

IN RE: **PETITION FOR VARIANCE**  
S/S Elinor Avenue, 300' E c/line of  
Lyndale Avenue  
**(323 Elinor Avenue)**  
14<sup>th</sup> Election District  
6<sup>h</sup> Council District

John J. Wamhoff, III  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
**Case No. 2010-0037-A**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, John J. Wamhoff, III. The Petitioner seeks relief from Sections 1B01.2.3.A.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing deck, pool and shed addition(s) with a rear setback of zero (0) feet in lieu of the required 22.5 feet and to have 42% rear yard coverage in lieu of the permitted 35% (per the 1953-1955 Zoning Regulations [Section 400.1]). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was John J. Wamhoff, III, property owner. James W. Holderness, Esquire appeared on behalf of Laurie A. Neary, a concerned property owner whose rear yard abuts with that of the Petitioner. There were no other interested persons present, however, it is to be noted that two (2) letters of support were received from adjacent side yard property owners namely; Frank and Lorraine Cimino (325 Elinor Avenue) and Michelle Curley, Paul Molton and Family (321 Elinor Avenue). The matter came before me as the result of a complaint registered by Mr. Robert Vick with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) relative to the new deck addition in the rear yard. The Petitioner was issued a Correction Notice to obtain a building permit and advised to file the instant Petition to resolve the matter.

ORDER RECEIVED FOR FILING

Date

11-17-09

BY

Testimony and evidence offered disclosed that the subject property is a narrow rectangular shaped parcel (37' wide x 132' deep) located on the south side of Elinor Avenue just east of Sippel Avenue in the Nottingham area of the County. The property, known as Lot 5 in the Linover Heights subdivision has been owned by the Petitioner since 1997, contains an area of 4,270 square feet, zoned D.R.5.5 and improved with a two-story, semi-detached single-family dwelling built in 1957. The Petitioner and his three (3) children (now ages 11 through 14) desiring recreational use of the rear yard added a shed (11' x 13'-5") for storage and swimming pool. Later, a deck was added surrounding the pool (24' x 41') and hot tub as illustrated on the site plan. Unbeknownst to Mr. Wamhoff, constructing these improvements and annexing them by decking to the rear of the home created a "technical" setback problem in that the pool is now considered attached to the dwelling, and must be set back a minimum distance of 22.5 feet from the rear property line that abuts Ms. Neary's rear yard. Additionally, the many photographs of the decking and amenity structures reviewed during the hearing evidence that all work, while pervious in nature and of high quality, now overlays 42% of the rear yard's surface rather than the permitted 35% per the 1953-1955 zoning regulations.<sup>1</sup> Finally, the Petitioner submitted into evidence collectively as Exhibit 3 the written statements from his adjacent neighbors stating that they have no objections to the decking, above ground pool or hot tub improvements.

As to Ms. Neary, her attorney, James Holderness, indicated the major issue related to the encroachment of the Petitioner's pool decking extending over the shared rear yard property line. He presented a location survey prepared by the Ruxton Design Corporation demonstrating this contention. Additionally, Ms. Neary believes that a mosquito problem in the immediate area is related to water that drips through the decking and lies on the ground. As discussed at the hearing, the jurisdiction of the Zoning Commissioner for Baltimore County is limited as to that set forth in statute. I cannot determine the ownership of real property as that determination is vested solely in the Circuit Court. Accordingly, and with the concurrence of the parties, the

<sup>1</sup> B.C.Z.R. Section 103 provides the regulations in this case are those in effect at the time the subdivision was originally submitted to the Baltimore County Planning Commission in 1954.

record of the case was left open to enable time to reach agreement on these open issues relative to the properties. The result of these efforts culminated in a written agreement, dated November 4, 2009, which enabled these neighbors to agree on a satisfactory resolution. The parties have stipulated to the following terms:

- Wamhoff and Neary both agree to the removal of the fence at the rear of each of the referenced properties.
- Wamhoff agrees that Neary or anyone she designates may inspect underneath his existing deck for standing water. If standing water is found, Wamhoff agrees to take steps to rectify the problem.
- Wamhoff and Neary agree to have their properties treated every year for mosquitoes and more often, if necessary.
- Wamhoff acknowledges that the existing deck, constructed without a permit, encroaches on Neary's property by one (1) foot as evidenced by the Location Drawing, dated October 4, 1996. Wamhoff agrees to pay Neary an annual sum of \$.01 for the use of her land. In exchange, Neary agrees to allow existing deck to remain on her property for a period of five (5) years from the date of this agreement or upon the sale of either property, whichever occurs sooner.
- In the event that Neary decides to list her property for sale before the five (5) year period has expired and any potential buyers do not concur with this agreement, Wamhoff agrees to have the existing deck moved back three and one half (3-½) feet from its existing location so that it is two and one half (2-½) feet off the property line, pursuant to zoning regulation.
- Wamhoff agrees that Neary may change the appearance of the portion of the deck that is on her property as long as the portion of the deck facing Wamhoff's property remains unaffected. Wamhoff further agrees to remove plywood partition from the bottom of the deck and replace it with latticework or a similar aesthetically pleasing material.
- This agreement may be extended by mutual consent of both parties.
- This agreement constitutes the first and final agreement between the parties and resolves all property disputes between the parties.

NOT RECORDED FOR FILING  
Date 11-17-09  
BY [Signature]

After due consideration of the evidence and testimony presented, I am persuaded that the Petitioner has met the spirit and intent of Section 307.1 of the B.C.Z.R. for relief to be granted. There were no adverse comments submitted by any County reviewing agency and as noted above, the owners of the affected rear and adjacent side yard properties have no objection. The Office of Planning, in its Zoning Advisory Committee (ZAC) comment, recommends that the Petitioner provide screening in the form of a privacy fence in addition to landscaping to mitigate any adverse impacts to adjacent residences caused by the existing pool deck being located so close to the rear property line. The parties' agreement, however, provides for the eventual movement of the decking back 2-½ feet off the property line and latticework added to the rear of the deck. Finally, it is clear that strict compliance with the B.C.Z.R. would result in a practical difficulty and/or unreasonable hardship upon the Petitioner and require the demolition of existing additions. For all of these reasons, I am persuaded to grant the variance.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17<sup>th</sup> day of November 2009 that the Petition for Variance seeking relief from Sections 1B01.2.3.A.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing deck, pool and shed addition with a rear setback of zero (0) feet in lieu of the required 22.5 feet and to have 42% rear coverage in lieu of the permitted 35% per the 1953-1955 Zoning Regulations (Section 400.1), in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject to the following conditions:

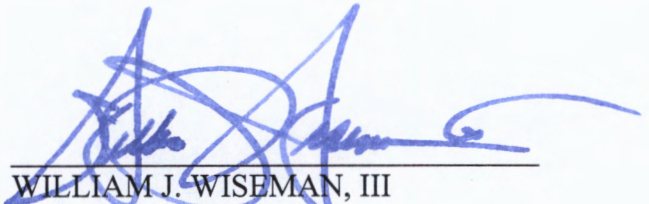
1. The Petitioner is advised that he may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired.

RECEIVED FOR FILING  
Date 11-17-09  
BY 123

2. The provisions, conditions, terms and limitations of the Agreement by and between John J. Wamhoff, III and Laurie A. Neary, dated November 4, 2009, encumbering the subject property and uses thereon, are hereby incorporated into and made a material part of the approval granted.
3. There shall be no additional structural improvements permitted at this site that would result in a building footprint expansion without a public hearing and obtaining requisite permits.
4. The Petitioner shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to the subject additions on the property to ensure compliance with this Order.
5. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

WJW:dlw

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

FILED FOR FILING  
Date 11-17-09  
BY [signature]



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

November 17, 2009

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

John J. Wamhoff, III  
323 Elinor Avenue  
Nottingham, Maryland 21236

**RE: PETITION FOR VARIANCE**

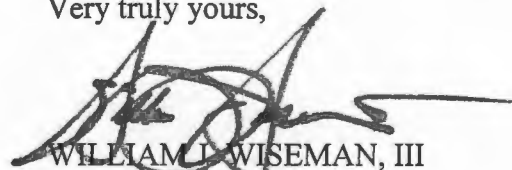
S/S Elinor Avenue, 300' E c/line of Lyndale Avenue  
**(323 Elinor Avenue)**  
14<sup>th</sup> Election District - 6<sup>h</sup> Council District  
John J. Wamhoff, III – Petitioner  
**Case No. 2010-0037-A**

Dear Mr. Wamhoff:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with conditions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw  
Enclosure

c: James W. Holderness, Esquire, 1029 North Calvert Street, Suite 300,  
Baltimore, MD 21202  
Laurie A. Neary, 5108 Meridy Avenue, Baltimore, MD 21236  
People's Counsel; Office of Planning; Code Enforcement, DPDM; File



TAX. ACCOUNT # 1410025560

# Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 323 ELINOR AVE  
which is presently zoned DR 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)

1B01.2.3.A.1 & 301.1

To permit an existing deck, pool and shed addition with a rear setback of 0-feet in lieu of the required 22.5-feet. and to have 42% rear coverage in lieu of the permitted 35% per 1953-1955 Zoning Regulations. Sec. 400.1

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

*SEE ATTACHED*

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):

Name - Type or Print JOHN J. WAMHOFF III

Signature *[Signature]*

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Address 323 ELINOR AVE Telephone No. 410 882 8123

City NOTTINGHAM State MO Zip Code 64236

### Representative to be Contacted:

Name \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

Case No. 2010-0037-A

REV 9/15/98

COPIES RECEIVED FOR FILING UNAVAILABLE FOR HEARING  
Reviewed By [Signature] Date 8/3/09

Date 11-17-09

By [Signature]

**ZONING DESCRIPTION FOR: 323 Elinor Avenue**

Beginning at the point on the South side of Elinor Avenue which is 50 feet wide of the distance of 300 feet East of the centerline of the nearest improved intersecting street Lyndale Avenue which is 50 feet wide. \*Being lot # 5 in the subdivision of Linover Heights as recorded in Baltimore County Plat Book 21, Folio # 47, containing 4,270 square feet. Also known as 323 Elinor Avenue and located in the 14 Election District 6 Councilmanic District.

2010-0037-A

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: #2010-0037-A

323 Elinor Avenue

S/side of Elinor Avenue, 300 feet east of the centerline of Lyndale Avenue

14th Election District — 6th Councilmanic District

Legal Owner(s): John Wamhoff, III

**Variance:** to permit an existing deck, pool and shed addition with a rear setback of 0 feet in lieu of the required 22.5 feet and have 42% rear coverage in lieu of the permitted 35% per 1953-1955 Zoning Regulations.

**Hearing: Wednesday, September 30, 2009 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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 9/757 Sept. 15

213641

## CERTIFICATE OF PUBLICATION

09/15, 2009

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 9/15, 2009.

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

*J. Wilkins*

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. 43258

Date: 8/3/09

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|----------------|-----------------|----------|---------|--------|
| 001  | 806  | 0000 |          | 6150           |                 |          |         | 65.00  |
|      |      |      |          |                |                 |          |         |        |
|      |      |      |          |                |                 |          |         |        |
|      |      |      |          |                |                 |          |         |        |
|      |      |      |          |                |                 |          |         |        |
|      |      |      |          |                |                 |          |         |        |
|      |      |      |          |                |                 |          |         |        |

Total: 65.00

Rec From: John W. Hoff II

For: 373 E. Pine Ave 2060-0077-A  
21236

**DISTRIBUTION**

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER    GOLD - ACCOUNTING  
**PLEASE PRESS HARD!!!!**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW  
8/03/2009 8/03/2009 10:06:01 2

NO. 43258 WALKIN JENA JEE  
RECEIPT # 432571 8/03/2009 DFLR

5 500 ZONING VERIFICATION  
8/03/09 04/0/09

Rec'd Tot \$65.00  
\$65.00 1X \$ 0.00 CA  
Baltimore County, Maryland

**CASHIER'S  
VALIDATION**

# CERTIFICATE OF POSTING

**RE: 2010-0037 A**

**Petitioner/Developer:\_\_\_\_\_**

**John Wamhoff, III**

**Date of Hearing/closing: September 30 2009**

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

**Attn; Ktistin 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, \_\_\_\_\_**  
**323 Elinor Avenue**

The sign(s) were posted on Sept. 15 2009  
(Month, Day, Year)

**Sincerely,**

Robert Black Sept 17, 2009

(Signature of Sign Poster) (Date)

**SSG Robert Black**

**(Print Name)**

**1508 Leslie Road**

**(Address)**

**Dundalk, Maryland 21222**

(City, State, Zip Code)

**(410) 282-7940**

(Telephone Number)

# ZONING NOTICE

CASE # 2010-0037-A

**A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD**

Room 104 JEFFERSON BUILDING 21204  
PLACE: 105 WEST CHESAPEAKE AVE. TOWSON

DATE AND TIME WEDNESDAY, SEPTEMBER 30, 2009 AT 2:00 PM

REQUEST: VARIANCE TO PERMIT AN EXISTING DECK, POOL  
AND SHED ADDITION WITH A REAR SETBACK OF 0 FEET IN  
LIEU OF THE REQUIRED 22.5 FEET AND HAVE 42% REAR  
COVERAGE IN LIEU OF THE PERMITTED 35% PER 1953-1955  
ZONING REGULATIONS.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

**HANDICAPPED ACCESSIBLE**

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, September 15, 2009 Issue - Jeffersonian

Please forward billing to:  
John Wamhoff, III  
323 Elinor Avenue  
Nottingham, MD 21236

410-882-8123

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## 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: 2010-0037-A**

323 Elinor Avenue

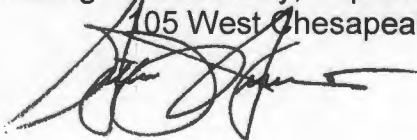
S/side of Elinor Avenue, 300 feet east of the centerline of Lyndale Avenue

14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: John Wamhoff, III

Variance to permit an existing deck, pool and shed addition with a rear setback of 0 feet in lieu of the required 22.5 feet and have 42% rear coverage in lieu of the permitted 35% per 1953-1955 Zoning Regulations.

Hearing: Wednesday, September 30, 2009 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake 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

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*  
August 26, 2009

**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: 2010-0037-A**

323 Elinor Avenue

S/side of Elinor Avenue, 300 feet east of the centerline of Lyndale Avenue

14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: John Wamhoff, III

Variance to permit an existing deck, pool and shed addition with a rear setback of 0 feet in lieu of the required 22.5 feet and have 42% rear coverage in lieu of the permitted 35% per 1953-1955 Zoning Regulations.

Hearing: Wednesday, September 30, 2009 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy M. Kotroco.  
Timothy Kotroco  
Director

TK:klm

C: John Wamhoff, III, 323 Elinor Avenue, Nottingham 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 15, 2009**
- (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.

**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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2010-0037-A

Petitioner: John J. Wamhoff III

Address or Location: 323 Elinor Ave 21236

PLEASE FORWARD ADVERTISING BILL TO:

Name: John J. Wamhoff III

Address: 323 Elinor Ave

Baltimore Md. 21236

Telephone Number: 410-882-8123

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR.  
*County Executive*

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

September 24, 2009

John J. Wamhoff III  
323 Elinor Ave.  
Nottingham, MD 21236

Dear: John J. Wamhoff III

RE: Case Number 2010-0037-A, 323 Elinor Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 3, 2009. 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:lnw

Enclosures

c: People's Counsel

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** September 29, 2009

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

**RECEIVED**

**SUBJECT:** 323 Elinor Avenue

**SEP 20 2009**

**INFORMATION:**

**Item Number:** 10-037

**ZONING COMMISSIONER**

**Petitioner:** John Wamhoff

**Zoning:** DR 5.5

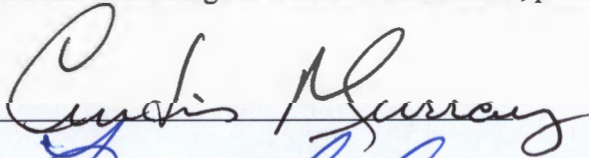
**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office Of Planning has reviewed the subject request and recommends that the petitioner provide screening in the form of a privacy fence in addition to landscaping to mitigate any adverse impacts to adjacent residences caused by the existing pool and shed being located so close to the rear property line.

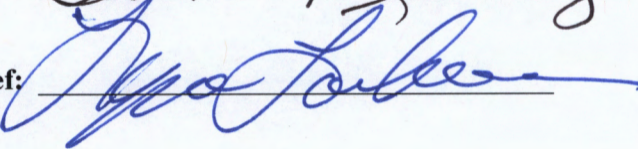
For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

**Prepared by:**



**Division Chief:**

AFK/LL: CM



**RECEIVED**

**SEP 20 2009**

**ZONING COMMISSIONER**

BW  
9-30-09  
11 Am

**BALTIMORE COUNTY, MARYLAND****Inter-Office Correspondence****RECEIVED****SEP 10 2009****ZONING COMMISSIONER**

**TO:** Timothy M. Kotroco  
**FROM:** Dave Lykens, DEPRM - Development Coordination  
**DATE:** September 10, 2009  
**SUBJECT:** Zoning Item # 10-037-A  
Address 323 Elinor Avenue  
(Wamhoff Property)

Zoning Advisory Committee Meeting of August 10, 2009

  X   The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL

Date: 9/10/09

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** August 13, 2009

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 10, 2009  
Item Nos. 2009-0326, 2010-032, 034, 036, 037,  
038, 039 and 040

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08132009 (2) -NO COMMENTS.doc



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

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

August 21, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 10, 2009

Item Numbers 0325, 0328, 0032, 0034, 0036, 0037, 0038, 0040

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

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

Lieutenant Roland P Bosley Jr.  
Fire Marshal's Office  
410-887-4881 (C) 443-829-2946  
MS-1102F

cc: File

RE: PETITION FOR VARIANCE \* BEFORE THE  
323 Elinor Avenue; S/S Elinor Avenue, \*  
300' E c/line of Lyndale Avenue \* ZONING COMMISSIONER  
14<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts \*  
Legal Owner(s): John Wamhoff \* FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 10-037-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

AUG 13 2009

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13<sup>th</sup> day of August, 2009, a copy of the foregoing Entry of Appearance was mailed to John Wamhoff, 323 Elinor Avenue, Nottingham, MD 21236, Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

BALTIMORE COUNTY  
DEPARTMENT

# Permits & Development Management Complaint Report

 Report Criteria:  
 Complaint Record ID: CO0061129

| Record ID | AS/400 Case | Assigned To | Assigned Date | Received By        | Received Date | Status        | Hearing Date | ADC Grid |
|-----------|-------------|-------------|---------------|--------------------|---------------|---------------|--------------|----------|
| CO0061129 |             | Lewis Mayer | 10/01/2009    | Nicholette Shelton | 05/18/2009    | Open - Normal |              | 28H13    |

Complaint Description: DECK CLOSE TO HOUSE BUILT RECENTLY W/O PERMIT

| Facility:                                                             | Owner:                                                     | Complainant:                                       |
|-----------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------|
| FA0086374<br>PDM 1410025560<br>323 ELINOR AVE<br>NOTTINGHAM, MD 21236 | WAMHOFF JOHN J,3RD<br>323 ELINOR AVE<br>BALTIMORE MD 21236 | ROBERT VICK<br>5108 MERIDY<br><br>HOME: 4105910614 |

Daily Activity Details - No Data

Violation Details - No Data

**Comment Details**

| Type                 | Date       | Comments                                                                                                                                                                                                                                                |
|----------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BUILDING INSPECTIONS | 06/02/2009 | INSPECTION 5/26/09<br>June 02, 2009 10:16 AM - NSHELTON<br>CANNOT SEE VIOLATION FROM ROAD OR NEIGHBOR'S REAR YARD. L.MAYER/NS***                                                                                                                        |
| BUILDING INSPECTIONS | 06/02/2009 | INSPECTION 6/1/09<br>June 02, 2009 10:18 AM - NSHELTON<br>MET COMPLAINANT ON SITE. OBSERVED NEW DECK ADDITION IN REAR YARD FROM COMPLAINANTS HOUSE. ISSUED CORRECTION NOTICE TO OBTAIN BUILDING PERMIT. NOTIFIED COMPLAINANT. P/U 6/17/09 L.MAYER/NS*** |
| BUILDING INSPECTIONS | 06/19/2009 | INSPECTION 06/18/09<br>June 19, 2009 07:59 AM - KHOPKINS<br>OWNER APPLYING FOR VAR. PER GLENN BERRY. P/U 07/02/09. L.MAYER/KH.                                                                                                                          |
| BUILDING INSPECTIONS | 08/13/2009 | INSPECTION 8/11/09<br>August 13, 2009 08:25 AM - NSHELTON<br>DATE FOR VARIANCE CASE NO. 2010-037-A NOT SET. RECHECK 8/25/09 L.MAYER/NS***                                                                                                               |
| BUILDING INSPECTIONS | 08/26/2009 | INSPECTION 08/25/09<br>August 26, 2009 11:05 AM - KHOPKINS<br>VARIANCE HEAR. TO BE IN EARLY OCTOBER. NOTIFIED COMPL. P/U 10/01/09. L.MAYER/KH.                                                                                                          |

**From:** Debra Wiley  
**To:** Murray, Curtis  
**Date:** 9/25/2009 3:34 PM  
**Subject:** Comments Needed for Hearings on Wed., 9/30

OP

Hi Curtis,

In reviewing the case files for next week, it appears we need comments from your office for two cases as follows:

**CASE NUMBER: 2010-0036--A**

19 B South Lake Way

Location: S side of South Lake Way; 450 feet E of the c/l of South Lake Court.

2nd Election District, 4th Councilmanic District

Legal Owner: Andrew and Lisa Mullins

VARIANCE To permit an accessory structure (detached garage) to be located in the side yard with a height of 25 feet in lieu of the required rear yard and height of 15 feet.

Hearing: Wednesday, 9/30/2009 at 10:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 104

**CASE NUMBER: 2010-0037--A**

323 Elinor Avenue

Location: South side of Elinor Avenue; 300 feet east of the c/l of Lyndale Avenue.

614 Election District, 6th Councilmanic District

Legal Owner: John Wamhoff

VARIANCE To permit an existing deck, pool and shed addition with a rear setback of 0 feet in lieu of the required 22.5 feet, and have 42% rear coverage in lieu of the permitted 35% per 1953-1955 Zoning Regulations.

Hearing: Wednesday, 9/30/2009 at 11:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 104

Thanks and have a wonderful weekend !

Debbie Wiley  
Legal Administrative Secretary  
Office of the Zoning Commissioner  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

**CC:** Are, Kathy

**Bill Wiseman - 9/30/2009 VARIANCE HEARING - 323 ELINOR ROAD**

---

**From:** "Laurie Neary" <laurie@holderness-law.com>  
**To:** <wwiseman@baltimorecountymd.gov>, <tbostrwick@baltimorecountymd.gov>  
**Date:** 9/28/2009 3:19 PM  
**Subject:** 9/30/2009 VARIANCE HEARING - 323 ELINOR ROAD  
**CC:** <fmlaw210@yahoo.com>

---

Gentlemen,

I am writing to you regarding an upcoming hearing for the property referenced below:

**Zoning Hearings - 323 Elinor Avenue**

Location: 6th Council District

Sub location: Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson 21204

Date/Time: 09/30/2009 11:00 AM - 09/30/2009 12:00 PM

**Description:**

Variance to permit an existing deck, pool and shed addition with a rear setback of 0 feet in lieu of the required 22.5 feet and have 42% rear coverage in lieu of the permitted 35% per 1953- 1955 Zoning Regulations.

I am a neighbor that is directly connected to the referenced property. Not only is the deck detrimental to the appearance of my property, it is also located within inches of a fence that is 1 foot over the property line onto my property according to a survey that was completed at the time I purchased my home.

I was not made aware of the scheduled hearing until yesterday by another neighbor as I never have occasion to drive on Elinor Avenue and did not know a sign had been posted. I have a Dr. appointment at Johns Hopkins at 12:30 p.m. on 9/30/2009 and cannot risk missing that appointment by being in Towson from 11:00 a.m. - 12:00 p.m.

I called your offices today and was advised that I could address my concerns to you in writing or I could have someone else represent me at the hearing. I may have someone there but in case I can't get coverage on such short notice, I did not want to take a chance that my objections to the variance were not weighed in the decision process.

I also believe that the horrendous mosquito problem that my neighbors and I are experiencing within a 4 house radius of this property is directly related to the water dripping through the deck and lying on the ground under the deck. We cannot get in there to spray because the bottom of the deck is enclosed with plywood.

The deck rests within inches of a fence at the rear of my yard. I cannot get a weed eater between the fence and the deck and accordingly, the weeds are now about 5 feet high and seriously detract from the value of my home.

I believe that if this variance is granted a small piece of my property will be lost through no fault of my own.

Thank you in advance for allowing me to have my say in lieu of possible attendance at the scheduled hearing. I will eagerly await the outcome.

Laurie Neary  
5108 Meridy Avenue  
Baltimore, MD 21236  
(410)882-0897 home

**Bill Wiseman - 323 Elinor Avenue/John Wamhoff III**

---

**From:** Dorothy <dardar1014@verizon.net>  
**To:** <wwiseman@baltimorecountymd.gov>  
**Date:** 10/12/2009 7:36 AM  
**Subject:** 323 Elinor Avenue/John Wamhoff III  
**CC:** <jim@hmalawllc.com>

---

We have come to an agreement with Laurie Neary in regards to the deck. She is having her attorney draw up an agreement. I will contact you when this is complete to reschedule a meeting to see what the next step is. Thank you for your assistance.

Sincerely;

John J. Wamhoff III  
443-226-2853 cell  
jwamhoff3@gmail.com

**From:** "Jim" <Jim@hmalawllc.com>  
**To:** dardar1014@verizon.net; dwiley@baltimorecountymd.gov; Jim@hmalawllc.com  
**Date:** 11/13/2009 11:25 AM  
**Subject:** RE: 323 Elinor Ave. (Case No. 2010-0037-A) - 9/30/09 Hearing

Debbie:

Attached please find the agreement between the neighbors.

Thank you.

Jim

-----Original Message-----

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]  
Sent: Tuesday, November 10, 2009 3:12 PM  
To: jim@hmalawllc.com; dardar1014@verizon.net  
Subject: 323 Elinor Ave. (Case No. 2010-0037-A) - 9/30/09 Hearing

Good Afternoon,

As you are aware, the above-referenced hearing was conducted on September 30, 2009. It is the Commissioner's understanding that an agreement has been reached with Laurie Neary in regards to the deck and that her attorney would be working out the details. Mr. Holderness was contacted via email on October 28, 2009 asking about a timeframe and there's been no response to date.

The Commissioner is now asking if you could please find out when this agreement may be received since we're holding the file pending receipt of same.

Thanking you in advance for your cooperatiion and have a great day.

Debbie Wiley  
Legal Administrative Secretary  
Office of the Zoning Commissioner  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

AGREEMENT BETWEEN PARTIES – DISPUTE RESOLUTION

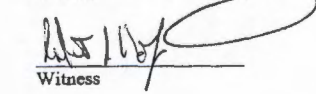
November 4, 2009

The undersigned parties, John J. Wamhoff, III (hereinafter "Wamhoff"), registered owner of 323 Elinor Avenue, Baltimore, MD 21236 and Laurie A. Neary (hereinafter "Neary"), registered owner of 5108 Meridy Avenue, Baltimore, MD 21236, hereby acknowledge that they have reached an agreement regarding issues related to their properties which share a property line.

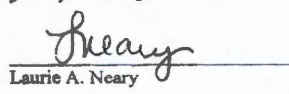
1. Wamhoff and Neary both agree to the removal of the fence at the rear of each of the referenced properties.
2. Wamhoff agrees that Neary or anyone she designates may inspect underneath his existing deck for standing water. If standing water is found, Wamhoff agrees to take steps to rectify the problem.
3. Wamhoff and Neary agree to have their properties treated every year for mosquitos and more often, if necessary.
4. Wamhoff acknowledges that the existing deck, constructed without a permit, encroaches on Neary's property by one (1) foot as evidenced by the attached copy of Location Drawing dated October 4, 1996. Wamhoff agrees to pay Neary an annual sum of \$.01 for the use of her land. In exchange, Neary agrees to allow existing deck to remain on her property for a period of five (5) years from the date of this agreement or upon sale of either property, whichever occurs sooner.
5. In the event that Neary decides to list her property for sale before the five (5) year period has expired and any potential buyers do not concur with this agreement, Wamhoff agrees to have the existing deck moved back three and one half (3 ½) feet from it's existing location so that it is two and one half (2 ½) feet off the property line, pursuant to zoning regulation.
6. Wamhoff agrees that Neary may change the appearance of the portion of the deck that is on her property as long as the portion of the deck facing Wamhoff's property remains unaffected. Wamhoff further agrees to remove plywood partition from the bottom of the deck and replace it with latticework or a similar aesthetically pleasing material.
7. This agreement may be extended by mutual consent of both parties.

8. This agreement constitutes the first and final agreement between the parties and resolves all property disputes between the parties.

  
Witness

  
Witness

  
John J. Wamhoff, III

  
Laurie A. Neary



**From:** <dardar1014@verizon.net>  
**To:** dwiley@baltimorecountymd.gov; dardar1014@verizon.net  
**Date:** 11/12/2009 10:07 PM  
**Subject:** Re: 323 Elinor Ave. (Case No. 2010-0037-A) - 9/30/09 Hearing

The signed copy of the agreement is back in Laurie Neary's hands, she will have her attorney forward a copy to the commissioner's office. Thank you.

-----Original Message-----

From: Debra Wiley  
To: jim@hmalawllc.com  
To: Dardar  
Subject: 323 Elinor Ave. (Case No. 2010-0037-A) - 9/30/09 Hearing  
Sent: Nov 10, 2009 3:11 PM

Good Afternoon,

As you are aware, the above-referenced hearing was conducted on September 30, 2009. It is the Commissioner's understanding that an agreement has been reached with Laurie Neary in regards to the deck and that her attorney would be working out the details. Mr. Holderness was contacted via email on October 28, 2009 asking about a timeframe and there's been no response to date.

The Commissioner is now asking if you could please find out when this agreement may be received since we're holding the file pending receipt of same.

Thanking you in advance for your cooperatiion and have a great day.

Debbie Wiley  
Legal Administrative Secretary  
Office of the Zoning Commissioner  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

Sent via BlackBerry by AT&T

**From:** Debra Wiley  
**To:** dardar1014@verizon.net; jim@hmalawllc.com  
**Date:** 11/10/2009 3:11 PM  
**Subject:** 323 Elinor Ave. (Case No. 2010-0037-A) - 9/30/09 Hearing

Good Afternoon,

As you are aware, the above-referenced hearing was conducted on September 30, 2009. It is the Commissioner's understanding that an agreement has been reached with Laurie Neary in regards to the deck and that her attorney would be working out the details. Mr. Holderness was contacted via email on October 28, 2009 asking about a timeframe and there's been no response to date.

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Legal Administrative Secretary  
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105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

**From:** Debra Wiley  
**To:** Jim@holderness-law.com  
**Date:** 10/28/2009 11:51 AM  
**Subject:** 323 Elinor Ave. (Case No. 2010-0037-A) - 9/30/09 Hearing

Good Morning Mr. Holderness,

With reference to the agreement between your client and the Wamhoff's, can you please give our office a timeframe as to when this may be received since we are holding the file pending receipt of same.

Thanking you in advance for your cooperation and have a great day.

Debbie Wiley  
Legal Administrative Secretary  
Office of the Zoning Commissioner  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

To Whom It May Concern:

We are Frank and Lorraine Cimino. We live at 325 Elinor Avenue in the Fullerton community. We have lived next door to Mr. John J Wamhoff III since he moved in over twelve years ago.

We have resided in our house since 1959. We raised three children in a duplex home in our community. As parents and senior neighbors, we understand the challenges of maintaining a home and successfully raising a family in a densely populated community.

We spend a lot of time maintaining our garden and property. Our yard is full of flowers, shrubbery and trees. We take pride in our home year round. Mr. Wamhoff has proven to be a good neighbor by respecting our opinion before making any improvements to his property that may have affected our home.

Mr. Wamhoff maintains a clean and neat property that adds value to our community and is also pleasing to look at. With the use of fencing, gates and decking, Mr. Wamhoff has provided a safe environment for children surrounding his above ground pool. His design keeps neighborhood children away from the water without proper adult supervision.

If you should have any further questions, please feel free to contact us.

Frank and Lorraine Cimino  
325 Elinor Avenue  
Nottingham, Maryland 21236

*Frank & Lorraine Cimino*

*Notary  
Charlene Wamhoff*

*Commission Expires 11/02/2010*

September 28, 2009

Michelle Curley & Paul Moulton  
321 Elinor Avenue  
Nottingham, MD 21236

To Whom It May Concern:

Our names are Michelle Curley and Paul Moulton. We are residents of the Fullerton community and live beside Mr. John Wamhoff.

We are writing to express our sincere appreciation for our neighbor's conscientious safety measures and diligent property caretaking.

Since residing at 321 Elinor Ave, our family has grown to include 2 young girls, ages 9 months and 5 years old. As homeowners and parents, we are grateful for our neighbor's well-rounded sense of citizenship.

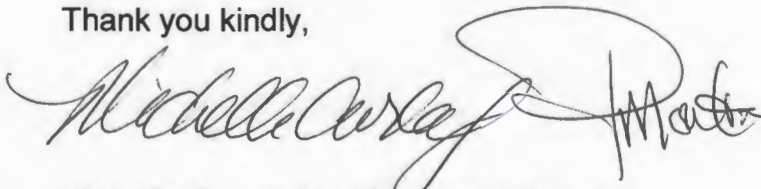
More specifically, we are thankful for the measures they take to ensure the safety of our children, and those of the surrounding community. It is apparent to our family that Mr. Wamhoff's foremost concern is to offer limited access to his pool. This is accomplished by using high fences, gates and locks where appropriate. As adjoining neighbors, we have confidence that our children could not gain access to their swimming area without adult guidance and supervision.

In addition to offering a great deal of safety, we feel Mr. Wamhoff offers a clean, neat and pleasing aesthetic to our community. Consistent examples of their yard maintenance include, but are not limited to, perennial gardening, power washing, trimming, daily lawn care, and exterior structure preservation.

Again, as adjoining neighbors, we feel confident that the impeccable care of our neighbors' property adds to the spirit and value of our esteemed Fullerton community.

We hope our contribution to highlight the overall community contributions our neighbor has made. Please feel free to contact us with any questions.

Thank you kindly,

A handwritten signature in black ink, appearing to be "Michelle Curley" followed by "Paul Moulton".

Michelle Curley, Paul Moulton & Family

Notary  
Charlene Wamhoff  
Commission expires  
11/02/2010

PLEASE PRINT CLEARLY

CASE NAME Wanhobbb  
CASE NUMBER 2010-0037-A  
DATE 9-30-09

## CITIZEN'S SIGN-IN SHEET

*Petitioner*

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

*JOHN J. WANDHOFF III*

*323 ELMDR AVE*

*NOTTINGHAM MD 21236*

*James Holderness  
for Laurie Neary*

*5108 Meridy Ave*

*Baltimore, MD 21236*

*HOLDERNESS*

*Eg.*

*Atty -*

**JAMES W. HOLDERNESS**  
Attorney at Law  
(DC, DE, MD, VA)

Holderness, Menchel, & Alter, LLC

**Maryland Office**  
1029 N. Calvert Street  
Suite 300  
Baltimore, MD 21202  
Tel: 410.752.4443  
Fax: 410.752.4445

**Delaware Office**  
901 Market Street, Suite 402  
Wilmington, DE 19801  
Tel: 302.656.8580  
Fax: 302.429.5953

Jim@holderness-law.com

141 9039350

DR 3.5

Lot # 18

ELINOR AVE

10

ELINOR AVE

ELINOR AVE

1416003660

1402005247



**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search** (2007 vw6.3d)

[Go Back](#)  
[View Map](#)  
[New Search](#)

**Account Identifier:** District - 14 Account Number - 1410025560

**Owner Information**

**Owner Name:** WAMHOFF JOHN J,3RD **Use:** RESIDENTIAL  
**Principal Residence:** YES  
**Mailing Address:** 323 ELINOR AVE **Deed Reference:** 1) /19733/ 648  
 BALTIMORE MD 21236-4216 2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
 323 ELINOR AVE 323 ELINOR AVE  
 LINOVER HGTS

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:         |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|------------------|
| 81  | 17   | 756    |              |             | 1       | C     | 5   | 3               | Plat Ref: 21/ 47 |

**Special Tax Areas** **Town**  
**Ad Valorem**  
**Tax Class**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1957                    | 1,160 SF      | 4,270.00 SF        | 04         |

| Stories | Basement | Type     | Exterior |
|---------|----------|----------|----------|
| 2       | YES      | END UNIT | BRICK    |

**Value Information**

|                    | Base Value | Value<br>As Of<br>01/01/2009 | Phase-in Assessments<br>As Of<br>07/01/2009 | As Of<br>07/01/2010 |
|--------------------|------------|------------------------------|---------------------------------------------|---------------------|
| Land               | 64,500     | 66,000                       |                                             |                     |
| Improvements:      | 85,560     | 102,340                      |                                             |                     |
| <b>Total:</b>      | 150,060    | 168,340                      | 156,153                                     | 162,246             |
| Preferential Land: | 0          | 0                            | 0                                           | 0                   |

**Transfer Information**

|                                   |                           |                        |
|-----------------------------------|---------------------------|------------------------|
| <b>Seller:</b> WAMHOFF JOHN J,3RD | <b>Date:</b> 03/15/2004   | <b>Price:</b> \$0      |
| <b>Type:</b> NOT ARMS-LENGTH      | <b>Deed1:</b> /19733/ 648 | <b>Deed2:</b>          |
| <b>Seller:</b> JENKINS JOHN C     | <b>Date:</b> 08/11/1997   | <b>Price:</b> \$91,000 |
| <b>Type:</b> IMPROVED ARMS-LENGTH | <b>Deed1:</b> /12321/ 490 | <b>Deed2:</b>          |
| <b>Seller:</b>                    | <b>Date:</b>              | <b>Price:</b>          |
| <b>Type:</b>                      | <b>Deed1:</b>             | <b>Deed2:</b>          |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2009 | 07/01/2010 |
|----------------------------|-------|------------|------------|
| County                     | 000   | 0          | 0          |
| State                      | 000   | 0          | 0          |
| Municipal                  | 000   | 0          | 0          |

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
 \* NONE \*

Case No.: 2010-0037-A 323 ELINOR AVE.

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                                            |                                  |
|--------|--------------------------------------------|----------------------------------|
| No. 1  | SITE PLAN                                  | SURVEY SHOWS THE<br>ENCROACHMENT |
| No. 2  | PHOTO'S IN ALBUM<br>REVIEWED (NOT IN FILE) |                                  |
| No. 3  | LETTERS OF SUPPORT<br>ADJACENT NEIGHBORS   |                                  |
| No. 4  | SUBDIVISION PLAT                           |                                  |
| No. 5  |                                            |                                  |
| No. 6  |                                            |                                  |
| No. 7  |                                            |                                  |
| No. 8  |                                            |                                  |
| No. 9  |                                            |                                  |
| No. 10 |                                            |                                  |
| No. 11 |                                            |                                  |
| No. 12 |                                            |                                  |

Case No.: 2010-0037-A 323 ELINOR AVE.

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                                            |                                  |
|--------|--------------------------------------------|----------------------------------|
| No. 1  | SITE PLAN                                  | SURVEY SHOWS THE<br>ENCROACHMENT |
| No. 2  | PHOTO'S IN ALBUM<br>REVIEWED (NOT IN FILE) |                                  |
| No. 3  | LETTERS OF SUPPORT<br>ADJACENT NEIGHBORS   |                                  |
| No. 4  | SUBDIVISION PLAT                           |                                  |
| No. 5  |                                            |                                  |
| No. 6  |                                            |                                  |
| No. 7  |                                            |                                  |
| No. 8  |                                            |                                  |
| No. 9  |                                            |                                  |
| No. 10 |                                            |                                  |
| No. 11 |                                            |                                  |
| No. 12 |                                            |                                  |

To Whom It May Concern:

Our backyard began with nothing but grass. My children were young and had no other children close by to play with. I put a shed up for storage and a pool up for the kids. We decided to put a deck up in the front of the pool to avoid tracking as much grass and mud into the water. About five years ago, I got a permit for a free standing deck by the pool. Before the deck was built, I found older neighborhood children in the pool without permission. They jumped the chain link fence to get in the yard and hopped over the side of the pool because the ladder was locked. That's when we decided to put a privacy fence up, behind the pool. My friend, who was helping to build the deck, suggested to construct the deck around the pool with stairs and a gate. This seemed like a much better idea to keep the children safe. I asked permission from both of my adjoining neighbors. They both thought it was a good idea and had no problems with the plans. The deck wrapped almost all the way around the pool, completely covering the back chain link fence so unsupervised children could not get in. A year after completion, I found a small child in the pool without permission. She was my adjoining neighbor's child who climbed the fence and used a toy to climb to get in the pool. We live in a duplex. Our houses touch one another and our yards are separated by a chain link fence. Our families discussed the safety of all of our children and decided to complete the deck around, add another high deck from the house to the pool deck, and complete the project with a privacy fence at the end of our driveway. The new deck is higher than the chain link fence and has another gate for safety. The only way to get to the pool is through a privacy fence, up several steps, and through two gates. For the past three and half years, no unsupervised children have made it into the pool. However, my ignorance has caused a great deal of trouble for our family. I had no idea I needed to obtain additional permits for the additional decking. I thought I could just add on to my original permit. My family has spent a lot of time, energy and money on our beautiful yard. We are asking to please have permission to keep our back yard the way it is.

Sincerely;

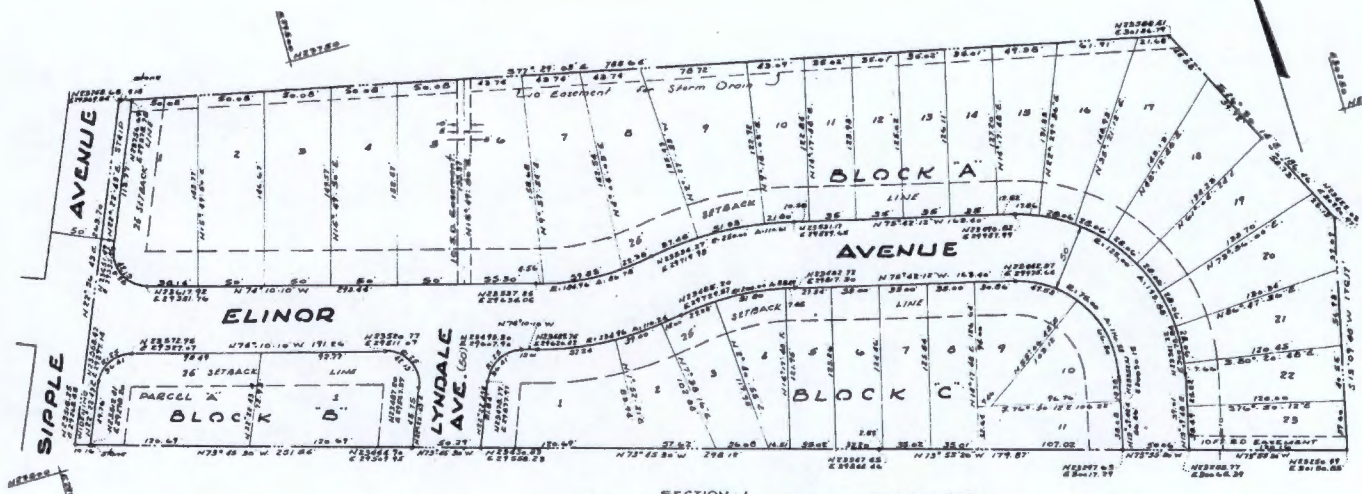
John J. Wamhoff III

323 Elinor Avenue

Baltimore, Maryland 21236

PETITIONER' S

EXHIBIT NO. 3



NOTES:  
Maximum Building setback is 20'.  
The streets and/or roads as shown herein and the section thereof in blocks and/or for the purpose of subdivision only and the same are not intended to be constructed to public use, but for private use thereof as shown, and the same are not intended to be constructed to public use, but for private use thereof as shown, and the same are not intended to be constructed to public use, but for private use thereof as shown.

SECTION 1  
"LINOVER HEIGHTS"  
A DEVELOPMENT OF  
THE ANDERSON BROS. CO.  
11 LYNDALE AVE.  
BALTIMORE, MD.  
14TH ELEC. DIST.  
Scale: 1" = 50'

Filed for record  
Date APR 26 1955  
Test:  
George E. Bandy  
Clerk

CLERK: 31 APR 49  
THIS PHOTO TAKEN FROM THE  
RECORDS OF THE CIRCUIT  
COURT FOR BALTIMORE  
COUNTY IS FOR OFFICIAL  
USE ONLY AND NOT TO BE  
DUPLICATED FOR SALE OR  
GIFT.

|                                                 |                                                   |                         |
|-------------------------------------------------|---------------------------------------------------|-------------------------|
| APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT | APPROVED FOR BALTIMORE COUNTY PLANNING COMMISSION | THOMPSON, GRACE & MAY   |
| WILLIAM H. HARTMAN, JR.                         | WILLIAM H. HARTMAN, JR.                           | WILLIAM H. HARTMAN, JR. |
| 4/26/55                                         | 4/26/55                                           | 4/26/55                 |

0 setback for Accessory Structures  
1953-1955 Regulation.

PETITIONER'S

EXHIBIT NO.

4

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

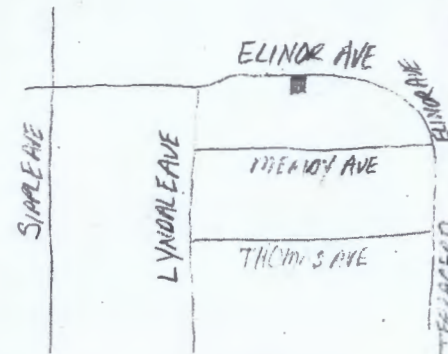
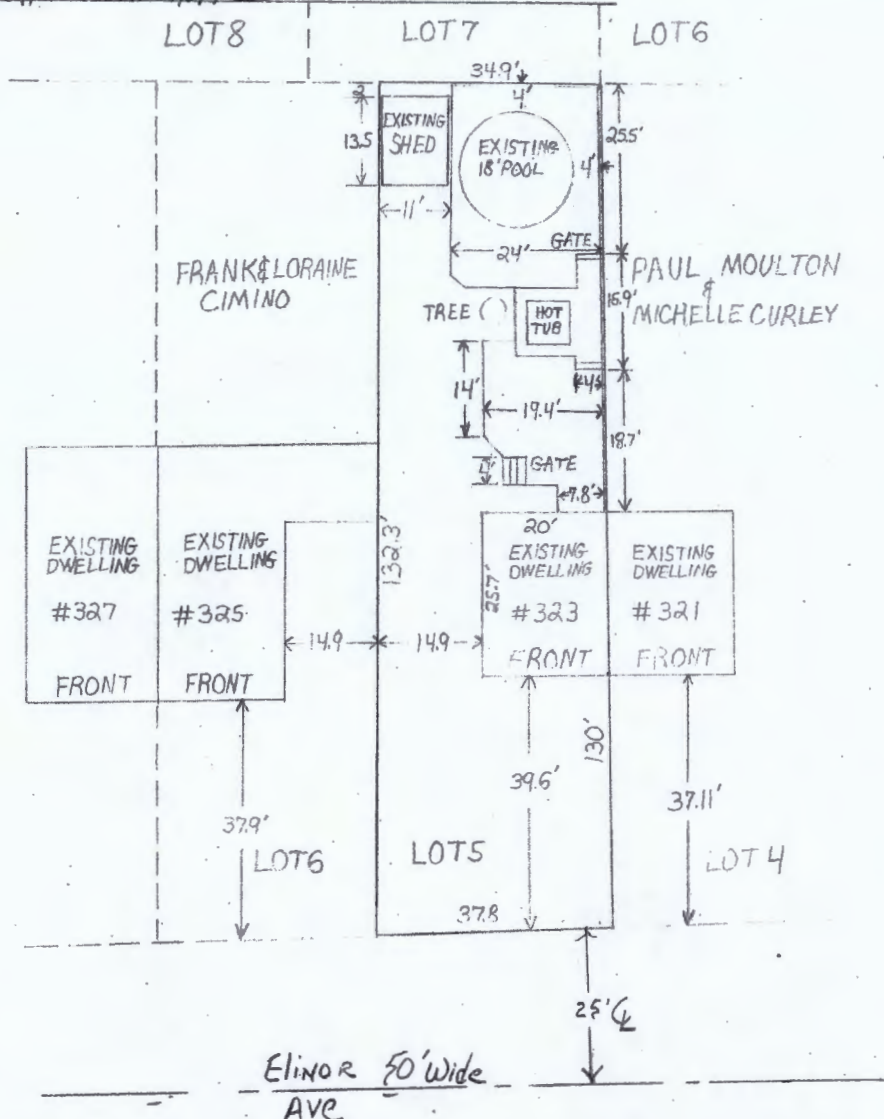
PROPERTY ADDRESS 323 ELINOR AVE

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

SUBDIVISION NAME (NOTTINGHAM) LINOVER HEIGHTS

PLAT BOOK # 21 FOLIO # 47 LOT # 5 SECTION #       

OWNER JOHN J. WAMHOFF III



VICINITY MAP  
SCALE: 1" = 1000'

## LOCATION INFORMATION

ELECTION DISTRICT 14th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # 081C2

ZONING DR5.5

LOT SIZE 4,270

|       | ACREAGE                                    | SQUARE FEET                      |
|-------|--------------------------------------------|----------------------------------|
| SEWER | <input checked="" type="checkbox"/> PUBLIC | <input type="checkbox"/> PRIVATE |
| WATER | <input checked="" type="checkbox"/> PUBLIC | <input type="checkbox"/> PRIVATE |

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING

PETITIONER'S

EXHIBIT NO. 1



NORTH

PREPARED BY JOHN J. WAMHOFF III

SCALE OF DRAWING: 1" = 30'

ZONING OFFICE USE ONLY  
REVIEWED BY        ITEM #        CASE #       

       2010 0037-A