

**IN RE: PETITION FOR SPECIAL HEARING *
AND VARIANCE**

E/ side of Vesper Avenue, 375' of *
Wenig Avenue *
12th Election District *
6th Councilmanic District *
(1407 Vesper Avenue) *

Shawn and Theresa Durkin *
Petitioners

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY

CASE NO. 2011-0357-SPHA

* * * * *

OPINION AND ORDER

This matter comes before this Administrative Law Judge for consideration of a Petition for Special Hearing filed by Shawn and Theresa Durkin, legal owners of the subject property. The Petition for Special Hearing was filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory building (garage) with a building footprint (1,064 sq. ft.) that is larger than the principal use dwelling footprint (980 sq. ft.). In addition, Variance relief is being requested from Section 400.3 of the B.C.Z.R. to permit an accessory building (garage) with a height of 24 feet in lieu of the maximum allowed 15 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 public hearing on this Petition was Shawn Durkin, legal owner of the subject property. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other persons present.

The Zoning Advisory Committee (ZAC) comments were made a part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 7-21-11

By [Signature]

Testimony and evidence presented demonstrated that Mr. Durkin is a member of the Air National Guard and has served two tours of duty in the Middle East. While away serving his country, his family (wife and three children) have experienced thefts from their property of items from their backyard. Mr. Durkin wishes to construct this garage to house his vehicles and personal items, and to provide much needed storage space for his family.

I find that the special hearing relief should be granted as the approval of this request will not adversely impact overall density of the neighborhood.

As to the 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. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

I further find that the variance 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. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the subject property and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing requests should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 21st day of July, 2011, that the Petitioners' request for Special Hearing relief, filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory building (garage) with a building footprint (1,064 sq. ft.) that is larger than the principal use dwelling footprint (980 sq. ft.), be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

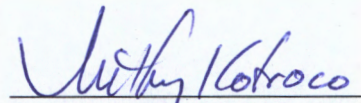
Date 7-21-11 2

By [Signature]

IT IS FURTHER ORDERED that the Variance request pursuant to Section 400.3 of the B.C.Z.R. to permit an accessory building (garage) with a height of 24 feet in lieu of the maximum allowed 15 feet, be and is hereby GRANTED, subject to the following:

1. Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 7-21-11

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

July 21, 2011

SHAWN AND THERESA DURKIN
1407 VESPER AVENUE
DUNDALK MD 21222

Re: Petition for Special Hearing and Variance
Case No. 2011-0357-SPHA
Property: 1407 Vesper Avenue

Dear Mr. and Mrs. Durkin:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1407 Vesper Avenue, Dundalk, MD 21222

which is presently zoned DR 5.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

a proposed accessory building (garage) with a building footprint (1,064 sq. ft.) that is larger than the principal use dwelling footprint (980 sq. ft.)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Mr. Shawn Durkin

Name - Type or Print _____

Signature _____

Mrs. Theresa Durkin

Name - Type or Print _____

Signature _____

1407 Vesper Avenue (410) 285-8815

Address _____ Telephone No. _____

Dundalk MD 21222

City _____ State _____ Zip Code _____

Representative to be Contacted:

Shawn Durkin

Name _____

1407 Vesper Avenue (410) 850-5140

Address _____ Telephone No. _____

Dundalk MD 21222

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0357-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By JNP Date 6/14/2011



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 1407 Vesper Avenue Dundalk, MD 21222
which is presently zoned DR 5.5

Deed Reference: 15505/166 Tax Account # 1218000640

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) 400.13, BCZR, to permit a proposed accessory building (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.) ~~XXXXXXXXXX~~

The home owner of 1407 Vesper Avenue wishes to construct a garage behind his exiting home. The current zoning regulation does not give the owner / affiants enough secured storage to protect property from the elements, thefts, or damage from vandalism. The garage would become an inside storage area of a vehicle to prevent auto break-ins that occurred on the applicant's property in the past. It would allow the homeowner to secure outside items to prevent theft. This would provide a larger storage area for the homeowner reducing rental cost and would free up areas used inside the residence for storage and better their quality of life. To deny them the right to develop would deny the right that their neighbors currently enjoy.

Property is to be posted and advertised as prescribed by the zoning regulations.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Mr. Shawn Durkin

Name - Type or Print

Signature

Mrs. Theresa Durkin

Name - Type or Print

Signature

1407 Vesper Avenue

(410) 285-8815

Address

Telephone No.

Dundalk,

MD

21222

City

State

Zip Code

Representative to be Contacted:

Shawn Durkin

Name

1407 Vesper Avenue

(410) 850-5140

Address

Telephone No.

Dundalk

MD

21222

City

State

Zip Code

Office Use Only

Case No. 2011-0357-SPHA

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by SNP

Date 6/14/2011

ORDER RECEIVED FOR FILING

Date 7-21-11

By [Signature]

EXHIBIT "A"

BEGINNING FOR THE SAME at a point on the east side of Vesper Avenue as laid out forty feet wide at the distance of three hundred fifty five and thirty four one-hundredths feet measured northerly along the east side of Vesper Avenue from the north side of Wenig Avenue as laid out forty feet and running thence and binding on the east side of Vesper Avenue north twenty seven degrees, thirty minutes east fifty and fourteen-hundredths feet to the dividing line between Lots Nos. forty one and forty two as shown on the Plat of Kimberley Farms recorded among the Land Records of Baltimore County in Plat Book 7, folio 127, and running thence and binding on said dividing line south sixty six degrees forty two minutes east one hundred sixty four and forty one hundredths feet to the back line of the lots fronting on Stengel Avenue thence with a part of said back line south twenty three degrees eighteen minutes west fifty feet and thence north sixty six degrees forty two minutes west one hundred sixty eight and eight hundredths feet to the place of beginning; being Lots No. forty two, forty three and one half of Lot No. Forty four, as laid out on the Plat of Kimberley Farms. The improvements thereon to be known as **No. 1407 Vesper Avenue.**

BEING part of the same lot of ground which by Deed dated July 31, 2002 and recorded among the Land Records of Baltimore County in Liber SM No. 15505, folio 166, was granted and conveyed by Emma J. Raschka to Shawn Durkin and Theresa Durkin, the Borrowers herein.

2011-0357-SPHA

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

No. **65999**
 Date: 6/14/2011

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 6/16/2011 6/14/2011 14:28:53 8

REG W003 WALKIN ROOS LRD
 >>RECEIPT # 522417 6/14/2011 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00

Dept 5 528 ZONING VERIFICATION

CR NO. 065999

Recpt Tot \$150.00
 \$100.00 CA
 \$10.00 CB

Baltimore County, Maryland

Total: 150.00

Rec From: Shawn & Theresa Durkin

For: Special Hearing & Variance - 1407 Vesper Ave.
2011-0357-SPH14 (Durkin)

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0357-SPHA

1407 Vesper Avenue
E/side of Vesper Avenue, 375 feet north of Wenig Avenue
12th Election District - 6th Councilmanic District
Legal Owner(s): Shawn & Theresa Durkin

Variance: to permit a proposed accessory building (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet. **Special Hearing:** to permit a proposed building (garage) with a building footprint (1,064 sq. ft.) that is larger than the principal use dwelling footprint (980 sq. ft.).

Hearing: Thursday, July 21, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT/7/612 JULY 5

280377

CERTIFICATE OF PUBLICATION

7/7/, 2011

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 7/5/, 2011.

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

J. Wilkinson

LEGAL ADVERTISING

**BILLING
COUNTYWIDE POSTING**

TO: SHAWN DUKKIN
INV# 060
FROM: MARTIN OGLE
DATE: 7/9/11
REF: ZONING SIGN

SIGN TYPE/DESCRIPTION:

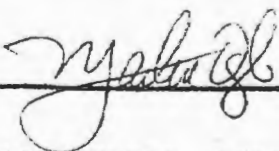
(1) ONE HEARING SIGN 1407 VESPER AVE.

PLEASE PAY THIS AMOUNT \$ 50.00

MAKE CHECKS PAYABLE TO:

MARTIN OGLE
60 CHELMSFORD COURT
BALTIMORE MD, 21220

THANK YOU



MARTIN OGLE

7/15
Telephone
ogle -
Need
proof
of
sign
posting

He'll get do us + the
attached did not come
from him.

CERTIFICATE OF POSTING

RE: Case No. 2011-0357-SPHA

Petitioner/Developer SHAWN RICKIN

Date Of Hearing/Closing: 7/21/11

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

RECEIVED

JUL 15 2011

Attention:

OFFICE OF ADMINISTRATIVE HEARINGS

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 1407 VESPER AVE

This sign(s) were posted on July 6, 2011
Month, Day, Year

Sincerely,

Martin Ogle 7/6/11
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2011-0357-SPHA

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

ROOM 205 JEFFERSON BUILDING 105 WEST

PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: THURSDAY, JULY 21, 2011
AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT A PROPOSED ACCESSORY
BUILDING (GARAGE) WITH A HEIGHT OF 24 FEET
IN LIEU OF THE MAXIMUM PERMITTED 15 FEET. SPECIAL
HEARING TO PERMIT A PROPOSED BUILDING (GARAGE) WITH A
BUILDING FOOTPRINT (1,064 SQ. FT.) THAT IS LARGER THAN THE
PRINCIPAL USE DWELLING FOOTPRINT (980 SQ. FT.).

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

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

07/06/2011

Myalun Ogle 7/6/11

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 5, 2011 Issue - Jeffersonian

Please forward billing to:
Shawn Durkin
1407 Vesper Avenue
Dundalk, MD 21222

410-285-8815

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0357-SPHA

1407 Vesper Avenue
E/side of Vesper Avenue, 375 feet north of Wenig Avenue
12th Election District – 6th Councilmanic District
Legal Owners: Shawn & Theresa Durkin

Variance to permit a proposed accessory building (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet. Special Hearing to permit a proposed building (garage) with a building footprint (1,064 sq. ft.) that is larger than the principal use dwelling footprint (980 sq. ft.).

Hearing: Thursday, July 21, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 28, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0357-SPHA

1407 Vesper Avenue

E/side of Vesper Avenue, 375 feet north of Wenig Avenue

12th Election District – 6th Councilmanic District

Legal Owners: Shawn & Theresa Durkin

Variance to permit a proposed accessory building (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet. Special Hearing to permit a proposed building (garage) with a building footprint (1,064 sq. ft.) that is larger than the principal use dwelling footprint (980 sq. ft.).

Hearing: Thursday, July 21, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Durkin, 1407 Durkin Avenue, Dundalk 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 6, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2011-0357-SP4A
Petitioner: Shawn & Theresa Durkin
Address or Location: 1407 Vesper Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Shawn Durkin
Address: 1407 Vesper Avenue
Dundalk, MD 21222
Telephone Number: 410-285-8815



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 11, 2011

Mr. & Mrs. Durkin
1407 Vesper Avenue
Dundalk, MD 21222

RE: Case Number 2011-0357-SPHA, 1407 Vesper Avenue

Dear Mr. & Mrs. Durkin,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 14, 2011. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

MEMORANDUM

DATE: July 26, 2011

TO: Andrea Van Arsdale
Office of Planning

FROM: Lawrence M. Stahl
Managing Administrative Law Judge



SUBJECT: ZAC Comment for Case No. 2011-0357-SPHA

This comment was received after the close of the hearing record in this matter. It was not therefore included in the Opinion and Order issued; however, a copy, attached to this memo, is being retained in the file.

LMS:dlw
Attachment

c: Shawn and Theresa Durkin, 1407 Vesper Avenue, Dundalk, MD 21222

TK 7/21
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: July 21, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 1407 Vesper Avenue

INFORMATION:

Item Number: 11-357

Petitioner: Mr. Shawn Durkin

Zoning: DR 5.5

Requested Action: Special Hearing

RECEIVED

JUL 25 2011

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

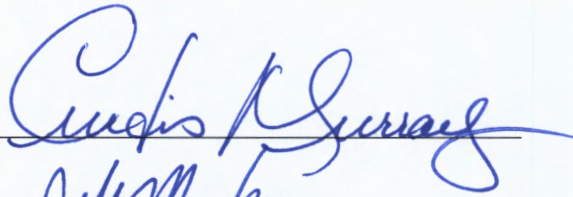
The Office of Planning has reviewed the petitioner's request and accompanying site plan. There is an existing garage and deck that are not shown on the plan.

The existing driveway and garage should be shown on the site plan. The disposition of the existing garage should be noted.

The request appears to be incompatible with the surrounding neighborhood and may overcrowd the small subject lot. Provide building elevations and a site plan that accurately depicts the site improvements.

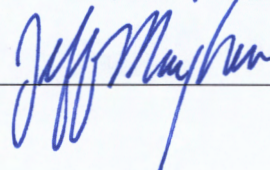
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:



Division Chief:

AVA/LL: CM





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

State Highway
Administration

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

Maryland Department of Transportation

Date: 6-22-2011

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

RE: Baltimore County
Item No. 2011-0357-SPHA
1407 VESPER AVENUE
DURKIN PROPERTY
VARIANCE -
SPECIAL HEARING -

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. 2011-0357-SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

F04 Steven D. Foster, Chief
Access Management 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.marylandroads.com



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 28, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **June 20, 2011**

Item No.:

Special Hearing: 2011-0355-SPHA, 2011-0357-SPHA

Administrative Variance: 2011-0352A – 0354A

Variance: 2011-0355-SPHA, 2011-0356A, 2011-0357-SPHA, 2011-0358A

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: June22, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For July 05, 2011
Item Nos. 2011-138, 352, 353, 354, 355, 356, 357
And 358.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07052011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: June 30, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-357-SPHA
Address 1407 Vesper Avenue
(Durkin Property)

Zoning Advisory Committee Meeting of July 5, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

JUL 01 2011

OFFICE OF ADMINISTRATIVE HEARINGS

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
1407 Vespar Avenue; E/S Vesper Avenue,	*	ADMINISTRATIVE LAW
375' N of Wenig Avenue		
12 th Election & 6 th Councilmanic Districts	*	JUDGE FOR
Legal Owner(s): Shawn & Theresa Durkin		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2011-357-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 21 2011

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of June, 2011, a copy of the foregoing Entry of Appearance was mailed to Shawn Durkin, 1407 Vesper Avenue, Dundalk, MD 21222, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

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Account Identifier:

District - 12 Account Number - 1218000640

Owner Information

Owner Name:	DURKIN SHAWN DURKIN THERESA	Use:	RESIDENTIAL
Mailing Address:	1407 VESPER AVE BALTIMORE MD 21222-1820	Principal Residence:	NO
		Deed Reference:	1)/15505/ 00166 2)

Location & Structure Information**Premises Address**

1407 VESPER AVE
BALTIMORE 21222-1820

Legal Description

LT 42,43 PT 44

KIMBERLY FARMS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0103	0010	0461		0000			42	3	Plat Ref: 0007/ 0127

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2004	1,855 SF	8,250 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	47,310	47,300		
Improvements:	185,770	165,700		
Total:	233,080	213,000	213,010	213,000
Preferential Land:	0			0

Transfer Information

Seller:	RASCHKA EMMA J	Date:	08/24/2001	Price:	\$107,000
Type:	ARMS LENGTH MULTIPLE	Deed1:	/15505/ 00166	Deed2:	
Seller:	RASCHKA JOHN E	Date:	11/20/1997	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/12508/ 00001	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:
* NONE *

Prior zoning

IN RE: PETITIONS FOR VARIANCE
(1407 & 1409 Vesper Avenue)
E/S Vesper Avenue, 180' S of the c/l
Kimmel Avenue
12th Election District
6th Council District

Shawn Durkin, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Cases Nos. 03-469-A & 03-470-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before the Zoning Commissioner for consideration of Petitions for Variance filed by the owner of the subject adjacent properties, Shawn and Theresa Durkin. In Case No. 03-469-A, the Petitioners seek relief from Sections 1B02.3.C.1 and 304.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50.47 feet in lieu of the minimum required 55 feet, and to approve the property as an undersized lot and any other variances deemed necessary by the Zoning Commissioner, for a proposed new dwelling to be known as 1407 Vesper Avenue. In Case No. 03-470-A, the Petitioners seek similar relief from Sections 1B02.3.C.1 and 304.1 of the B.C.Z.R., to approve the adjacent property known as 1409 Vesper Avenue, as an undersized lot, pursuant to Section 304.1 of the B.C.Z.R., with a lot width of 50 feet in lieu of the required 55 feet, and to permit the existing dwelling thereon to have side setbacks of 3 feet and 7 feet in lieu of the minimum required 10 feet each. The subject properties and requested relief are more particularly described on the site plan submitted and respectively marked as Petitioner's Exhibits 1.

Appearing at the requisite public hearing in support of the requests were Shawn Durkin, co-owner of the property, and Buck Jones, Builder. There were no Protestants or other interested persons present.

As noted above, the subject properties are located immediately adjacent to one another and are under the common ownership of Mr. & Mrs. Durkin. Collectively, the properties are

CASE NAME 1407 Vesper Ave.
CASE NUMBER 2011-0357-SHA
DATE 7-21-11

[illegible]

HOLABIRD
MIDDLE
SCHOOL

SE 2-E

1202058816

7 CD
103B1

12 ED
DR 5.5

SE 3-E

704-0357-SPHA

1218012220

19940514

Lot # 170

1219007481

1214010830

7204

1220030140

1218012221

1600001795

1219032590

7212

7222

1219086870

1216055231

1213075480

1400

1213011280

1405

1226065050

1213010940

1204037590

20030469

20030470

1409

Pt. 1201054545 42

1213075580

1411

Pt. 1201054115 127

1210002100

1204076681

1415

1210001470

1213022310

1414

Pt. Bk./Folio # 007127

1202087890

PDM # 120089

1211077090

1202087890

19800078

Lot # 613

Lot # 540

Lot # 537

Lot # 461

Lot # 457

1219051960

1216015590

2100004046

1213092210

121200110

1509

1207029590

2100004045

1213092211

120806744

1212000781

1211047320

1223001430

1731

1210095020

1721

1513

1734

1733

1223015320

122301648

1201085160

1207062080

1216015570

1724

1223015321

1208079020

1204076682

19670098

1223015322

122301648

1204076680

1517

19650305

ALVAH AVE

19501868

1216017640

1730

Pt. Bk. 12

STENGEL AVE

BAYARD AVE

WENIG AVE

VESPER AVE

Lot # 31

Lot # 31

Lot # 31

1504

1202047611

20070485

1510

1202085355

1213042830

1219034980

1516

1219008180

1218073460

TK- 7/21
COM

Case No.: 2011-0357-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1407 Vesper Ave

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

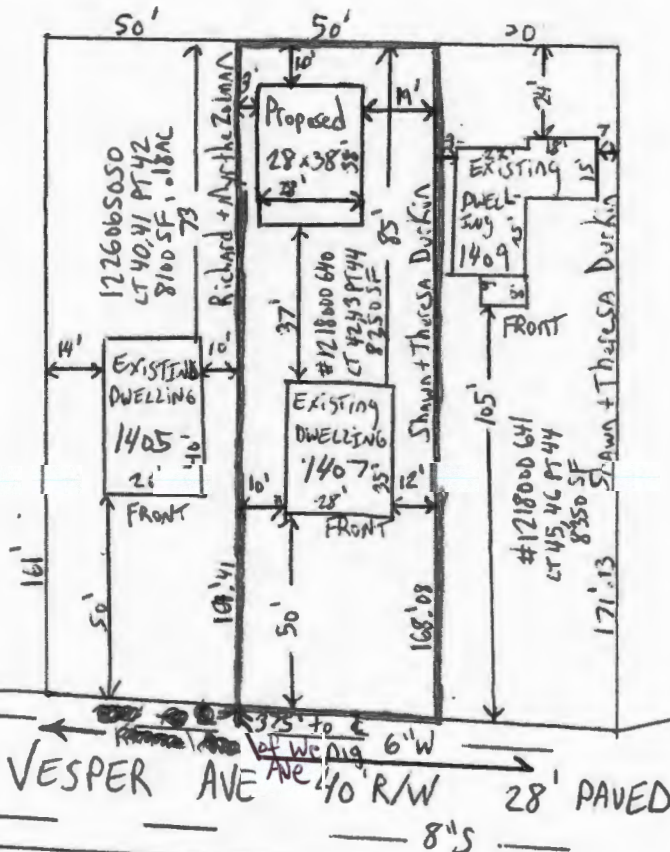
SUBDIVISION NAME Kimberly Farms

PLAT BOOK # 7 FOLIO # 127 LOT # 42, 43 & 44 SECTION # 1

OWNER Shawn + Theresa Durkin

PETITIONER'S

EXHIBIT NO. 1



LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 10.3 B1

ZONING DR 5.5

LOT SIZE .9 8350

ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/BUILDING	☐	☒
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PRIOR ZONING HEARING 2003-0469-A

ZONING OFFICE USE ONLY

REVIEWED BY JNP ITEM # 10357 CASE # 2011-0357-SPHA

Under sized Lot Granted
Prior Zoning Hearing: Case 20030469-A
Date June 2003

SCALE OF DRAWING: 1" = 50'

PREPARED BY SPD



NORTH