

**IN RE: PETITION FOR VARIANCE**  
**(1117 Engleberth Road)**  
15<sup>th</sup> Election District  
6<sup>th</sup> Councilman District  
Debra Franklin  
Petitioner

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* **CASE NO. 2014-0192-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Debra Franklin, the legal owner of the subject property. The Petitioner is requesting variance relief from §§ 1A04.3.B.2.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed 1 story open deck addition onto the side of the existing dwelling with a side yard setback of 29 ft. in lieu of the required 37.5 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the request was Michael Franklin. The Petition was advertised and posted as required by the B.C.Z.R. There were no Protestants in attendance and the file does not contain any letters of opposition.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DRP). Neither agency objected to the relief, although the DPR noted Petitioner must comply with the County's flood protection laws.

Testimony and evidence revealed that the subject property is approximately 17,500 sq. ft. and is zoned RC-5. The waterfront property is improved with an attractive single family

**ORDER RECEIVED FOR FILING**

Date 5/16/14  
By Sen

dwelling, and is located in the Holly Neck community. Petitioner wants to construct a deck on the side of the home but needs variance relief to do so.

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

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).

Petitioner has met this test. The waterfront property has irregular dimensions and is therefore unique.

If the B.C.Z.R. were strictly interpreted, the Petitioner would indeed suffer a practical difficulty, given he would be unable to construct the 1 story open deck addition. 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 demonstrated by the lack of community and/or County agency opposition.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 16th day of May, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §1A04.3.B.2.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 1 story open deck addition onto the side of the existing dwelling with a side yard setback of 29 ft. in lieu of the required 37.5 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 5/16/14

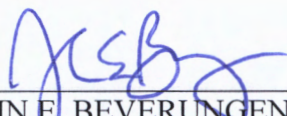
By Sen

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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.

JEB:sln

  
\_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

ORDER RECEIVED FOR FILING

Date 5/16/14  
By sln

KEVIN KAMENETZ  
County Executive



LAWRENCE M. STAHL  
Managing Administrative Law Judge  
JOHN E. BEVERUNGEN  
Administrative Law Judge

May 16, 2014

Michael and Debra Franklin  
4107 Gallatin St.  
Hyattsville, Maryland 20781

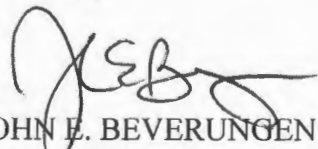
RE: Petition for Variance  
Property: 1117 Engleberth Road  
Case No.: 2014-0192-A

Dear Mr. & Mrs. Franklin:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:slh  
Enclosure

c:



**CSDA**

# PETITION FOR ZONING HEARING(S)

**FLOOD**

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 1117 Engleberth Rd. Essex MD which is presently zoned RC5  
Deed References: 32636/00434 10 Digit Tax Account # 1519070080  
Property Owner(s) Printed Name(s) Michael and Debra Franklin

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1.    a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2.    a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3.    a Variance from Section(s)

1A04.3.B.2.b and 301.1. A of B.C.Z.R. to permit a

proposed 1-story open deck addition onto the side of the existing dwelling, with a side yard setback of 29 feet in lieu of the required 37.5 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:  
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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 (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

## Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER

2014-0192-A

Filing Date

3/19/14

Do Not Schedule Dates:

Reviewer

AT

The Eagles Nest Point community is currently zoned RC5. While recently applying for a permit for a deck extension we were told the property line set backs were 40'. In this case the proposed deck will be approximately 29 feet from the side property line. The deck is to be added to the residence to allow a stair case to grade so that the second floor main living area has quick access to the ground level for emergency and casual use.

2014-0192-A

## **Zoning Property Description for 1117 Engleberth Road**

Beginning at a point on the east side of Engleberth Road, which is 20 feet wide, at the distance 1700 feet south of the center line of the nearest improved intersecting street Holly Neck Road, which is 40 feet wide.

Being Lot#35, in the subdivision of Eagles Nest Point as recorded in Baltimore County, Plat Book #8, Folio# 70, containing 17,500 SF, located in the 15<sup>th</sup> Election District and 6<sup>th</sup> Council District

**2014-0192-A**

# 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.**

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#### For Newspaper Advertising:

Item Number or Case Number: 2014 - 0192 - A  
Petitioner: DEBRA FRANKLIN  
Address or Location: 1117 ENGLEBERTH ROAD, MD 21221

#### PLEASE FORWARD ADVERTISING BILL TO:

Name: Mike Franklin  
Address: 4107 Gallatin St.  
Hyattsville, MD 20781  
Telephone Number: 301-927-6947

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

No. **109828**  
 Date: **3/19/14**

**PAID RECEIPT**

BUSINESS ACTUAL TIME DRW  
 3/20/2014 3/19/2014 (1:10:25 2  
 REC 0902 WALKIN DEVA JEE  
 RECEIPT # 873202 3/19/2014 OFLO  
 Dept 5 529 ZIMING VERIFICATION  
 NO. 109828  
 Recpt Tot \$75.00  
 \$75.00 OK \$1.00 CA  
 Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev<br>Source/<br>Obj | Sub<br>Rev/<br>Obj | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|-----------------------|--------------------|------|-----|---------|--------|
| 0001 | 806  | 0000 |          | 6150                  |                    |      |     |         | \$75-  |
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|      |      |      |          |                       |                    |      |     |         |        |

Total: **\$75-**

Rec  
From:

For:

**1117 ENGLEBERTH RD**

**2014-0192-A**

**DISTRIBUTION**

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

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN LEWIS

**DATE:** 4/22/2014

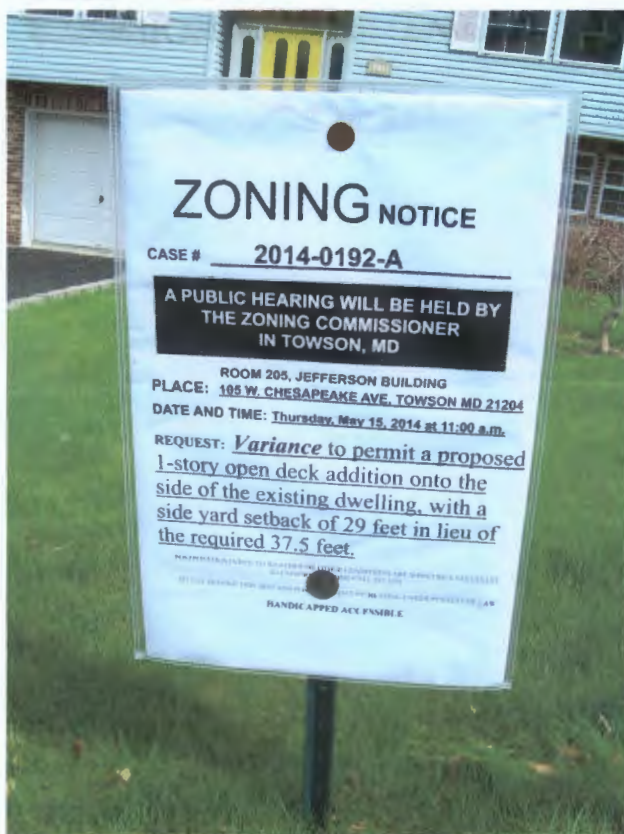
**Case Number:** 2014-0192-A

**Petitioner / Developer:** DEBRA FRANKLIN

**Date of Hearing (Closing):** MAY 15, 2014

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:  
1117 ENGLEBERTH ROAD

**The sign(s) were posted on:** APRIL 18, 2014



Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

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

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



## THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

April 24, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on April 24, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

*Susan Wilkinson*

### 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: #2014-0192-A**

1117 Engleberth Road

E/s Engleberth Road, 1700 ft. s/of centerline of Holly Neck Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Debra Franklin

**Variance** to permit a proposed 1-story open deck addition onto the side of the existing dwelling, with a side yard setback of 29 feet in lieu of the required 37.5 feet.

**Hearing: Thursday, May 15, 2014 at 11:00 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.  
4/409 April 24 976761



KEVIN KAMENETZ  
County Executive

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

April 11, 2014

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**CASE NUMBER: 2014-0192-A**

1117 Engleberth Road

E/s Engleberth Road, 1700 ft. s/of centerline of Holly Neck Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Debra Franklin

Variance to permit a proposed 1-story open deck addition onto the side of the existing dwelling, with a side yard setback of 29 feet in lieu of the required 37.5 feet.

Hearing: Friday, May 16, 2014 at 11:00 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: Debra Franklin, 4107 Gallatin Street, Hyattsville 20781  
Jason Danses, 9203 Chenoals Court, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 23, 2014.**
- (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  
Thursday, April 24, 2014 Issue - Jeffersonian

Please forward billing to:

Mike Franklin  
4107 Gallatin Street  
Hyattsville, MD 20781

301-927-6947

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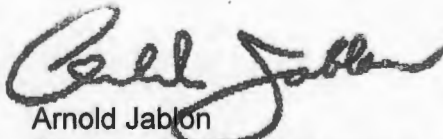
E/s Engleberth Road, 1700 ft. s/of centerline of Holly Neck Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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KEVIN KAMENETZ  
County Executive

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

April 15, 2014

## CORRECTED 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: 2014-0192-A**

1117 Engleberth Road  
E/s Engleberth Road, 1700 ft. s/of centerline of Holly Neck Road  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owners: Debra Franklin

Variance to permit a proposed 1-story open deck addition onto the side of the existing dwelling, with a side yard setback of 29 feet in lieu of the required 37.5 feet.

Hearing: Thursday, May 15, 2014 at 11:00 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: Debra Franklin, 4107 Gallatin Street, Hyattsville 20781  
Jason Danses, 9203 Chenoals Court, Baltimore 21234

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 26, 2014.
- (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  
Thursday, April 24, 2014 Issue - Jeffersonian

Please forward billing to:  
Mike Franklin  
4107 Gallatin Street  
Hyattsville, MD 20781

301-927-6947

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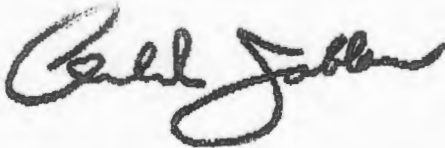
E/s Engleberth Road, 1700 ft. s/of centerline of Holly Neck Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Debra Franklin

Variance to permit a proposed 1-story open deck addition onto the side of the existing dwelling, with a side yard setback of 29 feet in lieu of the required 37.5 feet.

Hearing: Thursday, May 15, 2014 at 11:00 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.

## MEMORANDUM

DATE: June 17, 2014  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2014-0192-A – Appeal Period Expired

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The appeal period for the above-referenced case expired on June 16, 2014. 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

RE: PETITION FOR VARIANCE  
1117 Engleberth Road; E/S Engleberth,  
1700' S of c/line Holly Neck Road  
15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Debra Franklin  
Petitioner(s)

\* BEFORE THE OFFICE  
\* OF ADMINSTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* 2014-192-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

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

RECEIVED

APR 01 2014

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1st day of April, 2014, a copy of the foregoing Entry of Appearance was mailed to Jason Dausen, 9203 Chenoak Court, Parkville, MD 21234, Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

CHECKLIST

| <u>Comment Received</u>         | <u>Department</u>                                                     | <u>Support/Oppose/ Conditions/ Comments/ No Comment</u> |
|---------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------|
| <u>3/31/14</u>                  | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____) | <u>C</u>                                                |
| _____                           | DEPS<br>(if not received, date e-mail sent <u>5/8/14</u> )            | _____                                                   |
| _____                           | FIRE DEPARTMENT                                                       | _____                                                   |
| <u>4/17/14</u>                  | PLANNING<br>(if not received, date e-mail sent _____)                 | <u>N/C</u>                                              |
| <u>3/26/14</u>                  | STATE HIGHWAY ADMINISTRATION                                          | <u>No Obj</u>                                           |
| _____                           | TRAFFIC ENGINEERING                                                   | _____                                                   |
| _____                           | COMMUNITY ASSOCIATION                                                 | _____                                                   |
| _____                           | ADJACENT PROPERTY OWNERS                                              | _____                                                   |
| <hr/>                           |                                                                       |                                                         |
| ZONING VIOLATION                | (Case No. _____)                                                      |                                                         |
| PRIOR ZONING                    | (Case No. _____)                                                      |                                                         |
| <hr/>                           |                                                                       |                                                         |
| NEWSPAPER ADVERTISEMENT         | Date: <u>4/24/14</u>                                                  |                                                         |
| SIGN POSTING                    | Date: <u>4/18/14</u> by <u>O'Keefe</u>                                |                                                         |
| <hr/>                           |                                                                       |                                                         |
| PEOPLE'S COUNSEL APPEARANCE     | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>   |                                                         |
| PEOPLE'S COUNSEL COMMENT LETTER | Yes <input type="checkbox"/> No <input type="checkbox"/>              |                                                         |
| <hr/>                           |                                                                       |                                                         |
| Comments, if any: _____         |                                                                       |                                                         |
| _____                           |                                                                       |                                                         |
| _____                           |                                                                       |                                                         |



KEVIN KAMENETZ  
County Executive

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

May 8, 2014

Debra Franklin  
4107 Gallatin Street  
Hyattsville MD 20781

RE: Case Number: 2014-0192 A, Address: 1117 Engleberth Road

Dear Ms. Franklin:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 19, 2014. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel  
Jason Dauses, 9203 Chenoals Court, Baltimore MD 21234



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

James T. Smith, Jr., Secretary  
Melinda B. Peters, Administrator

Maryland Department of Transportation

Date: 3/26/14

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

RE: Baltimore County  
Item No 2014-0192-A  
Variance  
Debra Franklin  
1117 Englebert 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. 2014-0192-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,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/  
Development Manager  
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](http://www.roads.maryland.gov)

## Sherry Nuffer - Re: 2014-0192-A

---

**From:** Sherry Nuffer  
**To:** Livingston, Jeffrey  
**Date:** 5/15/2014 2:42 PM  
**Subject:** Re: 2014-0192-A

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Jeff,

It was just brought to my attention by Judge Beverungen that the DEPS comment you forwarded was for the wrong case. You sent me DEPS comment for case No.: 2014-0092-A. Can you see if there is a comment for 2014-0192-A and if so please forward it to me for the case file.

Thank you,

Sherry

Sherry Nuffer  
Legal Assistant  
Office of Administrative Hearings  
105 W. Chesapeake Avenue  
Room 103  
Towson, Maryland 21204  
410-887-3868  
Fax: 410-877-3468

>>> Jeffrey Livingston 5/13/2014 9:35 AM >>>

Sorry for the delay. Mary's out again and I just can't do both jobs...

>>> Sherry Nuffer 5/8/2014 12:30 PM >>>

I just received the files for scheduled hearings on Thursday May 15, 2014. Case No.: 2014-0192-A is in CBCA and there is no DEPS ZAC comment. Please advise.

Thank you,

Sherry Nuffer  
Legal Assistant  
Office of Administrative Hearings  
105 W. Chesapeake Avenue  
Room 103  
Towson, Maryland 21204  
410-887-3868  
Fax: 410-877-3468

**Sherry Nuffer - 2014-0192-A**

---

**From:** Sherry Nuffer  
**To:** Livingston, Jeffrey  
**Date:** 5/8/2014 12:30 PM  
**Subject:** 2014-0192-A

---

I just received the files for scheduled hearings on Thursday May 15, 2014. Case No.: 2014-0192-A is in CBCA and there is no DEPS ZAC comment. Please advise.

Thank you,

Sherry Nuffer  
Legal Assistant  
Office of Administrative Hearings  
105 W. Chesapeake Avenue  
Room 103  
Towson, Maryland 21204  
410-887-3868  
Fax: 410-877-3468

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For March 31, 2014  
Item No. 2014-0192

**DATE:** March 31, 2014

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comments.

The base flood elevation for this site is 9.4 feet [NAVD 88].

The flood protection elevation is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK: CEN.

Cc: file.

ZAC-ITEM NO 14-0192-03312014.doc

**BALTIMORE COUNTY, MARYLAND****INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

**DATE:** April 17, 2014

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**RECEIVED**

**APR 17 2014**

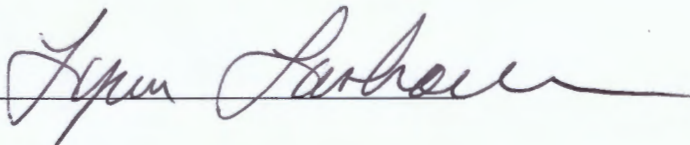
**SUBJECT:** Zoning Advisory Petition(s) for  
Item Nos: 2014-192, 193

**OFFICE OF ADMINISTRATIVE HEARINGS**

The Department of Planning has reviewed the above referenced zoning items and has no comments.

For further questions or additional information concerning the matters stated herein, please contact Lynn Lanham at 410-887-3480.

**Prepared By:** \_\_\_\_\_



LL/ka

c: John Beverungen, ALJ  
Peter Max Zimmerman

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



**RECEIVED**

**MAY 15 2014**

**OFFICE OF ADMINISTRATIVE HEARINGS**

**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:** May 13, 2014

**SUBJECT:** DEPS Comment for Zoning Item # 2014-0192-A  
Address 1117 Engleberth Road  
(Franklin Property)

Zoning Advisory Committee Meeting of March 24, 2014.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to permit an attached deck on a waterfront dwelling with a reduced side yard setback. Lot coverage on the entirety of this property is limited to 31.25% (5468 square feet), with mitigation required for lot coverage above 25% (4375 square feet). Lot coverage information was not provided. 15% afforestation, or 5 trees, is required in the LDA; existing trees that will remain may be counted towards this requirement. The deck is proposed within the 100-foot Critical Area buffer; therefore a Critical Area variance must be approved for a deck to be placed within the 100-foot buffer. If the applicant can meet the lot coverage and the 15% afforestation requirements, obtains a Critical Area variance and complies with any approval conditions, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront and the deck is proposed within the 100-foot buffer. If both lot coverage and afforestation requirements are met, and a Critical Area variance to place a deck in the 100-foot buffer is approved, that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

Afforestation and lot coverage information were not included. A Critical Area variance application for the deck has not been submitted. Provided that the applicants meet all the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger – Environmental Impact Review (EIR)*

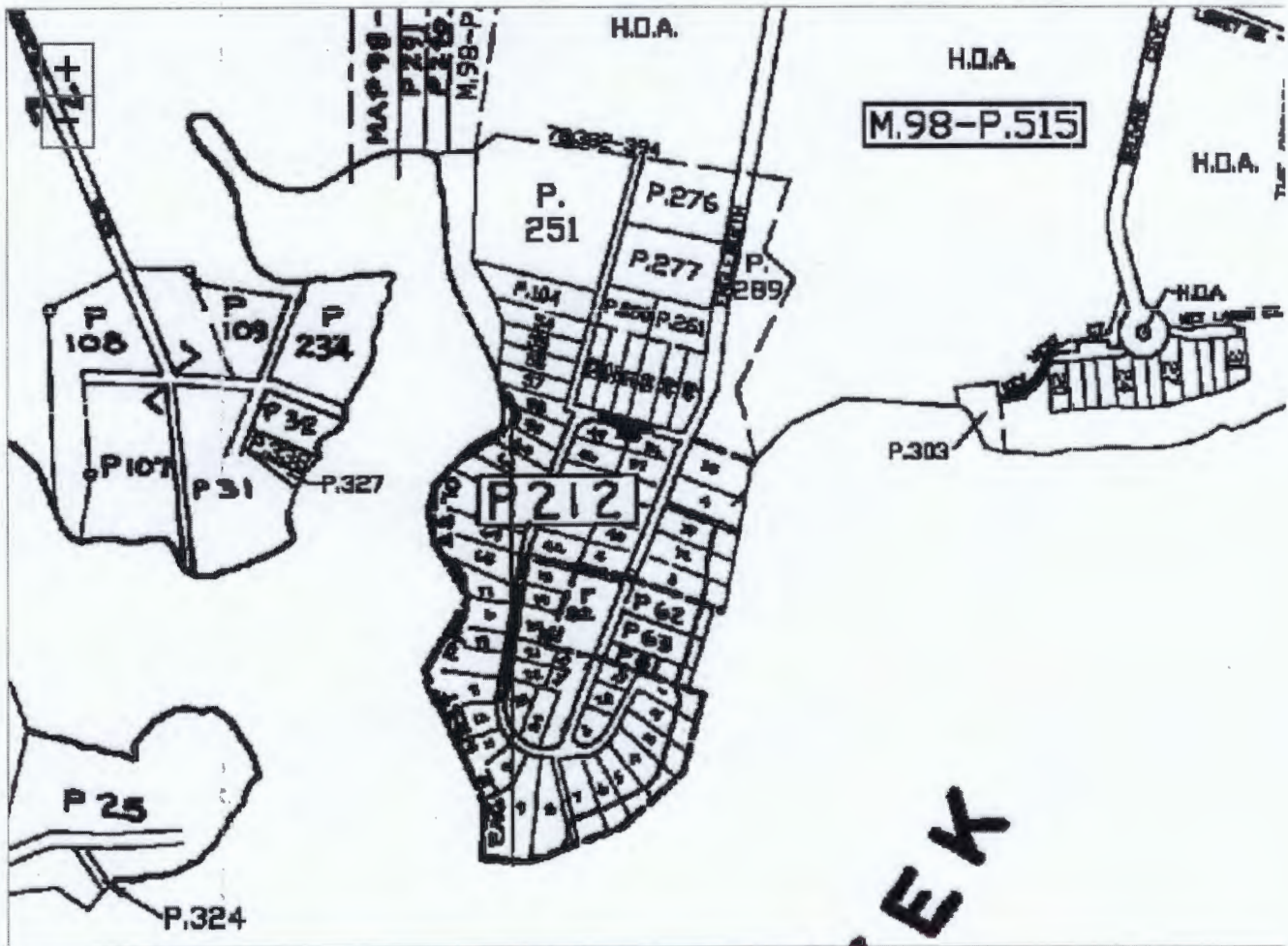
## Real Property Data Search ( w4)

Our feed back is important to us. [Please take our short survey.](#)

## Search Result for BALTIMORE COUNTY

| <a href="#">View Map</a>                            | <a href="#">View GroundRent Redemption</a>                                          | <a href="#">View GroundRent Registr</a>                                                                    |
|-----------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>Account Identifier:</b>                          | <b>District - 15 Account Number - 1519070080</b>                                    |                                                                                                            |
| <b>Owner Information</b>                            |                                                                                     |                                                                                                            |
| <b>Owner Name:</b>                                  | FRANKLIN MICHAEL L<br>FRANKLIN DEBRA G<br>4107 GALLATIN ST<br>HYATTSVILLE MD 20781- | <b>Use:</b> RESIDENTIAL<br><b>Principal Residence:</b> NO<br><b>Deed Reference:</b> 1) /32636/ 0043.<br>2) |
| <b>Mailing Address:</b>                             |                                                                                     |                                                                                                            |
| <b>Location &amp; Structure Information</b>         |                                                                                     |                                                                                                            |
| <b>Premises Address:</b>                            | 1117 ENGLEBERTH RD<br>BALTIMORE 21221-<br>Waterfront                                | <b>Legal Description:</b> 1117 ENGLEBERTH RD<br>EAGLES NEST                                                |
| <b>Map:</b> 0105                                    | <b>Grid:</b> 0004                                                                   | <b>Parcel:</b> 0212                                                                                        |
| <b>Sub District:</b>                                | <b>Subdivision:</b> 0000                                                            | <b>Section:</b>                                                                                            |
| <b>Block:</b>                                       | <b>Lot:</b> 35                                                                      | <b>Assessment Year:</b> 2012                                                                               |
| <b>Plat No:</b>                                     | <b>Plat Ref:</b> NONE                                                               |                                                                                                            |
| <b>Special Tax Areas:</b>                           | <b>Town:</b>                                                                        | <b>Ad Valorem:</b>                                                                                         |
|                                                     | <b>Tax Class:</b>                                                                   |                                                                                                            |
| <b>Primary Structure Built</b> 1996                 | <b>Above Grade Enclosed Area</b> 1,368 SF                                           | <b>Finished Basement Area</b> 500 SF                                                                       |
| <b>Property Land Area</b> 17,500 SF                 |                                                                                     |                                                                                                            |
| <b>Stories</b> 1.000000                             | <b>Basement</b> YES                                                                 | <b>Type</b> SPLIT FOYER                                                                                    |
| <b>Exterior</b> SIDING                              | <b>Full/Half Bath</b> 2 full                                                        | <b>Garage</b> 1 Attached                                                                                   |
| <b>Last Major Renovation</b>                        |                                                                                     |                                                                                                            |
| <b>Value Information</b>                            |                                                                                     |                                                                                                            |
|                                                     | <b>Base Value</b>                                                                   | <b>Value</b>                                                                                               |
|                                                     |                                                                                     | <b>As of</b> 01/01/2012                                                                                    |
| <b>Land:</b>                                        | 303,300                                                                             | 263,300                                                                                                    |
| <b>Improvements</b>                                 | 255,500                                                                             | 198,900                                                                                                    |
| <b>Total:</b>                                       | 558,800                                                                             | 462,200                                                                                                    |
| <b>Phase-in Assessments</b>                         |                                                                                     | <b>As of</b> 07/01/2013                                                                                    |
| <b>As of</b> 07/01/2014                             |                                                                                     |                                                                                                            |
| <b>Land:</b>                                        |                                                                                     |                                                                                                            |
| <b>Improvements</b>                                 |                                                                                     |                                                                                                            |
| <b>Total:</b>                                       |                                                                                     | 462,200                                                                                                    |
| <b>Preferential Land:</b>                           | 0                                                                                   | 0                                                                                                          |
| <b>Transfer Information</b>                         |                                                                                     |                                                                                                            |
| <b>Seller:</b> PAPPAGALLO JOSEPH                    | <b>Date:</b> 10/05/2012                                                             | <b>Price:</b> \$485,000                                                                                    |
| <b>Type:</b> ARMS LENGTH IMPROVED                   | <b>Deed1:</b> /32636/ 00434                                                         | <b>Deed2:</b>                                                                                              |
| <b>Seller:</b> PAPPAGALLO JOSEPH                    | <b>Date:</b> 05/27/2004                                                             | <b>Price:</b> \$0                                                                                          |
| <b>Type:</b> NON-ARMS LENGTH OTHER                  | <b>Deed1:</b> /20135/ 00582                                                         | <b>Deed2:</b>                                                                                              |
| <b>Seller:</b> PAPPAGALLO JOSEPH                    | <b>Date:</b> 08/30/2001                                                             | <b>Price:</b> \$0                                                                                          |
| <b>Type:</b> NON-ARMS LENGTH OTHER                  | <b>Deed1:</b> /15525/ 00357                                                         | <b>Deed2:</b>                                                                                              |
| <b>Exemption Information</b>                        |                                                                                     |                                                                                                            |
| <b>Partial Exempt Assessments:</b>                  | <b>Class</b>                                                                        | <b>07/01/2013</b>                                                                                          |
| <b>County:</b>                                      | 000                                                                                 | 0.00                                                                                                       |
| <b>State:</b>                                       | 000                                                                                 | 0.00                                                                                                       |
| <b>Municipal:</b>                                   | 000                                                                                 | 0.00 0.00                                                                                                  |
| <b>Tax Exempt:</b>                                  | <b>Special Tax Recapture:</b>                                                       |                                                                                                            |
| <b>Exempt Class:</b>                                | NONE                                                                                |                                                                                                            |
| <b>Homestead Application Information</b>            |                                                                                     |                                                                                                            |
| <b>Homestead Application Status:</b> No Application |                                                                                     |                                                                                                            |

## Baltimore County

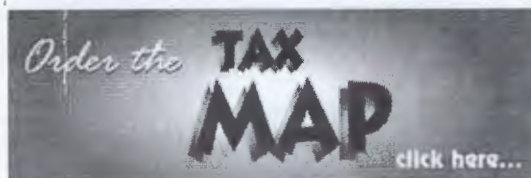
New Search (<http://sdat.resiusa.org/RealProperty/>)District: **15** Account Number: **1519070080**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml) (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

→

Real Property Data Search ( w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

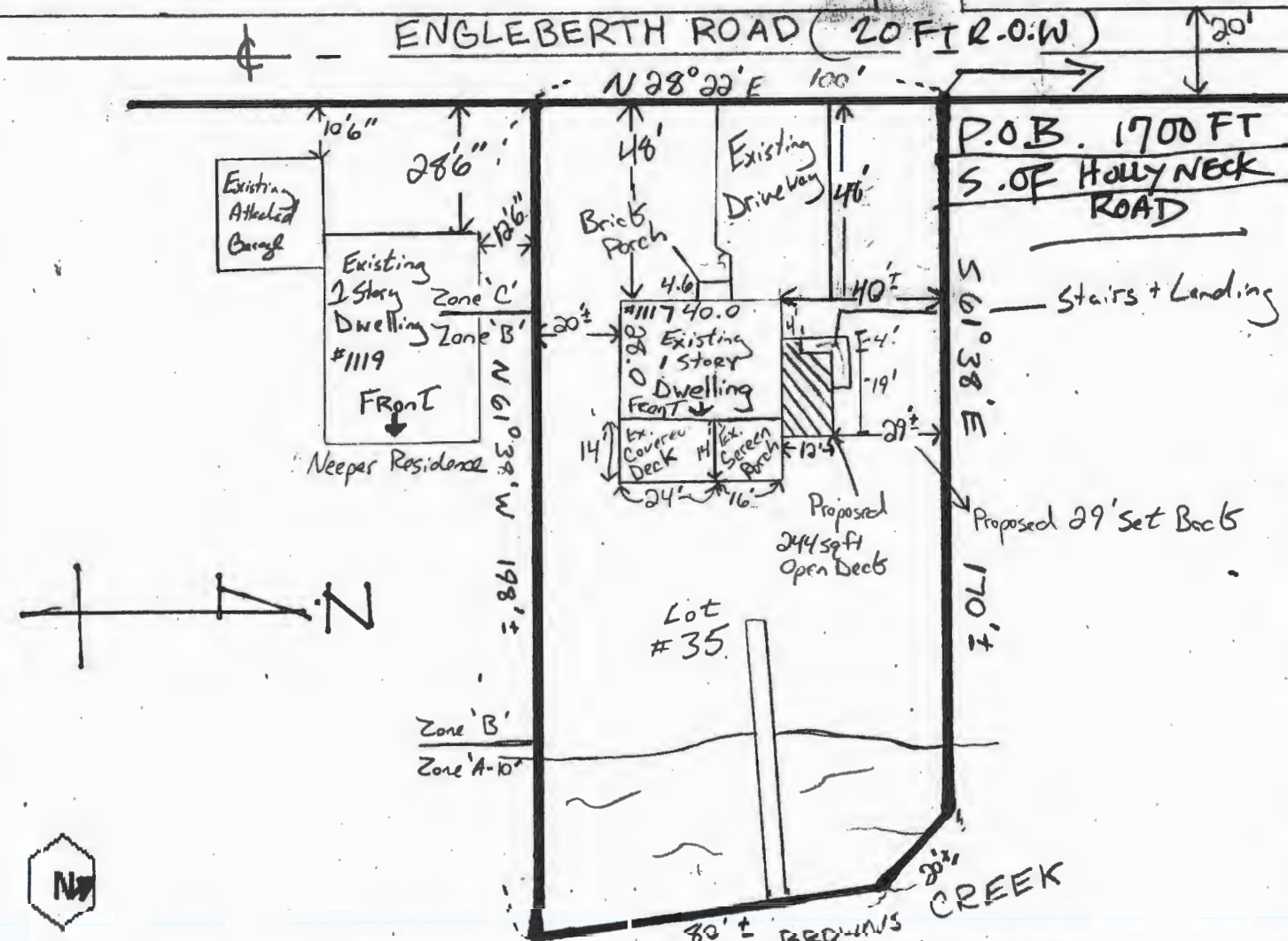
| <a href="#">View Map</a>                                             | <a href="#">View GroundRent Redemption</a>           | <a href="#">View GroundRent Registration</a>                      |
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| <b>Sub District:</b>                                                 | <b>Subdivision:</b> 0000                             | <b>Section:</b>                                                   |
| <b>Block:</b> 35                                                     | <b>Lot:</b> 2012                                     | <b>Assessment Year:</b>                                           |
| <b>Plat No:</b>                                                      | <b>Plat Ref:</b> 0008/ 0070                          | <b>Town:</b> NONE                                                 |
| <b>Special Tax Areas:</b>                                            |                                                      |                                                                   |
| <b>Primary Structure Built</b>                                       | <b>Above Grade Enclosed Area</b>                     | <b>Finished Basement Area</b>                                     |
| 1996                                                                 | 1,368 SF                                             | 500 SF                                                            |
| <b>Property Land Area</b>                                            | <b>County Use</b>                                    |                                                                   |
| 17,500 SF                                                            | 34                                                   |                                                                   |
| <b>Stories</b>                                                       | <b>Basement</b>                                      | <b>Type</b>                                                       |
| 1.000000                                                             | YES                                                  | SPLIT FOYER                                                       |
| <b>Exterior</b>                                                      | <b>Full/Half Bath</b>                                | <b>Garage</b>                                                     |
| SIDING                                                               | 2 full                                               | 1 Attached                                                        |
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|                                                                      |                                                      |                                                                   |
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|                                                                      |                                                      | 0                                                                 |
|                                                                      |                                                      | 07/01/2013                                                        |
|                                                                      |                                                      | 07/01/2014                                                        |
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| <b>Exemption Information</b>                                         |                                                      |                                                                   |
| <b>Partial Exempt Assessments:</b>                                   | <b>Class</b>                                         | <b>07/01/2013</b>                                                 |
| <b>County:</b>                                                       | 000                                                  | 0.00                                                              |
| <b>State:</b>                                                        | 000                                                  | 0.00                                                              |
| <b>Municipal:</b>                                                    | 000                                                  | 0.00 0.00                                                         |
| <b>Tax Exempt:</b>                                                   | <b>Special Tax Recapture:</b>                        | <b>07/01/2014</b>                                                 |
| <b>Exempt Class:</b>                                                 | NONE                                                 | 0.00 0.00                                                         |
| <b>Homestead Application Information</b>                             |                                                      |                                                                   |
| <b>Homestead Application Status:</b> No Application                  |                                                      |                                                                   |

2014-0192-A

CASE NAME \_\_\_\_\_  
CASE NUMBER 2014-0192A  
DATE 5-15-2014

[illegible]

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ [MARK TYPE REQUESTED WITH X]  
 ADDRESS 1117 ENGLEBERTH ROAD OWNER(S) NAME(S) MICHAEL + DEBRA FRANKLIN  
 SUBDIVISION NAME EAGLE NEST POINT LOT # 35 BLOCK # \_\_\_\_\_ SECTION # \_\_\_\_\_  
 PLAT BOOK # 8 FOLIO # 70 10 DIGIT TAX # 1519070080 DEED REF. # 32636100434



PLAN DRAWN BY JASON DAUSES DATE 1/14/14 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



ZONING MAP# 0105  
 SITE ZONED RC 5  
 ELECTION DISTRICT 15<sup>TH</sup>  
 COUNCIL DISTRICT 6<sup>TH</sup>  
 LOT AREA ACREAGE 0.402  
 OR SQUARE FEET 17,500 sq ft.  
 HISTORIC? No  
 IN CBCA? YES  
 IN FLOOD PLAIN? YES  
 UTILITIES? MARK WITH X  
 WATER IS:  
 PUBLIC X PRIVATE \_\_\_\_\_  
 SEWER IS:  
 PUBLIC X PRIVATE \_\_\_\_\_  
 PRIOR HEARING? \_\_\_\_\_  
 IF SO GIVE CASE NUMBER  
 AND ORDER RESULT BELOW  
N/A

VIOLATION CASE INFO:

N/A

2014-0192-A

2014-0192-A

~~Martin~~ State Airport Restriction

PDM # 150821

Pt. Bk./Folio # 078385 2500004504

**GROWTH TIER 4  
(No New Subdivisions of 4  
or More Additional Lots)**

## RC 5

### Bowleys Quarters-Back River Neck Area

6 CD

### Back River Neck District

SE 2-K

2014-0192-A



Case No.: 2014-0192-A

Exhibit Sheet

Petitioner/Developer

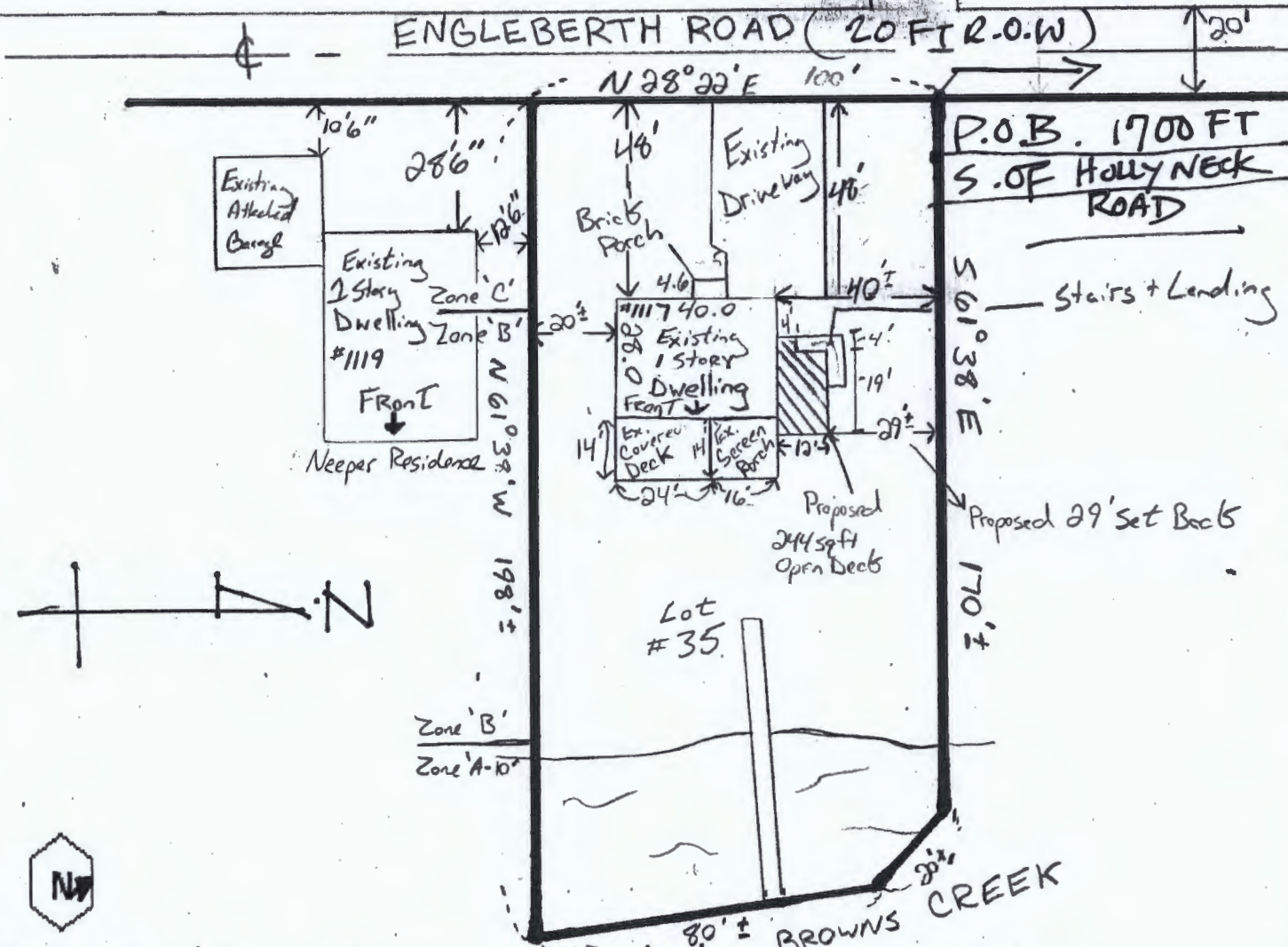
Protestant

DW  
6-17-14

slv  
5/16/14

|        |              |  |
|--------|--------------|--|
| No. 1  | Plan         |  |
| No. 2  | Color photos |  |
| No. 3  |              |  |
| No. 4  |              |  |
| No. 5  |              |  |
| No. 6  |              |  |
| No. 7  |              |  |
| No. 8  |              |  |
| No. 9  |              |  |
| No. 10 |              |  |
| No. 11 |              |  |
| No. 12 |              |  |

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
 ADDRESS 1117 ENGLEBERTH ROAD OWNER(S) NAME(S) MICHAEL + DEBRA FRANKLIN  
 SUBDIVISION NAME EAGLE NEST POINT LOT # 35 BLOCK # \_\_\_\_\_ SECTION # \_\_\_\_\_  
 PLAT BOOK # 8 FOLIO # 70 10 DIGIT TAX # 1519070080 DEED REF. # 32636/00434



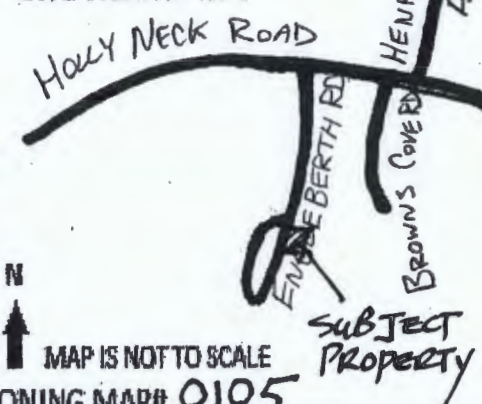
PLAN DRAWN BY JASON DAUSES DATE 1/14/14 SCALE: 1 INCH = 40 FEET

PETITIONER'S

EXHIBIT NO. 1

2014-0192-A

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 0105

SITE ZONED RC 5

ELECTION DISTRICT 15<sup>TH</sup>

COUNCIL DISTRICT 6<sup>TH</sup>

LOT AREA ACREAGE 0.402

OR SQUARE FEET 17,500 sq ft.

HISTORIC? No

IN CBCA? YES

IN FLOOD PLAIN? YES

UTILITIES? MARK WITH X

WATER IS: PUBLIC X PRIVATE \_\_\_\_\_

SEWER IS: PUBLIC X PRIVATE \_\_\_\_\_

PRIOR HEARING? \_\_\_\_\_

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

\_\_\_\_\_

VIOLATION CASE INFO:

N/A

\_\_\_\_\_



Proposed Deck will Be on Right side of  
This photo connecting to Existing deck  
and side of House.

2014-0192-A

PETITIONER'S

EXHIBIT NO. 2



Only Adjining Residence is 1119 Engleberth Road



2014-0192-A



Side of Dwelling For proposed open sqft  
Decks with stairs to Grade.

Deck will be 12'x19' with a 4'x4' Landing  
Total Sqft of Deck will Be 244 Sqft.

2014-0192-A