

IN RE: PETITION FOR VARIANCE

E side of Link Avenue; 150 feet S of
Sufer Spring Road
13th Election District
1st Councilmanic District
(5505 Link Avenue)

Dwayne Dixon

Legal Owner

Bradley Kincade

Lessee

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **CASE NO. 2010-0207-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Dwayne Dixon, and the lessee, Bradley Kincade. Petitioner is requesting Variance relief from Sections 1B01.3.C.1 and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (proposed deck) with a side yard setback of 0 feet in lieu of the minimum required 7.5 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Bradley Kincade. The legal property owner, Dwayne Dixon, did not appear, but Mr. Dixon provided written authorization for Petitioner's proposed improvements and requested relief. These authorizations were marked and accepted into evidence as Petitioner's Exhibits 6A and 6B. Also appearing as interested citizens opposed to the relief were Carol Enge and Jim Hyatt of 5507 Link Avenue. There were no other individuals in attendance.

Testimony and evidence offered revealed that the subject property is rectangular in shape and consists of approximately 5,940 square feet or 0.14 acre, more or less, zoned D.R.5.5. As

ORDER RECEIVED FOR FILING

Date 4.23.10

By PJ

shown on the site plan, as well as the zoning map and aerial photographs that were marked and accepted into evidence as Petitioner's Exhibits 2 and 3, the property is located on the east side of Link Avenue, just south of Sulphur Spring Road and west of Southwestern Boulevard (U.S. 1), in the Halethorpe area of Baltimore County. The property is improved with an existing two-story wood frame and vinyl sided single-family dwelling situated in the "North Halethorpe" subdivision. The property owner, Dwayne Dixon, has owned the subject property since 1992, but currently resides in California. Petitioner Mr. Kincade has resided there for almost two years. During that time, Petitioner has made a number of improvements to the interior of the property and has generally cleaned up the exterior as well. According to Petitioner, in an effort to enhance the exterior space, he began construction of an open deck attached to the side of the home on the southern side of the property. Photographs of the proposed deck site were marked and accepted into evidence as Petitioner's Exhibits 4A through 4C. Petitioner also submitted a sketch of the deck that was marked and accepted into evidence as Petitioner's Exhibit 5. The deck is presently attached to the home and elevated by support posts and a large joist. Some of the deck planks have been attached, but the deck is as yet uncompleted, pending the outcome of this hearing.

The workmanship appears to be first rate; however, the problem is the fact that the deck will encroach into the side yard completely and extend to the property line, thus resulting in the variance request for a 0 foot setback for the open projection in lieu of the minimum required 7.5 feet. The next door neighbor, Carol Enge, of 5507 Link Avenue expressed opposition to the requested variance. Ms. Enge submitted several photographs that were marked and accepted into evidence as Protestant's Exhibits 1A through 1D, which show the actual construction of Petitioner's deck and also show it extending to the property line. She indicated that she means

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Date 4.23.10 2

By pr

no ill will toward Petitioner and his attempt to improve the property, but feels very strongly that Petitioner's deck in its present location is not appropriate. She believes the setback requirements should be enforced and that there is no compelling reason for the deck to be built in a manner that extends to her property line. In support of this position, Ms. Enge also submitted a letter/petition dated March 17, 2010 that was marked and accepted into evidence as Protestant's Exhibit 3. This letter/petition was signed by 10 nearby neighbors on Link Avenue and expresses opposition to the requested variance. Another letter submitted by Ms. Enge was written and signed by William and Pamela Wheeler of 5511 Link Avenue (who also signed the aforementioned letter/petition). This letter was marked and accepted into evidence as Protestant's Exhibit 4 and expresses opposition to the location of the deck in the side yard so close to the property line.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 24, 2010 which states that the floor of the proposed deck has been constructed. Nonetheless, the Planning Office does not support Petitioner's request, as the deck will adversely impact the adjacent property at 5507 Link Avenue. Structures of this type should not carry a zero (0) foot or minimal setbacks unless there is an established maintenance easement on the property.

In considering a request for variance, I must do so in accordance with the mandate of the Maryland Court of Special Appeals in the case of *Cromwell v. Ward*, 102 Md.App. 691 (1995) and their interpretation of Section 307 of the B.C.Z.R. In that case, the Court interpreted the regulation to require that a two-prong test be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Second, upon the determination that the property is unique, it must then

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Date 4-23-10

3

By JB

be considered whether strict compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome.

In my judgment, based on the evidence presented by Petitioner, there is not sufficient evidence of unusual conditions or characteristics related to this lot, and which compels the need for the variance. Upon due consideration of the evidence presented in the instant case, I am not persuaded that Petitioner has met this burden. Indeed, *Cromwell* requires that there must be a unique characteristic of the property at issue (i.e., topography, shape, configuration, etc.), in order for relief to be granted. The characteristics of the subject site are not anomalous or unusual when compared to other lots in the neighborhood. Hence, there is not sufficient evidence to suggest that this property meets the uniqueness requirement. Having determined that no uniqueness exists as to Petitioner's property, I must therefore deny the variance requested by Petitioner.

Finally, I must also determine whether the request is within the spirit and intent of the Zoning Regulations and its impact, if any, on adjacent properties. I was very impressed with Petitioner and his desire to improve the property by providing a deck extension to the south side of the property. In addition, the deck appeared to have been well built until construction was halted due to the setback issues; however, in deciding this case, I must be guided by the relevant facts presented and the applicable legal principles. I must agree in this instance with the Office of Planning's comment that the subject property with its close proximity to the adjacent property owned by Ms. Enge, does not lend itself to the construction of a deck on the side of the property as proposed on the site plan. I believe the deck as planned would have a negative impact on the adjacent property, and would not be in keeping with the look of other properties in this

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Date 4.23.10

By mg

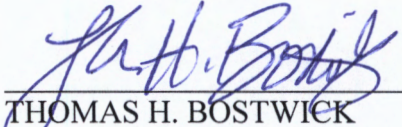
neighborhood. It is regrettable that Petitioner will be required to remove the structure, but such a result is dictated by the findings in this case.

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

THEREFORE, IT IS ORDERED this 23rd day of April, 2010 by this Deputy Zoning Commissioner, that Petitioner's Variance request from Sections 1B01.3.C.1 and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (proposed deck) with a side yard setback of 0 feet in lieu of the minimum required 7.5 feet be is hereby **DENIED**, and is subject to the following:

1. Within 90 days of the date of this Order, Petitioner shall remove the subject deck structure, including all planking, joists, support posts and concrete footers, and shall return the subject property, at his own cost and expense, to its original condition prior to construction of the deck structure.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 4.23.10

By mg



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 23, 2010

BRADLEY KINCADE
5505 LINK AVENUE
BALTIMORE MD 21227

Re: Petition for Variance
Case No. 2010-0207-A
Property: 5505 Link Avenue

Dear Mr. Kincade:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

- c: Dwayne Dixon, 233 Driftwood Drive, Bay Point CA 94565
Carol Enge and Jim Hyatt, 5507 Link Avenue, Halethorpe MD 21227
William and Pamela Wheeler, 5511 Link Avenue, Baltimore MD 21227



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5505 Link Avenue
which is presently zoned DR 5.5/R0

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3, C.1 & 301.1, BCZR, to permit an open projection (proposed deck) with a side yard setback of 0 feet in lieu of the minimum required 7½ feet.

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

TO BE PRESENTED AT HEARING

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:

BRADLEY KINCADE
Name - Type or Print
Bradley A. Kincade
Signature
5505 LINK AVE. 202-369-5544
Address Telephone No.
BALTIMORE MD 21227
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Date 4-23-10
By [Signature] Telephone No.
Address
City State Zip Code

Legal Owner(s):

DWAYNE DIXON SEE PERMISSION LTR FOR LESSEE
Name - Type or Print
Signature
Name - Type or Print
Signature
233 DRIFTWOOD DR 925-405-6622
Address Telephone No.
BAY POINT CA 94565
City State Zip Code

Representative to be Contacted:

Bradley Kincade
Name
5505 Link Avenue 202-369-5544
Address Telephone No.
Baltimore MD 21227
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 2/2/10

Case No. 2010-0207-A

ZONING DESCRIPTION FOR: 5505 Link Ave

Beginning at a point East side of Link Ave. which is 50 feet wide at the distance 150 feet South of the centerline of the nearest improved intersecting street Sulfur Spring Road which is 41 feet 8 inches wide. Being Lot # 106 in the subdivision of North Halethrope as recorded in Baltimore County Plat Book # 07, Filo # 140, containing 5940 square feet. Also known as 5505 Link Ave. and located in the 13 Election District, 1 Councilmanic District.

2010-0207-A

**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: 2010-0207-A

Petitioner: Dwayne Dixon

Address or Location: 5505 Link Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Bradley A. Kincade

Address: 5505 Link Ave
Baltimore, MD 21227

Telephone Number: 202 369 5544

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

No. **49390**

Date: **2/2/2010**

PAID RECEIPT

ADDRESS ACTUAL TIME TRM
 2/04/2010 2/02/2010 15:02:20 2

RTG 0002 MAIL JENNY JEE
 RECEIPT # 672257 1/31/2010 OFER

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
	806	0000		6157						65.00

5- 328 ZONING VERIFICATION
 04/390

Recpt Tot 605.00
 1.00 OK 605.00 OK
 Baltimore County, Maryland

Total: **65.00**

Rec From: **B. Allen, Kinade**

For: **Village - 5505 Lant Avenue**
2010-0007-A (DUNN DIXON)

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

**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: # 2010-0207-A

5505 Link Avenue
E/side of Link Avenue, 150
feet south of Sulfur Spring
Road

13th Election District
1st Councilmanic District
Legal Owner(s):

Dwayne Dixon
Contract Purchaser:
Bradley Kincade

Variance: to permit an
open projection (proposed
deck) with a side yard set-
back of 0 feet in lieu of the
minimum required 7 1/2
feet.

**Hearing: Monday, March
22, 2010 at 10:00 a.m. in
Room 104, Jefferson
Building, 105 West Chesa-
peake Avenue, Towson
21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

3/042 Mar. 4 231416

CERTIFICATE OF PUBLICATION

3/4/, 2010

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 3/4/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2010-0207-A

Petitioner/Developer BRADLEY
KINCADE

Date Of Hearing/Closing 3/22/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 5505 LINK AVE

This sign(s) were posted on March 6, 2010
Month, Day, Year

Sincerely,

Martin Ogle 3/6/10
Signature of Sign Poster and Date

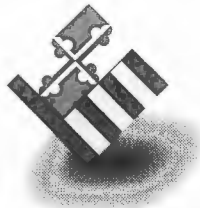
Martin Ogle

60 Chelmsford Court
Baltimore, Md. 21220
443-629-3411

Martin Ogle 3/6/10



03/06/2010



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development
February 23, 2010

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: 2010-0207-A

5505 Link Avenue

E/side of Link Avenue, 150 feet south of Sulfur Spring Road

13th Election District – 1st Councilmanic District

Legal Owners: Dwayne Dixon

Contract Purchaser: Bradley Kincade

Variance to permit an open projection (proposed deck) with a side yard setback of 0 feet in lieu of the minimum required 7 ½ feet.

Hearing: Monday, March 22, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco.
Timothy Kotroco
Director

TK:klm

C: Dwayne Dixon, 233 Driftwood Dr., Bay Point, CA 94565
Bradley Kincade, 5505 Link Avenue, Baltimore 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 6, 2010.**
- (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.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 4, 2010 Issue - Jeffersonian

Please forward billing to:
Bradley Kincade
5505 Link Avenue
Baltimore, MD 21227

202-369-5544

NOTICE OF ZONING HEARING

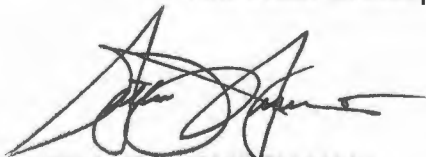
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0207-A

5505 Link Avenue
E/side of Link Avenue, 150 feet south of Sulfur Spring Road
13th Election District – 1st Councilmanic District
Legal Owners: Dwayne Dixon
Contract Purchaser: Bradley Kincade

Variance to permit an open projection (proposed deck) with a side yard setback of 0 feet in lieu of the minimum required 7 ½ feet.

Hearing: Monday, March 22, 2010 at 10:00 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

March 18, 2010

Dwayne Dixon
233 Driftwood Dr.
Bay Point, CA 94565

Dear: Dwayne Dixon

RE: Case Number 2010-0207-A, 5505 Link Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 02, 2010. 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
Bradley Kincade; 5505 Link Ave.; Baltimore, MD 21227

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 12, 2010

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 22, 2010
Item Nos. 2009-153, 2010-0184, 205, 206
and 207

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02222010 -NO COMMENTS.doc

TB 3/22
10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 24, 2010

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

SUBJECT: 5505 Link Avenue

INFORMATION:

Item Number: 10-207

Petitioner: Dwayne Dixon

Zoning: DR 5.5/ RO

Requested Action: Variance

RECEIVED

MAR 30 2010

ZONING COMMISSIONER

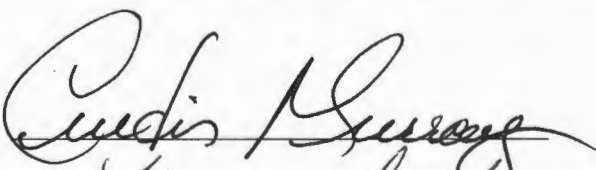
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning offers the following comments:

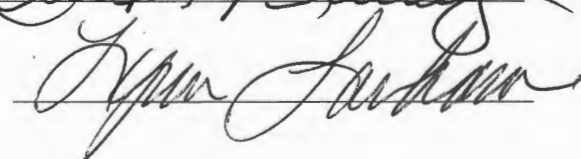
The floor of the proposed deck has been constructed. Nonetheless, the Office of Planning does not support the petitioner's request, as the deck will adversely impact the adjacent property at 5507 Link Avenue. Structures of this type should not carry a zero foot or minimal setbacks unless there is an established maintenance easement on the adjacent property.

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

Prepared by:



Division Chief:
AFK/LL: CM





BALTIMORE COUNTY
MARYLAND

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

February 10, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 08, 2010

Item Numbers: 0175, 0184, 0205, 0206, 0207, 0208

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

TB 3/22
10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR 09 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: March 9, 2010
SUBJECT: Zoning Item # 10-207-A
Address 5505 Link Avenue
(Dixon Property)

Zoning Advisory Committee Meeting of February 8, 2010

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

Reviewer: JWL

Date: 3/9/10

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



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: FEB. 22, 2010

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

RE: Baltimore County
Item No. 2010-0207-A
5505 LINK AVENUE
KINCADE PROPERTY
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. 2010-0207-A.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Bailey", is written over a horizontal line.

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

RE: PETITION FOR VARIANCE * BEFORE THE
5505 Link Avenue; E/S Link Avenue, * ZONING COMMISSIONER
150' S of Sulpher Spring Road *
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Dwayne Dixon * FOR
Contract Purchaser(s): Bradley Kincade *
Petitioner(s) * BALTIMORE COUNTY
* 10-207-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.

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

RECEIVED

FEB 16 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 2010, a copy of the foregoing Entry of Appearance was mailed to Bradley Kincade, 5505 Link Avenue, Baltimore, MD 21227, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Patricia Zook - 2 Hearings on Monday, March 22 - Comments Needed

From: Patricia Zook
To: Murray, Curtis
Date: 3/19/2010 11:28 AM
Subject: 2 Hearings on Monday, March 22 - Comments Needed
CC: Bostwick, Thomas

Curtis -

The two below-described cases are scheduled for hearings on Monday, March 22 and we need Planning comments:

CASE NUMBER: 2010-0205-A

3504 East Joppa Road

Location: N side of Joppa Road; 300 feet W of the c/l of Walther Boulevard.

11th Election District, 5th Councilmanic District

Legal Owner: Kevin and Dawn Corun

VARIANCE To permit a side yard of 12 feet in lieu of the required 15 feet for four apartments.

Hearing: Monday, 3/22/2010 at 9:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

CASE NUMBER: 2010-0207-A

5505 Link Avenue

Location: E side of Link Avenue; 150 feet S of Sufer Spring Road,

13th Election District, 1st Councilmanic District

Legal Owner: Dwayne Dixon

Contract Purchaser: Bradley Kincade

VARIANCE To permit an open projection (proposed deck) with a side yard setback of 0 feet in lieu of the minimum required 7.5 feet.

Hearing: Monday, 3/22/2010 at 10:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

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

Account Identifier: District - 13 **Account Number -** 1311570170

Owner Information

Owner Name: DIXON DWAYNE E **Use:** RESIDENTIAL
Mailing Address: 5505 LINK AV **Principal Residence:** NO
 BALTIMORE MD 21227 **Deed Reference:** 1) / 9300/ 102
 2)

Location & Structure Information

Premises Address **Legal Description**
 5505 LINK AVE
 NORTH HALETHORPE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
108	5	660					106	1	2	
									Plat Ref:	7/ 140

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1942	1,572 SF	5,940.00 SF	04
Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	80,500	80,500		
Improvements:	165,950	150,100		
Total:	246,450	230,600	246,450	230,600
Preferential Land:	0	0	0	0

Transfer Information

Seller: KNECHT FRANK A, JR	Date: 07/30/1992	Price: \$102,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 9300/ 102	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

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 *

**MAPQUEST.**

Sorry! When printing directly from the browser your directions or map may not print correctly. For best results, try clicking the Printer-Friendly button.

**5505 Link Ave**

Halethorpe, MD 21227-2808



Directions and maps are informational only. We make no warranties on the accuracy of their content, road conditions or route usability or expeditiousness. You assume all risk of use. MapQuest and its suppliers shall not be liable to you for any loss or delay resulting from your use of MapQuest.

CASE NAME 2010-0207-A
CASE NUMBER _____
DATE 3-22-10

[illegible]

CASE NAME 2010-0707-A
CASE NUMBER _____
DATE 3-22-10

[illegible]

Case No.: 2010-0207-A

Exhibit Sheet

Petitioner/Developer

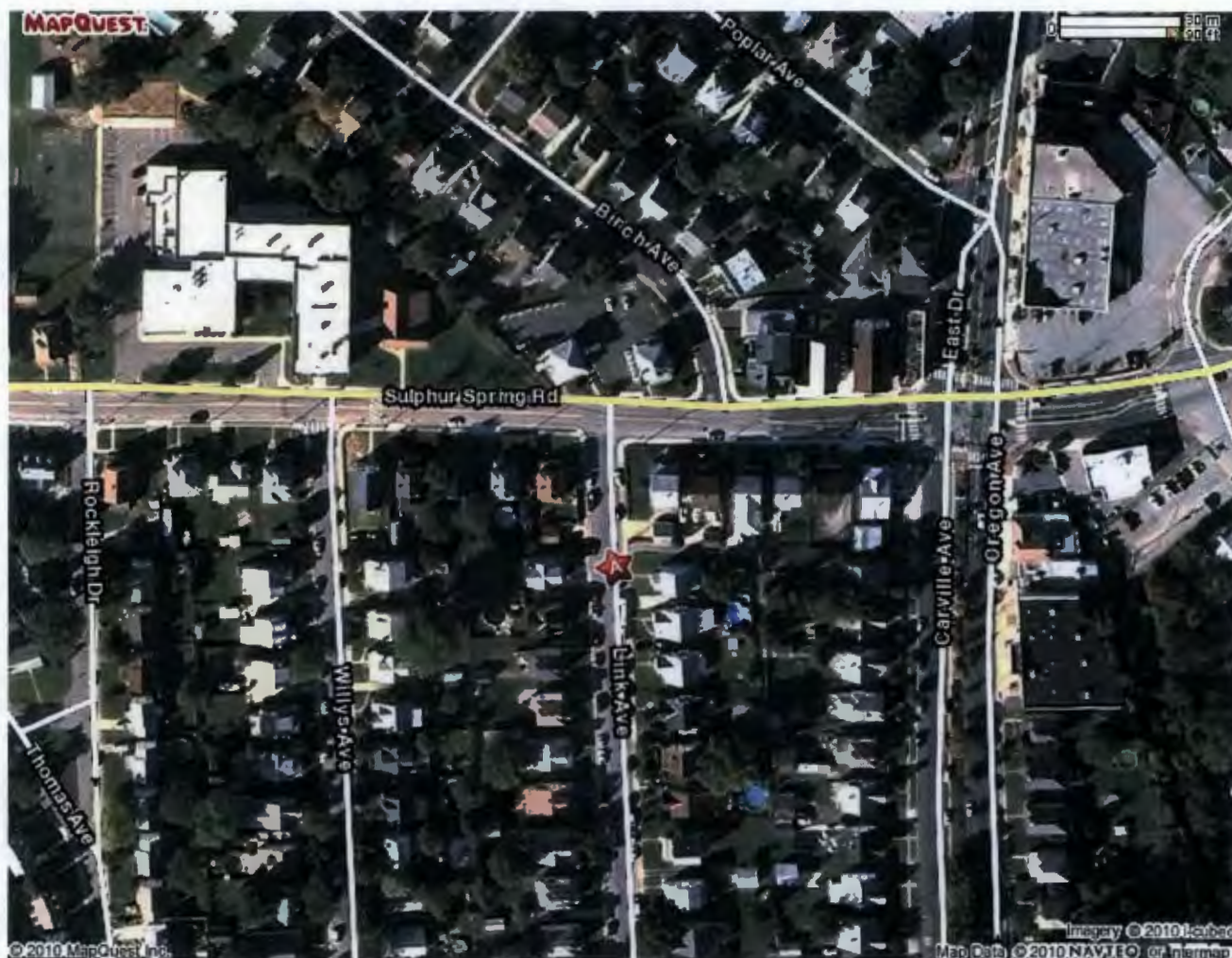
Protestant

No. 1	site plan	A-D - photos of property w/ deck partially built
No. 2	zoning map	survey of next door neighbor property - 5507 Link Avenue
No. 3	aerial photograph	Petition AGAINST the variance and deck
No. 4 A-C	photographs of property	letter from neighbor at 5511 Link AGAINST deck
No. 5	architectural drawing of deck	
No. 6 A+B	letters from property owner allowing Pet to do project	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

**MAPQUEST.**

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★ **5505 Link Ave**
Halethorpe, MD 21227-2808



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PETITIONER' S**EXHIBIT NO.**3

Front of House



Rear of House



Rear South

proposed
Deck Location



5-11-1/2

CLARK
CONSTRUCTION

Driveway 15x28x6" → 8 up
10 sheet Mesh

2-1
3-7 1/2

4 @ 2'-2" x 2'-2" x 1'

8-8'

17-12'

5-14'

5-4' post 6x6?

6'-6"

53

PETITIONER'S

EXHIBIT NO.

5

8'

3'-6"

4

4.5

5.5

12'

5 3/4

6.5

5.75

6 3/8

8.75

9.5

6

8.5

9.5

7 1/4

6.5

9.5

69

75 1/4

28x14x7" = 8.42

6"x6"x28" = .26

8.68

70

9.38

1150.00

420

PETITIONER'S

EXHIBIT NO. 6A

Dwayne Dixon
233 Driftwood Dr.
Bay Point, CA 94565
925-405-6622

December 17, 2009

Dear Mr. Kidd,

I received the text below in an email to me from Bradley Kincade. I give my blessings to the project described by Mr. Kincade.

Thank you,



Dwayne Dixon

Dwayne-

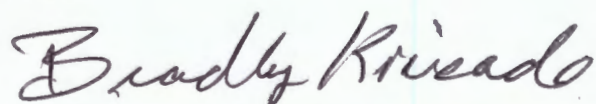
Hope this finds you well, during our approach towards the holidays. I have started building a deck to the right of the porch in front of 5505 Link Ave. It basically wraps the porch level around to the side doors. I need you blessing forwarded to the Baltimore County Dept. of Permits and Development Management. They need your approval before I can go forward with the permit. They said you could fax a simple message stating your approval, the address, your name, my name and also mention Mr. Grant Kidd, he is the inspector. Fax # 410-337-5039. If you could contact me when you are able to do this, it would be much appreciated. ASAP would be even better.

Thank you.

Bradley Kincade

Zoning Commissioner,

I will, as of 2/2/10, contact Mr. Dixon for a limited power of attorney so that the Owner signature can be authenticated. If it does not arrive prior to the hearing, please accept this letter of approval from Mr. Dixon



LIMITED POWER OF ATTORNEY

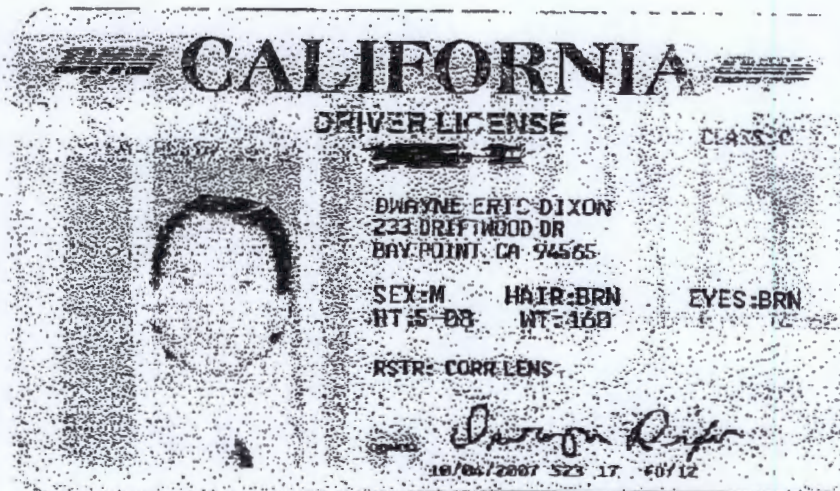
I, Dwayne E. Dixon of 233 Driftwood Dr., Bay Point, California, hereby appoint Bradley Kincade, as my representative to in my capacity to do any and all of the following:

PROCESS ALL NECESSARY PAPERWORK AND ATTEND ON MY BEHALF ALL PUBLIC HEARINGS TO COMPLETE REQUEST FOR ZONING VARIANCE. VARIANCE IS SUBJECT TO PROPOSED DECK ON THE FRONT OF THE HOUSE.

The rights, powers, and authority of my representative in fact to exercise any and all of the rights and powers herein granted shall commence and be in full force and effect on March ____, 2010, and shall remain in full force and effect until April 30, 2010 or unless specifically extendedd or rescinded earlier by either party.

Date: 3.20.2010

Sign: Dwayne E. Dixon
Dwayne E. Dixon



PETITIONER' S

EXHIBIT NO. 6B



PROTESTANT' S

EXHIBIT NO. 1A-D







March 17, 2010

To Whom It May Concern:

The signatures below are contesting the deck being built onto 5505 Link Avenue for the following reasons:

- 1.) Does not comply with the Baltimore County zoning code, for side yard setback of 7-7 1/2 feet variance;
- 2.) Therefore, it is a safety hazard due to the closeness to the home next door for emergency excess to both properties involved this matter ;
- 3.) There is a nice front porch and a back patio that can serve the same purpose as the deck.

We would hope that you will consider the reasons above to prevent the construction of this deck to preserve the safety and unique appearance of our neighborhood.

NAME, ADDRESS, and DATE

Carl Emery	5507 Link Avenue	3/17/2010
James Byatt	5507 Link Ave	3/17/2010
Maryanne	5514 Link Ave	3/17/2010
Phil & Shirley	5521 LINK AVE	3-17-2010
Jim & Ann	5521 Link Ave	3-17-2010
Linne Jackson	5526 Link Avenue	03-17-2010
Danilla Thompson	5521 link Ave	3/17/2010
Laurel Nepp	5509 LINK AVE	3/19/2010
Patricia Wheeler	5511 Link Ave	3/19/2010
Wendy	5511 Link Ave	3/19/2010

PROTESTANT' S

EXHIBIT NO.

3

William & Patricia Wheeler

5511 Link Ave

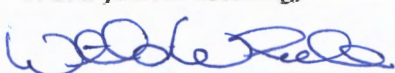
Baltimore, MD 21227

RE: 5505 Link Ave deck project

To whom it may concern:

I am writing this letter to contest the building of the deck located in the front/side yard of the above mentioned. First the look that this is going for is not in keeping with the neighborhood and surrounding houses. Second last year this house had a picnic table in this very area and every weekend they were having gatherings at this table and leaving half drunk beers outside all night & day for neighborhood children to get to. We personally have 3 children from the ages of 10 to 17 and the houses in between have young children as well. This home is located a block across the street from an Elementary school and the lack of responsible adults living in this home really bothers me with that. This has been a problem in the past and with this deck will continue to be a front yard problem. Please do not grant them the permits needed to complete this project. If you are in need of any other information or would like to speak to us personally please contact me at 443-575-6252. It is my fear that the building of this deck will only cause more problems within the neighborhood. I wanted to be able to come to this meeting but with 3 children and my job I am unable to attend but have sent this letter in my place.

Thank you for listening,

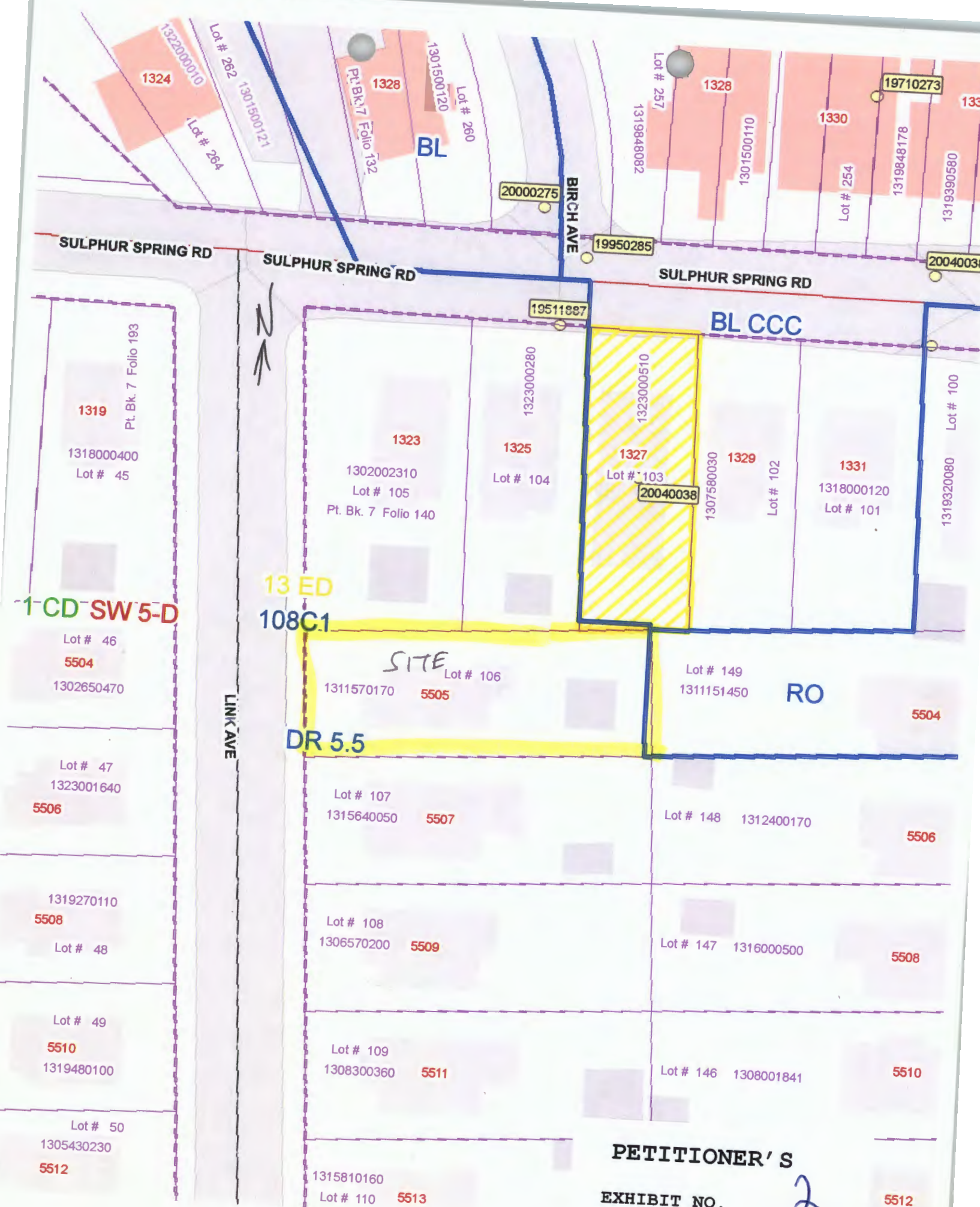
 Patricia Wheeler

William & Patricia Wheeler

Link Ave Home Owner

PROTESTANT' S

EXHIBIT NO. 4



PETITIONER' S

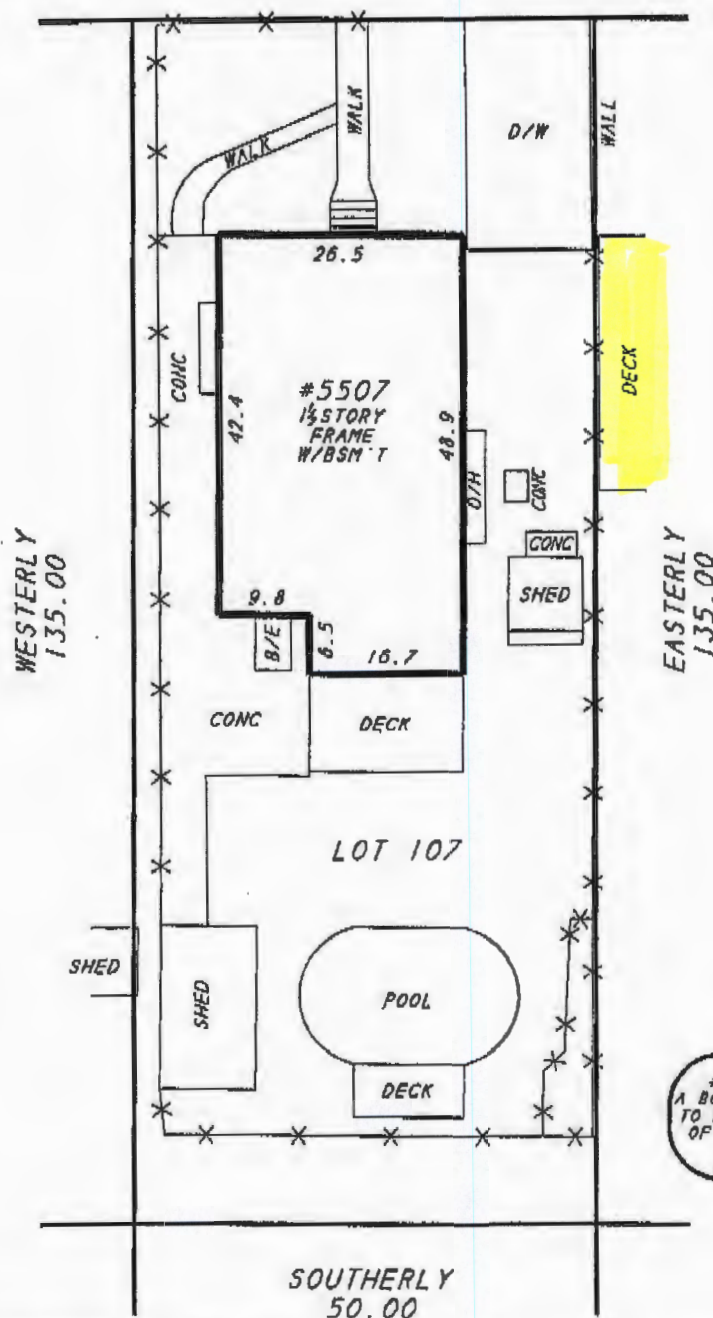
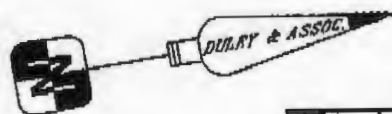
EXHIBIT NO.

5512

2010-02-07

LINK AVENUE

NORTHERLY
50.00



NOTE:
* ENCROACHMENTS MAY EXIST *
A BOUNDARY SURVEY IS RECOMMENDED
TO DETERMINE THE EXACT LOCATION
OF IMPROVEMENTS. PLEASE SIGN:

FOR SURVEY ORDER/APPROVAL FORMS, PRICES & MORE VISIT US AT WWW.DULEY.BIZ
LOCATION DRAWING OF:

#5507 LINK AVENUE

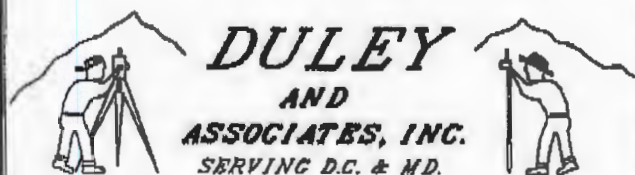
LOT 107

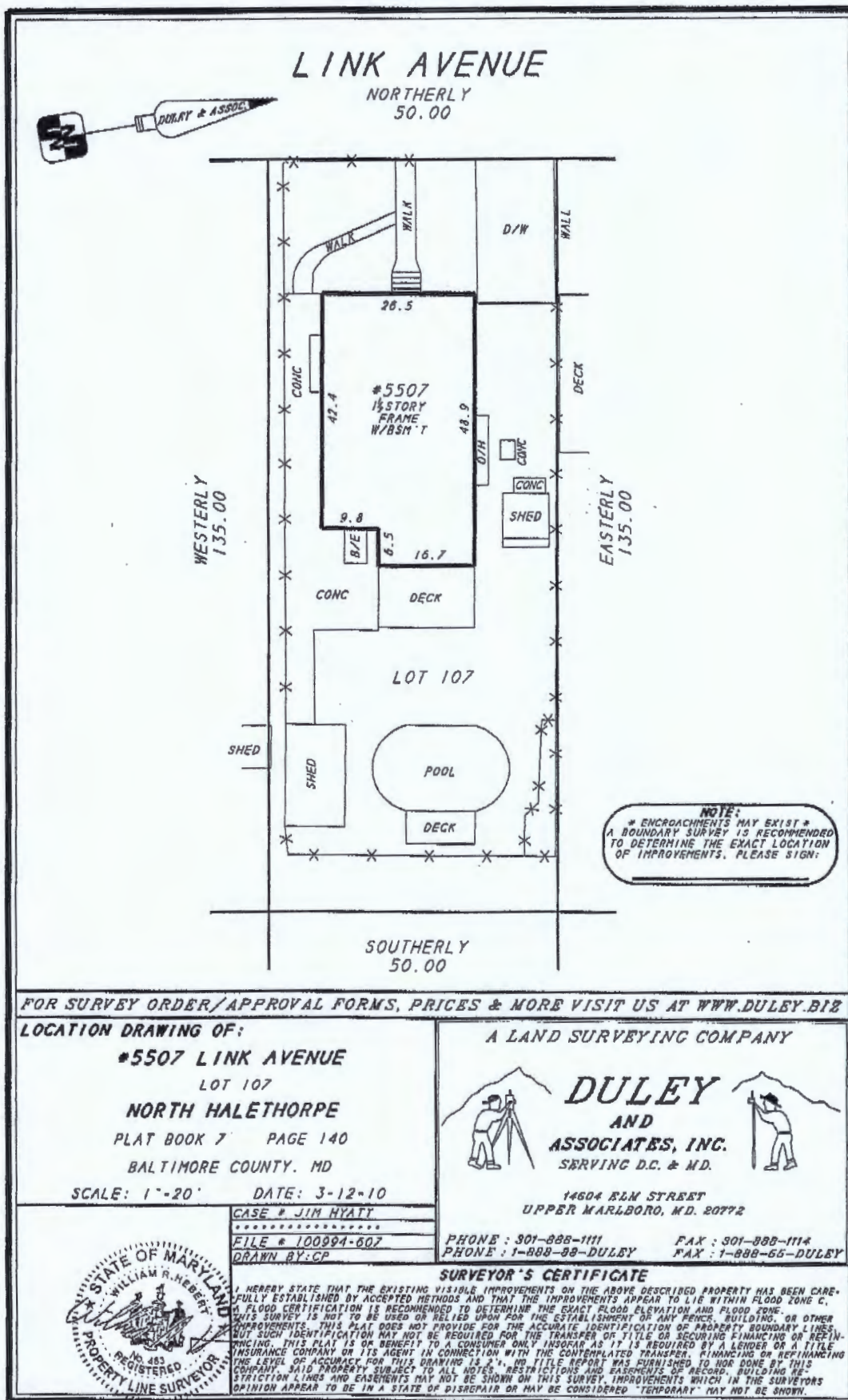
NORTH HALETORPE

PLAT BOOK 7 PAGE 140

BALTIMORE COUNTY, MD

A LAND SURVEYING COMPANY





PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 5505 Link Ave

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

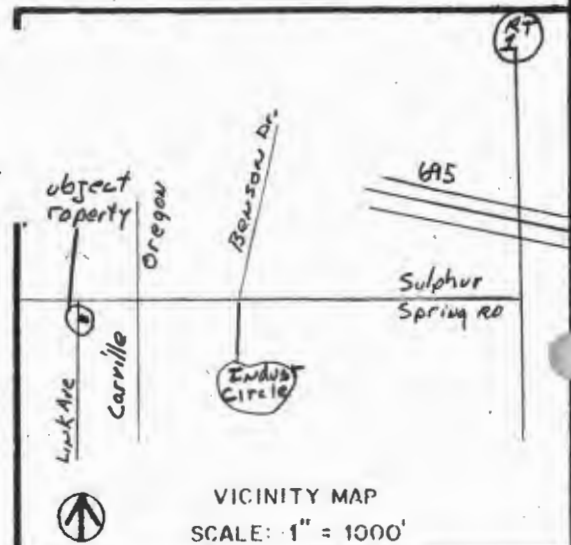
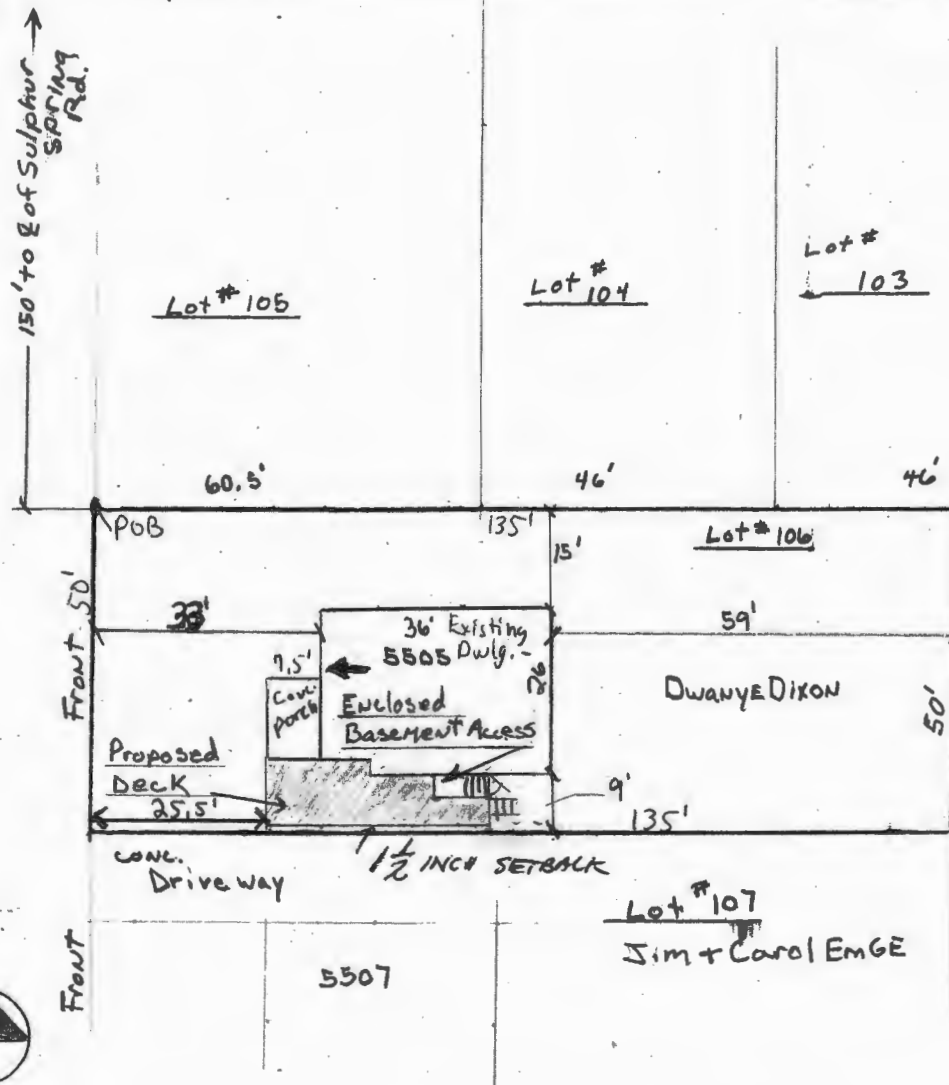
SUBDIVISION NAME North Halethorpe

PLAT BOOK # 07 FOLIO # 140 LOT # 106 SECTION #

OWNER Dwayne Dixon

PETITIONER'S

EXHIBIT NO. 1



LOCATION INFORMATION

ELECTION DISTRICT 13

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 108C1

ZONING DRS.5/RO

LOT SIZE .14 5940
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY / BUILDING ☐ ☒
PRIOR ZONING HEARING VIOLATION CASE # CO-0071039 NONE

ZONING OFFICE USE ONLY
REVIEWED BY JNP ITEM # 0207 CASE # 2010-0207-A

PREPARED BY BAK

SCALE OF DRAWING: 1" = 30'