IN RE: PETITION FOR ADMIN. VARIANCE

SE corner of Klausmier Road and

Rosehill Court

11th Election District

5th Council District

(4017 Klausmier Road)

John P. Sheldon and John W. Sheldon *Petitioners*

BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

BALTIMORE COUNTY

* CASE NO. 2012-0302-A

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, John P. Sheldon and John W. Sheldon. The Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a street side yard setback of 20 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 10, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the

| ORDER RE | CEIVED FOR | FILING |
|----------|------------|--------|
| Date | 4-29-12 | , |
| By | m | · |

information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this ______ day of June, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a street side yard setback of 20 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 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.

AWRENCE M. STAHL

Managing Administrative Law Judge for

Baltimore County

LMS:pz

| ORDER RI | ECEIVED FOR FILING | |
|----------|--------------------|---|
| Date | 6-29-12 | 2 |
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KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 29, 2012

JOHN P. SHELDON AND JOHN W. SHELDON 4017 KLAUSMIER ROAD BALTIMORE MD 21236

RE: Petition For Administrative Variance

Case No. 2012-0302-A

Property: 4017 Klausmier Road

Dear Messrs. Sheldon:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:pz

Enclosure

ADMICSTRATIVE ZONING PETCON 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 4017 KLAUSMIER ROAD which is presently zoned DR 3.5 \$ DR 5.5 10 Digit Tax Account # 1 Deed Reference Property Owner(s) Printed Name(s) (OHN COHNW (SELECT THE HEARING(S) BY MARKING X 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 ADMINISTRATIVE VARIANCE from section(s) 1802.3.C. 1 to permit a proposed add with a street side yard set back of 20ft in heurof the required 3 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, 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: Legal Owners: Name-Type or Print Signature Mailing Address State Mailing Address Zip Code Telephone # Email Address **Email Address** Representative to be contacted: Attorney for Petitioner: ORDER RECEIVED FOR FILING Signature Mailing Address State Date. Zip Code Telephone # 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, 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

Affidavit in Support Iministrative 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: 40 | 17 KLAUS MIER Type Address of property | RD. | BALTO- | MD | 21236 |
|----------------------------------|--|------------------|--------------------|----------------------|-----------------------------|
| Print or | Type Address of property | | City | State | Zip Code |
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| (If additional | space for the petition requ | est or the | above stateme | nt is needed, label | and attach it to this Form) |
| Signature of Affiar | • | | Z | gnature of Affiant | |
| CIOHN T | D. SHELDON | | | | SHELDON |
| Name- Print or Ty | | + | N | ame- Print or Type | ONLLON |
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| John P. | sheldon a | ind | | W. Sheldor | 7 |
| the Amant(s) her | rein, personally known or | satistacto | rily identified to | me as such Affiar | nt(s) (Print name(s) here) |
| AS WITNESS m | y hand and Notaries Sea | 110 | ry Pat | Kline | φ = 10 |
| | | Notary P | Public 4-15 | 5-2013 | |

My Commission Expires

ATTACHMENT #1

to

PETITION FOR ADMINISTRATIVE VARIANCE

| Case No.: | | |
|------------------|---|--|
| Property Address | 4017 Klausmier Road Baltimore MD 21236-1420 | |

Property Owner:

John P. Sheldon & John W. Sheldon

4017 Klausmier Road

Baltimore, MD 21236-1420

Present Zoning:

DR-3.5 & DR-5.5

Requested Relief:

A Variance from BCZR § 1 B 02.3.C.1, to permit a proposed rear building Addition (in line with the existing house wall) to have a front yard setback of 20.0 feet in lieu of the required 30 feet.

Hardship or Practical Difficulty:

In proposing the rear Addition, the Owners are attempting to add value to their existing home, while providing increased usefulness, beauty and comfort for the inhabitants, and their guests. The proposed rear Addition is a modernization to a 60 year old home that has been architecturally designed to be in conformance with the existing structure, by holding the side line of the existing structure. This alignment is both architecturally significant and structurally necessary in supporting the roofline extended.

The Hardship, and Practical Difficulty is as follows:

 Unique configuration of property—the property fronts two public roadways as a corner lot, and consequently has two front setbacks. The original structure was constructed in 1952, and would be considered as an existing non-conforming use.

ZONING DESCRIPTION OF PROPERTY for 4017 KLAUSMIER ROAD, BALTIMORE, MD 21236

Beginning at a point on the south side of Klausmier Road which is a variable width R/W, at the distance of 25' east of the centerline of the nearest improved intersecting street; Rosehill Court, which is 50' wide. Thence the following courses and distances:

| S 17° 56' W | 125.00 ft.' | |
|------------------|-------------|---------------------------|
| S 11° 07' 05" W | 43.03 ft. | |
| Radius = 137.87' | 12.01 ft. | along a curve to the left |
| S 77° 08' 22" E | 67.52 ft. | |
| N 34° 47' 44" E | 62.31 ft. | |
| N 41° 30' E | 136.37 ft.' | |
| N 72° 04' W | 147.50 ft.' | to the place of beginning |

As recorded in Deed Liber 27813, Folio 220, containing 0.45 acres, more or less. Located in the 11th Election District, and 5th Councilmanic District.

| | | | D FINANC RECEIPT | | Sub Rev/ | No. Date: | 8 క | 4627 30 [18 | PATO RECEIPT BUSINESS ACTUAL TIME DR 5/31/2012 5/30/2012 09#56:30 RECEIPT N 590912 5/30/2012 OFL |
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| A. A. | | - | | | de le | Total: | | 15.00 | |
| Rec From: | | bh | 1 S | hela | lon | | | | |
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| ISTRIBL | JTION | 1 1 1 | | | | | | COUNTING | VALIDATION |

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case Number 2012- 03 02 -A Address 4017 Klausmiet Rd. |
|---|
| Contact Person: Rulaitis Planner, Please Print Your Name Phone Number: 410-887-3391 |
| Filing Date: $\frac{5/30/12}{}$ Posting Date: $\frac{6/10/12}{}$ Closing Date: $\frac{6/25/12}{}$ |
| Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number. |
| 1. 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. |
| <u>DEADLINE:</u> 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. |
| 3. 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. |
| 4. 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 2012-0302 -A Address 4017 Klausmier Rd. |
| Petitioner's Name John P. & John W. Sheldon Telephone |
| Posting Date: 6/15/12 |
| Wording for Sign: To Permit a proposes additition with a street side yard setback of |
| 20 Hi in lien of the required 30 H. |
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Revised 7/06/11

CERTIFICATE OF POSTING

| RE | : Case No 2012 - 0302-A |
|--|---|
| Pet | itioner/Developer |
| Date | e Of Hearing/Closing: 4/25/12 |
| Baltimore County Department Permits and Development County Office Building, Root 111 West Chesapeake Ave | Management m 111 |
| Attention: | |
| | |
| Ladies and Gentlemen | |
| This letter is to certify unde sign(s) required by law were | r penalties of perjury that the necessary posted conspicuously on the property 4017 KLAUSM(ER R) |
| This letter is to certify under sign(s) required by law were at | # posted conspicuously on the property # 1017 KLAUSMIER R.) |
| Ladies and Gentlemen This letter is to certify undersign(s) required by law were at This sign(s) were posted or | # posted conspicuously on the property # 17 KLAUSMIER P. |



MEMORANDUM

DATE:

August 3, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0302-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 30, 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



Exhibit Sheet

Petitioner/Developer

| No. 1 | Site plan | |
|--------|-----------|---|
| No. 2 | | |
| No. 3 | | |
| No. 4 | | |
| No. 5 | | |
| No. 6 | | |
| No. 7 | | |
| No. 8 | | 2 |
| No. 9 | | |
| No. 10 | | • |
| No. 11 | | |
| No. 12 | | |

| | SITE VICINITY MAP |
|---|--|
| ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 4017 KLAUSMIER ROAD OWNER(S) NAME(S) JOHN P. & JOHN W. SHELDON | KAUSMIED ELS X |
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| W. S. | SEWER IS: |
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| N m | PRIOR HEARING ? NO |
| GEO. & EVELYN WALTER AV | IF SO GIVE CASE NUMBER |
| 4021 KLAUS MIER RD. 41. | AND ORDER RESULT BELOW |
| 16470/82 Tex ID* 1123000526 | NA |
| # N TO* 1123000526 | |
| PLAN DRAWN BY JOHN W. SHELDON DATE 5/14/12 SCALE: 1 INCH = 30' FEET | |
| | VIOLATION CASE INFO: |
| | N/A |
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Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1A) BALTIMORE COUNTY

Go Back
View Map
New Search
GroundRent Redemption GroundRent Registration

| ccount Ide | ntifier: | | | District | - 11 Account N | umber - 1 | 123001150 | | | | | |
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CHECKLIST

| Comment Received | Department | Support/Oppose/ Conditions/ Comments/ No Comment |
|--|--|--|
| 6-14 | DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent) | NC |
| 4-10 | DEPS (if not received, date e-mail sent) | ne |
| | FIRE DEPARTMENT | |
| | PLANNING (if not received, date e-mail sent) | |
| 6-12 | STATE HIGHWAY ADMINISTRATION | . AC |
| | TRAFFIC ENGINEERING | |
| | COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS | |
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| PRIOR ZONING | (Case No. | |
| NEWSPAPER ADV | VERTISEMENT Date: | |
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| Comments, if any: _ | | |
| to the second se | | |

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

David Lykens, Department of Environmental Protection and Sustainability

(DEPS) - Development Coordination

DATE:

July 10, 2012

SUBJECT:

DEPS Comment for Zoning Item

2012-0302-A

Address

4017 Klausmier Road

(Sheldon Property)

Zoning Advisory Committee Meeting of June 4, 2012.

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

Reviewer:

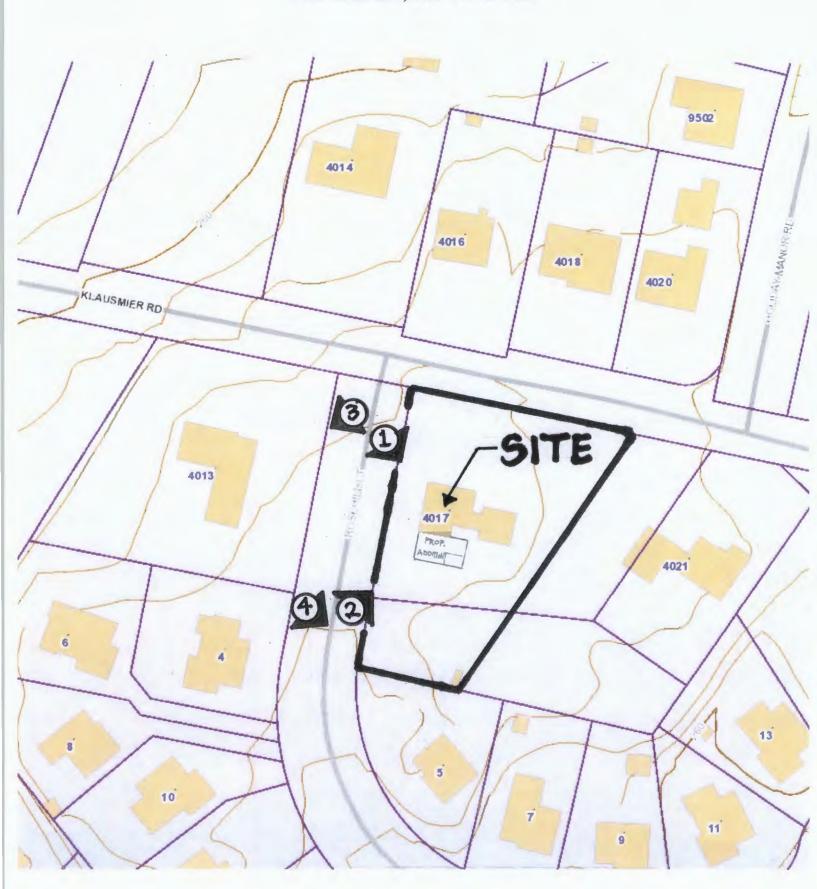
Jeff Livingston, Development Coordination

SUL 1 1 2012

OFFICE OF ADMINISTRATIVE HEARINGS



4017 KLAUSMIER ROAD BALTIMORE, MD 21236-1420



94017 KLAUSMIERRD





2

4017 KLAUSMIER RD.







4



KEVIN KAMENETZ County Executive

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

June 26, 2012

John P. & John W. Sheldon 4017 Klausmier Road Baltimore MD 21236

RE: Case Number: 2012-0302 A, Address: 4017 Klausmier Road, 21236

Dear Messrs Sheldon:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 30, 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,

U. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

State Highwa Administration State Property of Transport

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Melinda B. Peters, Administrator

Date: 6-12-12

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

RE: Baltimore County

Item No 2012-0302-A Administrative Varionce John P. & John W. Shelson

4017 Hausmier 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 -0302-4.

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 14, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 18, 2012

Item Nos. 2012-0301, 0302, 0303, 0305, 0306, 0307, 0308, and 0309

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-06182012-NO COMMENTS.doc

