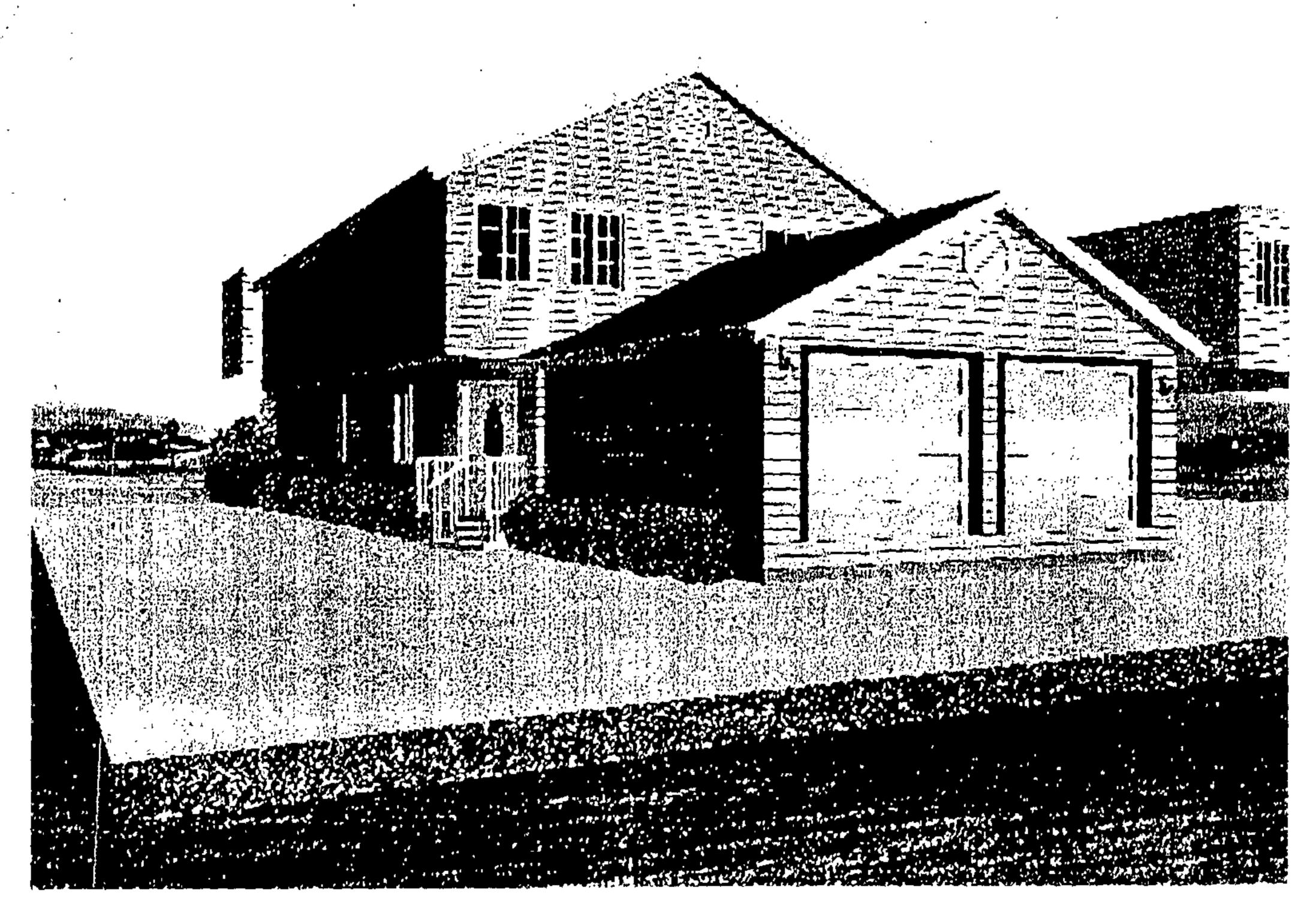
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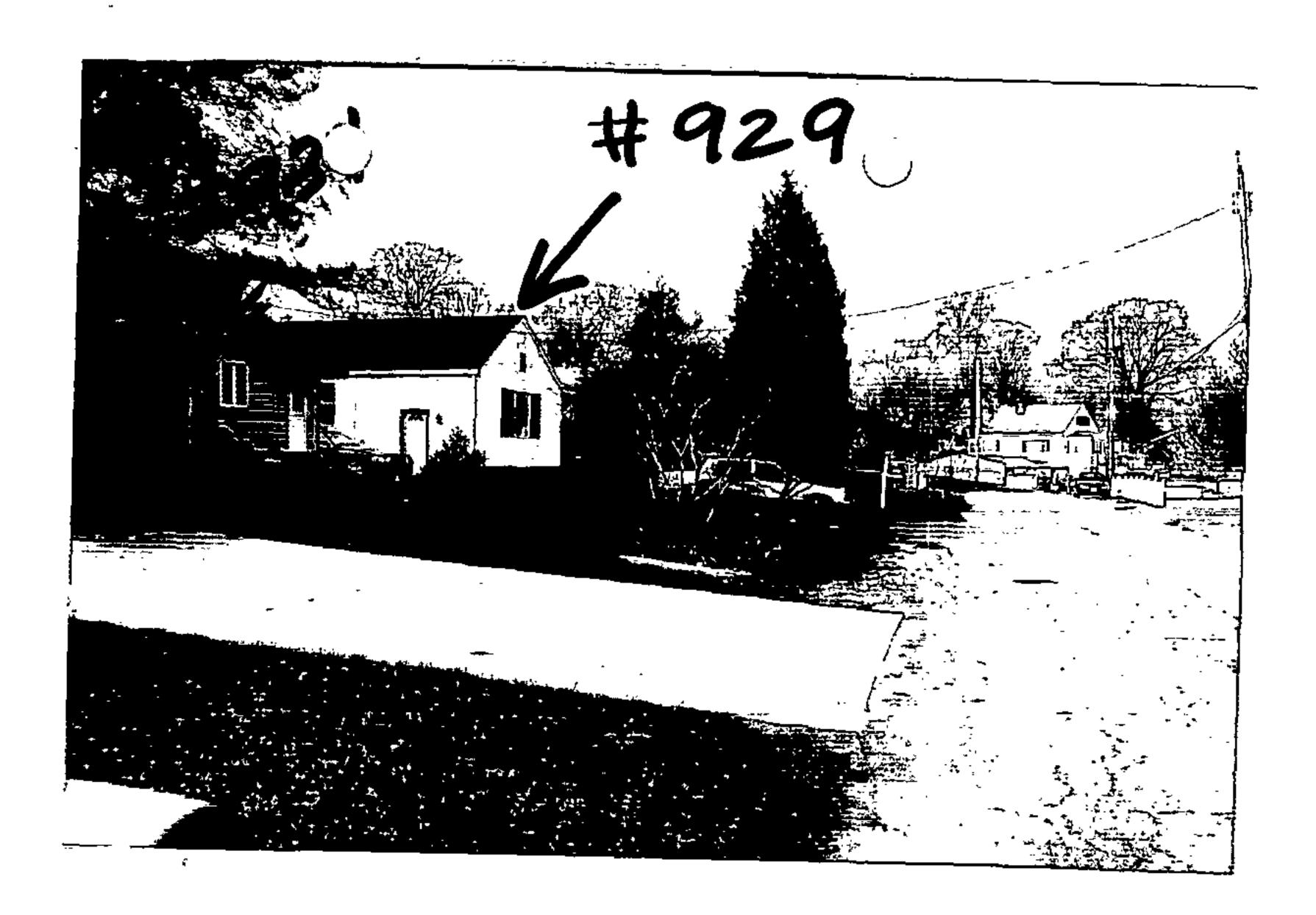
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Proposed 2.0 fort projection garage
for case # 07.464- A
929 Oxkleigh Baach Rd

From CREC ARNOLD

40-421-5090











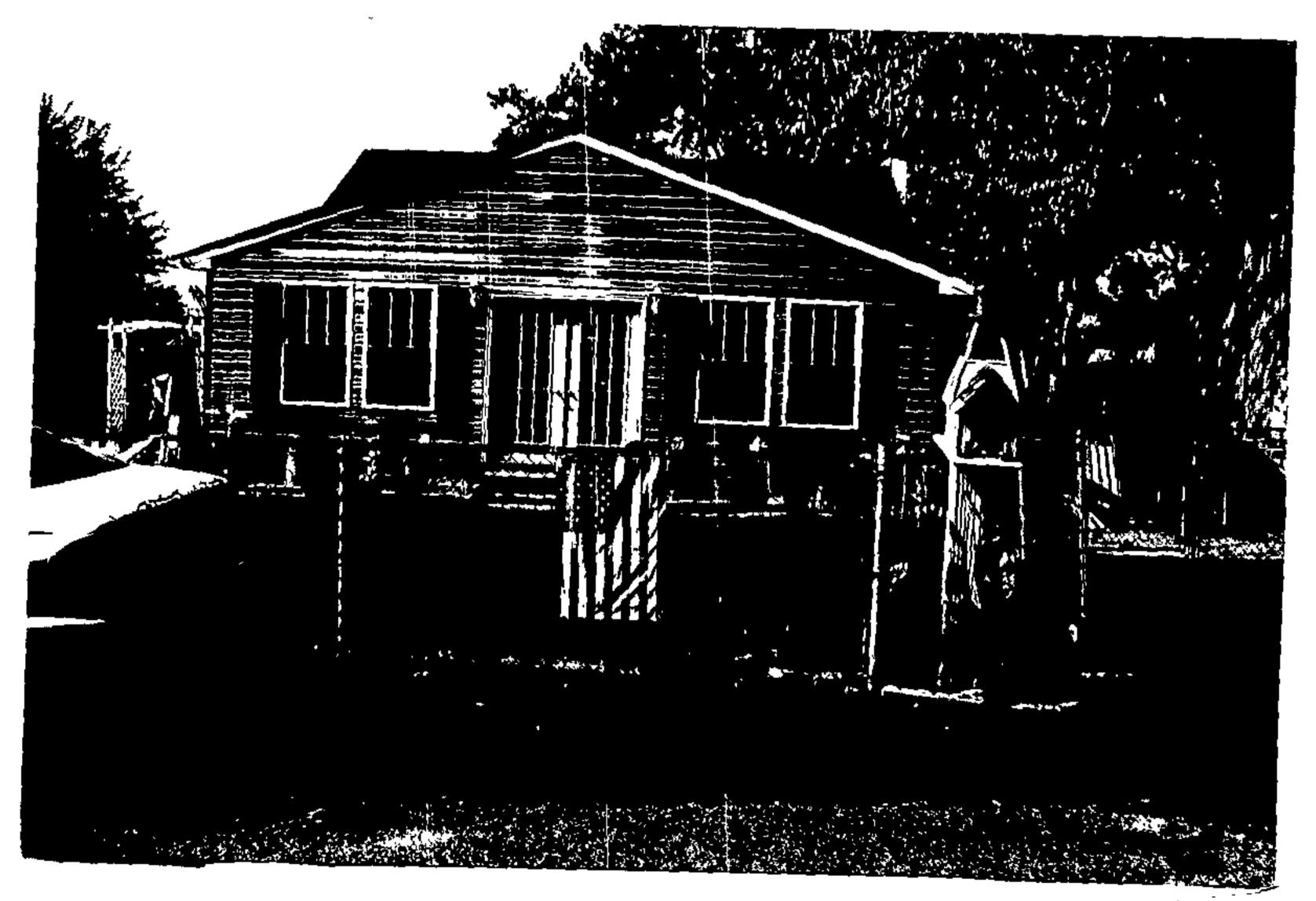
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5-16-07 Correspondence

Return Service Requested















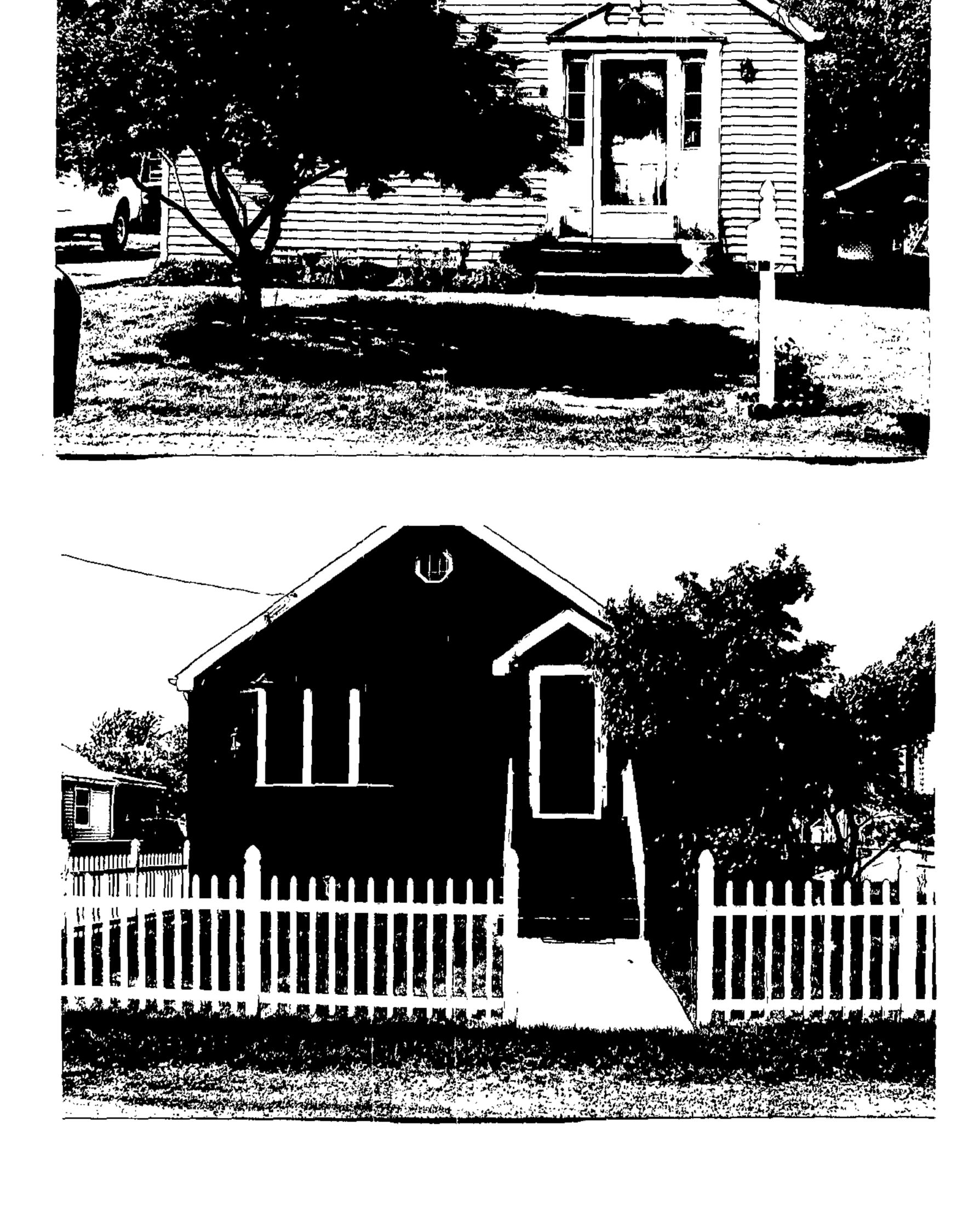










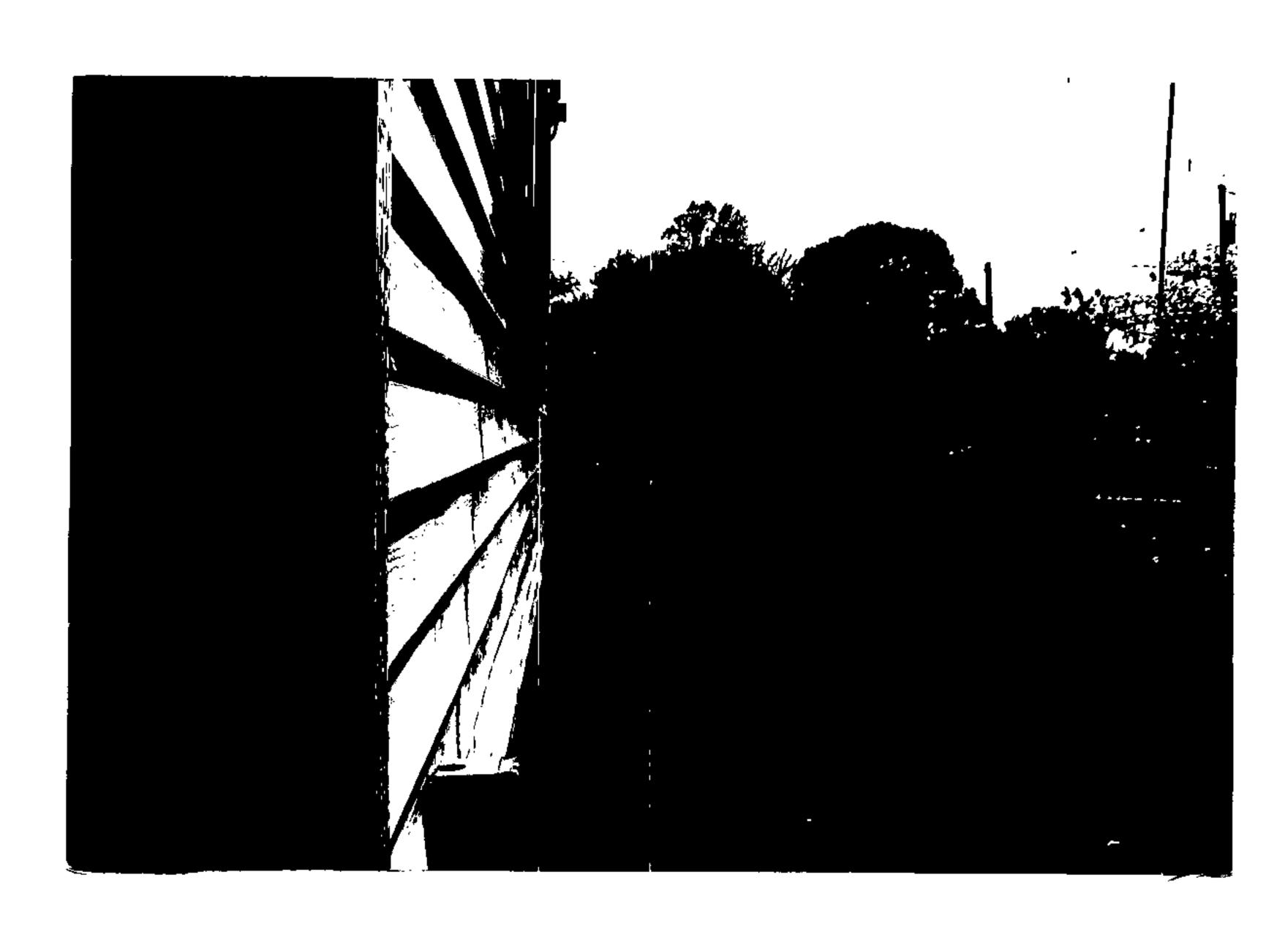






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