

IN RE: PETITION FOR VARIANCE

S side of Dunglow Road, 25 feet W of
the c/l of Dunran Road
12th Election District
7th Councilmanic District
(3030 Dunglow Road)

William and Patra Yacumis
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0286-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 owners of the subject property, William and Patra Yacumis. Petitioners are requesting Variance relief from Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing open projection (deck) to have a side yard setback as close as 18 inches in lieu of the allowed 18 ¾ feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner William Yacumis. There were no Protestants or other interested citizens in attendance.

Testimony and evidence offered revealed that the subject property is irregular in shape -- much like a trapezoid -- and consists of approximately 10,725 square feet or 0.246 acre, more or less, zoned D.R.5.5. The property is located at the southwest corner of Dunglow Road and Dunran Road, just east of Dundalk Avenue, in the Dundalk area of Baltimore County. There is also an alleyway that runs along the rear of the property. As depicted on the site plan, the property is currently improved with a two-story single-family dwelling that, according to property tax records, was built in 1940 and contains approximately 1,664 square feet. There is a

ORDER RECEIVED FOR FILING

Date 6-29-10

By PM

detached garage to the rear with an asphalt driveway abutting the alleyway. The property is also improved with an existing wood deck off the rear and side of the dwelling. According to Petitioner, this deck was rather aged when he bought the property two and a half years ago, and he believes the deck had been attached to the home for many years. In order to improve the existing deck, as well as to expand the area of the deck, Petitioner decided to utilize the existing framing from the old deck, while removing the floor planks, and extend the deck toward Dunran Road, with new posts and all new floor planks. Petitioner also constructed a privacy fence around the deck. Photographs of the deck from several different angles were marked and accepted into evidence as Petitioner's Exhibits 3A through 3H. These photographs also show the surrounding neighborhood and the layout of the nearby homes. As also shown on the record plat that was marked and accepted into evidence as Petitioners' Exhibit 5, the neighborhood is an older subdivision known as "Dundalk Highlands" and is a traditional layout with fairly narrow streets with curb and gutter, along with a 5-6 foot grassy area adjacent to sidewalks.

Petitioner indicated that he completed the deck, but this was before he became aware of the setback requirements for an open projection, such as a deck. Although not yet cited by Code Enforcement, Petitioner was informed he needed to file for the aforementioned variance in order to permit the deck to have a setback as close as 18 inches in lieu of the required 18 ¾ feet.

In support of the variance request, Petitioner indicated that the shape and location of his property significantly impacts any improvements he wishes to make. The long, trapezoidal shape, as shown on the zoning map that was marked and accepted into evidence as Petitioner's Exhibit 2, limits any potential to build toward the side of the property. In addition, the fronting of the property on two busy neighborhood streets means that the rear yard is always going to face toward a public road, thereby limiting Petitioner's privacy, while also creating more impact to

ORDER RECEIVED FOR FILING

Date 6-29-10 2

By PB

the neighboring properties from any improvements Petitioner wishes to make to the rear or side areas of his property. Petitioner believed, and still believes, that the most logical area for extending the deck is its present location at the side of the property. Petitioner also believes it is relevant to note that there are a number of other properties in the neighborhood that have similar open projection decks with similar encroachments into the required setback. As proof, he submitted three photographs that were marked and accepted into evidence as Petitioner's Exhibits 4A, 4B, and 4C, which do show open decks encroaching close to the front and side sidewalk areas.

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 May 4, 2010 which indicates that a site visit was conducted. Their view is that the hardship and practical difficulty appear to be self-imposed. There is much room in the rear yard for an extension to the original deck without building it to the side street property edge. The Planning Office is concerned about Petitioners' variance request and that construction occurred without previous property line setback relief. The new extension (almost completed) protrudes visually obtrusively into this well designed and well maintained neighborhood of large older homes. An attached 4 foot high solid wood fence rising from the already raised deck detracts from the appearance of the surrounding community. The Planning Office recommends that the variance be denied and that the deck be rebuilt off the rear of the existing deck into the larger empty rear yard and away from the side street. Furthermore, the Dunran Road side of the repositioned deck shall be landscaped with evergreen plantings (i.e. Leyland Cypress, etc.) to further soften the visual effect of the privacy fence on the deck extension.

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Date 6-29-10

By B

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The irregular shape of the property, as well as the fronting of the property on two public streets, causes constraints to the property and contributes to the need for variance relief. I also find Petitioners would suffer practical difficulty and undue hardship if the variance request was to be denied entirely.

I am, however, concerned about the impact of the deck extending so close to the property line and sidewalk on the Dunran Road side of the property, as well as the impact of the privacy fence. Therefore, in order to assure that the relief can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare, I will condition the granting of the relief that Petitioner shorten the deck and remove the privacy fence in favor of a more traditional railing. The relief granted shall be modified and the specific conditions expounded on further in this Order.

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

THEREFORE, IT IS ORDERED this 29th day of June, 2010 by this Deputy Zoning Commissioner, that Petitioners' Variance request Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing open projection (deck) to have a side yard setback as close as 7 feet in lieu of the allowed 18 $\frac{3}{4}$ feet be and is hereby **GRANTED**, subject to the following which are conditions precedent to the granting of the relief:

1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If,

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Date 6-29-10

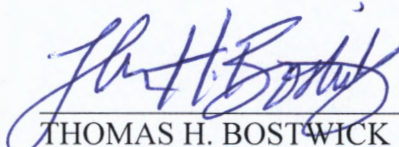
4

By pm

for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Within sixty (60) days from the expiration of the appeal period, Petitioners shall shorten the deck by approximately 7 feet on the side facing Dunran Road. Specifically, Petitioners shall remove the outward support posts and the outward third of the deck extending furthest from the home that is supported by those posts. This area to be removed is depicted as a redlined area on the site plan (Petitioners' Exhibit 1) and on the black crosshatched areas shown on the photographs of the deck that were accepted into evidence as Petitioners' Exhibits 3A through 3G. A copy of the exhibits is attached and incorporated herein.
3. Within sixty (60) days from the expiration of the appeal period, Petitioners shall also remove the existing privacy fence in its entirety and replace it with a traditional deck railing according to Code, similar to the railing depicted in the photographs of a neighbor's deck that were accepted into evidence as Petitioners' Exhibits 4A and 4B. A copy of the exhibits is attached and incorporated herein.

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 6-29-10

By pm

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3030 Dunelow Rd

SUBDIVISION NAME Dundalk Highlands

PLAT BOOK # 8 FOLIO # 54 LOT # 5 SECTION #

OWNER _____

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

PETITIONER' S

EXHIBIT NO.



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 1214

COUNCILMANIC DISTRICT 7TH

1" = 200' SCALE MAP # 103 B3

ZONING DR 5.5

LOT SIZE _____
ACREAGE _____ SQUARE FEET 10,725

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY: ITEM # CASE #

2010-
0286-A

ORDER RECEIVED FOR FILING

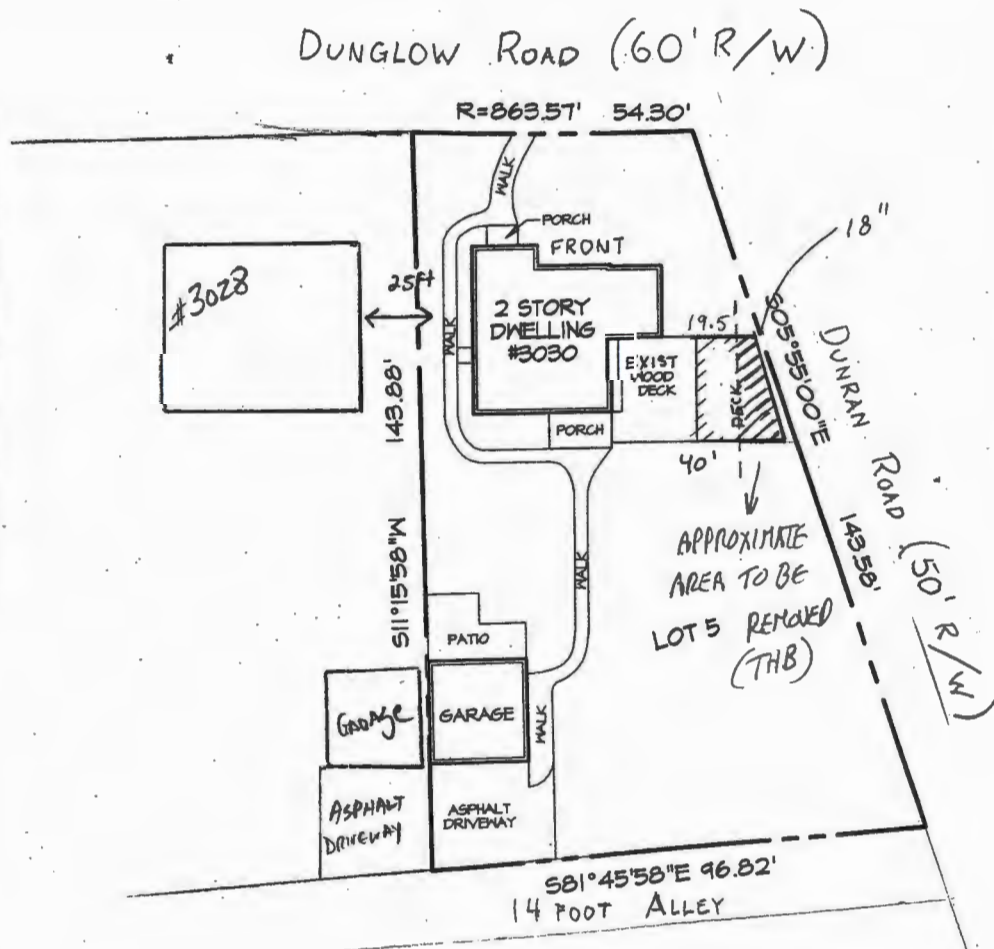
Date 6-29-10

By _____



PREPARED BY

SCALE OF DRAWING: 1" = 30'





PETITIONER'S

EXHIBIT NO.

3A-H

A



B

ORDER RECEIVED FOR FILING

Date 6-29-10

By pm



C



D

ORDER RECEIVED FOR FILING

Date 6-29-10

By pr



ORDER RECEIVED FOR FILING

Date 6-29-10

By pm



ORDER RECEIVED FOR FILING

Date 6-29-10

By pr



A

PETITIONER'S

EXHIBIT NO. 4A, B, C



B

ORDER RECEIVED FOR FILING

Date 6-29-10

By pm



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 29, 2010

WILLIAM AND PATRA YACUMIS
3030 DUNGLOW ROAD
BALTIMORE MD 21222

Re: Petition for Variance
Case No. 2010-0286-A
Property: 3030 Dunglow Road

Dear Mr. and Mrs. Yacumis

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", written over the typed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Lew Mayer, Baltimore County Building Inspections

TAX. ACCOUNT # 1222035380

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3030 Dunglew Rd
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)

301.1.A - to permit an existing open

projection (deck) to have a side yard setback as close as 18 inches
in lieu of the allowed 18 3/4 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 discussed 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:

William Yacumis
Name - Type or Print
[Signature]
Signature
3030 Dunglew Rd 410-375-1150
Address Telephone No.
Baltimore MD 21222
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature
ORDER RECEIVED FOR FILING
6-29-10
Date

Company

Address

City
By [Signature] State _____ Zip Code _____
Telephone No. _____

Legal Owner(s):

William Yacumis
Name - Type or Print
[Signature]
Signature
Katra Yacumis
Name - Type or Print
Katra Yacumis
Signature
3030 Dunglew Rd 410-375-1150
Address Telephone No.
Baltimore MD 21222
City State Zip Code

Representative to be Contacted:

William Yacumis
Name
3030 Dunglew Rd 410-375-1150
Address Telephone No.
Balto. MD 21222
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 4/19/10

Case No. 2010-0286-A

Zoning Description for 3030 Dunglow Road
Beginning at a point on the South Side of
Dunglow Rd which is 60 ft.wide at a
Distance of 25' west of the Centerline of the
nearest improved intersecting street Dunran
Road which is 50' wide. Being Lot 5 Block 16
in the subdivision of Dundalk Highlands as
recorded in Balt. County Plat Book #8, Folio
54 containing 10,725sq feet. Also known as
3030 Dunglow Rd and located in the 12th
Election District, 7th Councilman District.

Item #0286

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: 2010-0286-A
Petitioner: William Yacumis
Address or Location: 3030 Dunglew Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: William Yacumis
Address: 3030 Dunglew Rd
Balto. MD 21222
Telephone Number: 410-375-1150

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

No. 73257

Date: 4/1/10

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
021	806	2807		212				

Total: _____

Rec
From: _____

For: Zoning Hearing, 2nd #

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: # 2010-0286-A
3030 Dunglew Road
S/side of Dunglew Road, 25 feet west of the centerline of Dunran Road
12th Election District
7th Councilmanic District
Legal Owner(s):
William Yacumis
Variance: to permit an existing open projection (deck) to have a side yard setback as close as 18 inches in lieu of the allowed 18 3/4.
Hearing: Thursday, June 10, 2010 at 2:00 p.m. in Room 106, County Office Building, 111 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.

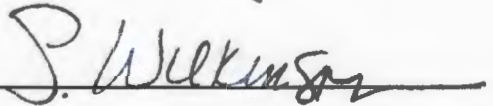
JT/5/953 May 25 241594

CERTIFICATE OF PUBLICATION

5/27/, 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 5/25/, 2010.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 05/30/2010

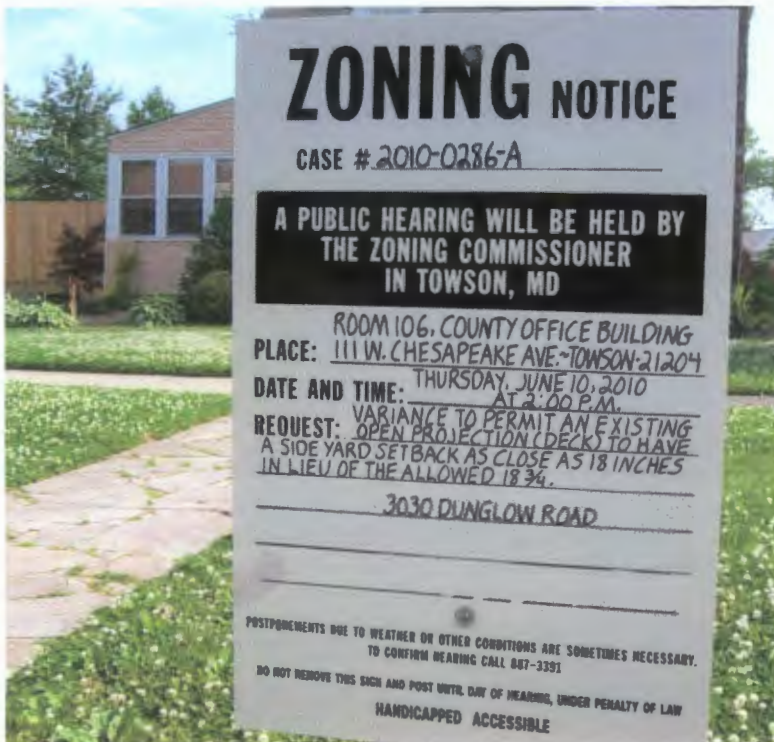
Case Number: 2010-0286-A

Petitioner / Developer: WILLIAM YACUMIS

Date of Hearing (Closing): JUNE 10, 2010

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
3030 DUNGLOW ROAD

The sign(s) were posted on: MAY 26, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 25, 2010 Issue - Jeffersonian

Please forward billing to:
William Yacumis
3030 Dunglew Road
Baltimore, MD 21222

410-375-1150

NOTICE OF ZONING HEARING

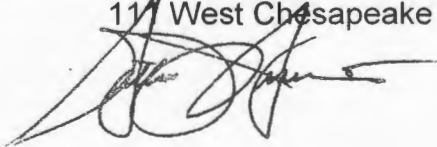
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0286-A

3030 Dunglew Road
S/side of Dunglew Road, 25 feet west of the centerline of Dunran Road
12th Election District – 7th Councilmanic District
Legal Owners: William Yacumis

Variance to permit an existing open projection (deck) to have a side yard setback as close as 18 inches in lieu of the allowed 18 ¾.

Hearing: Thursday, June 10, 2010 at 2:00 p.m. in Room 106, County Office Building,
111 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

May 13, 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: 2010-0286-A

3030 Dunglew Road

S/side of Dunglew Road, 25 feet west of the centerline of Dunran Road

12th Election District – 7th Councilmanic District

Legal Owners: William Yacumis

Variance to permit an existing open projection (deck) to have a side yard setback as close as 18 inches in lieu of the allowed 18 ³/₄.

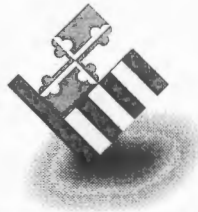
Hearing: Thursday, June 10, 2010 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: William Yacumis, 3030 Dunglew Road, Baltimore 21222

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 26, 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

June 3, 2010

William & Patra Yacumis
3030 Dunglew Rd.
Baltimore, MD 21222

Dear: William & Patra Yacumis

RE: Case Number 2010-0286-A, 3030 Dunglew Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 19, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



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

March 8, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 26th , 2010

Item Numbers: 0282, 0283, 0284, 0285, 0286, 0287, 0288 and 0289

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 10, 2010
Item Nos. 2010-283, 284, 285, 286
288 and 289

DATE: April 29, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05102010 -NO COMMENTS.doc

TB 6-10-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 09 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 9, 2010
SUBJECT: Zoning Item # 10-286-A
Address 3030 Dunglow Road
(William & Yacunis Property)

Zoning Advisory Committee Meeting of April 26, 2010.

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

Reviewer: JWL

Date: 6/9/10

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 4/29/2010

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

RE: Baltimore County
Item No. 2010-0286-A
3030 DUNGLOW ROAD
WILLIAM & YACUMIS 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. 2010-0286-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 P. Bailey", is written over the typed name of Steven D. Foster.

Foster 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

BW
TB
6/10
2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 4, 2010

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

RECEIVED

SUBJECT: 3030 Dunglew Road
INFORMATION: 7th Councilmanic District
Item Number: 10-286
Petitioner: William Yacumis
Zoning: DR 5.5
Requested Action: Variance

MAY 06 2010

ZONING COMMISSIONER

To permit an open projection to be 1 ft. 6 inches from the side street in lieu of the required 18 ft. 9 inches in a DR 5.5 zone.

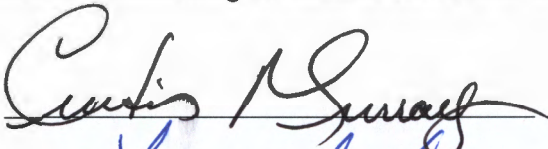
SUMMARY OF RECOMMENDATIONS:

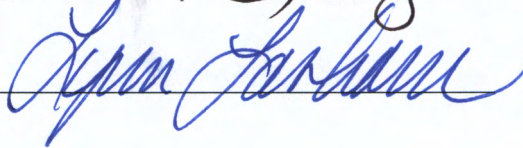
The Office of Planning has visited the subject property, reviewed the petitioner's request and accompanying site plan. The hardship and practical difficulty appears to be self-imposed. There is much room in the rear yard for an extension to the original deck without building it to the side street property edge. (See attached photos).

The Office of Planning is concerned about the petitioner's variance request and that construction occurred without previous property line setback relief. The new extension (almost completed) protrudes visually obtrusively into this well designed and well-maintained neighborhood of large older homes. An attached 4+ ft. high solid wood fence rising from the already raised deck detracts from the appearance of the surrounding community.

The Office of Planning recommends that the variance be **denied** and that the deck be rebuilt off the rear of the existing deck into the large empty rear yard and away from the side street. Furthermore, the Dunran Road side of the repositioned deck shall be landscaped with evergreen plantings (i.e. Leyland Cypress, etc...) to further soften the visual effect of the privacy fence on the deck extension.

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

Prepared by: 

Division Chief: 
AFK/LL: CM
Attachment:

John Alexander

From: John R Alexander <alex11mc11@verizon.net>
To: John Alexander <jalexander@baltimorecountymd.gov>
Date: 4/28/2010 6:26 PM
Attachments: photo.jpg



Sent from my iPhone

John Alexander

From: John R Alexander <alex11mcl1@verizon.net>
To: John Alexander <jalexander@baltimorecountymd.gov>
Date: 4/28/2010 6:25 PM
Attachments: photo.jpg



Sent from my iPhone

RE: PETITION FOR VARIANCE * BEFORE THE
3030 Dunglew Road; S/S Dunglew Road, * ZONING COMMISSIONER
25' W of c/line Dunran Road *
12th Election & 7th Councilmanic Districts *
Legal Owner(s): William & Patia Yacomius * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-286-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

APR 28 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to William Yacomis, 3030 Dunglew Road, Baltimore, MD 21222, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Patricia Zook
To: Mayer, Lewis
Date: 7/1/2010 9:36 AM
Subject: Case No. 2010-0286-A - located at 3030 Dungle Road
Attachments: 10-0286-A.doc

Good morning -

Please find attached the recently signed Order for the above-referenced property. I am forwarding to you a 'hard' copy of the Order because it has attachments.

The Order will be picked up by mail services today.

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

410-887-3868

pzook@baltimorecountymd.gov

CHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment4-29-10

DEVELOPMENT PLANS REVIEW

nc6-9-10

DEPRM

nc3-8-10

FIRE DEPARTMENT

nc5-4-10

PLANNING

(if not received, date e-mail sent _____)

oppose4-29-10

STATE HIGHWAY ADMINISTRATION

nc

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 5-25-10

SIGN POSTING

Date: 5-26-10

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No

Comments, if any: not marked as a violation

CASE NAME _____
CASE NUMBER 2010-0286-A
DATE JUNE 10, 2010

[illegible]

Case No.:

2010-0286-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	zoning map	
No. 3	record photos photos of deck	
No. 4	photos of similar decks in neighborhood	
No. 5	record plat	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO.

3A-11

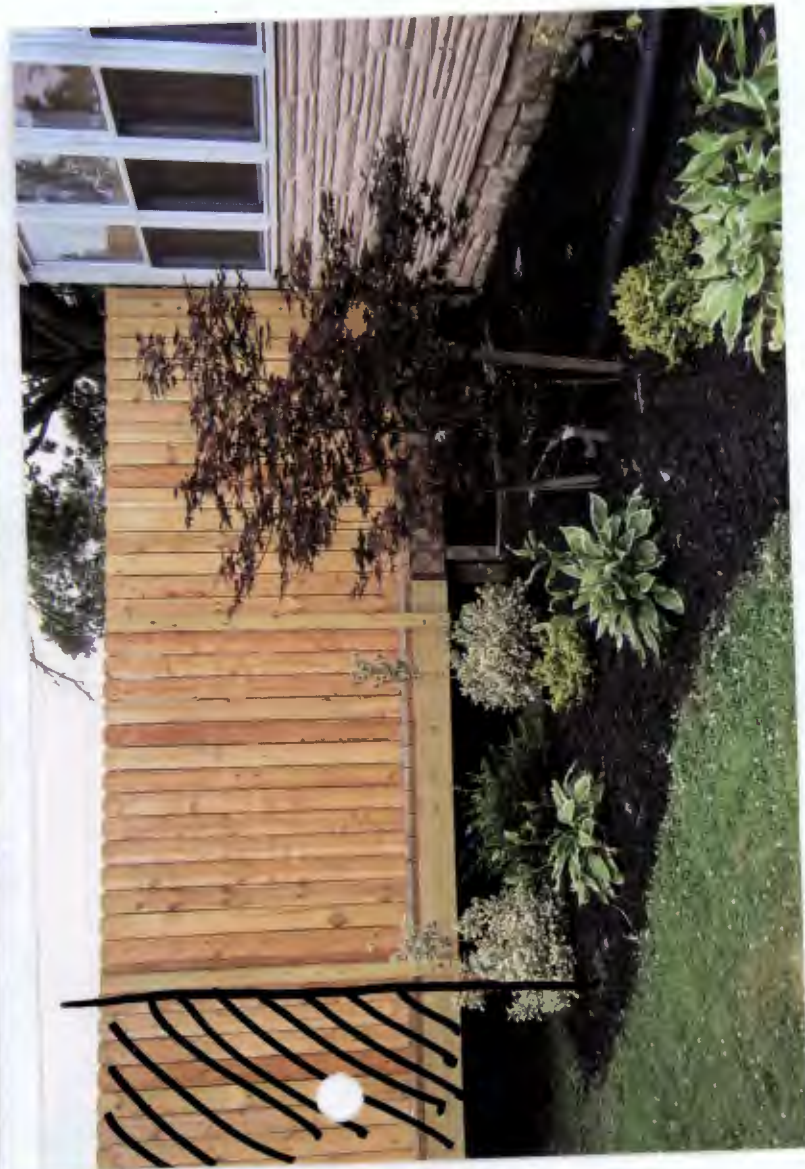
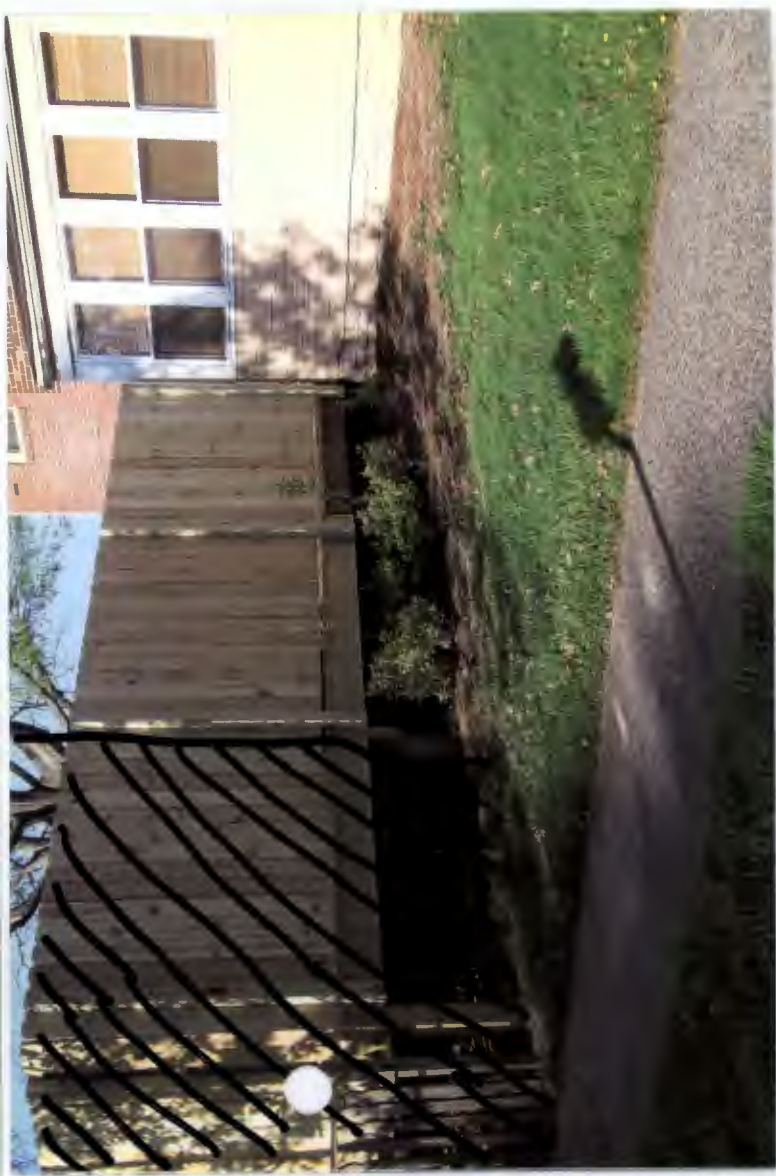


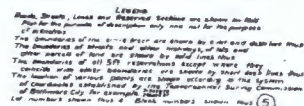




PETITIONER'S

EXHIBIT NO. 4A, B, C





Correct Chapman
Correct Therese
Approved for issue W. Chapman

NOTE
 10% in Domestic Highgrade Substituted are as follows:
 10% 100% 100% 100% 100% 100% 100% 100% 100% 100%

SCALE 1 IN = 20 FT

Item
#0286

3030 Dunglow Road

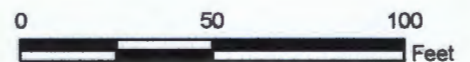


PETITIONER'S

EXHIBIT NO. 2



Publication Date: April 12, 2010
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

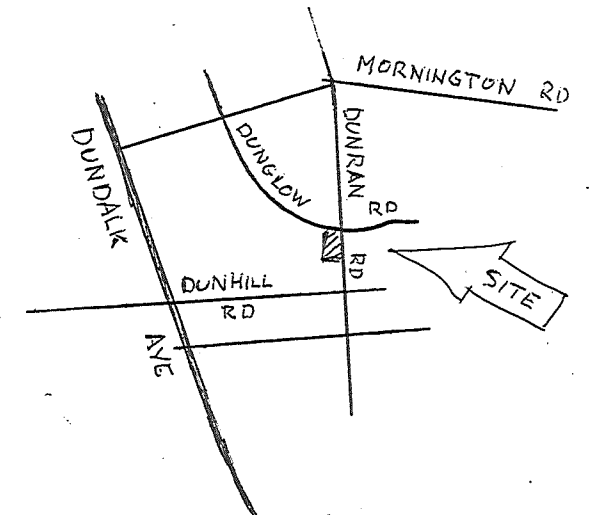


1 inch = 50 feet

Item #0286

PROPERTY ADDRESS 3030 Dunglew Rd
SUBDIVISION NAME Dundalk Highlands
PLAT BOOK # B FOLIO # 54 LOT # 5 SECTION # _____
OWNER _____

PETITIONER'S
EXHIBIT NO.



VICINITY MAP
SCALE: 1" = 1000'

ELECTION DISTRICT 12TH
COUNCILMANIC DISTRICT 7TH
1"=200' SCALE MAP # 103 B3
ZONING DR 5.5

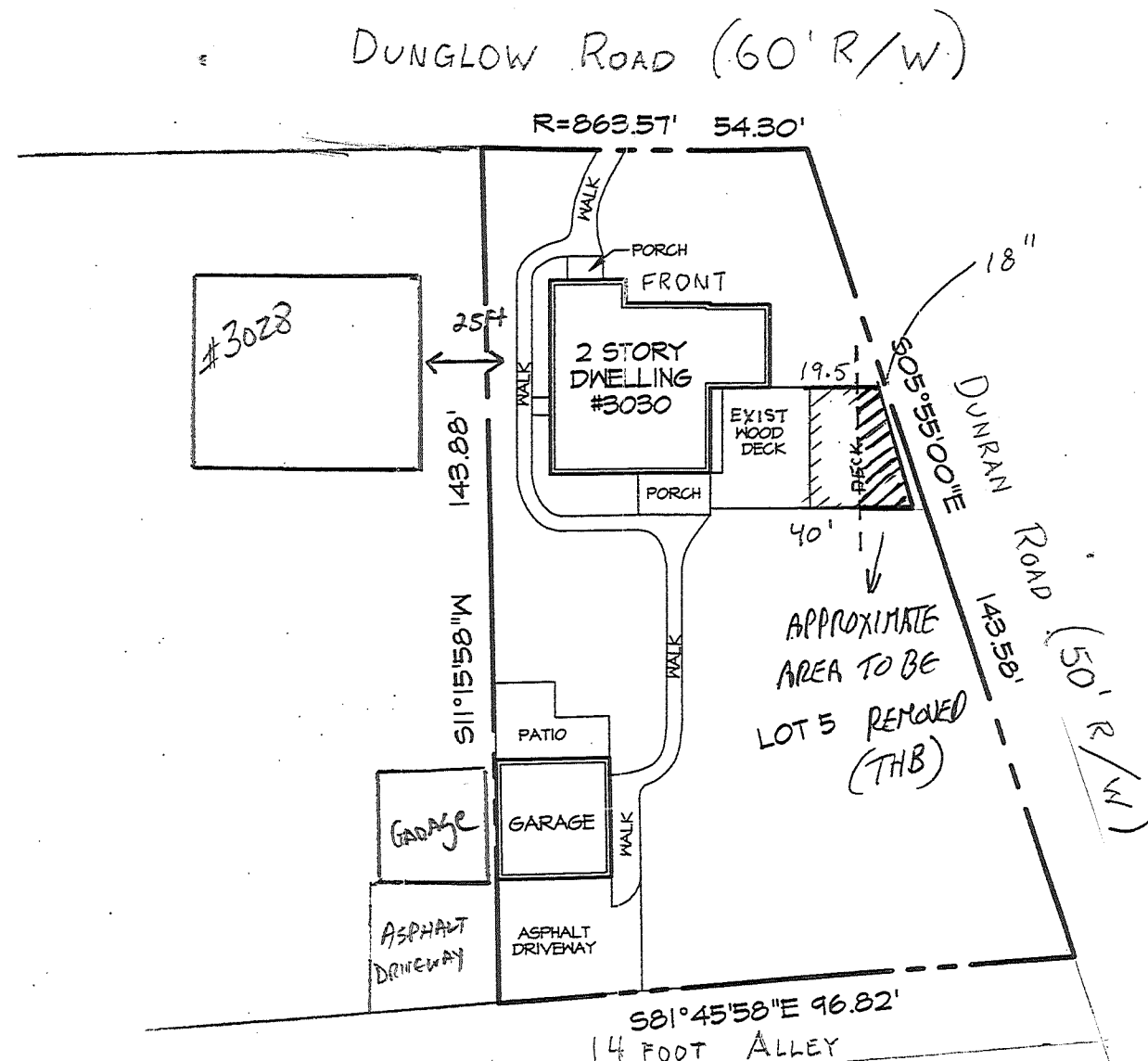
LOT SIZE _____
ACREAGE _____

10.725
SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

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

ZONING OFFICE USE ONLY
REVIEWED BY *KT* ITEM # *2010-* CASE # *0286-A*



NORTH

PREPARED BY

SCALE OF DRAWING: 1" = 30'