

IN RE: **PETITION FOR VARIANCE**

N/S Patapsco Avenue, 75' W of c/line of
West Dundalk Avenue
(106 Patapsco Avenue)
12th Election District
7th Council District

Frank A. Cosentino, et ux
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2011-0127-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 owners of the subject property, Frank A. Cosentino, and his wife, Donna M. Cosentino. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (deck) to an existing detached accessory structure (garage) to have a rear yard setback of zero (0) feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request was Frank Cosentino, property owner. Emma Conrad and Geraldine Matthews, the adjacent neighboring tenants residing on the east and west sides, submitted letters of support. There were no Protestants or interested persons present. The matter came before me as the result of a complaint registered by an unidentified Patapsco resident who questioned the Code Enforcement Division of the Department of Permits and Development Management (DPDM) how construction at the rear of the Petitioners home could take place without a building permit. Gary Hucik, a Code Enforcement Officer, investigated and on August 16, 2010 cited the Petitioners with a Correction Notice (No. 82667) and advised them to file the instant Petition to resolve the matter.

Testimony and evidence offered disclosed that the subject property is a narrow rectangular shaped parcel (16.75' wide x 90' deep) located on the north side of Patapsco Avenue

ORDER RECEIVED FOR FILING

Date

By

11-30-10

102

just west of Willow Spring Road and east of the Baltimore City/Baltimore County line. The property contains a gross area of 1,530 square feet, more or less, zoned D.R.10.5, and is improved with a middle-of-group, two-story, townhouse dwelling built in 1919 and a rear yard detached garage. The Petitioners have owned and resided on the property for 16 years. Apparently, the prior owner had dug out the rear yard open space area between the house and the detached garage, constructed a bomb shelter, and poured reinforced concrete over the top. The Petitioners desire to connect the two (2) structures (home and garage) with a 16' long x 13'-7" wide. See photographs submitted as Petitioners' Exhibit 2. These improvements were initiated without benefit of a building permit. Unbeknownst to Mr. Cosentino, attaching the structures to create a level even surface created a "technical" setback problem in that the garage is now considered attached to the dwelling, and must be setback a distance of 40 feet from the rear property line which abuts an alley.¹ As shown on the site plan, the garage is located on the rear property line. The decking will be 6 feet above the current rear yard elevation and will be bounded by an existing fence that will be 4 feet higher than the finished deck on the west side (108 Patapsco Avenue). While the deck will be approximately 5 feet higher than the existing rear yard elevation on the east side (104 Patapsco Avenue), the yards are separated by a 3'-5" foot wide walkway that runs from the Petitioners basement along the side of the rear yard past the garage to the alleyway. This walkway will be retained. Additionally, the neighbor's property next to the walkway is separated by an existing wall that runs between the properties. Mr. Cosentino stated that there will exist adequate space under the decking to allow him to keep the area free of debris and he will employ best efforts to mitigate problems caused by rodent infestation which has in the past been a problem in the neighborhood.

Although current D.R.10.5 area regulations in Section 1B02.3C.1 (Chart) have been revised several times and now require a minimum lot area of 3,000 square feet, a lot width of 20 feet and side/front yard setbacks of 10 feet and a minimum rear yard depth of 50 feet, the 1954 "D Residential" regulations are applicable here. B.C.Z.R. Section 103 provides the regulations in this case are those in effect at the time the St. Helena subdivision was originally approved and recorded in the Baltimore County Plat Book No. 5, Folio 38.

11-30-12
3

In support of the request, Mr. Cosentino testified that all work will be of high quality and the improvements are sorely needed for the family's enjoyment and well-being. Photographs of the property support this contention as well as the comments received from the Office of Planning, which states in pertinent part, "The proposal to connect the two structures is reasonable for the property itself in that it will permit access from the first story of the house to the second story of the garage and provide an area between that is level and even." Finally, as indicated above, the Petitioners submitted into evidence as Exhibit 3 written statements from their neighbors, Emma Conrad and Geraldine Matthews, whose homes are adjacent to the subject property and state that they have no objections to the new deck addition.

After due consideration of the evidence and testimony presented, I am persuaded that the Petitioners have 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 the owners/tenants on the affected sides are in support and their concerns have been addressed. The Office of Planning, in its Zoning Advisory Committee (ZAC) comment, further points out that the subject property has been improved to its maximum and that no further expansion of the current footprint should be allowed. 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 Petitioners and require the demolition of existing improvements. 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.

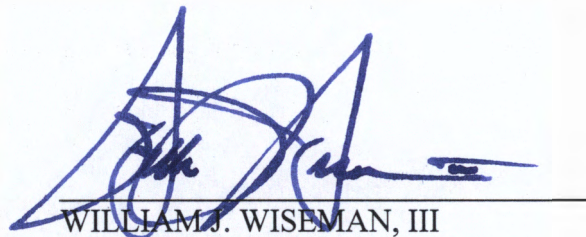
THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of November 2010 that the Petition for Variance seeking relief from Sections 1B02.3.B and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed open projection (deck) to an existing detached accessory structure (garage) to have a rear yard setback of zero (0) feet in lieu of the required 50 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following

11-30-10
203

restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
2. The improvements shall comply with the International Building Code (IBC) 2003 as adopted by Baltimore County and as interpreted by its buildings engineer.
3. There shall be no additional structural improvements permitted at this site that would result in a building footprint expansion, including the deck which shall remain open on the exposed sides and shall not be enclosed at any time.
4. The Petitioners 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.



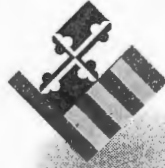
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date 11-30-10

By 192



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 30, 2010

Frank A. Cosentino
Donna M. Cosentino
106 Patapsco Avenue
Baltimore, Maryland 21222

RE: **PETITION FOR VARIANCE**
N/S Patapsco Avenue, 75' W of ~~Line~~ of West Dundalk Avenue
(106 Patapsco Avenue)
12th Election District - 7th Council District
Frank A. Cosentino, et ux – Petitioners
Case No. 2011-0127-A

Dear Mr. and Mrs. Cosentino:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Emma Conrad, 108 Patapsco Avenue, Baltimore, MD 21222
Geraldine Matthews, 106 Patapsco Avenue, Baltimore, MD 21222
Mr. & Mrs. William R. Dickerson, P.O. Box 9213, Baltimore, MD 21222
Gary Hucik, Division of Code Inspections and Enforcement, DPDM
People's Counsel; Office of Planning; DPR; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 106 Patapsco Ave
which is presently zoned D12-10.5

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) 1B02.3.C.1 - to permit a proposed

open projection (deck) to an existing detached accessory structure (garage) to have a rear yard setback of zero feet in lieu of the required 50

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) 1.) The building of a deck over our backyard living space is necessary in that it creates a level even surface which otherwise is impracticable for use in that it is uneven and unsafe 2.) Strict compliance with the BCZR would diminish the unsafe surface area to be covered thus defeating the purpose of the deck.

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

By

Legal Owner(s):

Frank Cosentino

Name - Type or Print

Signature

Donna Cosentino

Name - Type or Print

Signature

106 Patapsco Ave. 443 803 5845

Address

Telephone No.

Bethesda, MD.

City

21222

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By RJD

Date 10/4/10

Case No. 2011-0127-A

ORDER RECEIVED FOR FILING
11-30-10
1962

ZONING DESCRIPTION

Zoning Description For 106 Patapsco Avenue

Beginning at a point on the North side of Patapsco Avenue, which is 50 feet wide at the distance of 75 ft. west of the centerline of the nearest improved intersecting street W. Dundalk Avenue, which is 40 ft. wide. Being Lot # 12, Block 3, in the subdivision of Saint Helena as recorded in Baltimore County Plat Book #0005, Folio# 0038, containing 1,530 square feet. Also known as 106 Patapsco Avenue and located in the 12th Election District, 7th Councilmanic District.

Item #0127

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

No. **60746**

Date: **Oct 4 2010**

PAID RECEIPT

BUSINESS ACTUAL TIME AM
 10/05/2010 10:04:20 11:37:45 2
 MRS. WELLS WALKER 000.000
 RECEIPT # 549131 10/04/2010 412
 5 500.0000 VERIFICATION
 007743
 Recpt Tot: \$45.00
 1.00 00 \$45.00
 Baltimore County, Maryland

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: _____
 For: **Zoning hearing - case # 2011-0127-A**

**CASHIER'S
 VALIDATION**

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

**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: # 2011-0127-A
106 Patapsco Avenue
N/side of Patapsco Avenue,
75 ft. west of the centerline
of West Dundalk Avenue
12th Election District
7th Councilmanic District
Legal Owner(s): Frank &
Donna Cosentino

Variance: to permit a proposed open projection (deck) to an existing detached accessory structure (garage) and dwelling to have a rear yard setback of 0 feet in lieu of the required 50 feet.

Hearing: Monday, November 22, 2010 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.

11/021 Nov. 4 259750

CERTIFICATE OF PUBLICATION

_____ 11/4 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 11/4 2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 11/06/10

Case Number: 2011-0127-A

Petitioner / Developer: MR. & MRS. COSENTINO

Date of Hearing (Closing): NOVEMBER 22, 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:
106 PATAPSCO AVENUE

The sign(s) were posted on: NOVEMBER 5, 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
Thursday, November 4, 2010 Issue - Jeffersonian

Please forward billing to:
Frank Cosentino
106 Patapsco Avenue
Baltimore, MD 21222

443-803-5645

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: 2011-0127-A

106 Patapsco Avenue

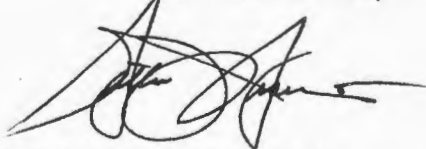
N/side of Patapsco Avenue, 75 ft. west of the centerline of West Dundalk Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Frank & Donna Cosentino

Variance to permit a proposed open projection (deck) to an existing detached accessory structure (garage) and dwelling to have a rear yard setback of 0 feet in lieu of the required 50 feet.

Hearing: Monday, November 22, 2010 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

October 18, 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: 2011-0127-A

106 Patapsco Avenue

N/side of Patapsco Avenue, 75 ft. west of the centerline of West Dundalk Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Frank & Donna Cosentino

Variance to permit a proposed open projection (deck) to an existing detached accessory structure (garage) and dwelling to have a rear yard setback of 0 feet in lieu of the required 50 feet.

Hearing: Monday, November 22, 2010 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Cosentino, 106 Patapsco Avenue, Baltimore 21222

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

**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: 2011-0127-A
Petitioner: Frank Cosentino
Address or Location: 106 Patapsco Ave, Balto., MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: Frank Cosentino
Address: 106 Patapsco Ave.
Balto., MD. 21222

Telephone Number: 443 803 5645



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

November 19, 2010

Mr. Frank Cosentino
106 Patapsco Avenue
Baltimore, MD 21222

Dear Mr. Cosentino:

Re: Case # 2011-0127-A 106 Patapsco Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on , 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: People's Counsel

BW 11/22 11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 26, 2010

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

RECEIVED

OCT 28 2010

SUBJECT: 106 Patapsco Avenue

INFORMATION:

Item Number: 11-127

Petitioner: Frank and Donna Cosentino

Zoning: DR 10.5

Requested Action: Variance

ZONING COMMISSIONER

To permit the attachment of an open projection (deck) to the principal dwelling and the detached accessory structure (garage) with a zero side yard setback, and a zero rear yard setback in lieu of 50 ft.

SUMMARY OF RECOMMENDATIONS:

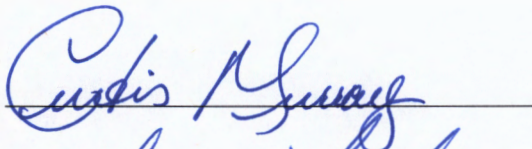
The subject property contains a 2 story mid-group row house and detached 2-story garage, which fills over half the lot. The proposal to connect the two structures is reasonable for the property itself in that it will permit access from the first storey of the house to the second storey of the garage and provide an area between that is level and even.

The problem is that it fills the entire lot with structure, including the enclosure of the open rear porch, which is currently being done with the deck (which appears to be built already), and is approximately 6ft. above the rear yard decks of the neighbors on either side. It towers above the neighbors and encloses them in their small rear yards.

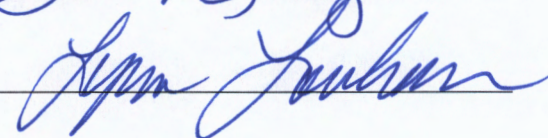
If the applicant can obtain letters of approval from the neighbors at 104 and 108 Patapsco Avenue, and the Fire Department does NOT consider the project a fire hazard, then the Office of Planning has no objection to the request.

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

Prepared by:



Division Chief:
AFK/LL: CM



BW
11-22-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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DEC 01 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: December 1, 2010
SUBJECT: Zoning Item # 11-127-A
Address 106 Patapsco Avenue
(Cosentino Property)

Zoning Advisory Committee Meeting of October 11, 2010.

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

Reviewer: JWL Date: 12/1/10



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

October 13, 2010

ATTENTION: Kristen Mathews
ZAC Agenda 10/25/2010

Item Numbers:

2011-0123-SPHA
2011-125-A
2011-0127-A
2011-0128-A
2011-0129-A
2011-0130-A
2011-0131-A
2011-0132-SPH

The fire marshal's office has no comments at this time.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 20, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For October 25, 2010
Item Nos. 2011- 123, 125, 127, 128,
129 and 130

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-10252010 -NO COMMENTS.doc

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 19, 2011

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

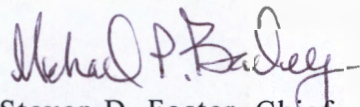
RE: Baltimore County
Item No. 2011-0127-A
106 PATAPSCO AVE.
COSENTINO PROPERTY
VARIANCE -

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. 2011-0127-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,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

RE: PETITION FOR VARIANCE * BEFORE THE
106 Patapsco Avenue, N/S Patapsco Avenue, *
75' W c/line of West Dundalk Avenue * ZONING COMMISSIONER
12th Election & 7th Councilmanic Districts *
Legal Owner(s): Frank & Donna Cosentino * FOR
Petitioner(s) * BALTIMORE COUNTY
* 2011-127-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

OCT 13 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Frank & Donna Consentino, 106 Patapsco Avenue, Dundalk, MD 21222, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

Case# 2011-0127-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 20, 2010

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 204-0125-A
Legal Owner/Petitioner: Consentino, Frank & Donna
Contract Purchaser: N/A
Property Address: 106 Patapsco Ave
Location Description: N/side of Patapsco Ave., 75' W/of centerline
Of W. Dundalk Ave.

VIOLATION INFORMATION: Case No. CO0082667
Defendants: Consentino, Frank & Donna

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Gary Hucik	111 W. Chesapeake Ave. M.S. 1009

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- X 1. Complaint letter/memo/email/fax (if applicable)
- X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- X 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- X 8. Photographs including dates taken
- X 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/gh
C: Code Enforcement Officer



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. 82667	Property No. 1202002741	Zoning: DR
----------------------------	----------------------------	---------------

Name(s): Frank A Consentino
Donna M Consentino

Address: 106 Patapsco Ave Baltimore MD 21222

Violation Location: 106 Patapsco Ave 21222

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Building Code
Section 114.0 Stop work order

A valid permit is required for
new construction of Deck

~~114.0~~ Baltimore County Code
section 35-2-304 An approved permit
is required for deck construction
* Failure to comply will result
in a \$1000 fine *

Posted on Site

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 8/23/10	DATE ISSUED: 8/16/10
-----------------------	----------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: GARY HEAL

INSPECTOR: Gary Heal

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: 8/16/10	DATE ISSUED: 8/16/10
-----------------------	----------------------

INSPECTOR: Gary Heal

170212472
August 10, 2010 100082067

Dear Sir

my neighbor at 106 Patapasco Ave,
Dundalk is building a large
deck on the rear of his house (Alley)

I understand that he is required
to get a permit to do this.

I also understand that he did not
get a permit.

Our neighborhood already has some
problems. We do not need for
people to do things to property with
out proper permits etc

Please check this out.

Thanks

A-papapasco-Resident,
Avenue

To: Mr. Glenn Berry
Building Inspector



Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0082667

Record ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0082667		Lewis Mayer	08/13/2010		Nichollette Shelton	08/13/2010	Open - Normal		44E6

Complaint Description: BUILDING DECK W/O PERMIT - SEE LETTER

Facility: FA0212423 PDM 1202002741 106 PATAPSCO AVE DUNDALK, MD 21222	Owner: COSENTINO FRANK A COSENTINO DONNA M 106 PATAPSCO AVE BALTIMORE MD 21222
--	--

Complainant:
ANONYMOUS LETTER

Daily Activity Details - No Data

Violation Details - No Data

Comment Details - No Comments

Lien Information - None

Inspected on 8/16/10 Notice
issued for owner to obtain
permit for deck.

Recheck 8/23/10

Marythel
KN



DATE: 10/19/2010

ASSESSMENT TAXPAYER SERVICE

TIME: 15:15:45

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HIST	DEL	LOAD DATE
12 02 002741	12	3-0	04-00	H	NO		06/10/10
COSENTINO FRANK A				DESC-1.. IMPS			
COSENTINO DONNA M				DESC-2.. SAINT HELENA			
106 PATAPSCO AVE				PREMISE. 00106 PATAPSCO		AVE	
00000-0000							

BALTIMORE

MD 21222-4247 FORMER OWNER: VALENTINE HARRISON H

-----FCV-----		-----TRANSFER DATA-----		---PROPERTY ID---	
PRIOR	PROPOSED	NUMBER.....		LOT.....	
LAND: 30,000	30,000	DATE.....	08/03/94	BLOCK....	3
IMPV: 44,850	72,760	PURCHASE PRICE..	58,900	SECTION..	
TOTL: 74,850	102,760	GROUND RENT.....	0	PLAT.....	
PREF: 0	0	DEED REF LIBR..	10681	BOOK.....	0005
CURT: 74,850	102,760	DEED REF FOLIO..	208	FOLIO....	0038
DATE: 09/05	09/08	YEAR BUILT.....	19	MAP.....	0103
		NEW CONSTR YR...		GRID.....	0015
TAXABLE BASIS				PARCEL... 0457	
93,456	LOT WIDTH..	16.75		SB 1953	.00
84,153	LOT DEPTH..	.00		WB	.00
0	LAND AREA..	1530.000 S		SS	817.24
ENTER-INQUIRY1	PA1-PRINT	PF4-MENU	PF5-QUIT	WD	98.11

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID
[SEARCH ON THIS FIELD]: Case Type Prefix: Case Year: Case Number: Case Type Suffix: Existing Use:

20110127		2011	0127	A	Residential
----------	--	------	------	---	-------------

Legal Owners/Petitioner
[SEARCH ON THIS FIELD]: Frank & Donna Cosentino

House/St. Number:	House/Street Number Range:	House/St. No. Suffix:	Prefix Dir.:	Pre. Type:	Street Name [SEARCH ON THIS FIELD]:	Suf. Type:	Dir.:	Suffix Suite/Apt./Unit Number:
106					Patapsco	Ave		

Property Description [SEARCH ON THIS FIELD]:
North side of Patapsco Avenue; 75 feet west of the centerline of West Dundalk Avenue.

Existing Zoning Classification:	DR-10.5	Area:	1,530 Square Feet	Election District:	12th	Councilmanic District:	7th
Critical Area:	NO	Floodplain:	NO	Historic Area:	NO	Prior Zoning Cases:	
Violation Cases:		Concurrent Cases:					
Tax Account ID:		Deed Liber #:	Deed Folio #:	Miscellaneous Notes:			

Find Record	Next Record	Previous Record	Preview ZAC Agenda Report	Open MS Word	Exit Access	Scanned Image
-------------	-------------	-----------------	---------------------------	--------------	-------------	---------------

Record: 22224 of 26209

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.3)
BALTIMORE COUNTY

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

Account Identifier: District - 12 Account Number - 1219009020

Owner Information

Owner Name: DICKERSON LAVOYCE, TR Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: PO BOX 9213 Deed Reference: 1) /12145/ 680
BALTIMORE MD 21222-0213 2)

Location & Structure Information

Premises Address Legal Description
104 PATAPSCO AVE
104 PATAPSCO AVE
ST HELENA-COLGATE PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
103	15	457				3	13	3		5/ 38

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1919	1,102 SF	1,530.00 SF	04

Stories	Basement	Type	Exterior
2	YES	CENTER UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	30,000	30,000		
Improvements:	37,460	56,060		
Total:	67,460	86,060	79,860	86,060
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
DICKERSON LAVOYCE	04/25/1997	\$0
Type:	Deed1:	Deed2:
NOT ARMS-LENGTH	/12145/ 680	

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1)
BALTIMORE COUNTY

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

Account Identifier:

District - 12 Account Number - 1202002741

Owner Information

Owner Name: COSENTINO FRANK A **Use:** RESIDENTIAL
COSENTINO DONNA M **Principal Residence:** YES
Mailing Address: 106 PATAPSCO AVE **Deed Reference:** 1) /10681/ 208
BALTIMORE MD 21222-4247 2)

Location & Structure Information

Premises Address
106 PATAPSCO AVE

Legal Description

106 PATAPSCO AVE NS
SAINT HELENA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
103	15	457				3	12	3	Plat Ref: 5/ 38

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1919	1,003 SF	1,530.00 SF	04

Stories	Basement	Type	Exterior
2	YES	CENTER UNIT SIDING	

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	30,000	30,000		
Improvements:	44,850	72,760		
Total:	74,850	102,760	93,456	102,760
Preferential Land:	0	0	0	0

Transfer Information

Seller: VALENTINE HARRISON H	Date: 08/03/1994	Price: \$58,900
Type: IMPROVED ARMS-LENGTH	Deed1: /10681/ 208	Deed2:
Seller: BAMBERGER ELIAS D	Date: 07/07/1977	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5775/ 681	Deed2:

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1)
BALTIMORE COUNTY

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

Account Identifier: District - 12 Account Number - 1202002740

Owner Information

Owner Name: DICKERSON WILLIAM RAYMOND TR Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: PO BOX 9213 Deed Reference: 1) /12145/ 664
BALTIMORE MD 21222-0213 2)

Location & Structure Information

Premises Address Legal Description
108 PATAPSCO AVE
108 PATAPSCO AVE
SAINT HELENA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
103	15	457				3	11	3		5/ 38

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1919	1,003 SF	1,530.00 SF	04

Stories	Basement	Type	Exterior
2	YES	CENTER UNIT	SIDING

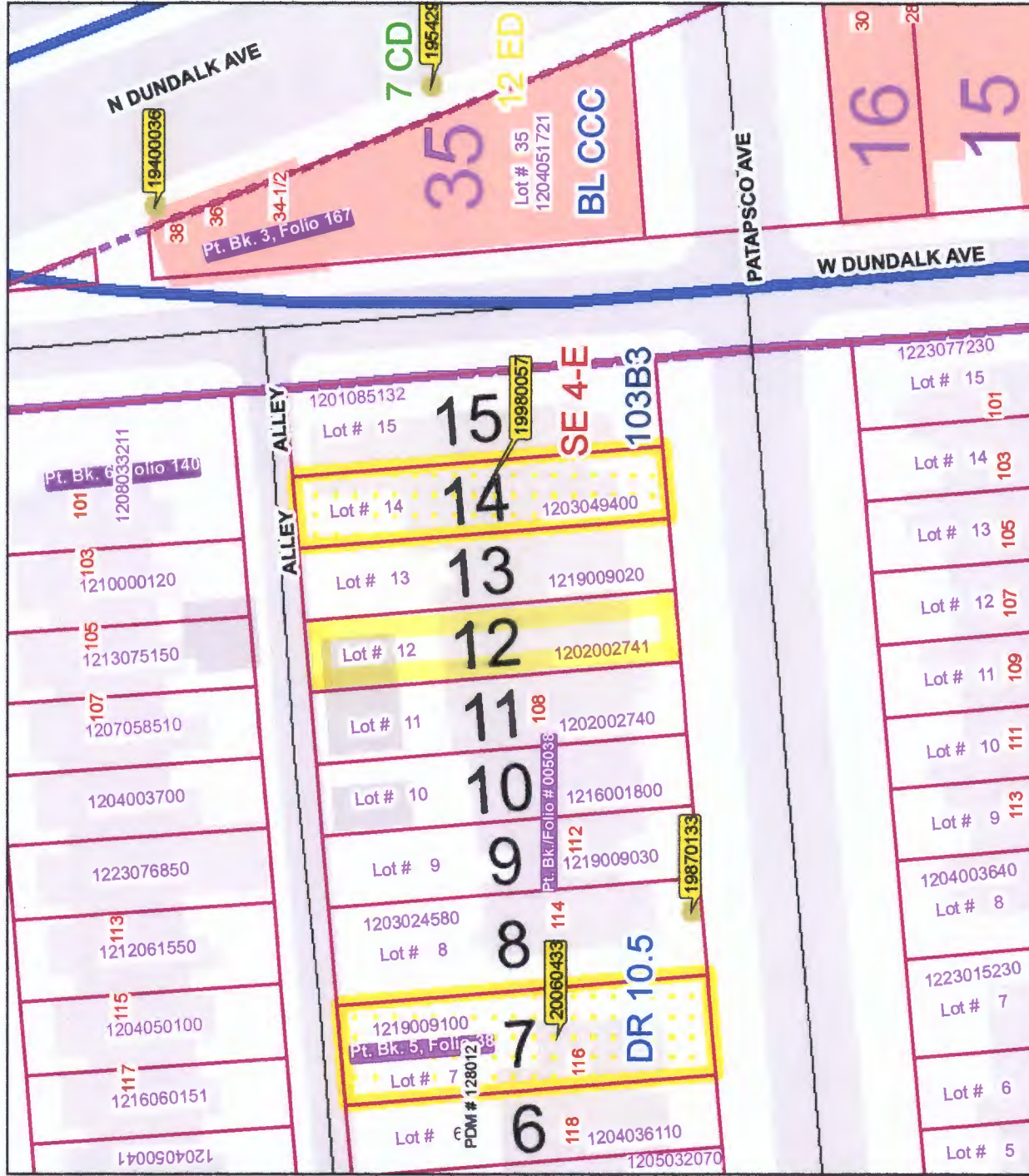
Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	30,000	30,000		
Improvements:	42,330	62,830		
Total:	72,330	92,830	85,996	92,830
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
DICKERSON WILLIAM R	04/25/1997	\$0
Type:	Deed1:	Deed2:
NOT ARMS-LENGTH	/12145/ 664	

106 Patapsco Avenue



Publication Date: October 04, 2010
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 40 feet

Item #0127

Case No.: 2011-0127-A 106 PATAPSCO AVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	PHOTO'S OF DECKING	
No. 3	Neighboring Residents support	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

1/1

New Message

(443)803-5645 to butterfly-88-wings@live.com
Received: Nov 19, 2010
Expires in 59 days



PETITIONER'S

EXHIBIT NO.

2

Windows Live™ Hotmail (0) Messenger Office Photos | MSN

Donna C

Hotmail

New | Reply Reply all Forward | Delete Junk Sweep ▼ Mark as ▼ Move to ▼ |

Inbox

Folders

Junk

Drafts

Sent

Deleted (1)

pics

New folder

Quick views

Flagged

Photos

Office docs

Shipping updates

Messenger

Sign in to Messenger

Home

Contacts

Calendar

HD Video chat
comes to Messenger

→ See how it works

New Message

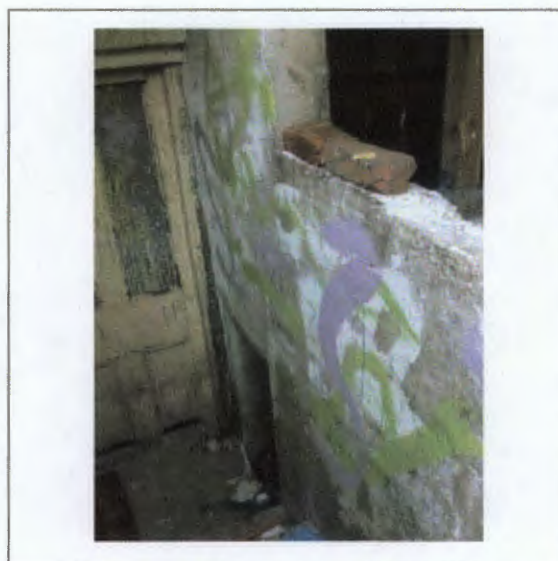
[Back to messages](#) |donnacosenentino02@pm.sprint.com
To butterfly-88-wings@live.com

11/19/10

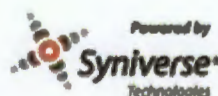
Reply ▼



You have a Picture Mail from donnacosenentino02@pm.sprint.c

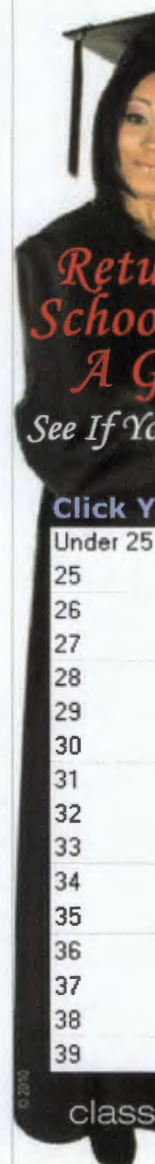
Send and rec
Picture M

Please be aware your friends can forward your picture, video, or others or post the unique Web link to your share invitation on an blogs), through which others could also gain access to your online sensitive photos you are sharing, please share them only with the



New | Reply Reply all Forward | Delete Junk Sweep ▼ Mark as ▼

Move to ▼ |



To Whom it may Concern:

I, Emma Conrad, do not
oppose the building of a
deck at 106 Patapsco Ave.
I think it would be a nice
addition to the house.

Sincerely,

Emma Conrad
108 Patapsco Ave.

From:

Frank Cosentino
106 Patapsco Ave.
2011-0127-A

PETITIONER'S

EXHIBIT NO.

3

Pictures from Sprint: View

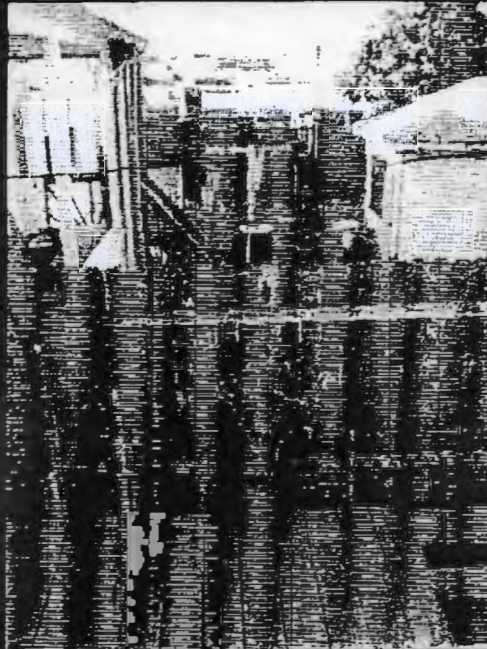
Message # 2011-0127-A

Page 1 of 1

From: Frank Cosentino

Photo looking west

New height

11/29/2010 15:54 FAX 410 284 2447
Store # 1
Message # 2011-0127-A

From 106 Patapsco Ave

height of deck at

114 Patapsco Aveapproximately the same height

(proposed deck at 106 NOT "towering above" other properties)

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

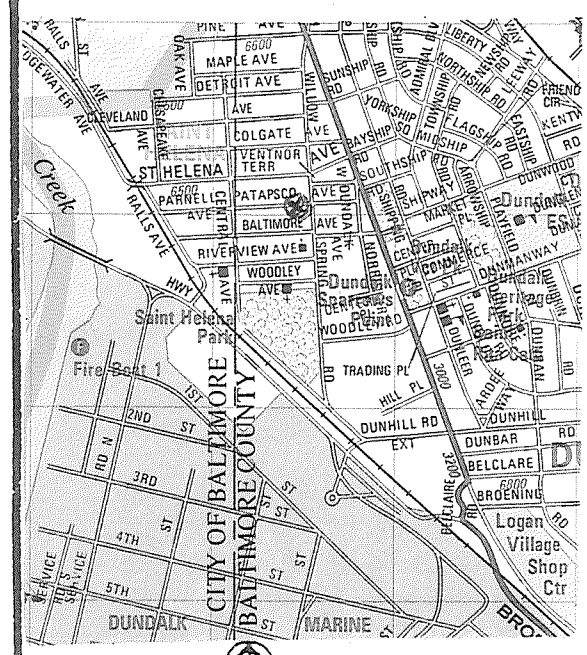
PROPERTY ADDRESS: 106 PATAPSCO AVE

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Saint Helena

plat book# 5 , folio# 38 , lot# 12 , section#

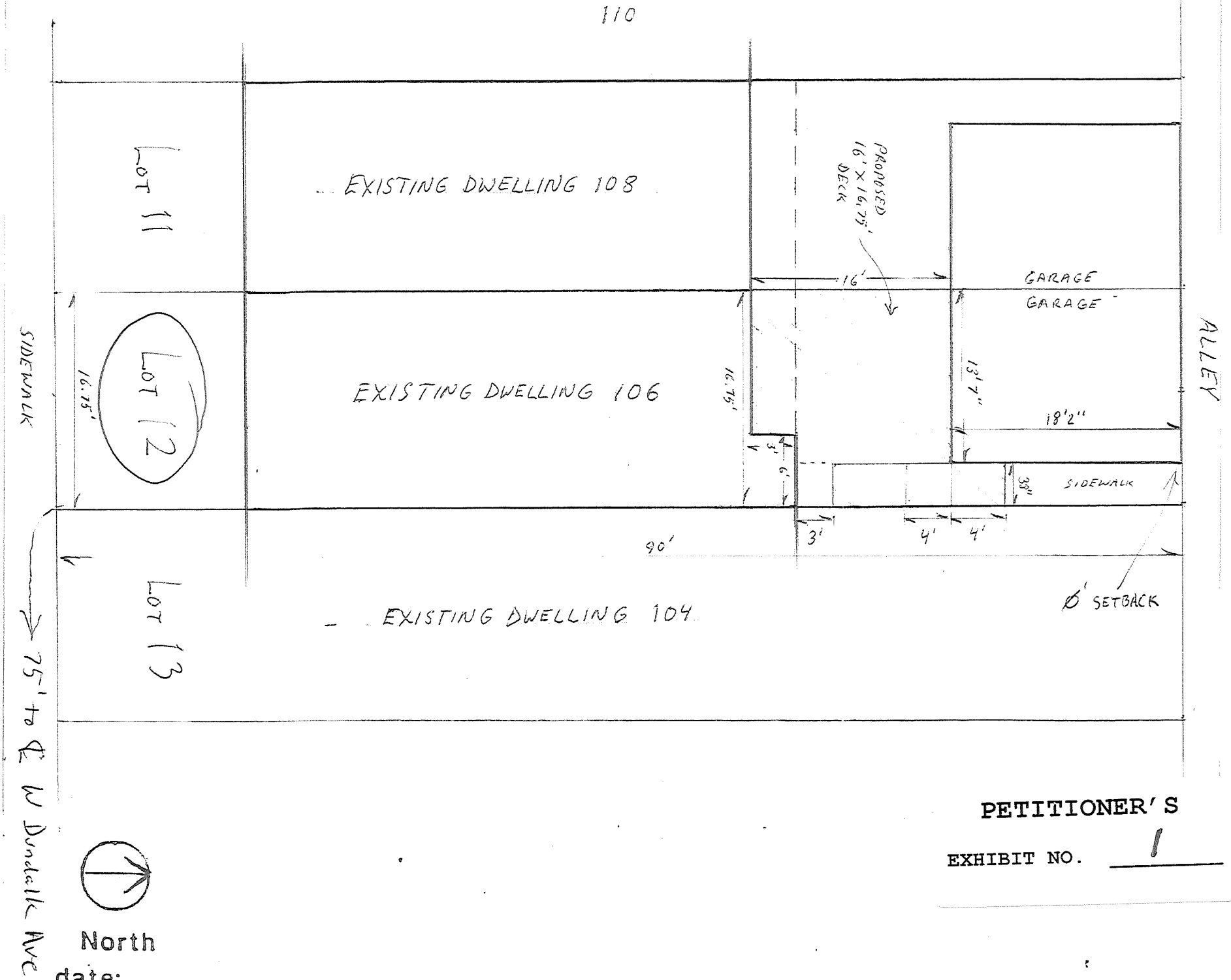
OWNER: FRANK & DONNA COSENTINO



SUBJECT
PROPERTY
106
PATAPSCO
AVE.

Vicinity Map
scale: 1"=1000'

PATAPSCO AVE. (50' R/W)



North
date: _____
prepared by: FAC

Scale of Drawing: 1"=10'

PETITIONER'S
EXHIBIT NO. 1

LOCATION INFORMATION

Election District: 12

Councilmanic District: 7

1"=200' scale map#: 103 B3

Zoning: D.R. 10.5

Lot size: _____
acreage square feet

No: 100 YEAR FLOOD

PLAIN	SEWER:	☒	☐
HISTORIC	WATER:	☒	☐
PRIORS		☐	☒

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: <u>[Signature]</u>	ITEM #: _____	CASE#: <u>2011-0127-A</u>
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