IN RE: PETITION FOR ADMIN. VARIANCE W side Pot Spring Road, 300 feet NE c/l Girdwood Road 8th Election District 3rd Councilmanic District **(2404 Pot Spring Road)** Terry and Kevin Kennedy *Petitioners*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 08-174-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, Terry and Kevin Kennedy for property located at 2404 Pot Spring Road. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 40 feet and a setback of 70 feet to the centerline of the road, a side yard setback of 14 feet and a sum of side yards of 37 feet in lieu of the required 50 feet, 75 feet, 30 feet and 50 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct two additions onto their split-level home. The front addition measures 10 feet x 48 feet and contains 480 square feet. The side addition measures 60 feet x 32 feet and contains 1920 square feet. The side addition will include a new bedroom with fireplace, new six fixture bathroom and a new walk-in closet. The subject property contains 1 acre and is split zoned DR 1 and DR 2.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 21, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

RECEIVED FOR FILING
Date 11-7-07
By PB

The Petitioners have filed the supporting affidavits 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 7th day of November, 2007 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 40 feet and a setback of 70 feet to the centerline of the road, a side yard setback of 14 feet and a sum of side yards of 37 feet in lieu of the required 50 feet, 75 feet, 30 feet and 50 feet, respectively 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.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pzi

ORDER RECEIVED FOR FILING
Date 11-7-07
By PB

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 6, 2007

TERRY AND KEVIN KENNEDY
2404 POT SPRING ROAD
COCKEYSVILLE MD 21030

Re: Petition for Administrative Variance
Case No. 08-174-A
Property: 2404 Pot Spring Road

Dear Mr. and Mrs. Kennedy:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: L.J. Link, Jr., PO Box 727, Brooklandville MD 21022

TAX ACCOUNT # [ ]

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2404 Pot Spring Rd.

which is presently zoned _____

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)

see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Terry Kennedy

Name - Type or Print

Terry Kennedy

Signature

Kevin Kennedy

Name - Type or Print

Signature

2404 Pot Spring Rd. 410.

Address — Telephone No.

Cockeysville Md 21030

City — State — Zip Code

Representative to be Contacted:

L. J. Link Jr

Name

727 410.337.9520

Address — Telephone No.

Cockeysville Md. 21030

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. 08-124-A

Reviewed By BK **Date** 10/12/07

Estimated Posting Date 10/21/07

REV 10/25/01

11-7-07

BK

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 2404 Pot Spring Rd.
Address

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):

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.

Terry Kennedy
Signature

Terry Kennedy
Name - Type or Print

Signature

Kevin Kennedy
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of October, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Terry & Kevin Kennedy

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

LAWRENCE JOSEPH LINK, JR
NOTARY PUBLIC STATE OF MARYLAND
Baltimore County
My Commission Expires May 1, 2009

My Commission Expires

REV 10/25/01

1B02.3.B to permit a front yard setback of 40 ft. and a setback of 70 ft. to the centerline of the road, a side yard setback of 14 ft. and a sum of side yards of 37 ft. in lieu of the required 50 ft., 75 ft., 30 ft., and 50 ft., respectively.

#174

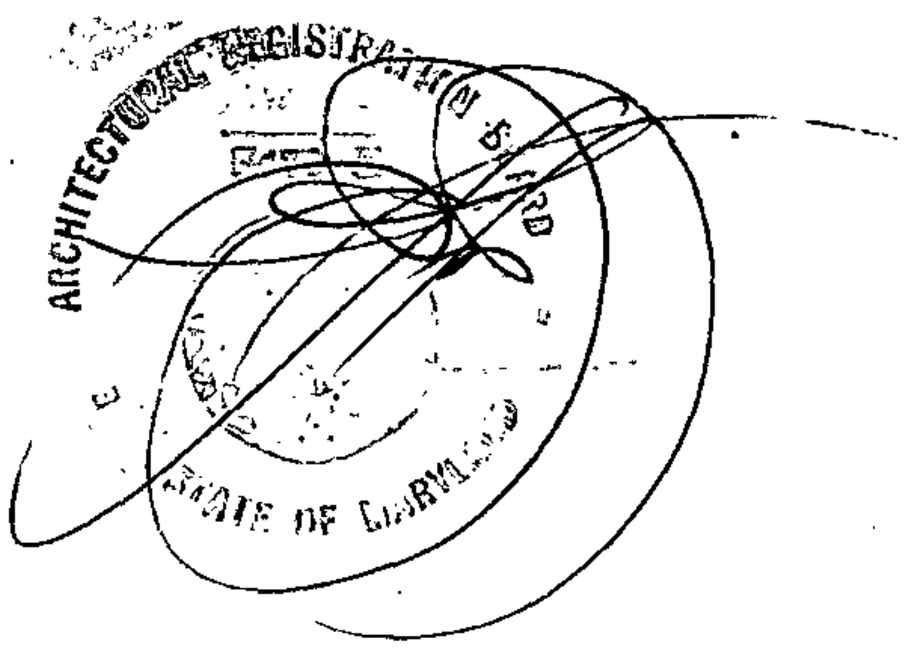
- ZONING DESCRIPTION FOR 2404 POT SPRING ROAD.

- BEING AS RECORDED IN W.J.R. Nº 26, FOLIO 50, PLAT BOOK Nº4, SECTION Nº1, LOT Nº 4, "SPRINGLAKE".

- N 60°37'18"W 334.64', S27°15'20"W 146.66', N 62°44'40"W 243.05', N 53°07'40"E 173.35' TO THE PLACE OF THE BEGINNING.

- SAID LOT BEING ON THE WEST SIDE OF POT SPRING ROAD WHICH IS 60' WIDE R/W.
- SAID LOT IS NE OF THE INTERSECTION OF GIRDWOOD ROAD & POT SPRING RD. BY. 290'(±)

- 2404 POT SPRING ROAD IS LOCATED IN THE _ ELECTION DISTRICT & THE _ COUNCILMANIC DISTRICT.



L.J.Link Jr., Inc.
Architect
Box 727 Rockland Grist Mill
Brooklandville, Md. 21022
410. 337. 9528
fac 410. 369. 6601

#174

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 05381

Date: 10/12/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			[illegible]	-			[illegible]

Total: [illegible]

Rec From: [illegible]

For: [illegible]

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	ACTION DATE	TIME	USR
10/12/2007	10/12/2007	09:58:33	2

[illegible] MAIL [illegible] ILE
>>RECEIPT # 541154 10/12/2007 [illegible]
Dept: 5 520 [illegible] VERIFICATION
[illegible] 005381
Recpt Tot 165.00
165.00 CR 0.00 CH
Baltimore County, Maryland

CASHIER'S VALIDATION

174

CERTIFICATE OF POSTING

RE: Case No: 08-174-A

Petitioner/Developer:
TERRY KENNEDY

Date Of Hearing/Closing: 11/5/07

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 2404 POT SPRING RD

This sign(s) were posted on October 21, 2007.
(Month, Day, Year)

Sincerely,
Martin Ogle 10/21/07
(Signature of sign Poster and Date)
Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

ZONING NOTICE
ADMINISTRATIVE
VARIANCE
CASE # 08-174-A
TO PERMIT A FRONT YARD SETBACK OF 40FT. AND 70FT. TO THE CENTERLINE OF THE ROAD, A SIDE YARD SETBACK OF 14FT. AND A SUM OF SIDE YARDS OF 37FT. IN LIEU OF THE REQUIRED 50FT., 75FT., 30FT. AND 50FT., RESPECTIVELY
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 IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON MONDAY, NOVEMBER 5, 2007
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
TOWSON MD 21204
TEL. 887-3391
MEETING IS HANDICAP ACCESSIBLE

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 5, 2007

Mr. & Mrs. Kevin Kennedy
2404 Pot Spring Road
Cockeysville, Maryland 21030

Dear Mr. & Mrs. Kennedy

Re: Case Number 08-174-A 2404 Pot Spring Road

Dear Mrs. & Mrs. Kennedy:

RE: Case Number: 08-174-A 2404 Pot Spring Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 12, 2007, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures
c: Peoples Council
L.J. Link, Jr. P.O. Box 727, Brooklandville, MD 21022

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 1, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-174**

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

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

Prepared By: R. Bruce Seeley

Division Chief: Lynn Lanham /RBS

rbs

W:\DEVREV\ZAC\08-174.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 23, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For October 29, 2007
Item Nos. 08-171,172, 173, 174, 175, 176, 177, 178, 179, 180, 181, and 182

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-10232007.doc

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

State Highway Administration
Maryland Department of Transportation

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

Date: October 25, 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. 8-174-A
2404 Pot Spring Road
Kennedy 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. 8-174-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,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Front View.

#174

Front of
2404
Pottsburg

#174

subject property

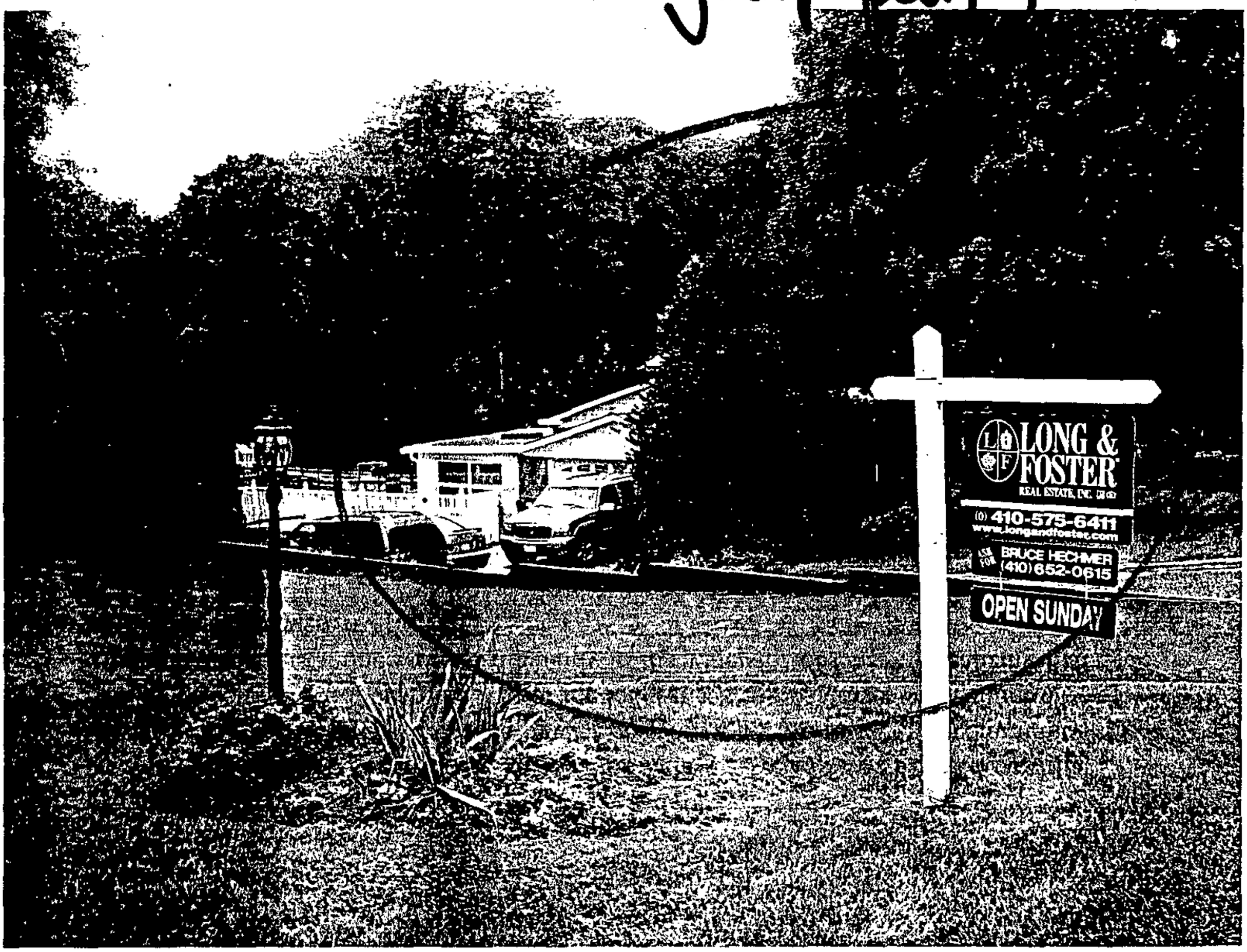
Pot. Spring Road

Side View

VIEW FROM
2402 Pot Spring.
looking North.
to 2404.

#174

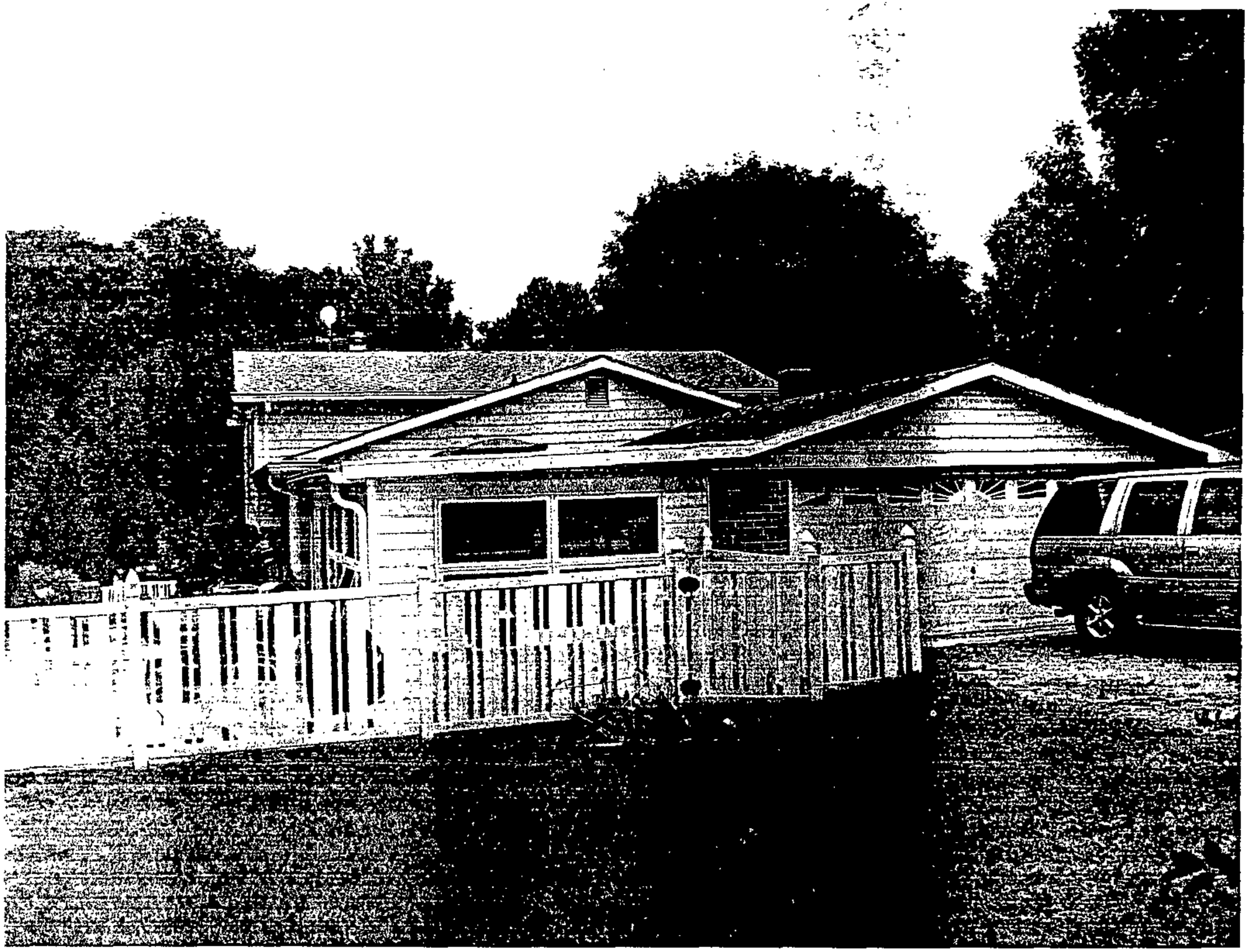
subject property



Side View.

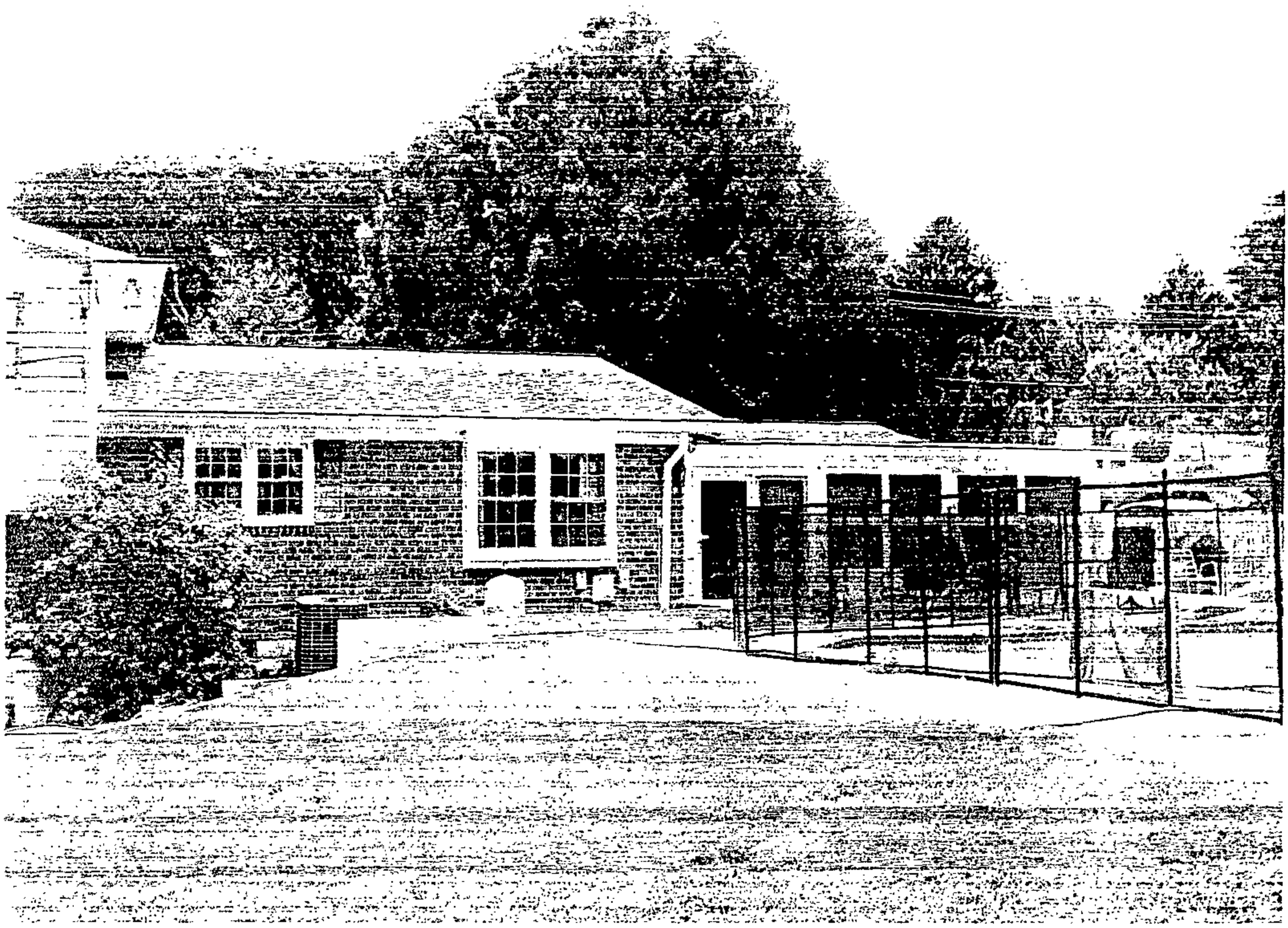
VIEW FROM
2402 Pod Spring
looking North @
2404 Pod Spring

#174



Side View.
(South Side).

#174



Rear View
(looking East).

#174

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08-174 -A Address 2404 Pot Spring Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner: Please Print Your Name

Filing Date: 10/12/07 **Posting Date:** 10/21/07 **Closing Date:** 11/05/07

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

POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 07-174 -A Address 2404 Pot Spring Rd

Petitioner's Name Terry Kennedy Telephone 410-337-9520

Posting Date: 10/21/07 **Closing Date:** 11/05/07

Wording for Sign: To Permit a front yard setback of 40 ft. and 70 ft. to the centerline of the road, a side yard setback of 14 ft. and a sum of side yards of 32 ft. in lieu of the required 50 ft., 75 ft., 30 ft., and 50 ft., respectively.

WCR - Revised 6/25/04

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

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: 08-174-A

Petitioner: Terry Kennedy

Address or Location: 2404 Pot Spring Rd.

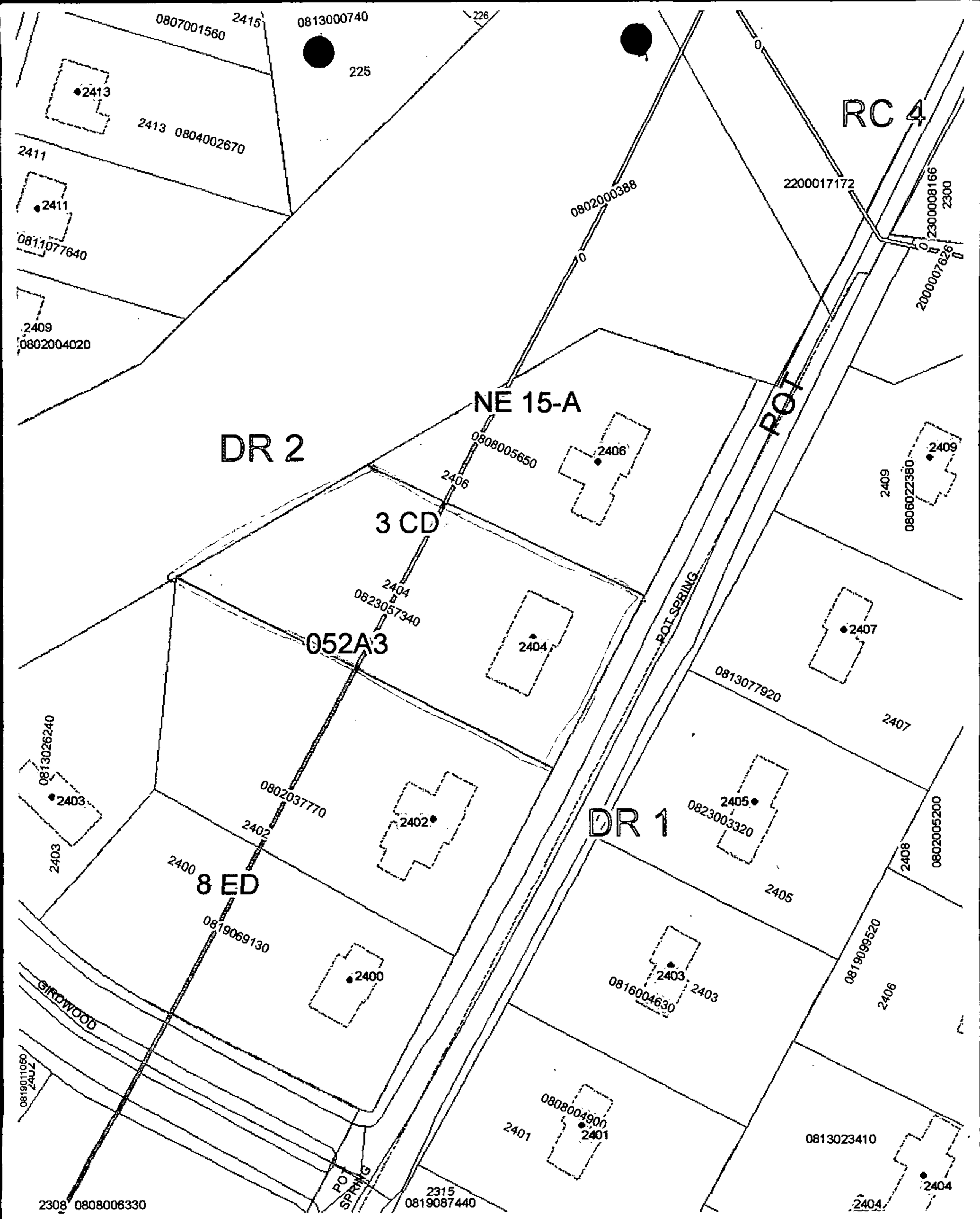
PLEASE FORWARD ADVERTISING BILL TO:

Name: L. J. Links Dr.

Address: box 727.
Brooklandville Md. 21022
410.337.9528

Telephone Number:

Revised 7/11/05 - SCJ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225
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2409
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2200017172
2300008166
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2000007626
NE 15-A
DR 2
0808005650
2406
2406
2409
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3 CD
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POT SPRING
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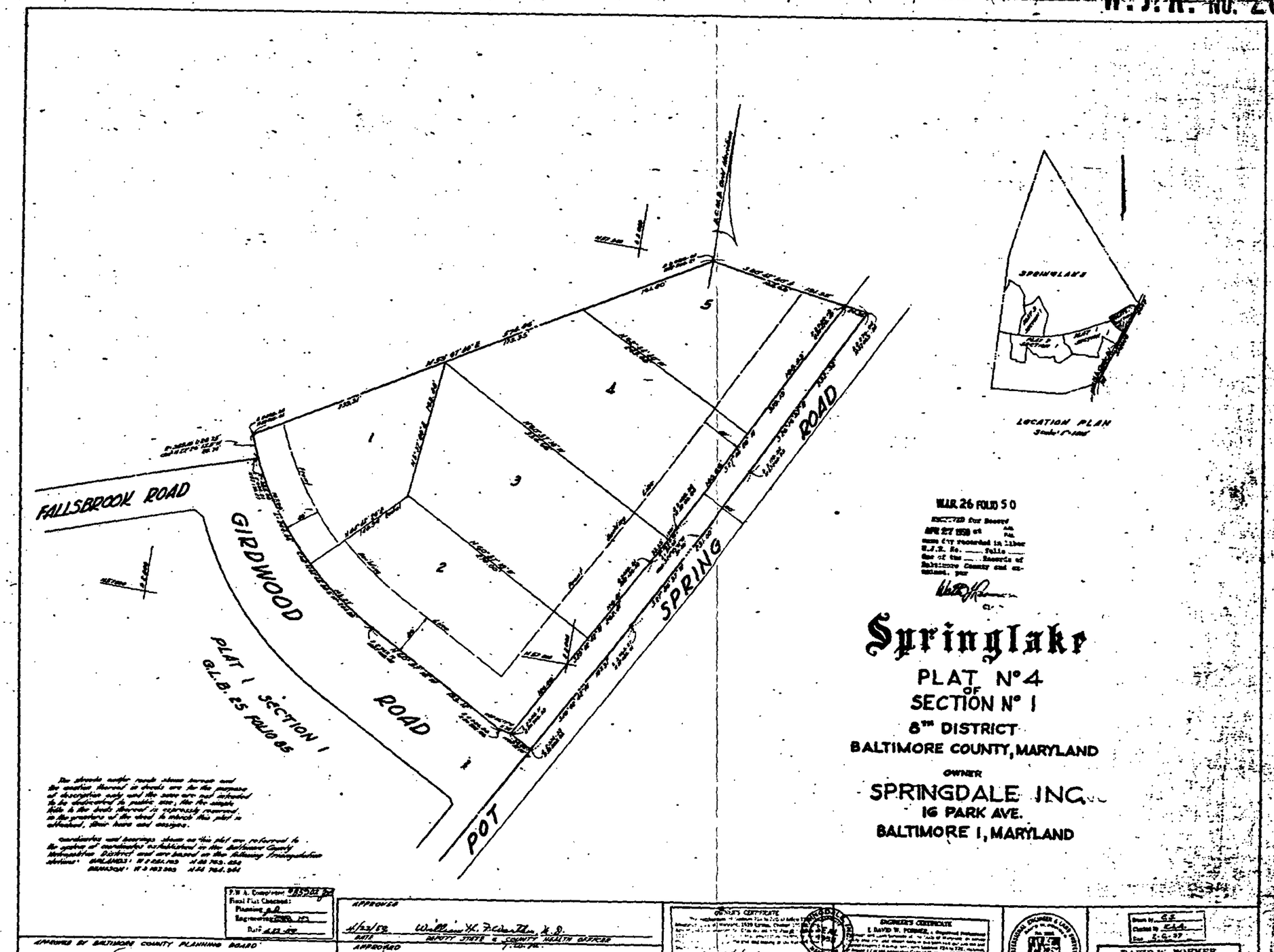


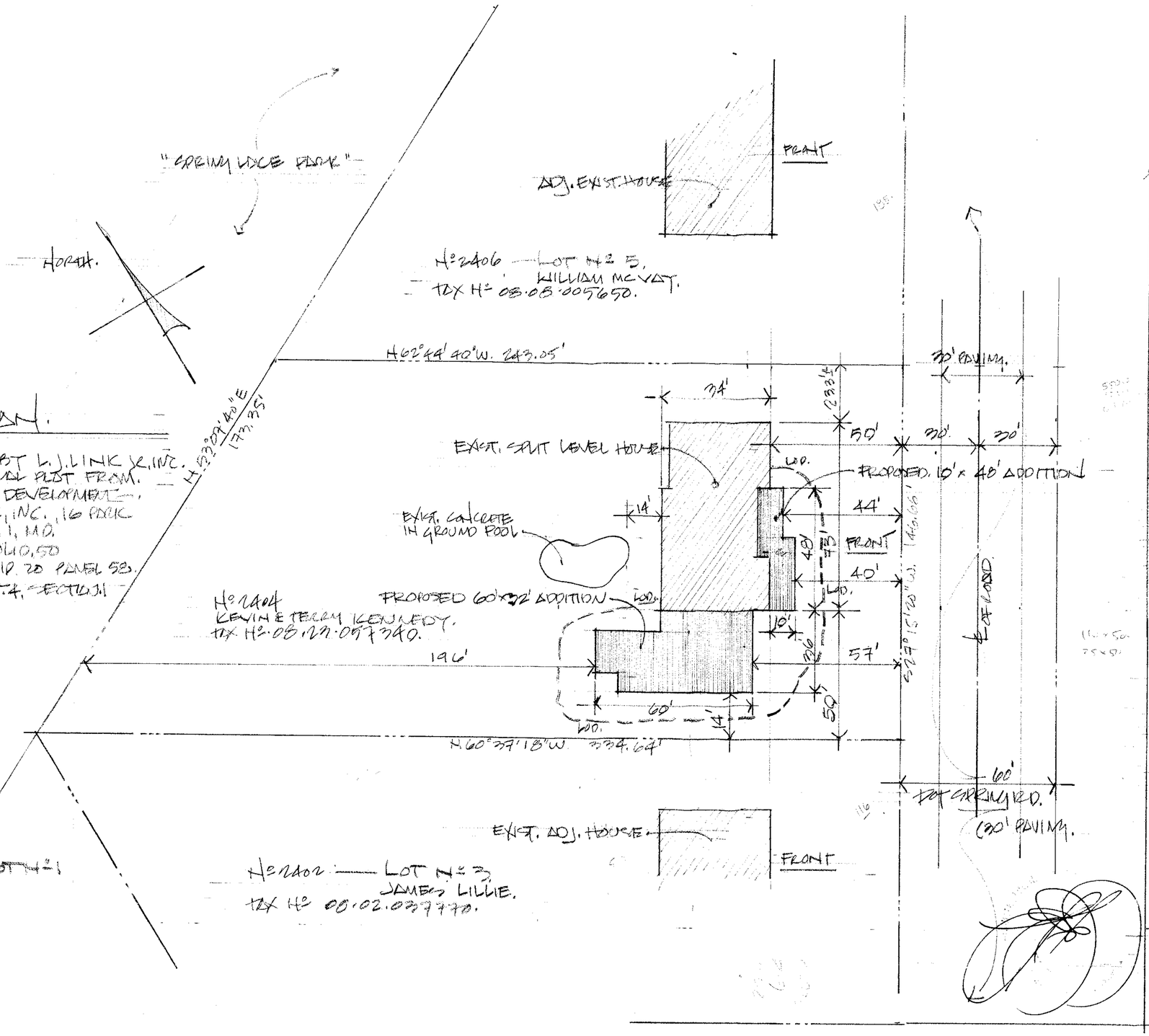
140
70
70

110
70
40

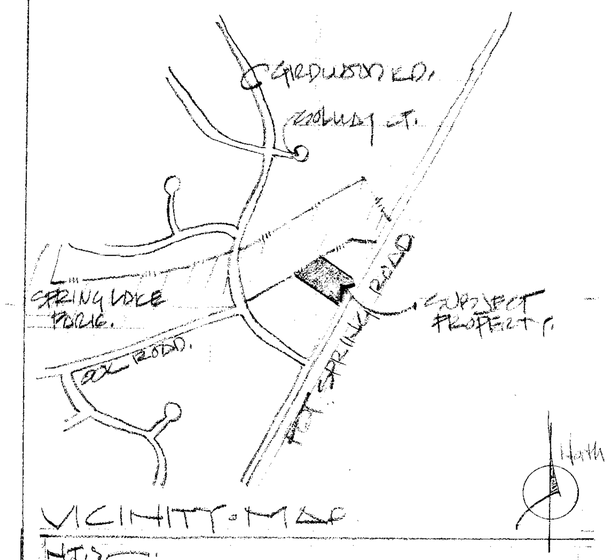
#174

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 2404 POT SPRING ROAD.
SUBDIVISION NAME: SPRINGVALE
PLAT BOOK Nº 4. FOLIO 50 LOT Nº 4 SECTION Nº 1
OWNER: KEVIN & TERRY KENNEDY.



SITE PLAN.
1"=30'-0"
PREPARED BY L.J. LINK JR., INC.
FROM ORIGINAL PLAT FROM.
SPRINGVALE DEVELOPMENT,
SPRING VALE, INC., 16 PARK
AVE, BALTO. 1, MD.
BK 26. FOLIO 50
MAP. 52 GRID. 20 PANEL 58.
ZONED PER PLAT 4, SECTION 1



VICINITY MAP
N.T.S.

EXISTING HOUSE
PROPOSED ADDITIONS: FRONT 10'x48' 480 SQ.FT.
: SIDE 60'x32' 1920 SQ.FT.
TOTAL.

LOT. 6,750 SQ.FT.
EXISTING USE SFD.

NO PREVIOUS ZONING HEARINGS.
MAP Nº.

LOCATION INFORMATION

ELECTION DISTRICT. 8
COUNCILMANIC DISTRICT. 3.
1"=200' SCALE MAP. 052 A3.
ZONING. DR.1 & DR.2.

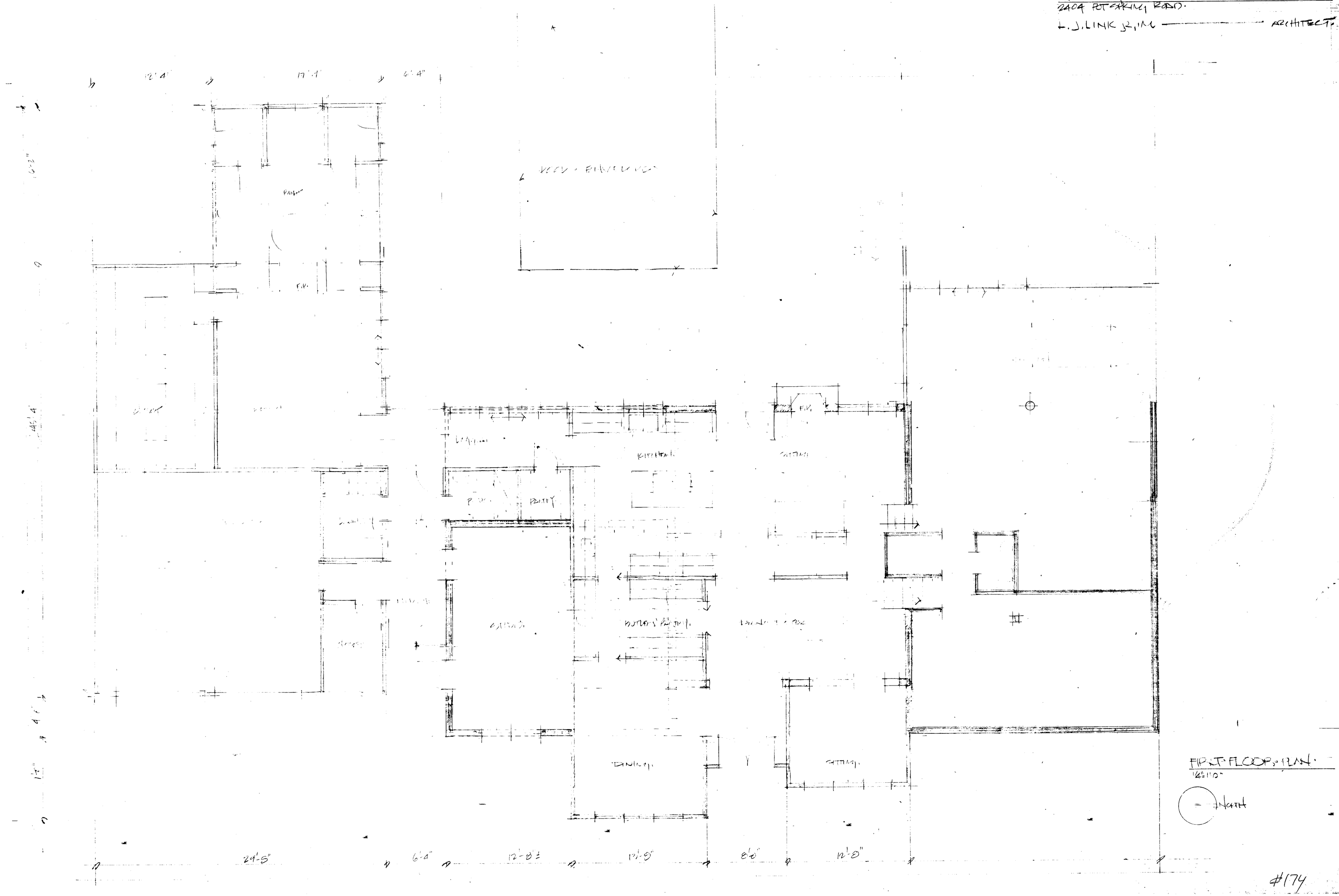
LOT SIZE: 1.0 (±). AC.
42,365± SQ.FT.

SEWER PUBLIC — YES.
WATER. PUBLIC — YES.

CHESAPEAKE BAY CRITICAL AREA — NO
100 YEAR FLOOD PLAIN. — NO
HISTORIC PROPERTY / BUILDING: NO
PRIOR ZONING HEARING — NO.

ZONING OFFICE USE ONLY		
RECEIVED.	ITEM Nº	CASE
BR	174.	08-174-A.

KENNEDY - RESIDENCE
2404 POTTERING ROAD.
L. J. LINK JR. INC ——— ARCHITECT



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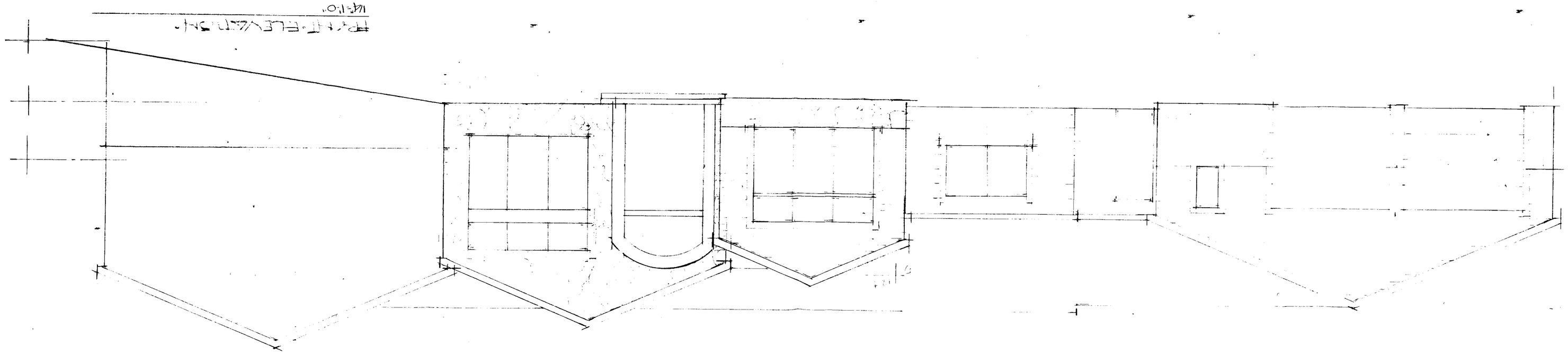
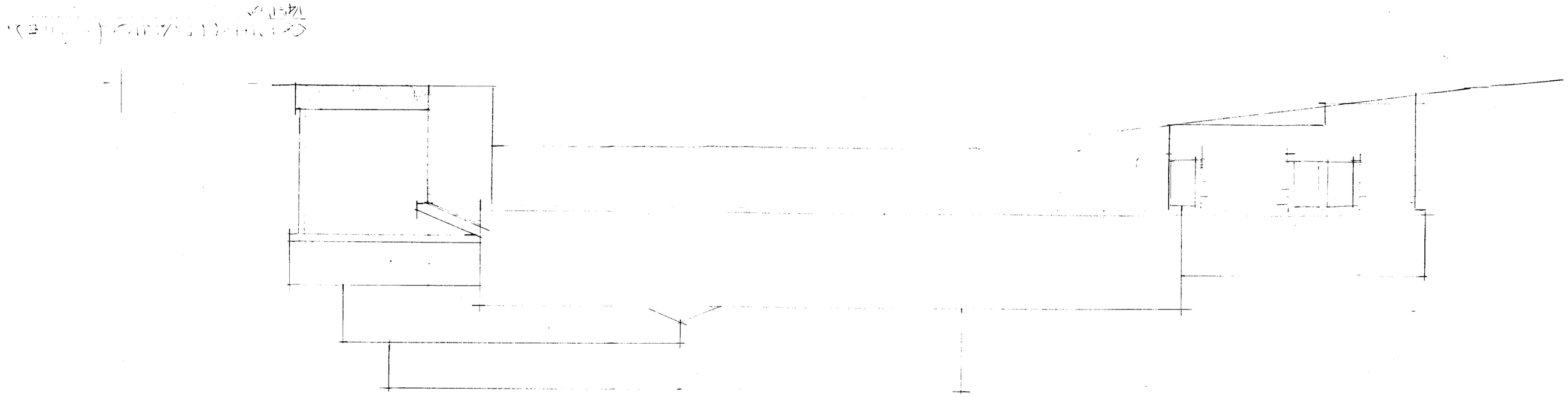


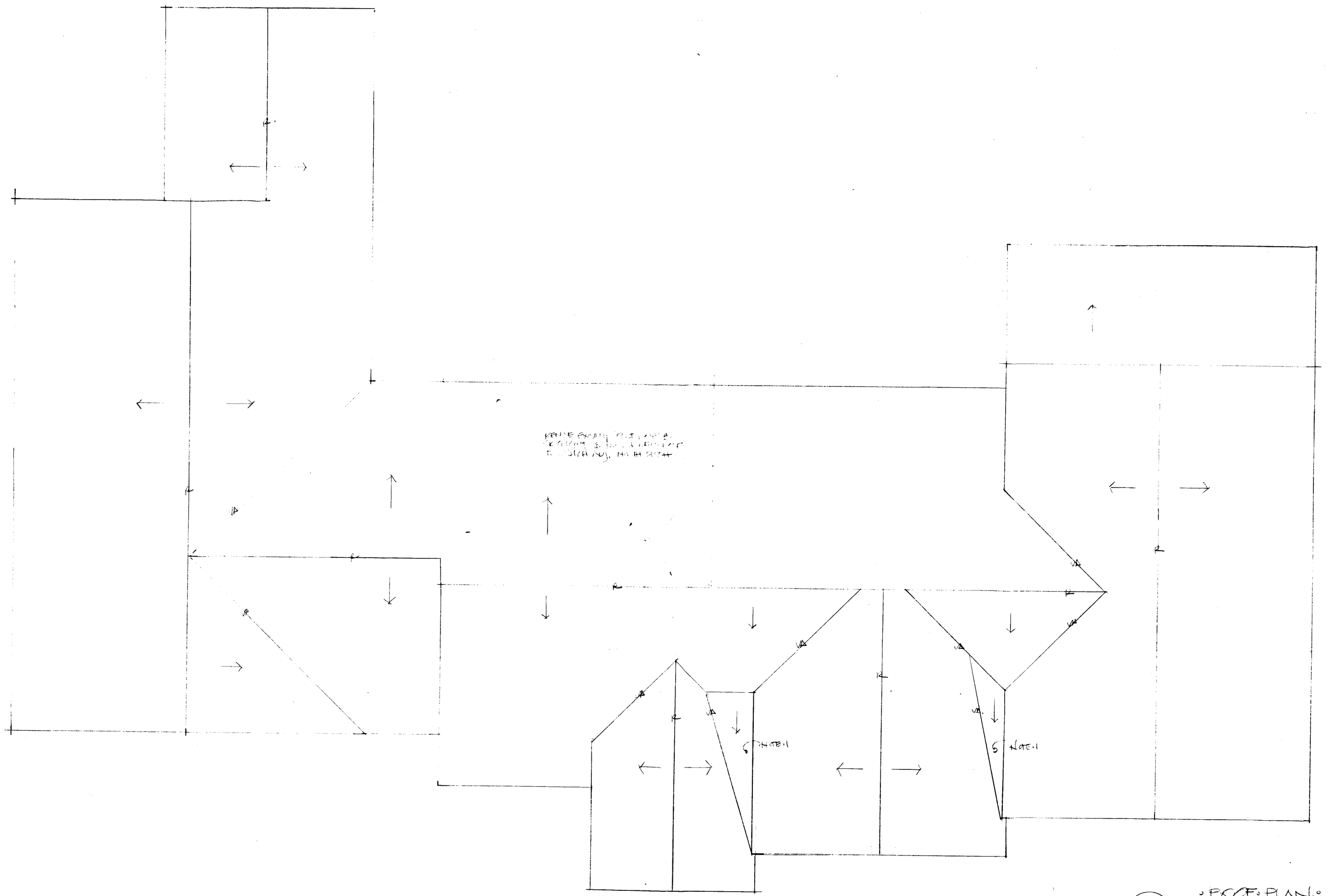


L.J. WING & ASS. INC.
ARCHITECT
P.O. BOX 1129, BOOTHBAY HARBOR, ME. 04538 207.633.4410

2404 PORTSMOUTH ROAD,
LIBRARY - CROSS DRIVE

KENNEDY RESIDENCE
2444 PETTINGILL ROAD.

L. J. LINK JR, INC — ARCHITECT
BOX 727 BROOKLANDVILLE MD. 21022 410.337.9528



→ ROOF PITCH (HIGH-LOW)
R RIDGE
VA VALLEY.

NOTES:
1- EXTM/FLASH CRICKET & ADJ. WALLS OF CRICKET UP 12'0" MIN.
2- NEW ROOF PITCHES SHALL MATCH EXISTING ADJ.

"ROOF PLAN"
1/4"=1'0"