



KEVIN KAMENETZ
County Executive

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

April 3, 2012

Dane E. Lewis
Jo M. Lewis
500 Durango Road
Catonsville, Maryland 21228

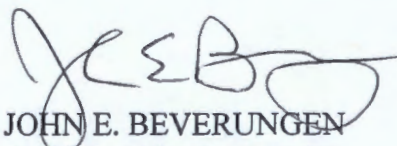
Re: Petition for Administrative Variance
Case No. 2012-0185-A
Property: 500 Durango Road

Dear Mr. and Mrs. Lewis:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

Janice Buerger, 434 Chalfonte Drive, Catonsville, MD 21228

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Durango Road, 115' N of the
c/line of Chalfonte Drive
(500 Durango Road)
1st Election District
1st Council District

Dane E. and Jo M. Lewis
Petitioners

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2012-0185-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Dane E. and Jo M. Lewis. The Petitioners are requesting Variance relief from § 211.4 of the 1955 Edition of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (in-law apartment) of less than one third of the overall floor area and less than 2,000 square feet to have a rear yard setback of 19.4 feet in lieu of the required 30 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of March 5, 2012. On March 5, 2012, Janice Buerger of 434 Chalfonte Drive, requested a formal hearing on this matter. The hearing was subsequently scheduled for Wednesday, March 28, 2012 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

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

ORDER RECEIVED FOR FILING

Date 4-3-12

By aw

reviewing agencies.

Appearing at the public hearing held for this case were Petitioners Dane E. and Jo M. Lewis and Robert Weaver, an architect with the firm of KGRW & Associates, LLC, who prepared the plans. Appearing in opposition to the request was Janice Buerger (Petitioners' immediate neighbor) and her son, Richard Buerger.

Testimony and evidence revealed that the subject property is located in Catonsville, and is improved by a single family dwelling. Petitioners want to construct the proposed addition to accommodate an aging parent, and Mr. Weaver testified that he has experience in designing senior living accommodations, and that the proposed addition is situated as shown to provide the greatest degree of safety and accessibility.

Based upon the testimony and evidence presented, I will grant the request for 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.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

The Petitioners have met this test. The Petitioners' lot is oddly shaped (like a slice of pie), and the angled property lines lead to anomalous results when the setbacks are calculated. Such an anomaly can be seen when comparing Exhibits 1 and 2. In Exhibit 1, Mr. Weaver shows the proposed addition, and explained that pursuant to the Zoning Commissioner's Policy Manual (ZCPM), the rear yard setback is measured in such a way that leads to the 19.4 feet figure shown

ORDER RECEIVED FOR FILING

Date 4-3-12

By lw

thereon. By contrast, Mr. Weaver explained, if Petitioners constructed the addition to include a triangular portion at the southern end of the structure – as shown on Exhibit 2, in the blue crosshatched area – then the project would comply with all setback requirements and variance relief would not be needed.

Mr. Weaver indicated the proposed design shown on Exhibit 1 is more aesthetically pleasing, less costly and more compatible with neighboring homes than the “triangular” design alternative shown on Exhibit 2. And in any event, Ms. Buerger’s view out to Durango Road would be blocked to a similar extent by either design. I am simply loathe to impose such a choice upon the Petitioners, especially given Mr. Weaver’s testimony concerning the desirability of the proposed design in Exhibit 1.

In addition, a plausible argument can be made that the proposed addition complies with the relevant portions of the B.C.Z.R. The house was built in 1958, at which time it was zoned R6. Under the current regulations, yard width and depths are determined in accordance with the zoning regulations which were applicable at the time the subdivision plan was approved. B.C.Z.R. § 1B02.3.B. The applicable regulations are therefore the 1955 edition of the B.C.Z.R., which mandated 8 feet wide side yard setbacks (with a sum of both sides equal to 20 feet) and 30 feet deep rear yard setbacks. B.C.Z.R. (1955) §§ 211.3 and 211.4. In this case, it is clear that the proposed addition would be more than 8 feet from the southern property line adjoining Ms. Buerger’s residence, and the setback on the northern side is shown as 12’ -3”. (Exhibit 1).

Thus, the only issue concerns how to determine the rear yard depth. Under the 1955 regulations, the “depth” of a rear yard consists of “the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.” B.C.Z.R. (1955) § 101, p.7.

Using that standard, the rear yard setback here is in excess of 31 feet, as shown on Exhibit 1.

ORDER RECEIVED FOR FILING

Date 4-3-12

By RSW

While the procedure set forth in the ZCPM (adopted in 1992) yields a different result, I believe I am obliged to follow the 1955 regulations in making this determination.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of any negative comments from County agencies. While I am certainly sympathetic to Ms. Buerger's concerns, I believe that the addition will be attractive and well built – given that an architect designed the plans and will oversee the project. In addition, one of Ms. Buerger's primary concerns was that the addition would block her view out to Durango Road. But under Maryland law, a homeowner does not have a legally enforceable right to an unobstructed view across a neighbor's property, unless the homeowner secures a "view easement" or similar property interest. *Chesley v. City of Annapolis*, 176 Md. App. 413, 439 (2007).

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

THEREFORE, IT IS ORDERED, this 3rd day of April, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief under the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (in-law apartment) of less than one third of the overall floor area and less than 2,000 square feet to have a rear yard setback of 19.4 feet in lieu of the required 30 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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, for whatever reason, this Order is reversed, Petitioners would be

ORDER RECEIVED FOR FILING

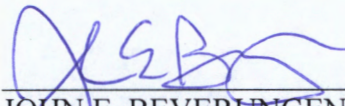
Date 4-3-12

By [Signature]

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.

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 4-3-12

By DLW

MEMORANDUM

DATE: May 7, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0185-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 3, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 500 DURANGO ROAD which is presently zoned DR 5.5 (vested RG)

Deed Reference 17270/00564 10 Digit Tax Account # 0119001390

Property Owner(s) Printed Name(s) DANE LEWIS & JO LEWIS

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1 ☒ **ADMINISTRATIVE VARIANCE** from section(s)

To permit a proposed addition (in-law apartment) of less than one third of overall floor area and less than 2000 square feet to have a rear yard setback of 19.4 feet in lieu of the required 30 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

DANE LEWIS , JO LEWIS

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

500 DURANGO ROAD CATONSVILLE, MD

Mailing Address City State

21228 , 410-747-0399 , daneandjo@verizon.net

Zip Code Telephone # Email Address

Representative to be contacted:

ROBERT WEAVER (ARCHITECT)

Name – Type or Print

Signature

3306 GREENWAY DR ELICOTT CITY MD

Mailing Address City State

21042 , 410-207-1086 , robert.weaver@kg-rw.com

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2012-0185-A Filing Date 2/6/12 Estimated Posting Date 2/19/12 Reviewer RD

Rev 10/12/11

Supplemental Explanation of Reasoning for Administrative Variance for 500 Durango Road

Administrative Variance Request: to reduce the rear yard setback measured along the southern (left side) property line from 30' to 19'.

The subject property is of an odd and unusual shape and geometry, which creates practical difficulty and hardship when the setbacks are strictly measured. Granting the variance will be in harmony with the spirit and intent of the zoning regulations regarding setbacks; granting the variance will not result in injury to public health, safety, or general welfare. The location of the addition is best suited for its purpose: the Owners desire to have their elderly parents move in with them, and the location is close to the driveway and on the most accessible/flat portion of the buildable site.

(VESTED R6)

Based on the lot's creation during the 1950's (1958), the side yard setbacks are required to be 8' minimum for one side yard, with a total of 20' minimum for both side yards. The proposed addition is to the left side of the main building (front defined as facing Durango Road). However, because of the odd shape of the lot, the left lot line is angled (the yard narrows significantly as one moves from front to rear). Per Zoning's review of the plat plan, there is a 30' rear setback component that applies along the entire side property line (ie southern property line) and is measured as an extension of the foundation wall until it intersects a property line. This line is much more restrictive than the 8' side yard setback that would normally be applied. The result is that, while the addition is more than 8' from the side property line, this calculated rear yard setback component is only 18' at one building addition corner instead of the required 30' setback.

Supplemental Exhibit 1 shows the lot zoned into reasonably defined Front Yard, Rear Yard, and Side Yard. The proposed addition is clearly within what would reasonably be defined as a Side Yard. Thus, the proposed addition, by meeting the Side Yard requirement (both as an extension of the foundation wall lines and by exceeding the simple 8' setback line parallel to property line) is within the spirit and intent of meeting setbacks from property lines for side by side neighbors.

Additionally, Supplemental Exhibit 2 shows the unique practical hardship caused by the shape of the lot. The hatched area of a potential triangular shaped addition was reviewed with Zoning, and it was determined that this addition would comply with the required zoning setbacks. Namely, the continuous angled foundation wall parallel to the southern, side property line would never intersect the side property line and thus meet the 30' rear yard setback component. The irony is that this triangular shaped addition would be more massive and cause a greater impact to the neighboring property than the proposed addition, the massing would be less aesthetically pleasing in its roof form compared to the proposed hip roof that matches the existing house, and the complicated nature of constructing the larger triangle would be more costly and thus a practical hardship. Thus, granting the relief requested in this variance for the proposed addition would better allow for the spirit and intent of the zoning regulations to be met than a strict application of the regulations.

For the reasons cited above, we are asking that the relief from the administrative variance be granted.

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 500 DURANGO RD CATONSVILLE MD 21228
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

WE ARE REQUESTING AN ADMINISTRATIVE VARIANCE TO REDUCE THE REAR YARD
SETBACK MEASURED ALONG THE SOUTHERN (LEFT SIDE) PROPERTY LINE FROM
30' TO 19'. PLEASE SEE ATTACHED SUPPLEMENTAL EXPLANATION
FOR SPECIFIC PRACTICAL DIFFICULTY/HARDSHIP AND WHY GRANTING THE
VARIANCE, NEEDED BECAUSE OF THE PROPERTY'S UNUSUAL SHAPE AND
GEOMETRY, WILL BE IN HARMONY WITH THE SPIRIT AND INTENT OF THE
ZONING REGULATIONS AND WILL NOT RESULT IN INJURY TO PUBLIC HEALTH,
SAFETY, OR GENERAL WELFARE.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Dane E Lewis
Signature of Affiant

DANE E LEWIS
Name- Print or Type

Jo M Lewis
Signature of Affiant

Jo M. Lewis
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1 day of Feb, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

DANE E LEWIS + JO MARY LEWIS
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

Michelle Maddox
Notary Public

My Commission Expires

MICHELLE MADDOX
Notary Public
Baltimore County
Maryland

My Commission Expires Feb 20, 2014

REV. 10/12/11

Zoning Property Description For: 500 Durango Road, Catonsville, MD 21228

Beginning at a point on the west side of Durango Road, which is 50' wide right of way, at the distance of 115' north of the centerline of the nearest improved intersecting street, Chalfonte Drive, which is 50' wide right of way. Being Lot #8, Block B, Section 2 in Subdivision 0000, Baltimore County Plat Book # 0026, Folio #003, containing 10,643 square feet. Located in the 1st Election District, and 1st Councilmanic District.

ROCKWELL

Item #0185-

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry
Commercial and Residential
2944 Edgewood Avenue
Baltimore, MD 21234
Phone - 410-530-6293
E-mail - wdgjr@comcast.net

To: Balto. County, Zoning Office **Attn.: Ms. Kristen Lewis**

We Are Sending You: ☒ Attached ☐ Under separate cover the following items:

☐ Copy of Letter ☒ Prints ☒ Documents ☐ Other

No. of Copies Date Description

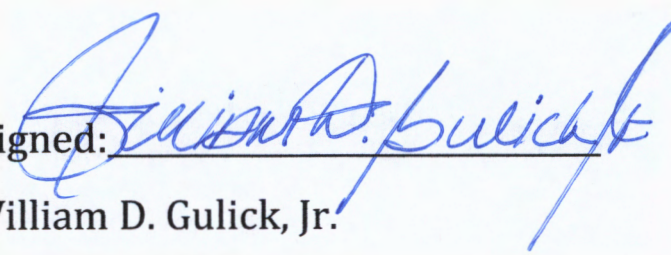
1	Feb. 19, 2012	Certificate of Posting
2	Feb. 19, 2012	Site Photos

Transmittals are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & content

Project: Case No.: 2012-0185-A, 500 Durango Road

Remarks:

Signed: 

William D. Gulick, Jr.

Project Manager

cc: Dane & Jo Lewis / c/o Robert Weaver

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: Feb. 19, 2012

Attention: Zoning Office, Attn.: Ms. Kristen Lewis

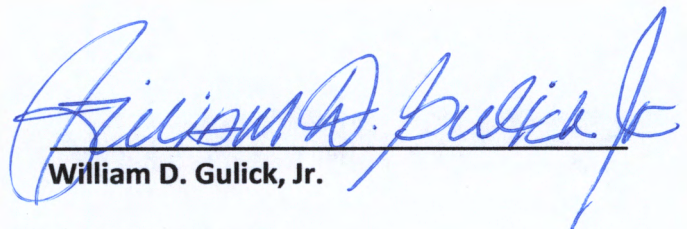
Re: Case Number: 2012-0185-A

Petitioner/Developer: Dane & Jo Lewis

Date of Hearing/Closing: March 5, 2012

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: 500 Durango Road

The sign(s) were posted on: Feb. 19, 2012



William D. Gulick, Jr.

**2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293**

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2012-0185-A
TO PERMIT A PROPOSED ADDITION
(IN-LAW APARTMENT) OF LESS THAN ONE
THIRD OF OVERALL FLOOR AREA AND LESS
THAN 2000 SQUARE FEET TO HAVE A
REAR YARD SETBACK OF 19.4 FEET IN
LIEU OF THE REQUIRED 30.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON MARCH 5, 2012

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

SIGN-
CHALFONTE
DRIVE
FOURTH
ROAD

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry

Commercial and Residential

2944 Edgewood Avenue

Baltimore, MD 21234

Phone - 410-530-6293

E-mail - wdgjr@comcast.net

To: Balto. County, Zoning Office Attn.: Ms. Kristen Lewis

We Are Sending You: ☒ Attached ☐ Under separate cover the following items:

☐ Copy of Letter ☒ Prints ☒ Documents ☐ Other

No. of Copies Date Description

1	March 12, 2012	Certificate of Posting
2	March 12, 2012	Site Photos

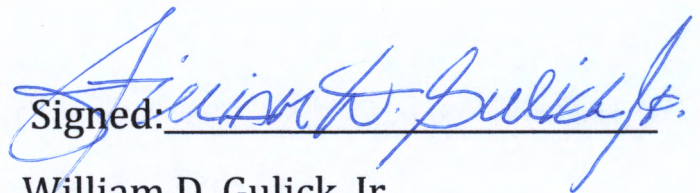
Transmittals are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & content

Project: Case No.: 2012-0185-A, 500 Durango Road

Remarks:

Signed: _____



William D. Gulick, Jr.

Project Manager

cc: Dane & Jo Lewis / c/o Robert Weaver

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: March 12, 2012

Attention: Zoning Office, Attn.: Ms. Kristen Lewis

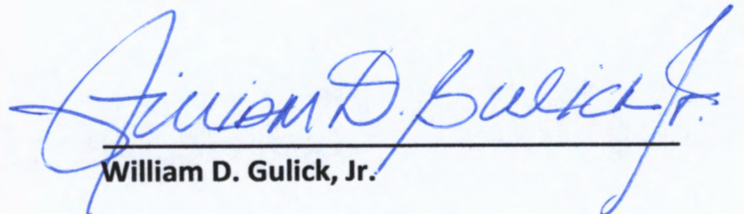
Re: Case Number: 2012-0185-A

Petitioner/Developer: Dane & Jo Lewis

Date of Hearing/Closing: March 28, 2012

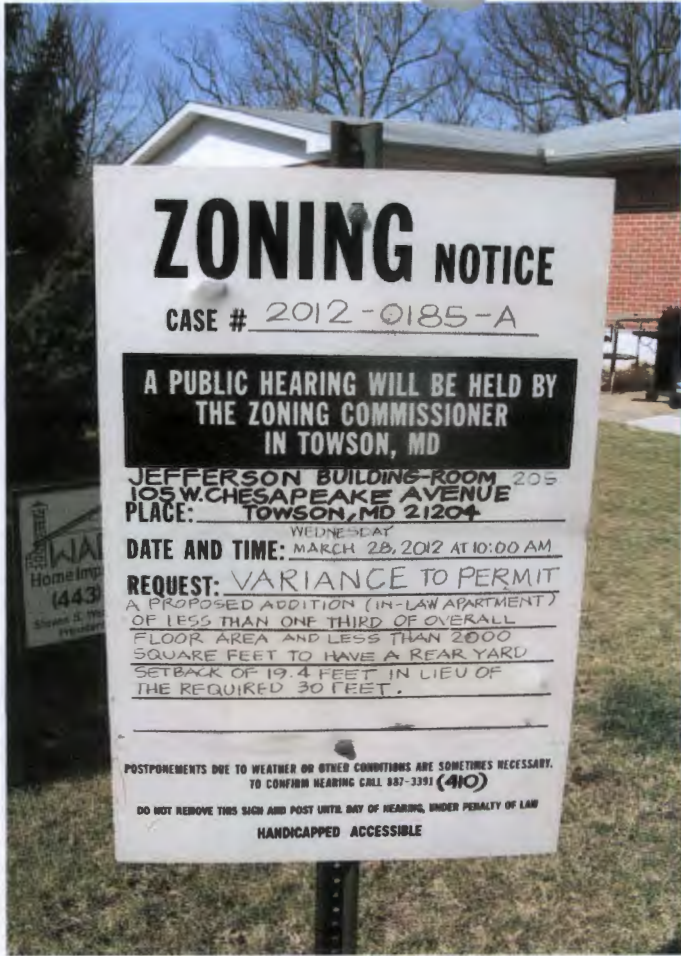
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 500 Durango Road

The sign(s) were posted on: March 12, 2012



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293



ZONING NOTICE

CASE # 2012-0185-A

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

**JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204**

DATE AND TIME: WEDNESDAY
MARCH 28, 2012 AT 10:00 AM

REQUEST: VARIANCE TO PERMIT
A PROPOSED ADDITION (IN-LAW APARTMENT)
OF LESS THAN ONE THIRD OF OVERALL
FLOOR AREA AND LESS THAN 2000
SQUARE FEET TO HAVE A REAR YARD
SETBACK OF 19.4 FEET IN LIEU OF
THE REQUIRED 30 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391 **(410)**

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



sign →
CHALFONTE DRIVE
DURANGO ROAD

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: 2012-0185-A

Petitioner: DANE AND JO LEWIS

Address or Location: 500 DURANGO RD CATONSVILLE, MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANE AND JO LEWIS

Address: 500 DURANGO RD

CATONSVILLE, MD 21228

Telephone Number: 410-207-1086 (CONTACT FOR ARCHITECT)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0185 -A Address 500 Durango Rd

Contact Person: David Duwell Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/6/12 Posting Date: 2/19/12 Closing Date: 3/5/12

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2012- 0185 -A Address 500 Durango Rd

Petitioner's Name Dane & Jo Lewis Telephone 410 747 0399

Posting Date: 2/19/12 Closing Date: 3/5/12

Wording for Sign: To Permit a proposed addition ("in-law apartment")
to have a rear yard setback of 19.4 feet in lieu of the
required 30

Revised 7/06/11

David Duvall - new wording

From: David Duvall
To: robert.weaver@kg-rw.com
Subject: new wording

Mr Weaver:

The wording on the sign should read as follows --

Administrative Variance -- to permit a proposed addition (in-law apartment) of less than one third of overall floor area and less than 2000 square feet to have a rear yard setback of 19.4 feet in lieu of the required 30

Sorry for the inconvenience.

*Party notified
of correct wording
2/15/12*

RD

DECLARATION OF UNDERSTANDING
FOR AN ACCESSORY (IN-LAW) APARTMENT USE PERMIT

This Declaration of Understanding (hereinafter referred to as "Declaration" is made on this 8th day of March 2017 by and between Dane E. Lewis and Jo M. Lewis (hereinafter referred to as the "Declarants") and the Department of Permits, Approvals, and Inspections of Baltimore County (hereinafter referred to as "PAI").

Recitals

- A. The Declarants, who are also the owners of this property, have filed an application for a use permit to: add an addition to the left (south) side of the existing house for an accessory (in-law) apartment, with separate bathing and cooking facilities. The apartment will include renovation of the existing attached garage and an adjacent attached addition. The structure will be continuous/attached with the main house structure. As required by Bill No. 49-11, the accessory apartment is less than 2,000 square feet and less than 1/3 of the total square footage of the house, and will not have separate utility meters, such as gas and electric service. The property is located at 500 Durango Road, Catonsville, MD 21228, and is more particularly described by attached Exhibits A (Description of Property) and B (plans showing proposed addition of accessory apartment). The property is zoned as DR-5.5, vested R-6.
- B. PAI has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for Edward and Nancy Lewis, parents of Dane E. Lewis. The other residents of the property are Dane E. Lewis and Jo M. Lewis (Owners) and son Dan Lewis. The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.
- C. As a condition of approval of the Declarants' request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved and at the discretion of PIA.

Now therefore, the Declarants and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family members listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or

restrictions of any required zoning hearing. The hearing order, if required, is to be made part of this Declaration when it is recorded in Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.
3. Upon use permit termination:
 - a. As an Accessory Apartment in the principal dwelling, use permit termination requires removal of the second kitchen cooking facility and the former Accessory Apartment space to be occupied by the Declarants or subsequent purchaser.
 - b. The Declarants upon termination of the use permit will provide written notification to PAI for the closing of the Department file.
4. The Covenants, conditions, and restrictions stated shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the property.
5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

In Witness Whereof, the parties hereto have duly executed this Declaration under seal on the date first above written.

Witness:

Danee Lewis
DANEE LEWIS

Jo M. Lewis
Jo M. Lewis

State of Maryland, Baltimore County, to wit:

I hereby certify that on this 3/8 day of 2012, before the Subscriber, a Notary Public of State of Maryland, personally appeared DANEE LEWIS & JO MARY LEWIS.

The Declarants herein, who are also the Owners of this Property, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

In Witness Whereof, have hereunto set my hand and Notarial Seal.

My Commission Expires:



Michelle Maddox
Notary Public

Property Description For: 500 Durango Road, Catonsville, MD 21228

Being known and designated as Lot #8, Block B, Section 2 in Subdivision 0000, Baltimore County Plat Book # 0026, Folio #003, containing 10,643 square feet. Located in the 1st Election District, and 1st Councilmanic District.

The improvements thereon being known as 500 Durango Road.

Being the Same lot of ground which by Deed dated November 27, 2002 and recorded among the Land Records of Baltimore County in Liber 17270 Folio 00564, was granted and conveyed by Timothy S. Harman and Catherine K. Harman, unto Dane Lewis and Jo Lewis, the Grantors herein.

EXHIBIT A

Owner:

Dane & Jo Lewis

500 Durango Road
Catonsville, MD 21228



KGRW & Associates LLC

development services • planning • architecture • project management

3306 Geocomp Drive Elkton City, MD 21042 / 410.307.4361

kevin.glover@kgrw.com

www.kgrw.com

Addition & Alterations: **Lewis Residence** **500 Durango Road** **Catonsville, MD 21228**

1 02/01/12 Accessory Apartment Use

No. Date Description

Plat Plan

Drawn By:

TD

Checked:

RW

Date:

02/01/12

Scale:

1" = 40'-0"

S-1

1 of 2

HEARING PLAN FOR: ADMINISTRATIVE VARIANCE
ELECTION DISTRICT: 1
COUNCILMANIC DISTRICT: 1
HISTORIC: NO
IN CBCA: NO
IN FLOOD PLAIN: NO
ZONING: DR 5.5 / **VESTED RC**
UTILITIES: WATER: PUBLIC
SEWER: PUBLIC
PRIOR HEARING: NO
ZONING VIOLATION CITATIONS: NO
LOT AREA: 10988 SQ. FT.
OWNER: DANE & JO LEWIS
LOT #: 8
P. I. BK/FOLIO #: 0026/003
DEED REFERENCE #: 17270/00564
PDM#: 010096
TAX ACCOUNT#: 0119001380

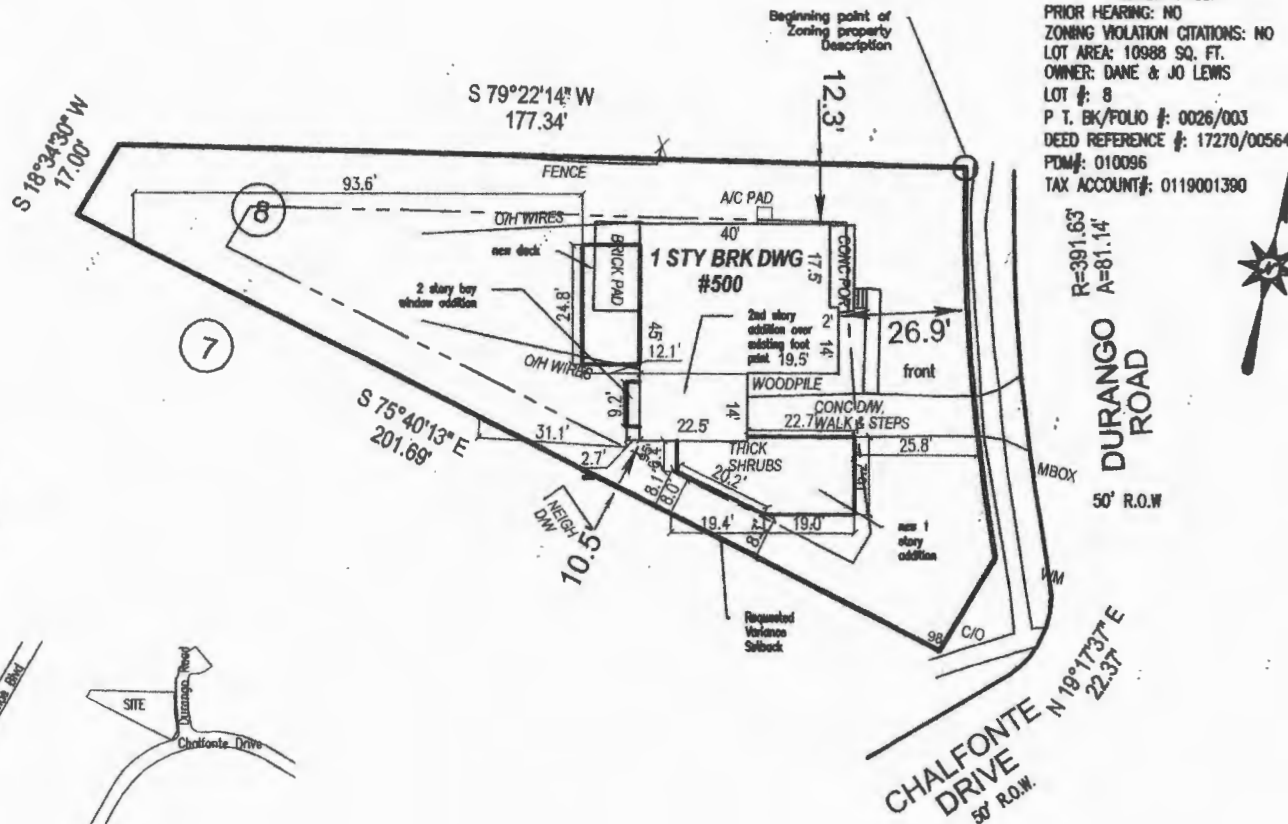
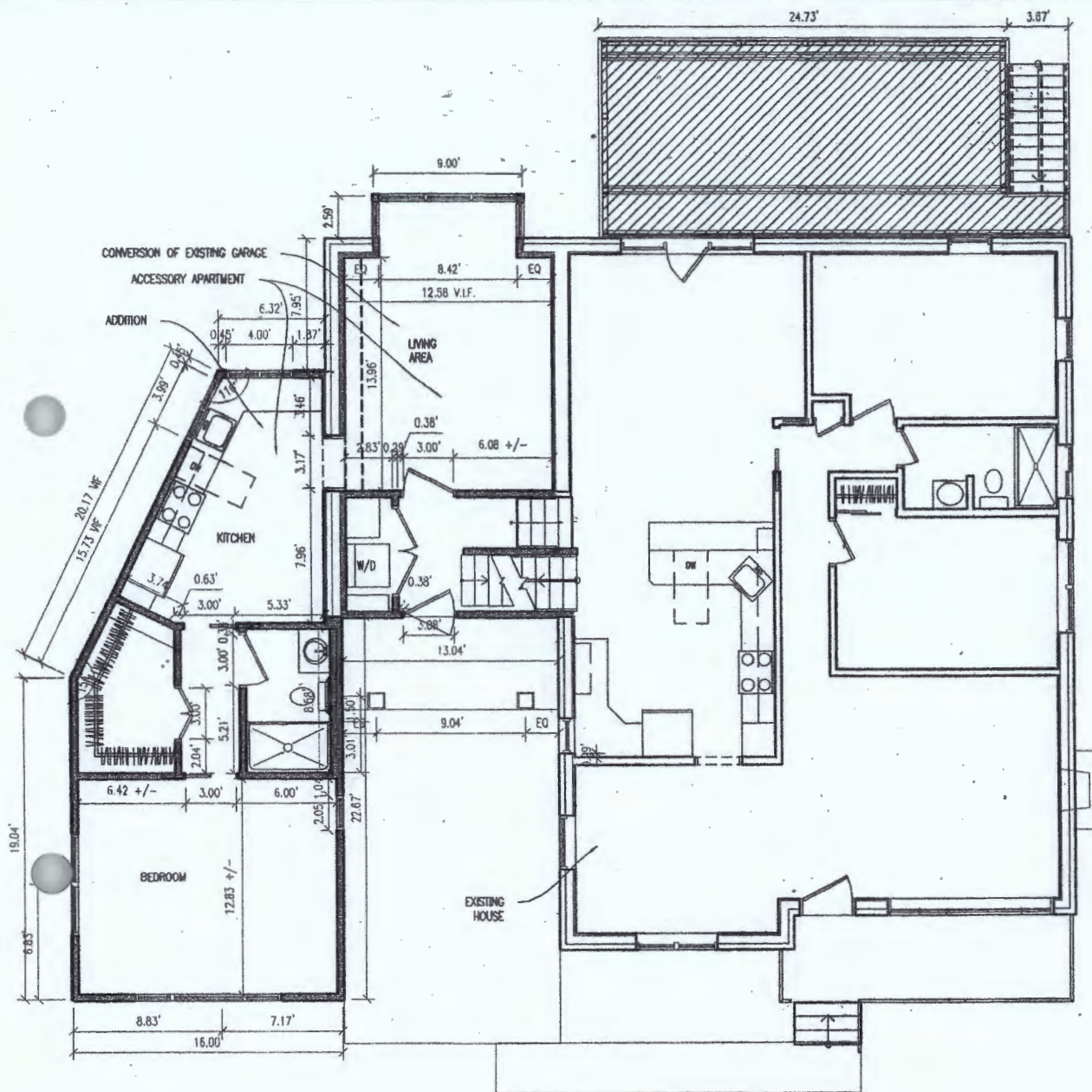


EXHIBIT B



EXISTING CONSTRUCTION
1ST FLOOR: 1,600 SF
LOWER LEVEL: 1,280 SF
TOTAL: 2,880 SF

NEW CONSTRUCTION
1ST FLOOR (ACCESSORY APARTMENT USE): 500 SF
2ND FLOOR (MAIN HOUSE USE): 410 SF
LOWER LEVEL: 0 SF
TOTAL: 910 SF

CONVERSION OF EXISTING CONSTRUCTION TO ACCESSORY APARTMENT USE
1ST FLOOR: 300 SF

TOTAL ACCESSORY APARTMENT: 800 SF
TOTAL EXISTING AND NEW CONSTRUCTION: 3,790 SF
% OF ACCESSORY APARTMENT TO TOTAL NEW & EXISTING CONSTRUCTION: 21%

ACCESSORY APARTMENT IN AN EXISTING SINGLE FAMILY DETACHED DWELLING

1. CONSTRUCTION & USE TO COMPLY WITH ALL REGULATIONS & DEFINITIONS OF ZONING REGULATIONS (SECTION 101 & 400.4)
 - a. The Occupants of the Accessory Apartment shall be of immediate family relationship to the Owners, namely the parents of Dane Lewis (Owner, Declarant), whose names are Edward Lewis and Nancy Lewis. The main house is occupied by Dane and Jo Lewis and their son Dan Lewis.
 - b. The Accessory Apartment shall be provided without compensation.
 - c. The Accessory Apartment shall comply with all laws, regulations, and codes affecting residential occupancy.
 - d. The Size of the Accessory Apartment shall be approximately 800 square feet, which is less than 1/3 of the total square footage of approximately 3,790 square feet; the Accessory Apartment is also less than 2,000 square feet in total size, as required.
 - e. Any and all improvements to be dedicated as an accessory apartment shall be used solely as a single family residence.
 - f. The Accessory Apartment shall not have separate utility meters, such as gas and electric service.
 - g. This Declaration of Understanding and Property Description, including any conditions, restrictions, or regulations imposed by the PM Department or the Office of Administrative Hearings, shall be recorded in the Land Records of Baltimore County and a copy filed with the Department.
 - h. If the Accessory Apartment is no longer occupied by any person named in the Use Permit or if the Property is sold, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for use permit as applicable under the regulations.
 - i. The Declarant shall renew the use permit with the department every two years by filing a renewal on a form approved by PM, to be dated from the month of the original approval, and shall list the name of any person occupying the Accessory Apartment.

Owner:

Dane & Jo Lewis

500 Durango Road
Catonsville, MD 21228



KGRW & Associates LLC

development services - planning - architecture - project management

3306 Greenway Drive Ellicott City, MD 21042 / 410.207.4381

kevin.glover@kg-rw.com

www.kg-rw.com

Addition & Alterations:

Lewis Residence

500 Durango Road
Catonsville, MD 21228

No.	Date	Description
1	02/01/12	ACCESSORY APARTMENT USE

1st Floor Plan

Drawn By:
TD
Checked:
RW
Date:
02/01/12
Scale:

A-1

2 of 2

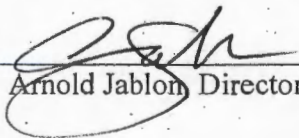
EXHIBIT B



The Declaration of Understanding for the Accessory Apartment at:

Address of property

is approved: _____


Arnold Jablon, Director-PAI

4/8/12
Date



KEVIN KAMENETZ
County Executive

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

February 27, 2012

Robert Weaver
3306 Greenway Drive
Ellicott City, MD 21042

Re: Declaration of Understanding
500 Durango Road
1st Election District

Dear Mr. Weaver:

A review of the proposed Declaration of Understanding for an accessory (in-law) apartment has resulted in the following recommended changes.

The Declaration needs to resemble more closely the elements of the sample provided in the checklist. Section B, from your copy, places too much emphasis on material delineated in the Baltimore County Zoning Regulations and not enough on matters important to this department. Portions of Section C have been scattered or relegated to subsections under B in your version. Much of the substance from page two of our sample is absent in your model. What little of the items that are addressed are needlessly dispersed in the earlier section. Meanwhile there is no acknowledgement to the required termination of the apartment.

Please re-submit your Declaration with more attention to the wording used in our sample. A clearer and unambiguous arrangement must be demonstrated before this office can approve the use permit.

Sincerely,

A handwritten signature in black ink, appearing to read "R. David Duvall". The signature is fluid and cursive, with the first name "R." and last name "Duvall" clearly visible.

R. David Duvall
Planner II
Zoning Review

RDD/jaf

DECLARATION OF UNDERSTANDING
FOR AN ACCESSORY (IN-LAW) APARTMENT USE PERMIT

This Declaration of Understanding (hereinafter referred to as "Declaration" is made on this 1 day of FEBRUARY, by and between Dane Lewis and Jo Lewis (hereinafter referred to as the "Declarants") and the Department of Permits, Approvals, and Inspections of Baltimore County (hereinafter referred to as "PAI").

Conditions of Agreement/Declaration of Understanding

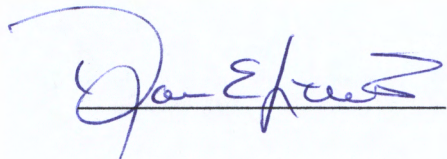
- A. The Declarants, who are also the owners of this property, have filed an application for a use permit to: add an addition to the left (south) side of the existing house for an accessory (in-law) apartment, with separate bathing and cooking facilities. The apartment will include renovation of the existing attached garage and an adjacent attached addition. The structure will be continuous/attached with the main house structure. The property is located at 500 Durango Road, Catonsville, MD 21228, and is more particularly described by attached Exhibits A (Description of Property) and B (plans showing proposed addition of accessory apartment). The property is zoned as DR-5.5, which is the particular zone in which the property is located.
- B. In compliance with the regulations of Bill No. 49-11 regarding the provision of an Accessory Apartment:
 - a. The Occupants of the Accessory Apartment shall be of immediate family relationship to the Owners, namely the parents of Dane Lewis (Owner, Declarant), whose names are Edward Lewis and Nancy Lewis.
 - b. The Accessory Apartment shall be provided without compensation.
 - c. The Accessory Apartment shall comply with all laws, regulations, and codes affecting residential occupancy.
 - d. The Size of the Accessory Apartment shall be approximately 800 square feet, which is less than 1/3 of the total square footage of approximately 3,790 square feet; the Accessory Apartment is also less than 2,000 square feet in total size, as required.
 - e. Any and all improvements to be dedicated as an accessory apartment shall be used solely as a single family residence.
 - f. The Accessory Apartment shall not have separate utility meters, such as gas and electric service.
 - g. This Declaration of Understanding and Property Description, including any conditions, restrictions, or regulations imposed by the PAI Department or the Office of Administrative Hearings, shall be recorded in the Land Records of Baltimore County and a copy filed with the Department.
 - h. If the Accessory Apartment is no longer occupied by any person named in the Use Permit or if the Property is sold, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for use permit as applicable under the regulations.

- i. The Declarant shall renew the use permit with the department every two years by filing a renewal on a form approved by PAI, to be dated from the month of the original approval, and shall list the name of any person occupying the Accessory Apartment.
- j. The Covenants, conditions, and restrictions stated shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the property.
- k. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

Now then, the Declarants and PAI agree to such conditions as stated above as required by Bill No. 49-11.

In Witness Whereof, the parties hereto have duly executed this Declaration under seal on the date first above written.

Witness:


DANE E LEWIS

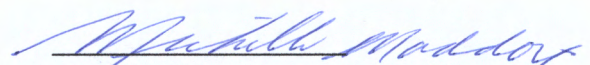

Jo M. Lewis

Notary Witness:

I hereby certify that on this Feb 1 day of 2012, before the Subscriber, a Notary Public of State of Maryland, personally appeared DANE E LEWIS & JO MAY LEWIS. The Declarants herein, who are also the Owners of this Property, know to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

In Witness Whereof, have hereunto set my hand and Notarial Seal.

My Commission Expires:


Notary Public





KEVIN KAMENETZ
County Executive

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

April 3, 2012

Dane E. Lewis
Jo M. Lewis
500 Durango Road
Catonsville, Maryland 21228

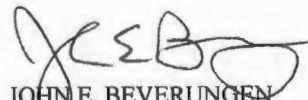
Re: Petition for Administrative Variance
Case No. 2012-0185-A
Property: 500 Durango Road

Dear Mr. and Mrs. Lewis:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

Janice Buerger, 434 Chalfonte Drive, Catonsville, MD 21228

4/18/12
to WCR
follow up to
sentin app'd dec
to petitions for
filing -
make sure
require writ
of mandamus -
by cover letter
to petitions,
state we need
such writ w/in
60 days of the
letter on the
use permit
will be
cancelled.
8

Owner:

Dane & Jo Lewis

500 Durango Road
Catonsville, MD 21228



KGRW & Associates LLC

development services, planning, architecture, project management

3306 Gossamer Drive Ellicott City, MD 21041 / 410.267.4361

kevin.glorer@kgrw.com

www.kgrw.com

Addition & Alterations:
Lewis Residence
500 Durango Road
Catonsville, MD 21228

1 02/01/12 Accessory Apartment Use

No. Date Description

Plat Plan

Drawn By:

TD

Checked:

RW

Date:

02/01/12

Scale:

1" = 40'-0"

S-1

1 of 2

HEARING PLAN FOR: ADMINISTRATIVE VARIANCE

ELECTION DISTRICT: 1

COUNCILMANIC DISTRICT: 1

HISTORIC: NO

IN CBCA: NO

IN FLOOD PLAIN: NO

ZONING: DR 5.5 / VESTED R6

UTILITIES: WATER: PUBLIC

SEWER: PUBLIC

PRIOR HEARING: NO

ZONING VIOLATION CITATIONS: NO

LOT AREA: 10988 SQ. FT.

OWNER: DANE & JO LEWIS

LOT #: 8

P. T. BK/FOLIO #: 0026/003

DEED REFERENCE #: 17270/00564

PDM#: 010096

TAX ACCOUNT#: 0119001390

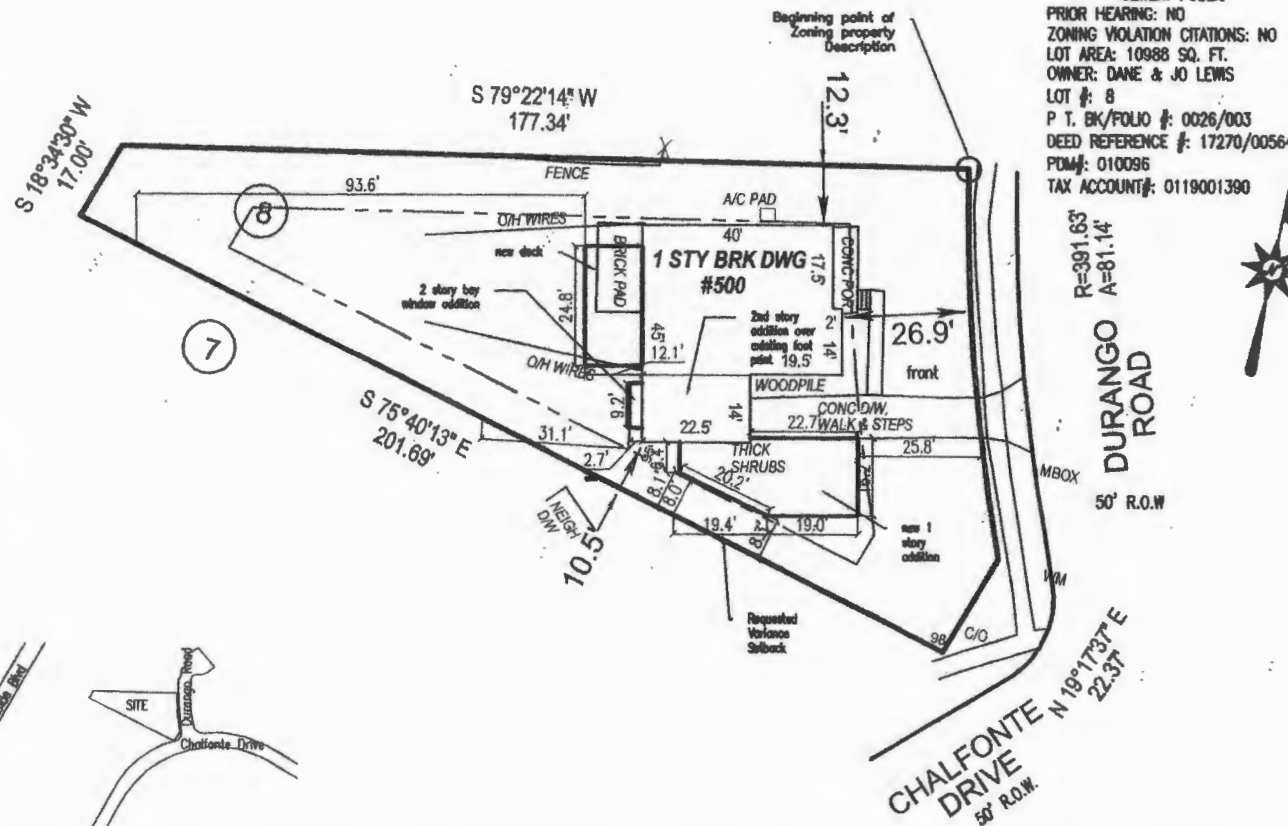


EXHIBIT B

Dane & Jo Lewis

www.kg-rw.com

500 Durango Road
Catonsville, MD 21228

1 of 2

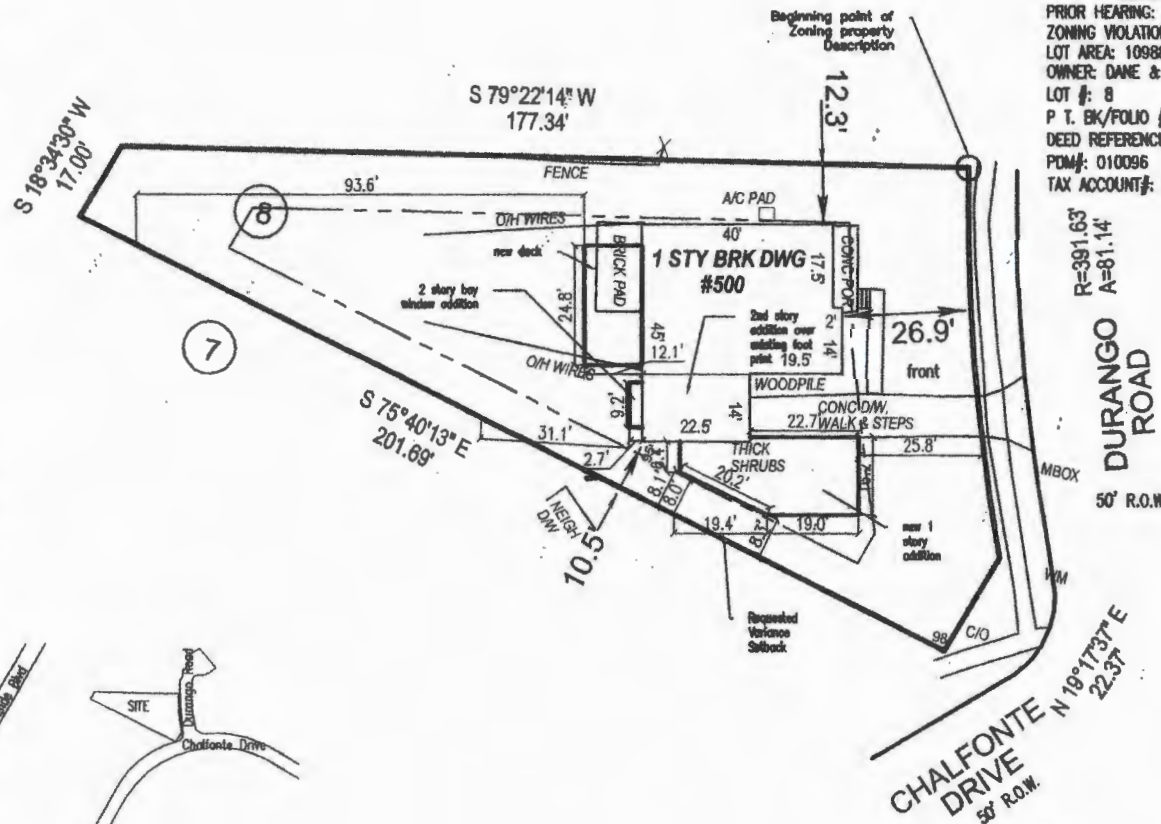


EXHIBIT B

Owner:

Dane & Jo Lewis

500 Durango Road
Catonsville, MD 21228



KGRW & Associates LLC

development services, planning, architecture, project management

3306 Gammon Drive Ellicott City, MD 21042 / 410.507.4361

kevin.glover@kgrw.com

www.kgrw.com

Addition & Alterations: **Lewis Residence** **500 Durango Road** **Catonsville, MD 21228**

1 02/01/12 Accessory Apartment Use

No. Date Description

Plat Plan

Drawn By:

TD

Checked:

RW

Date:

02/01/12

Scale:

1" = 40'-0"

S-1

1 of 2

HEARING PLAN FOR: ADMINISTRATIVE VARIANCE

ELECTION DISTRICT: 1

COUNCILMANIC DISTRICT: 1

HISTORIC: NO

IN CBCA: NO

IN FLOOD PLAIN: NO

ZONING: DR 5.5 / **VESTED R6**

UTILITIES: WATER: PUBLIC

SEWER: PUBLIC

PRIOR HEARING: NO

ZONING VIOLATION CITATIONS: NO

LOT AREA: 10988 SQ. FT.

OWNER: DANE & JO LEWIS

LOT #: 8

P. T. BK/FOLIO #: 0026/003

DEED REFERENCE #: 17270/00564

PDM#: 010096

TAX ACCOUNT#: 0119001390

R=391.63'
A=81.14'
DURANGO ROAD
50' R.O.W.

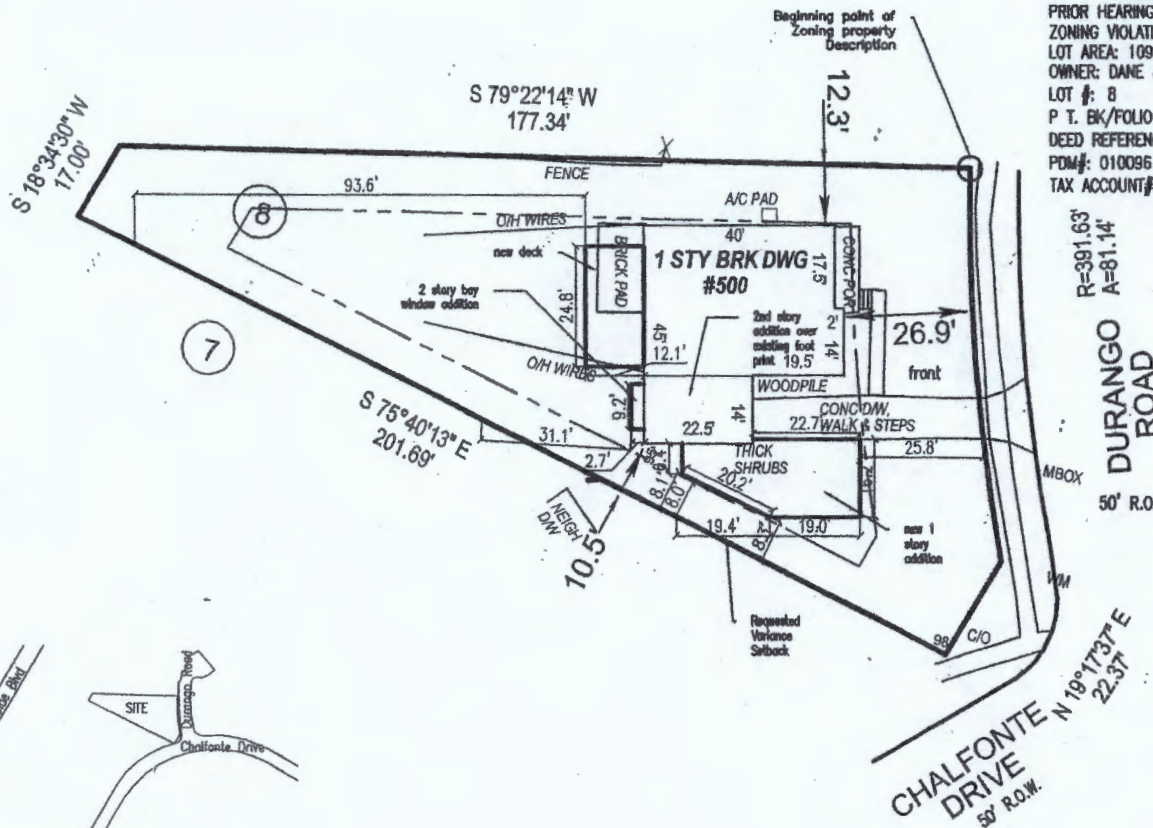
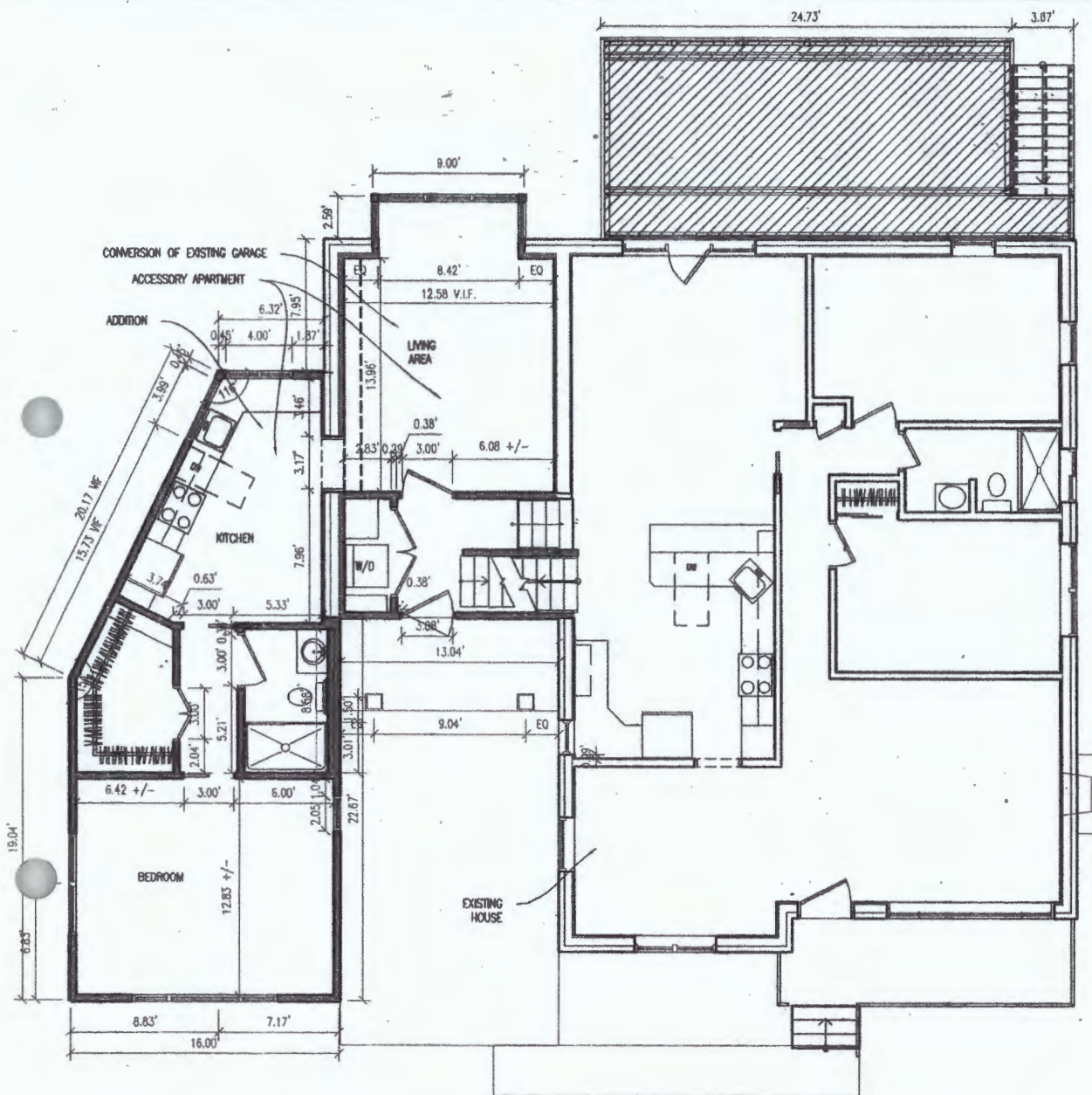


EXHIBIT B

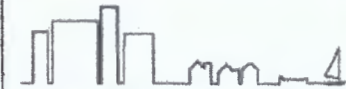


ACCESSORY APARTMENT IN AN EXISTING SINGLE FAMILY DETACHED DWELLING

1. CONSTRUCTION & USE TO COMPLY WITH ALL REGULATIONS & DEFINITIONS OF ZONING REGULATIONS (SECTION 101 & 400.4)
 - a. The Occupants of the Accessory Apartment shall be of immediate family relationship to the Owners, namely the parents of Dane Lewis (Owner, Declarant), whose names are Edward Lewis and Nancy Lewis. The main house is occupied by Dane and Jo Lewis and their son Dan Lewis.
 - b. The Accessory Apartment shall be provided without compensation.
 - c. The Accessory Apartment shall comply with all laws, regulations, and codes affecting residential occupancy.
 - d. The Size of the Accessory Apartment shall be approximately 800 square feet, which is less than 1/3 of the total square footage of approximately 3,790 square feet; the Accessory Apartment is also less than 2,000 square feet in total size, as required.
 - e. Any and all improvements to be dedicated as an accessory apartment shall be used solely as a single family residence.
 - f. The Accessory Apartment shall not have separate utility meters, such as gas and electric service.
 - g. This Declaration of Understanding and Property Description, including any conditions, restrictions, or regulations imposed by the PM Department or the Office of Administrative Hearings, shall be recorded in the Land Records of Baltimore County and a copy filed with the Department.
 - h. If the Accessory Apartment is no longer occupied by any person named in the Use Permit or if the Property is sold, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for use permit as applicable under the regulations.
 - i. The Declarant shall renew the use permit with the department every two years by filing a renewal on a form approved by PM, to be dated from the month of the original approval, and shall list the name of any person occupying the Accessory Apartment.

Owner:
Dane & Jo Lewis

500 Durango Road
Catonsville, MD 21228



KGRW & Associates LLC

development services - planning, architecture, project management

3306 Gossamer Drive Ellicott City, MD 21042 / 410.297.4381

kevin.glover@kgrw.com

www.kgrw.com

Addition & Alterations:
Lewis Residence
500 Durango Road
Catonsville, MD 21228

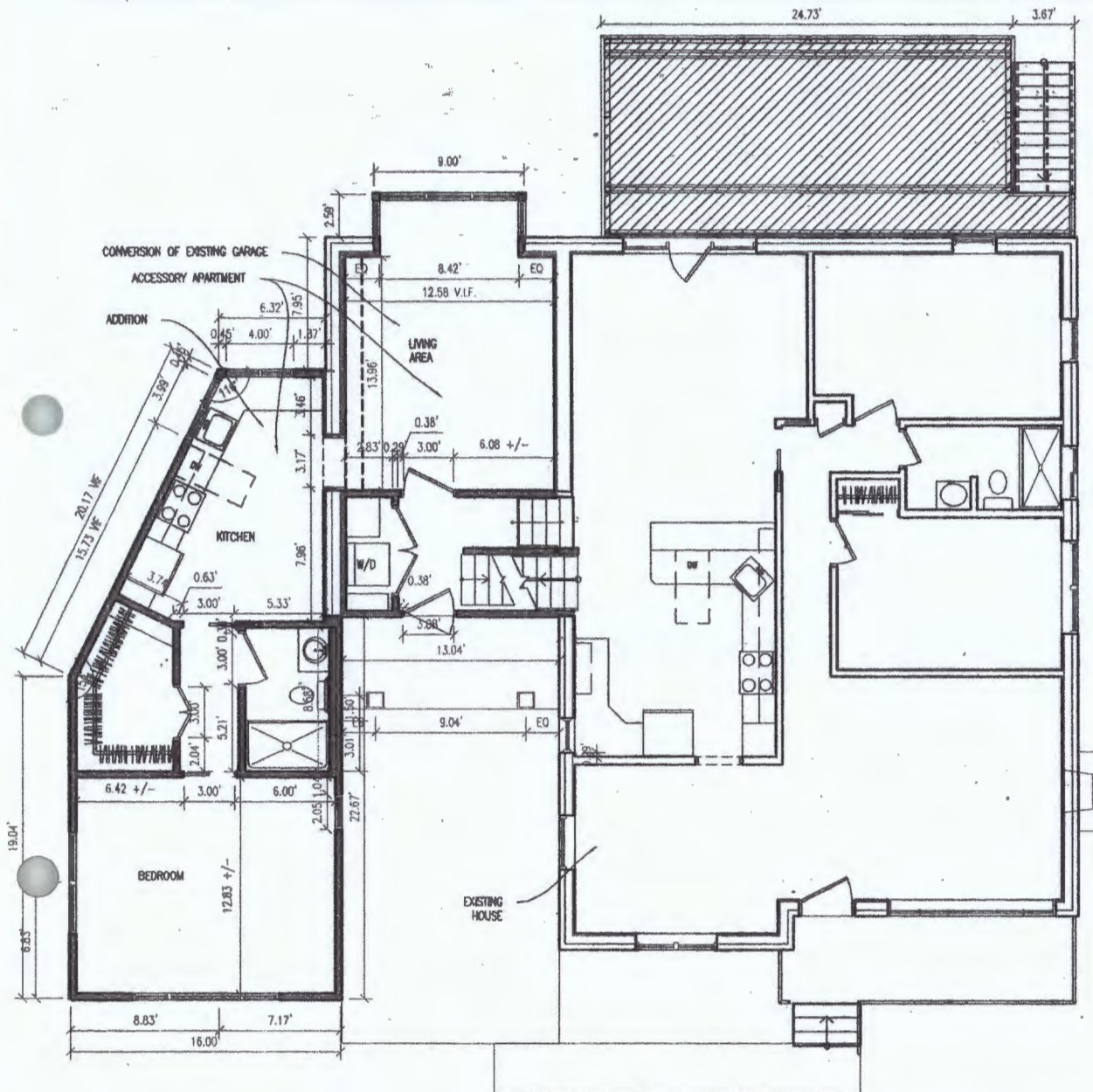
1	02/01/12	ACCESSORY APARTMENT USE
No.	Date	Description

1st Floor Plan

Drawn By:	TD	A-1
Checked:	RW	
Date:	02/01/12	
Scale:	1" = 10'-0"	

2 of 2

EXHIBIT B



EXISTING CONSTRUCTION
 1ST FLOOR: 1,800 SF
 LOWER LEVEL: 1,280 SF
 TOTAL: 2,880 SF

NEW CONSTRUCTION
 1ST FLOOR (ACCESSORY APARTMENT USE):
 2ND FLOOR (MAIN HOUSE USE):
 LOWER LEVEL:
 TOTAL

CONVERSION OF EXISTING CONSTRUCTION TO ACCESSORY APARTMENT USE
 1ST FLOOR: 300 SF
 TOTAL: 910 SF

TOTAL ACCESSORY APARTMENT: 900 SF
 TOTAL EXISTING AND NEW CONSTRUCTION: 3,780 SF
 % OF ACCESSORY APARTMENT TO TOTAL NEW & EXISTING CONSTRUCTION: 21%

ACCESSORY APARTMENT IN AN EXISTING SINGLE FAMILY DETACHED DWELLING

1. CONSTRUCTION & USE TO COMPLY WITH ALL REGULATIONS & DEFINITIONS OF ZONING REGULATIONS (SECTION 101 & 400.6)
 - a. The Occupants of the Accessory Apartment shall be of immediate family relationship to the Owners, namely the parents of Dane Lewis (Owner, Declarant), whose names are Edward Lewis and Nancy Lewis. The main house is occupied by Dane and Jo Lewis and their son Dan Lewis.
 - b. The Accessory Apartment shall be provided without compensation.
 - c. The Accessory Apartment shall comply with all laws, regulations, and codes affecting residential occupancy.
 - d. The Size of the Accessory Apartment shall be approximately 800 square feet, which is less than 1/3 of the total square footage of approximately 3,780 square feet; the Accessory Apartment is also less than 2,000 square feet in total size, as required.
 - e. Any and all improvements to be dedicated as an accessory apartment shall be used solely as a single family residence.
 - f. The Accessory Apartment shall not have separate utility meters, such as gas and electric service.
 - g. This Declaration of Understanding and Property Description, including any conditions, restrictions, or regulations imposed by the PAW Department or the Office of Administrative Hearings, shall be recorded in the Land Records of Baltimore County and a copy filed with the Department.
 - h. If the Accessory Apartment is no longer occupied by any person named in the Use Permit or if the Property is sold, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for use permit as applicable under the regulations.
 - i. The Declarant shall renew the use permit with the department every two years by filing a renewal on a form approved by PAW, to be dated from the month of the original approval, and shall list the name of any person occupying the Accessory Apartment.

Owner:

Dane & Jo Lewis

500 Durango Road
 Catonsville, MD 21228



KGRW & Associates LLC

development services • planning • architecture • project management

3304 Greenway Drive Ellicott City, MD 21042 / 410.207.4383

kevin.glover@kg-rw.com

www.kg-rw.com

Addition & Alterations:
Lewis Residence
500 Durango Road
Catonsville, MD 21228

1	02/01/12 ACCESSORY APARTMENT USE	
No.	Date	Description

1st Floor Plan

Drawn By:
 TD

Checked:
 RW

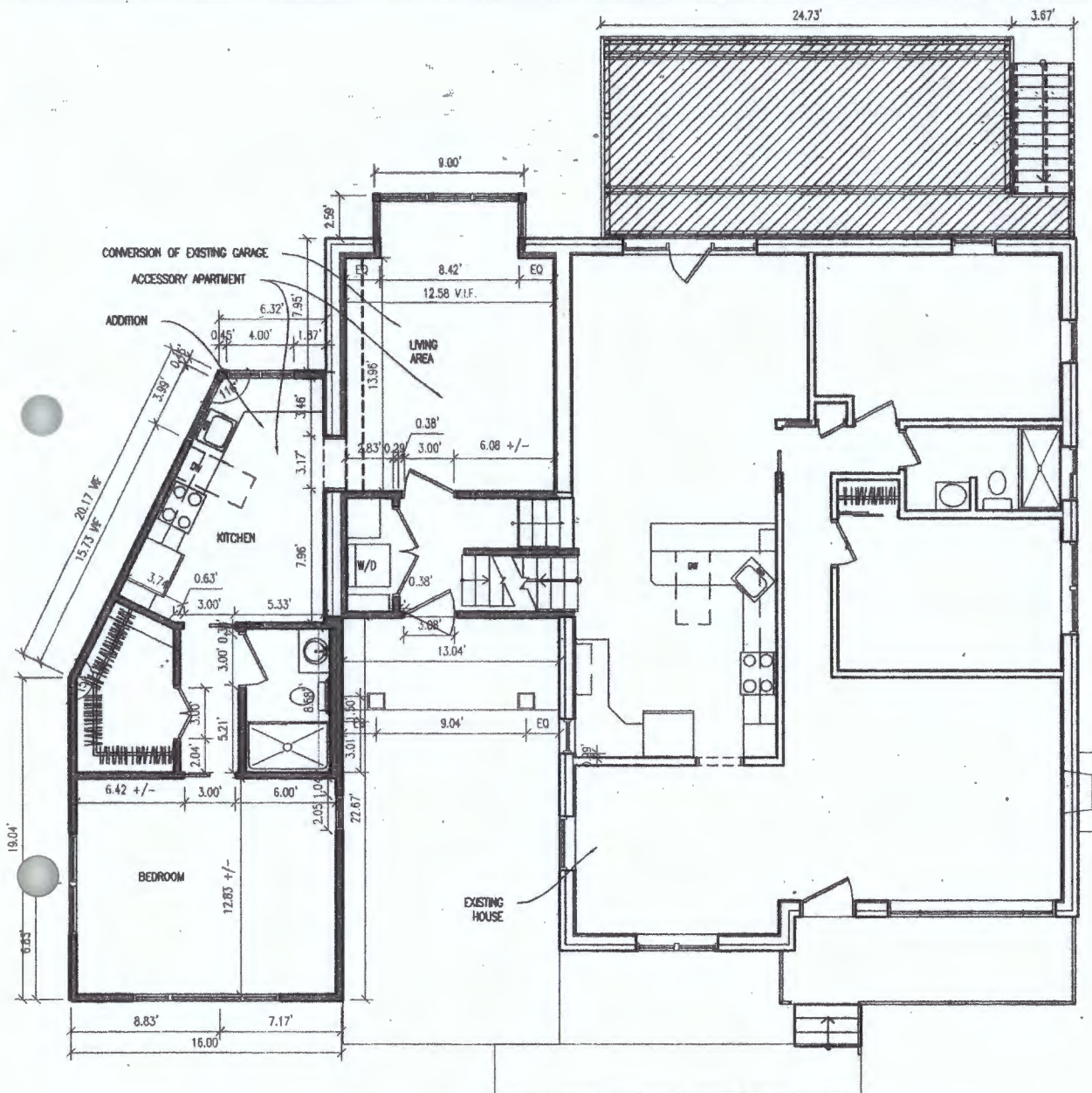
Date:
 02/01/12

Scale:
 1" = 16'-0"

A-1

2 of 2

EXHIBIT B



ACCESSORY APARTMENT IN AN EXISTING SINGLE FAMILY DETACHED DWELLING

1. CONSTRUCTION & USE TO COMPLY WITH ALL REGULATIONS & DEFINITIONS OF ZONING REGULATIONS (SECTION 101 & 400.4)
 - a. The Occupants of the Accessory Apartment shall be of immediate family relationship to the Owners, namely the parents of Dane Lewis (Owner, Declarant), whose names are Edward Lewis and Nancy Lewis. The main house is occupied by Dane and Jo Lewis and their son Dan Lewis.
 - b. The Accessory Apartment shall be provided without compensation.
 - c. The Accessory Apartment shall comply with all laws, regulations, and codes affecting residential occupancy.
 - d. The Size of the Accessory Apartment shall be approximately 800 square feet, which is less than 1/3 of the total square footage of approximately 3,790 square feet; the Accessory Apartment is also less than 2,000 square feet in total size, as required.
 - e. Any and all improvements to be dedicated as an accessory apartment shall be used solely as a single family residence.
 - f. The Accessory Apartment shall not have separate utility meters, such as gas and electric service.
 - g. This Declaration of Understanding and Property Description, including any conditions, restrictions, or regulations imposed by the PM Department or the Office of Administrative Hearings, shall be recorded in the Land Records of Baltimore County and a copy filed with the Department.
 - h. If the Accessory Apartment is no longer occupied by any person named in the Use Permit or if the Property is sold, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for use permit as applicable under the regulations.
 - i. The Declarant shall renew the use permit with the department every two years by filing a renewal on a form approved by PM, to be dated from the month of the original approval, and shall list the name of any person occupying the Accessory Apartment.

Owner:
Dane & Jo Lewis

**500 Durango Road
Catonsville, MD 21228**



KGRW & Associates LLC

development services • planning • architecture • project management

3306 Gwynn Drive Ellicott City, MD 21042 / 410.267.4381

kevin.glover@kg-rw.com

www.kg-rw.com

**Addition & Alterations:
Lewis Residence
500 Durango Road
Catonsville, MD 21228**

EXISTING CONSTRUCTION
1ST FLOOR: 1,800 SF
LOWER LEVEL: 1,280 SF
TOTAL: 2,880 SF

NEW CONSTRUCTION
1ST FLOOR (ACCESSORY APARTMENT USE): 500 SF
2ND FLOOR (MAIN HOUSE USE): 410 SF
LOWER LEVEL: 0 SF
TOTAL: 910 SF

CONVERSION OF EXISTING CONSTRUCTION TO ACCESSORY APARTMENT USE
1ST FLOOR: 300 SF

TOTAL ACCESSORY APARTMENT: 800 SF
TOTAL EXISTING AND NEW CONSTRUCTION: 3,790 SF
% OF ACCESSORY APARTMENT TO TOTAL NEW & EXISTING CONSTRUCTION: 21%

EXHIBIT B

1	02/01/12	ACCESSORY APARTMENT USE
No.	Date	Description

1st Floor Plan

Drawn By: TD	A-1 2 of 2
Checked: RW	
Date: 02/01/12	
Scale: 1" = 10'-0"	

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>2-21</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>3-5</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2-22</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>3-13-12</u>	
SIGN POSTING	Date: <u>3-12-12</u>	by <u>Shelick (AV)</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: ① Formal Demand rec'd by Janice Buerger
② See photos

Debra Wiley - Newspaper Advertisements

From: Debra Wiley
To: Fisher, June
Date: 3/23/2012 10:03 AM
Subject: Newspaper Advertisements
CC: Lewis, Kristen

Hi June,

Can you look for two missing newspaper advertisements, which are both scheduled for **Wednesday, March 28th**, for the following cases:

10 AM - 2012-0185-A

11 AM - 2012-0171-A

Thanks in advance.

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

**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: # 2012-0185-A
500 Durango Road
W/s Durango Road, 115 feet
north of centerline of
Chalfonte Drive
1st Election District
1st Councilmanic District
Legal Owner(s): Dane & Jo
Lewis

Variance: to permit a proposed addition (in-law apartment) of less than one third of overall floor area and less than 2000 square feet or have a rear yard setback of 19.4 feet in lieu of the required 30 feet.

Hearing: Wednesday,
March 28, 2012 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/3/649 Mar. 13 299194

CERTIFICATE OF PUBLICATION

3/15/, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 3/13/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

2012-0185-A

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 01 Account Number - 0119001390

Owner Information

Owner Name: LEWIS DANE E
LEWIS JO M
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 500 DURANGO RD
BALTIMORE MD 21228-4023
Deed Reference: 1) /17270/ 00564
2)

Location & Structure Information

Premises Address
500 DURANGO RD
0-0000

Legal Description
500 DURANGO RD
ROCKWELL

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0100	0004	0608		0000	2	B	8	1	1	0026/ 0003

Town NONE

Special Tax Areas

Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1961	1,268 SF	11,340 SF	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	152,830	140,800		
Improvements:	238,860	187,900		
Total:	391,690	328,700	328,700	328,700
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
HARMAN TIMOTHY S	12/23/2002	\$229,000
Type: ARMS LENGTH IMPROVED	Deed1: /17270/ 00564	Deed2:
Seller: SANSONE DOROTHY W	Date: 04/06/1999	Price: \$134,900
Type: ARMS LENGTH IMPROVED	Deed1: /13650/ 00664	Deed2:
Seller: SANSONE DOROTHY W	Date: 10/16/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12442/ 00025	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:

3/28 10am

AV
3/5/12

formal
demand
filed per
Krusten
3/6/12

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



M. Stahl; Managing Administrative Law Judge
Administrative Hearings

Department of Environmental Protection and Sustainability
Development Coordination

DATE: March 5, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0185-A
Address 500 Durando Road
(Lewis Property)

Zoning Advisory Committee Meeting of February 20, 2012.

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

Reviewer: J. Russo; Environmental Impact Review

RECEIVED

MAR 05 2012

OFFICE OF ADMINISTRATIVE HEARINGS



Photo 1 Front of Existing House and Neighboring Properties

500 Durango Road, Catonsville, MD 21228 Administrative Variance

Item #0185



Photo 2 Front of House (addition would be to left of garage/driveway)



Photo 3 Left side of House where addition would be

500 Durango Road, Catonsville, MD 21228 Administrative Variance

Item #0185



Photo 4 Rear of House (addition would be to right but further back (ie,towards front of house))



Photo 5 Existing House to Left from Rear; neighboring property to right

500 Durango Road, Catonsville, MD 21228 Administrative Variance

Item #0185



Photo 1 Front of Existing House and Neighboring Properties

500 Durango Road, Catonsville, MD 21228 Administrative Variance
Item #0185



Photo 2 Front of House (addition would be to left of garage/driveway)



Photo 3 Left side of House where addition would be

500 Durango Road, Catonsville, MD 21228 Administrative Variance

Item #0185



Photo 4 Rear of House (addition would be to right but further back
(ie,towards front of house))



Photo 5 Existing House to Left from Rear; neighboring property to right

500 Durango Road, Catonsville, MD 21228 Administrative Variance

Item #0185



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2012-0185A

Address: 434 CHALFONTE DRIVE ^{500 Durango Rd}
CATUNSVILLE, MD. 21228

Petitioner(s): JANICE BUEBER ^{Dane + Jo Lewis}

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We JANICE BUEBER
Name - Type or Print

(☒) Legal Owner OR () Resident of
434 CHALFONTE DRIVE
Address

CATUNSVILLE, MD 21228
City State Zip Code

410-744-3742
Telephone Number

which is located approximately _____ feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.

**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.**

Janice M. Bueber 3-5, 2012
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

Demand For Hearing to be held 3/28/12

04 March 2012

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



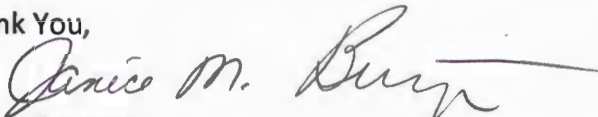
Reference: Case No. 2012-0185A

Dear Sir/Madam,

I sent you a letter, dated 25 February 2012, regarding concerns that I have in relation to a zoning variance requested by my neighbor residing at 500 Durango Road, Catonsville, Maryland 21227.

Since I am not sure if the department interpreted my first letter as a request for hearing, this letter formally requests a public hearing concerning the proposed variance.

Thank You,


Janice Buerger
434 Chalfonte Drive
Catonsville, Maryland 21228

Home: 410-744-3742

25 February, 2012

Departments of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Sir/Madam,

I am writing in response to a zoning variance request made by Dane and Jo Lewis living at 500 Durango Road, Catonsville, Maryland 21228 (case no. 2012-0185A).

On 04 February 2012, I was informed of home additions my next door neighbor would like to do. The requested variance was mentioned by Mr. Dane Lewis; however, he could not describe specifically how it would impact my property. Being side-by-side neighbors, I am the only home owner directly affected by this variance and have concerns. Mr. Lewis and I spoke about this and he advised me that he would talk to his architect and would get back with me. He never did.

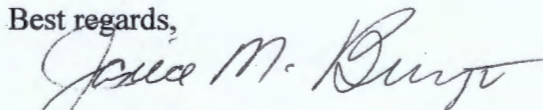
My concerns for the variance are as follows:

- (1) My neighbors garage is already very close to my property line at its corner. Therefore, there should be no set-back allowed as it would otherwise depreciate my property value. Adding a 2nd story addition on top of their existing garage only adds to this concern.
- (2) How is the future use of my property impacted if the variance is approved? I wanted to add a Car Port in the past but the County denied it as I was required to be a certain distance away from my neighbor's garage. Once my neighbor puts up their additions, I believe adding a garage or garage port would be more difficult to get approval for.

I am grateful if you can consider my views above and help me come to some sort of appropriate resolution that all of us can be satisfied with.

Thank you very much for your attention.

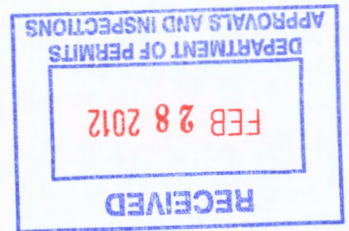
Best regards,



Janice Buerger
434 Chalfonte Drive
Catonsville, Maryland 21228
Home Phone: 410-744-3742

25 February, 2012

Departments of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204



Dear Sir/Madam,

I am writing in response to a zoning variance request made by Dane and Jo Lewis living at 500 Durango Road, Catonsville, Maryland 21228 (case no. 2012-0185A).

On 04 February 2012, I was informed of home additions my next door neighbor would like to do. The requested variance was mentioned by Mr. Dane Lewis; however, he could not describe specifically how it would impact my property. Being side-by-side neighbors, I am the only home owner directly affected by this variance and have concerns. Mr. Lewis and I spoke about this and he advised me that he would talk to his architect and would get back with me. He never did.

My concerns for the variance are as follows:

- (1) My neighbors garage is already very close to my property line at its corner. Therefore, there should be no set-back allowed as it would otherwise depreciate my property value. Adding a 2nd story addition on top of their existing garage only adds to this concern.
- (2) How is the future use of my property impacted if the variance is approved? I wanted to add a Car Port in the past but the County denied it as I was required to be a certain distance away from my neighbor's garage. Once my neighbor puts up their additions, I believe adding a garage or garage port would be more difficult to get approval for.

I am grateful if you can consider my views above and help me come to some sort of appropriate resolution that all of us can be satisfied with.

Thank you very much for your attention.

Best regards,

Janice Buerger
434 Chalfonte Drive
Catonsville, Maryland 21228
Home Phone: 410-744-3742

David Duvall - RE: new wording

From: "Robert Weaver" <robert.weaver@kg-rw.com>
To: "David Duvall" <rduvall@baltimorecountymd.gov>
Date: 02/15/12 10:26 AM
Subject: RE: new wording

Hi David,

Received the email with the extra wording to make sure all our bases are covered. I could be misunderstanding the regulation, but to be honest, I'm not sure why all the in-law suite language is even needed when the admin variance is really only for the setback relief (the in-law suite when attached to a single family dwelling is a use permit which I don't think requires notification/hearing per se, unless we're supposed to post notification for use permits as well?). Anyways, I'll forward this to the sign contractor. Thanks for your help throughout the process!

Rob

Robert Weaver AIA LEED AP
KGRW & Associates LLC
3306 Greenway Drive
Ellicott City MD 21042

Phone: (410) 207-1086
Email: robert.weaver@kg-rw.com
Web: www.kg-rw.com

From: David Duvall [mailto:rduvall@baltimorecountymd.gov]
Sent: Wednesday, February 15, 2012 10:08 AM
To: robert.weaver@kg-rw.com
Subject: new wording

Mr Weaver:

The wording on the sign should read as follows --

Administrative Variance -- to permit a proposed addition (in-law apartment) of less than one third of overall floor area and less than 2000 square feet to have a rear yard setback of 19.4 feet in lieu of the required 30

Sorry for the inconvenience.



KEVIN KAMENETZ
County Executive

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

March 21, 2012

Dane & Jo Lewis
500 Durango Road
Catonsville, MD 21228

RE: Case Number: 2012-0182A, Address: 500 Durango Road, 21228

Dear Mr. & Ms. Lewis:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 19, 2012. 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.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Robert Weaver, 3306 Greenway Drive, Ellicott City, MD 21042



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
March 7, 2012

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: 2012-0185-A

500 Durango Road

W/s Durango Road, 115 feet north of centerline of Chalfonte Drive

1st Election District – 1st Councilmanic District

Legal Owners: Dane & Jo Lewis

Variance to permit a proposed addition (in-law apartment) of less than one third of overall floor area and less than 2000 square feet to have a rear yard setback of 19.4 feet in lieu of the required 30 feet.

Hearing: Wednesday, March 28, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Lewis, 500 Durango Road, Catonsville 21228
Robert Weaver, 3306 Greenway Drive, Ellicott City 21042

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 13, 2012.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 13, 2012 Issue - Jeffersonian

Please forward billing to:
Dane & Jo Lewis
500 Durango Road
Catonsville, MD 21228

410-747-0399

NOTICE OF ZONING HEARING

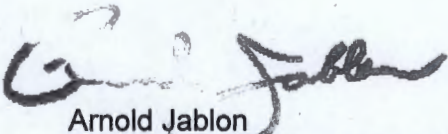
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0185-A

500 Durango Road
W/s Durango Road, 115 feet north of centerline of Chalfonte Drive
1st Election District – 1st Councilmanic District
Legal Owners: Dane & Jo Lewis

Variance to permit a proposed addition (in-law apartment) of less than one third of overall floor area and less than 2000 square feet to have a rear yard setback of 19.4 feet in lieu of the required 30 feet.

Hearing: Wednesday, March 28, 2012 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.

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 2-22-12

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

RE: Baltimore County
Item No 2012-0185-A
Variance
Done i To Lewis
500 Durando Road

Dear Ms. Lewis:

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. 2012-0185-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 21 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For February 06, 2012
Item Nos. 2012-184, 185, 186, 187, 188, 189
And 190

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-03052012-NO COMMENTS.doc

Case No.: 2012-185-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Location Plat for #434 Chaffonte Drive
No. 2	"Alternative" site plan	#9 color photos
No. 3	#3 Color Photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Photo 3A View from Rear towards Side Yard



Photo 4A Rear of Neighboring House and Back Porch



Photo 1A Neighbor's property and closeness of driveway



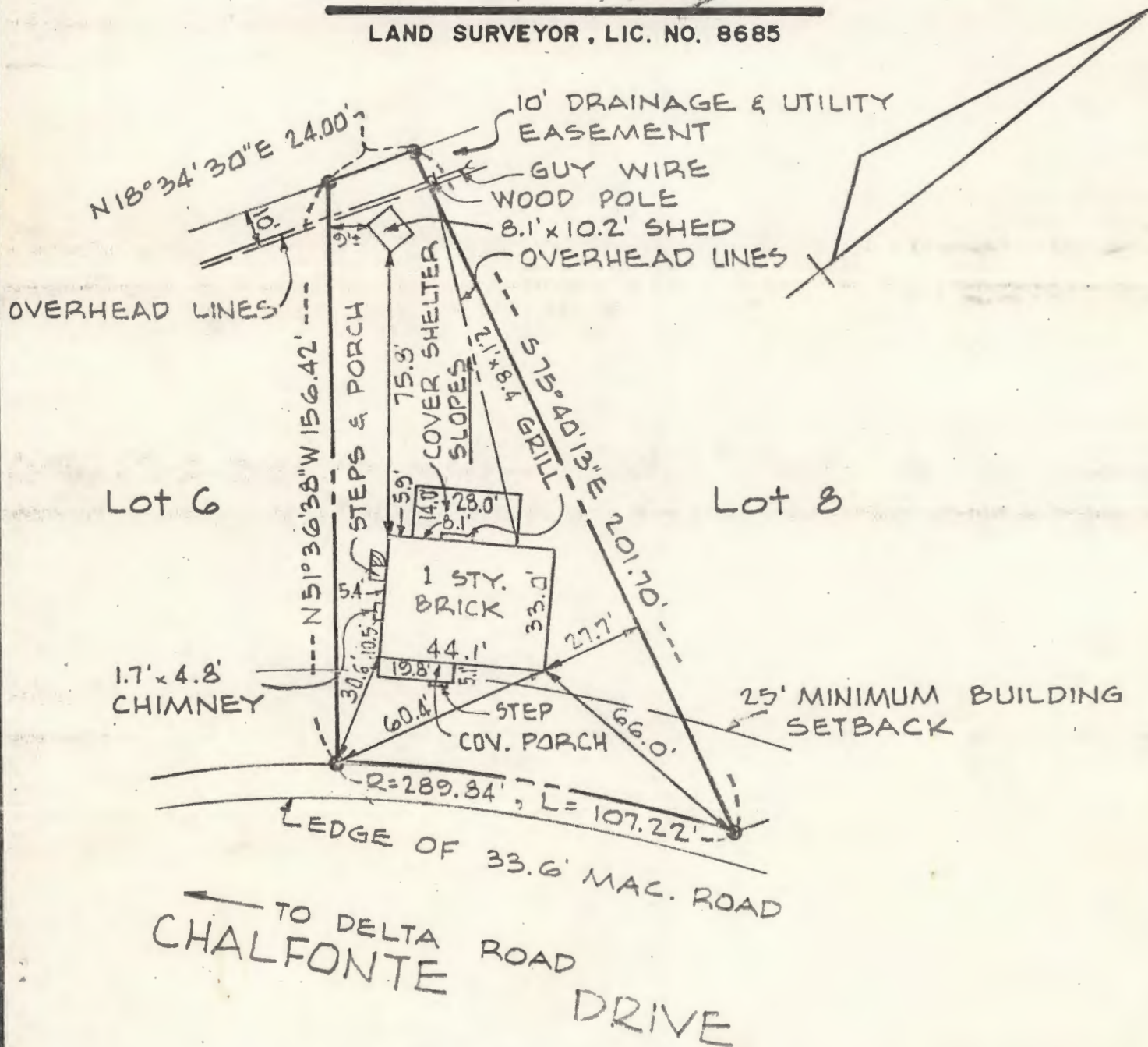
Photo ~~2A~~ ~~Neighboring property steps down to lower back porch~~

500 Durango Road, Catonsville, MD 21228 Administrative Variance

THIS IS TO CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS, ALL ELECTRIC LINES, GUY WIRES, TELEPHONE LINES, DRAINAGE DITCHES, SLOPES AND DRAINAGE SWALES AS SHOWN. THERE ARE NO SLOPES THAT SUPPORT ADJACENT GROUND.

Russell R. Klages.

LAND SURVEYOR, LIC. NO. 8685



HOUSE LOCATION PLAT FOR #434 CHALFONTE DRIVE

LOT 7 - BLOCK "B" - SECTION "2" "ROCKWELL"

1 ST. ELECTION DISTRICT

BALTIMORE COUNTY, MD.

SCALE: 1" = 40'

DATE: OCTOBER, 1976

RUSSELL R. KLAGES & ASSOC.
BALTIMORE, MD. 21229



(Plot # 2)











ZONING NOTICE
VARIANCE
CASE #

PUBLIC HEARING ?

NOTICE TO THE PUBLIC: A ZONING VARIANCE HAS BEEN GRANTED FOR THE PROPERTY DESCRIBED BELOW. THE VARIANCE IS SUBJECT TO A PUBLIC HEARING. THE PUBLIC HEARING WILL BE HELD ON THE DATE AND AT THE LOCATION SPECIFIED BELOW. THE PUBLIC IS INVITED TO ATTEND THE HEARING AND TO BE HEARD. THE HEARING WILL BE HELD AT THE CITY CLERK'S OFFICE, 100 N. 1ST ST., SUITE 100, DENVER, CO 80202. THE HEARING WILL BE HELD ON WEDNESDAY, JANUARY 12, 2011, AT 10:00 AM. THE VARIANCE IS FOR THE PURPOSE OF ALLOWING THE PROPERTY TO BE USED FOR A COMMERCIAL PURPOSE. THE VARIANCE IS SUBJECT TO THE CITY CLERK'S DISCRETION. THE CITY CLERK'S OFFICE IS THE ONLY OFFICE THAT CAN GRANT A VARIANCE. THE CITY CLERK'S OFFICE IS THE ONLY OFFICE THAT CAN DENY A VARIANCE. THE CITY CLERK'S OFFICE IS THE ONLY OFFICE THAT CAN REVOKE A VARIANCE. THE CITY CLERK'S OFFICE IS THE ONLY OFFICE THAT CAN SUSPEND A VARIANCE. THE CITY CLERK'S OFFICE IS THE ONLY OFFICE THAT CAN REScind A VARIANCE. THE CITY CLERK'S OFFICE IS THE ONLY OFFICE THAT CAN AMEND A VARIANCE. THE CITY CLERK'S OFFICE IS THE ONLY OFFICE THAT CAN REVOKE A VARIANCE. THE CITY CLERK'S OFFICE IS THE ONLY OFFICE THAT CAN SUSPEND A VARIANCE. THE CITY CLERK'S OFFICE IS THE ONLY OFFICE THAT CAN REScind A VARIANCE. THE CITY CLERK'S OFFICE IS THE ONLY OFFICE THAT CAN AMEND A VARIANCE.

ACTIVIA
1938-9040







500 Durango Road

