

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(6605 Kenwood Avenue)		
14 th Election District	*	OFFICE OF
7 th Councilmanic District		
Jeffrey Foucault, Christopher Barstad &	*	ADMINISTRATIVE HEARINGS
John Butz, <i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2014-0226-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Jeffrey Foucault, Christopher Barstad and John Butz, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an amendment to Case No. 99-0103-SPH for the use by two lots of a proposed minor subdivision of an existing 15 ft. ingress/egress maintenance and utility easement.

David Billingsley, whose firm prepared the site plan, appeared at the public hearing in support of the requests. Timothy M. Kotroco, Esq., from Whiteford, Taylor & Preston represented the Petitioners. Mr. and Mrs. Seeley, neighbors, attended the hearing and opposed the request. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP), dated May 28, 2014. That agency opposed the requests.

The subject property is 0.491 acres in size and is zoned DR 5.5. The Petitioners are currently processing an application for a minor subdivision to create two lots on the parcel. The lots would be 9,700 square feet and 11,725 square feet respectively, which exceeds the 6,000 square feet minimum lot size required in the DR 5.5 zone. In fact, the proposed dwellings would

ORDER RECEIVED FOR FILING

Date 8/29/14
By Sen

also satisfy the yard setbacks for the zone, and variance relief is not requested. Petitioners indicate that the County required this zoning hearing prior to further processing of the minor subdivision. The special hearing request seeks to use the shared driveway for the two lots (assuming the minor subdivision is approved).

In 1998, the former owner of this property (which at the time also included the property known as 6601 Kenwood) subdivided the parcel into two lots: one lot contained a single family dwelling and garage (#6601) and the other lot contained a dwelling on the parcel at issue in this case. That dwelling was in poor shape, and the current owners razed the structure. Special Hearing relief was granted in 1998 which allowed "Lot 2" (which is the 0.491 acre parcel at issue here) to access the public road (i.e., Kenwood Avenue) by way of an existing 15-foot wide shared driveway (the use of which is governed by an easement agreement, Petitioners' Exhibit 10) in lieu of the 20- foot wide strip required by the development regulations.

Following the public hearing on June 13, 2014, the parties requested that this case be stayed to allow them additional time to discuss the concerns which are identified below. The Petitioners were attempting to purchase at auction the dilapidated home at 6603 Kenwood Ave., which would provide them with an additional means of access to the rear lot(s). Counsel for Petitioners notified the undersigned and the Seeleys that his clients were not successful at the auction, and requested that an Order be issued.

The neighbors expressed concern with the adequacy of the sewer system, and stated there are frequent sewage back-ups in the area. Ms. Seeley noted that despite repeated contacts with the County (DPW has visited the property and performed "smoke tests" to see if the sewer line is intact) the problems persist. In addition, the neighbors were concerned with where mailboxes for the proposed homes would be located, as well as where garbage collection would occur. While it

ORDER RECEIVED FOR FILING

Date

8/29/14

By

Sen

is not really the proper focus of this hearing, it seems clear that the Petitioners could not install mailboxes (or garbage for collection) on the Seeley's property without their consent, and this will be an issue that needs to be addressed in connection with the subdivision and/or permit application process. The sewerage issues are troubling, and assuming the pipes and other infrastructure are in fact owned by the County (as contended by the Petitioners) it is Baltimore County's responsibility to ensure that they function properly, and that too is an issue that needs to be addressed prior to the issuance of any permits.

The DOP indicated in its ZAC comment that it opposed the request, primarily because it runs afoul of B.C.Z.R. §102.4, which requires a 30 ft. wide right-of-way for access. As noted earlier, the Petitioners (or more correctly, their predecessor in interest) obtained special hearing relief in 1998 permitting the use of an "existing 15-foot wide" driveway. Case No. 99-103-SPH. And B.C.C. §32-4-409(c), to which B.C.Z.R. § 102.4 refers, expressly permits the hearing officer to approve the use of an "existing right-of-way instead of an in-fee strip" as required by the Code.

The DOP also indicated that "permitting further subdivision" would be inconsistent with the existing pattern of lots and houses in the neighborhood. The comment did not provide any further details concerning this issue. The Petitioners are not (in this forum at least) seeking subdivision approval, and thus I do not believe this point is germane. Also, based on my review of the Plan, the proposed lots would be as large as those in the vicinity, and the Petitioners do not seek relief from setback or other area requirements. The DOP comment also states that the agency does not support "front to rear dwelling orientations" as shown on the Plan. But Petitioners stated that the dwelling that existed for nearly 100 years (as noted, it has been razed) on this lot was oriented in exactly that fashion: i.e., the front of that dwelling faced the rear of

ORDER RECEIVED FOR FILING

3

Date

8/29/14

By

Sen

6601 Kenwood Avenue. I also believe that the existing and proposed landscaping, as shown on the Plan, will ameliorate any concerns regarding the orientation of the proposed homes.

THEREFORE, IT IS ORDERED this 29th day of August 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to approve the use by two lots of a proposed minor subdivision of an existing 15 ft. ingress/egress maintenance and utility easement, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 8/29/14
By sln

KEVIN KAMENETZ
County Executive



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

August 29, 2014

Timothy Kotroco, Esquire
Whiteford, Taylor & Preston, LLP
One W. Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: Petition for Special Hearing
Property: 6605 Kenwood Avenue
Case No.: 2014-0226-SPH

Dear Mr. Kotroco:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Ryan and Lisa Seeley, 6601 Kenwood Avenue, Baltimore, Maryland 21237

KEVIN KAMENETZ
County Executive



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

June 13, 2014

Timothy M. Kotroco, Esq.
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

Ryan and Lisa Seeley
6601 Kenwood Avenue
Baltimore, MD 21237

RE: Petition for Special Hearing
Property: 6605 Kenwood Avenue
Case No.: 2014-0226-SPH

Dear Mr. Kotroco and Mr. and Mrs. Seeley:

A public hearing was held and concluded today in the above matter. Mr. Kotroco presented Petitioners' case, and the Seeleys' identified several concerns, as outlined in a letter they submitted at the hearing.

The parties indicated they would like additional time in which to continue discussions, including the possibility of Petitioners acquiring the abandoned property at 6603 Kenwood Avenue. As such, as I noted at the conclusion of the hearing, I will not issue an Order in this case until requested to do so by Petitioners' counsel.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw



PETITION FOR ZONING HEARING(S)

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 6605 KENWOOD AVENUE which is presently zoned DR 5.5
 Deed References: L. 22365 F 526 10 Digit Tax Account # 2300004414
 Property Owner(s) Printed Name(s) JEFFREY FOUCAULT, CHRISTOPHER BARSTAD,
JOHN BUTZ, 2ND

(SELECT THE HEARING(S) BY MARKING ☒ 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 AN AMENDMENT TO CASE 1999-0103-SPH FOR THE USE BY TWO LOTS OF A PROPOSED MINOR SUBDIVISION OF AN EXISTING 15 FOOT INGRESS / EGRESS, MAINTENANCE AND UTILITY EASEMENT.
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☐ a Variance from Section(s)

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)

TO BE PRESENTED AT HEARING

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).

Legal Owners (Petitioners):

JOHN BUTZ, 2ND
 Name - Type or Print
 Signature
 Mailing Address City State
 Zip Code Telephone # Email Address

JEFFREY FOUCAULT, CHRISTOPHER BARSTAD
 Name #1 - Type or Print Name #2 - Type or Print
 Signature #1 Signature #2
SUITE 101
900 A SOUTH ST. BELAIR MD.
 Mailing Address City State
21014 (410) 808-0276
 Zip Code Telephone # Email Address

Attorney for Petitioner:

TIMOTHY M. KOTROCO
 Name - Type or Print
 Signature
SUITE 300
ONE W. PENNSYLVANIA AVE. TOWSON MD.
 Mailing Address City State
21204 (410) 832-2004 tkotroco@wtplaw.com
 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 2014-0226-SPH Filing Date 5/2/14

Do Not Schedule Dates
ORDER RECEIVED FOR FILING Reviewer JS
 Date 8/29/14 REV. 10/4/11
 By Sen

ZONING DESCRIPTION
6605 KENWOOD AVENUE
LOT 2
FREDERICK W. KAHLER, JR. PROPERTY
09081M

Beginning at a point distant northwesterly 150 feet and southwesterly 205 feet from the point formed by the intersection of the center of Kenwood Avenue with the center of Coco Road, thence (1) S 50°31'00"W 158.50 feet, thence (2) N 39°29'00" W 148 00 feet, thence (3) N 53°03'43"E 139.46 feet, thence (4) S 36°56'17"E 71.24 feet, thence (5) N 52°09'30"E 22.36 feet, thence (6) S 39°29'00"E 70.01 feet to the place of beginning.

Containing 21,424 square feet or 0.491 acre of land, more or less.

Being known as 6605 Kenwood Avenue. Located in the 14TH Election District, 7TH Councilmanic District of Baltimore County, Maryland.



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME,
AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MARYLAND. LICENSE NO. 15453, EXPIRATION DATE: JULY 2, 2015

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: 2014-0726-A
Petitioner: John Butz, dd Jeff Foucault + Christopher Barstad
Address or Location: 6605 Kenwood Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Christopher Barstad
Address: ~~Po Box 3661~~ 4070 North Point Rd
Baltimore Dundalk MD 21222
Telephone Number: 410 254 0111

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

109887

No.

Date:

5-2-14

PAID RECEIPT

BUSINESS ACTUAL TIME BKN
5/02/2014 5/02/2014 11:17:05 1

MS01 WALKIN LRS LJR
RECEIPT # 500441 5/02/2014 OFLM
5 528 ZONING VERIFICATION
109887

Recpt Tot \$75.00
\$75.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		030					\$ 75.00

Total:

\$ 75.00

Rec

From: FOUCAULT BARSTAD + BUTZ

For:

2014-0726-A

DISTRIBUTION

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

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

CASE NO: 2014-0226 - SP14

PETITIONER/DEVELOPER
WHITEFORD, TAYLOR
PRESTON

DATE OF HEARING/CLOSING:
JUNE 13, 2014

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE**

ATTENTION:

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT** _____

6605 KENWOOD AVENUE

THIS SIGN(S) WERE POSTED ON May 23, 2014
(MONTH, DAY, YEAR)

SINCERELY, Martin Ogle 5/23/14
SIGNATURE OF SIGN POSTER AND DATE:

**MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411**

ZONING NOTICE

CASE # 2014-0226-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER

IN TOWNSHIP, MID

PLACE:

FROM 205 TOWNSHIP BUILDING, 155 WEST
CHICKADEE AVENUE, TOWNSHIP 21204

DATE AND TIME:

FRIDAY, JULY 13, 2014
AT 10:00 A.M.

REQUEST:

SPECIAL HEARING TO APPROVE AMENDMENT TO CASE
100-0103-SPH FOR THE USE BY TWO LOTS OF A
TWO-LOT MINOR SUBDIVISION OF 40 EIGHTY 1/2 AC
PARCELS/66000, 7000000000 AND UTILITY
EASEMENT.

FOR INFORMATION ONLY: THE ZONING COMMISSIONER HAS THE AUTHORITY TO DENY A REQUEST FOR A SPECIAL HEARING.

NO ONE WILL BE HELD RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS DURING THE PUBLIC HEARING.

MEETING IS HELD IN AN ACCESSIBLE

Michael D. 5/23/14



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 22, 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 May 22, 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: #2014-0226-A

6605 Kenwood Avenue

SW/s Kenwood Avenue, 205 ft. NW of intersection with Coco Road

14th Election District - 7th Councilmanic District

Legal Owner(s): Jeffrey Foucault, Christopher Barstad

Contract Purchaser: John Butz, 2nd

Special Hearing to approve amendment to case 1999-0103-SPH for the use by two lots of a proposed minor subdivision of an existing 15 ft. ingress/egress, maintenance and utility easement.

Hearing: Friday, June 13, 2014 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.

5/557 May 22

980925



KEVIN KAMENETZ
County Executive

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

May 13, 2014

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: 2014-0226-SPH

6605 Kenwood Avenue

SW/s Kenwood Avenue, 205 ft. NW of intersection with Coco Road

14th Election District – 7th Councilmanic District

Legal Owners: Jeffrey Foucault, Christopher Barstad

Contract Purchaser: John Butz, 2nd

Special Hearing to approve amendment to case 1999-0103-SPH for the use by two lots of a proposed minor subdivision of an existing 15 ft. ingress/egress, maintenance and utility easement.

Hearing: Friday, June 13, 2014 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: Timothy Kotroco, One West Pennsylvania Avenue, Ste. 300, Towson 21204
Jeffrey Foucault, Christopher Barstad, 900 A. South Street, Ste. 101, Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 24, 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, May 22, 2014 Issue - Jeffersonian

Please forward billing to:
Christopher Barstad
4070 North Point Road
Dundalk, MD 21222

410-254-0111

NOTICE OF ZONING HEARING

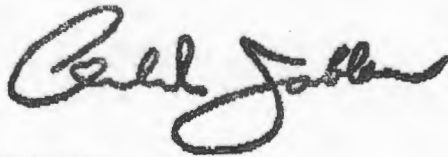
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0226-A

6605 Kenwood Avenue
SW/s Kenwood Avenue, 205 ft. NW of intersection with Coco Road
14th Election District – 7th Councilmanic District
Legal Owners: Jeffrey Foucault, Christopher Barstad
Contract Purchaser: John Butz, 2nd

Special Hearing to approve amendment to case 1999-0103-SPH for the use by two lots of a proposed minor subdivision of an existing 15 ft. ingress/egress, maintenance and utility easement.

Hearing: Friday, June 13, 2014 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.

MEMORANDUM

DATE: September 30, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0226-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on September 29, 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 SPECIAL HEARING	*	BEFORE THE OFFICE
6605 Kenwood Avenue; SW/S Kenwood		
Avenue, 205' NW intersection of Coco Road	*	OF ADMINSTRATIVE
14 th Election & 7 th Councilmanic Districts		
Legal Owner(s): Jeffrey Foucault	*	HEARINGS FOR
& Christopher Barstad		
Contract Purchaser(s): John Butz	*	BALTIMORE COUNTY
Petitioner(s)	*	2014-226-SPH

* * * * *

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

MAY 13 2014

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of May, 2014, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 1 West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2014-0226-SPH

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

5/14/14

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

5/28/14

PLANNING
(if not received, date e-mail sent _____)

C

5/12/14

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 1999-0103-SPH ; 2008-0287-SPH
↑ Could NOT FIND)

NEWSPAPER ADVERTISEMENT

Date: 5/22/14

SIGN POSTING

Date: 5/23/14

by Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

IN RE: PETITION FOR SPECIAL HEARING
S/S Kenwood Avenue, 210' NE of
Coco Road
(6601 Kenwood Avenue)
14th Election District
7th Councilmanic District

Frederick Kahler, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-103-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Frederick Kahler, Jr. The Petitioner seeks approval of a waiver from the requirements of Section 2.B.1 of the Department of Permits and Development Management (DPDM) Design Manual, to permit the use of an existing 15-foot wide ingress/egress maintenance and utility easement to provide access from Lot 2 to a public road (Kenwood Avenue) in lieu of the required 20-foot wide in-fee strip. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Frederick Kahler, Jr., property owner, and Paul Lee, Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested persons present.

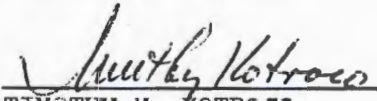
Testimony and evidence offered revealed that the subject property consists of a gross area of 0.82 acres, more or less, zoned D.R. 5.5, and is improved with two single family dwellings and a detached garage which serves the dwelling known as 6601 Kenwood Avenue. The property is located on the south side of Kenwood Avenue, not far from Golden Ring Road in Rosedale. Apparently, the two dwellings have existed on the property for

10/22

Section 2.B.1 of the Department of Permits and Development Management (DPDM) Design Manual, to permit the use of an existing 15-foot wide ingress/egress maintenance and utility easement to provide access from Lot 2 to a public road (Kenwood Avenue) in lieu of the required 20-foot wide in-fee strip, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



KEVIN KAMENETZ
County Executive

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

June 4, 2014

Jeffrey Foucault
Christopher Barstad
900 A South Street
Suite 101
Bel Air, MD 21014

RE: Case Number: 2014-0226 SPH, Address: 6605 Kenwood Avenue

Dear Mr. Foucault & Mr. Barstad:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 2, 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, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Timothy M. Kotroco, Esquire, One W. Pennsylvania Avenue, Suite 300, Towson MD 21204

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



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

Date: 5/12/14

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

RE: Baltimore County
Item No 2014-0226-SPH
Special Hearing
Jeffrey Foucault &
Christopher Barstad.
6605 Kennwood Avenue.

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. 2014-0226-SPH.

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 black 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

RECEIVED

SEP 15 2014

OFFICE OF ADMINISTRATIVE HEARINGS

Attention: John E. Beverungen
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue
Suite 103
Towson, Maryland 21204
Re: Case Number **2014-0226-SPH**
Subject: Water Run-off

Dear Sir,

My husband and I reside at 8432 Coco Rd, in Rosedale. Our property and the property of 6605 Kenwood Avenue connect. 6605 Kenwood Ave is the property that is the subject of the above case number. We understand from several neighbors that an appeal is underway in regards to the attached letter.

My husband and I would like to make you aware of a serious water run-off problem with the property in this case.

During rain or snow, water run-off from this property is quite extreme. We have extensive damage to our property and home due to this run-off. These damages include:

Flooded yard with water run - off to neighbors at 8430 Coco, which flooded their basement

Our basement flooded every rain with water and mud

Sink Hole - 4 foot deep, 5 foot long and 12 inched wide. This sink hole was approximately 5 foot from the wall of the house

Cracked foundation of our house (4)

Florida Room - The outside room has brick half walls and brick floor – The wall and floor cracked and collapse on one side of the room which cause damage to the roof

Basement window wells collapsed

Our family room floor still has a crack running from the back of the house to the front

We hired a contractor and with considerable cost to us (well over \$20,000) had the contractor make repairs to our home and property. The contractor installed a drainage system that channels the water run-off from 6605 Kenwood Avenue away from our house (but still on our property) and into the proper area to be able to flow to the storm drains on Coco Road. He estimated that during a heavy rain that thousands of gallons of water run off of 6605 Kenwood Avenue. The work our contractor completed has saved our home from destruction. I will not list all the work that needed to be completed but to inform you that it took approximately 2 months to complete. Since this work was completed we have not had any water issues even during Hurricane Sandy.

We have no objections to homes being built on the property. We want to make the county aware that there is a water run-off problem with the property and that any new homes built will need an adequate drainage system so that it does not affect the residents on Coco Road. 6605 Kenwood is on a hill overlooking 8436, 8434, 8432 and 8430 Coco Road. All of these properties have had water run-off issue from 6605 Kenwood Avenue.

Our concern with new home construction at 6605 Kenwood is that the water run issue will not be addressed with an adequate drainage system and that all the work and expense that we have incurred will be wasted. While our system is more than adequate for an empty lot that is now 6605 Kenwood Avenue we are concerned that the additions of 2 new homes would destroy our improvements.

If your decision is for the property owners to be able to construct 2 new homes, please make sure that it comes with the requirement of an adequate drainage system to protect the residents on Coco Rd.

Thanks you for your attention to this letter and a written response would be appreciated.

Sincerely,

Kevin Huff 9/11/14
Judith Huff 9/11/14

Kevin and Judith Huff

8432 Coco Road

Baltimore, Maryland 21237

The foregoing instrument was acknowledged before me this 11th day of September, 2014, by Kevin + Judith Huff known to me to be the person(s) whose name(s) are subscribed to within the instrument and acknowledged execution of the same for the purpose therein contained.

KIM MOERCKE
Notary Public, State/County of BALTIMORE
My commission expires: DEC 15, 2016

Cc: EPA

Rosedale Homeowners Association

KIM M MOERCKE
Notary Public-Maryland
Baltimore County
My Commission Expires
December 15, 2016

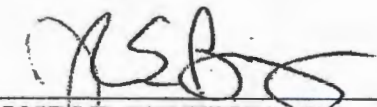
6601 Kenwood Avenue. I also believe that the existing and proposed landscaping, as shown on the Plan, will ameliorate any concerns regarding the orientation of the proposed homes.

THEREFORE, IT IS ORDERED this 29th day of August 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to approve the use by two lots of a proposed minor subdivision of an existing 15 ft. ingress/egress maintenance and utility easement, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits 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.


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

John Beverungen - 6605 Kenwood Avenue, Case No. 2014-0226-SPH

From: "Kotroco, Timothy" <TKotroco@wtplaw.com>
To: "John Beverungen (jbeverungen@baltimorecountymd.gov)" <jbeverungen@balti...
Date: 8/22/2014 12:33 PM
Subject: 6605 Kenwood Avenue, Case No. 2014-0226-SPH
CC: "Kotroco, Timothy" <TKotroco@wtplaw.com>, "seel5701@gmail.com" <seel57...

Dear Judge Beverungen:

This matter case came before you on Friday, the 13th day of June, 2014. I appeared at the hearing on behalf of the owners of 6605 Kenwood Avenue along with Mr. Dave Billingsley. Also appearing were adjacent property owners, Mr. & Mrs. Ryan Seeley who reside at 6601 Kenwood Avenue. At the conclusion of the case you granted an extension of time where we could work with the Seeleys in order to resolve issues that were raised during the hearing before you. This matter has taken much more time than we originally imagined and on behalf of my clients I apologize for the lengthy delay. An explanation for this time delay is in order.

1. Abandoned/derelict house at 6601 Kenwood Avenue: You may recall from the Seeley's testimony that there exists a vacant home next to theirs on Kenwood Avenue. This vacant home sits in front of our property. As Mrs. Seeley stated at the hearing, raw sewage backs up into this house and the house suffers from a great many other problems. At the hearing, we discussed buying the house as it was coming up for public auction. The house, which may be about 100 years old, needs to be torn down and a new house built in its place.

The house went to auction just a few days after the hearing before you. My client attended the auction and bid on the house. Unfortunately, an uninformed buyer pulled up in her Lexus after the auction commenced and outbid my clients. Not knowing the condition of the house she thought she made a good buy. However, some time after the auction, Mrs. Seeley advised me that she saw that woman at the property. This time, the woman was accompanied by her husband. Mrs. Seeley approached the couple to introduce herself. Mrs. Seeley told me that the woman was in tears apparently realizing the bad investment that she had made. In addition, the woman also thought that she bought the property behind this vacant home, which is the very land owned by my clients! Mrs. Seeley indicated that the discussion with her new prospective neighbors did not end on a positive note.

After Mrs. Seeley advised me of this occurrence, I had my client contact the auctioneer for the property. We told the auctioneer that we would be interested in assuming the contract of the "high bidder" at the auction, but not at the price that

resolved through the minor subdivision process or by the terms of the driveway maintenance agreement.

We would ask that you render a decision on our Special Hearing request regarding the use of our driveway. We can assure you that we will continue to work with Baltimore County to fix any private sewer problems that may exist as those potential problems impact our property as much as it does our neighbors. We will also request Baltimore County to fix any public sewer connection problems.

We will also follow up with the bank/auctioneer to try to acquire the remaining derelict house. Again, it benefits us as much as our neighbors to raze and rebuild that house as doing so will serve to increase the property values of all of our properties. We will also work with the Seeleys regarding our common driveway and will abide by the terms and conditions of the driveway easement agreement that binds our properties.

We simply do not want this matter to linger any longer in your office. These other issues, which do not relate directly to the relief we are requesting, could take much longer to resolve.

Respectfully submitted;

Timothy Kotroco

Timothy M. Kotroco
Partner

Whiteford
Taylor|Preston

Whiteford Taylor & Preston LLP

Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204

t: 410-832-2004 | f: 410 339-4050

tkotroco@wtplaw.com | Bio | vCard | www.wtplaw.com

This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

Debra Wiley - Re: Case # 2014-226-SPH

From: "Kotroco, Timothy" <TKotroco@wtplaw.com>
To: "The Honorable John E. Beverungen, Esquire" <jbeverungen@baltimorecounty...
Date: 7/25/2014 11:41 PM
Subject: Re: Case # 2014-226-SPH
CC: "see15701@gmail.com" <see15701@gmail.com>, Debra Wiley <dwiley@baltimore...

Dear Judge Beverungen.

I have spoken with Mrs. Seeley this week. We were hoping that we could have bought the derelict house next to the Seeley's property at the auction. Unfortunately we were outbid by an unsuspecting buyer. Mrs Seeley met and spoke with the buyers at the property a few days after the auction. According to Mrs Seeley they regretted having bought the house. The buyer was actually crying at the property.

My client, who was actually at the auction is contacting the auctioneer to see if we can assume the purchase agreement. It is in our best interest as well as the Seeley's that this 100 year old house be razed and a new house built in its place. We will continue to pursue this matter.

None of this has a direct bearing on the request before you but we believe that tearing down that derelict house would be the best thing for the community as a whole.

We appreciate your patience in this matter and realize our window of time is closing. We will try to wrap this up next week as I can appreciate that you would like to bring this matter to a close.

Thank you for your patience.
Sincerely,

Tim Kotroco
Dictated from my Verizon Wireless 4G LTE DROID

John Beverungen <jbeverungen@baltimorecountymd.gov> wrote:

Mr. Kotroco,

Lisa Seeley, who lives at 6601 Kenwood Ave., called our Office yesterday asking for a status update on this case.

Can you please let me know where things stand, and whether there is any additional information I should consider prior to issuing an Order in this matter.

John Beverungen
AJ

CONNECT WITH BALTIMORE COUNTY



Debra Wiley - Fwd: Case # 2014-226-SPH

From: John Beverungen
To: seel5701@gmail.com
Date: 7/25/2014 11:55 AM
Subject: Fwd: Case # 2014-226-SPH
CC: Debra Wiley; Sherry Nuffer; Timothy Kotroco

I am resending this to Ms. Seeley, and hopefully I have the correct e-mail this time.

>>> John Beverungen 7/25/2014 11:51 AM >>>
Mr. Kotroco,

Lisa Seeley, who lives at 6601 Kenwood Ave., called our Office yesterday asking for a status update on this case.

Can you please let me know where things stand, and whether there is any additional information I should consider prior to issuing an Order in this matter.

John Beverungen
ALJ

Debra Wiley - Case # 2014-226-SPH

From: John Beverungen
To: Timothy Kotroco; see15701@gmail.com
Date: 7/25/2014 11:51 AM
Subject: Case # 2014-226-SPH
CC: Debra Wiley; Sherry Nuffer

Mr. Kotroco,

Lisa Seeley, who lives at 6601 Kenwood Ave., called our Office yesterday asking for a status update on this case.

Can you please let me know where things stand, and whether there is any additional information I should consider prior to issuing an Order in this matter.

John Beverungen
ALJ

Debra Wiley - Case No. 2014-0226-SPH - 6605 Kenwood Avenue

From: Debra Wiley
To: tkotroco@wtplaw.com
Date: 7/22/2014 10:07 AM
Subject: Case No. 2014-0226-SPH - 6605 Kenwood Avenue
Attachments: Ltr.2014-0226-SPH Hearing Concerns.pdf

Good Morning Tim,

Just a reminder ...

Please see attached correspondence regarding the above and provide a status update.

Thanks in advance and have a great day !

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



See 15701@gmail.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 28, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6605 Kenwood Avenue

RECEIVED

INFORMATION:

MAY 28 2014

Item Number: 14-226

Petitioner: Jeffrey Foucault, Christopher Barstad

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: DR 5.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. Although the existing unimproved lot is fairly large in size (21,424 square), it is not an excessively large lot for future use as a residential lot for a single-family detached dwelling. Also, in this particular case, the existing lot does not abut a street, and it does not have in-fee access to a street.

The request should be denied because the petitioner's intention to subdivide the existing lot into two lots in order that a single-family dwelling can be constructed on each lot would result in two lots that do not comply with Section 102.4 of the BCZR. Section 102.4 does not permit a dwelling, other than a multifamily building, to be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel, except as provided for panhandle lots in Section 32-4-409 of the Baltimore County Code.

Furthermore, the petitioner's request should be denied for the following additional reasons:

1. The existing 15-foot wide access easement is inadequate for the further subdivision of the petitioner's lot. This access easement already serves the existing dwelling located at 6601 Kenwood Avenue. It is not adequate for providing access for two additional dwellings. A two-lot minor subdivision of the petitioner's lot cannot meet the requirements for panhandle driveways and lots specified in Section 32-4-409 of the County Code.
2. Permitting further subdivision of the petitioner's lot would be inconsistent with the existing pattern of lots and houses in the neighborhood.
3. The creation of two lots will be detrimental to adjacent properties.
4. Two new dwellings can't be oriented to establish a desirable relationship between the proposed dwellings and the existing adjacent homes. The Department of Planning does not support front to rear dwelling orientations as shown on the petitioner's plat.

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

Division Chief:
AVA/LL

A handwritten signature in blue ink, appearing to read "Lynn Larkman", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 14, 2014

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 19, 2014
Item No. 2014-0226, 0227, 0228, 0229, 0230, 0231 and 0232

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

DAK
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC05142014 -.doc

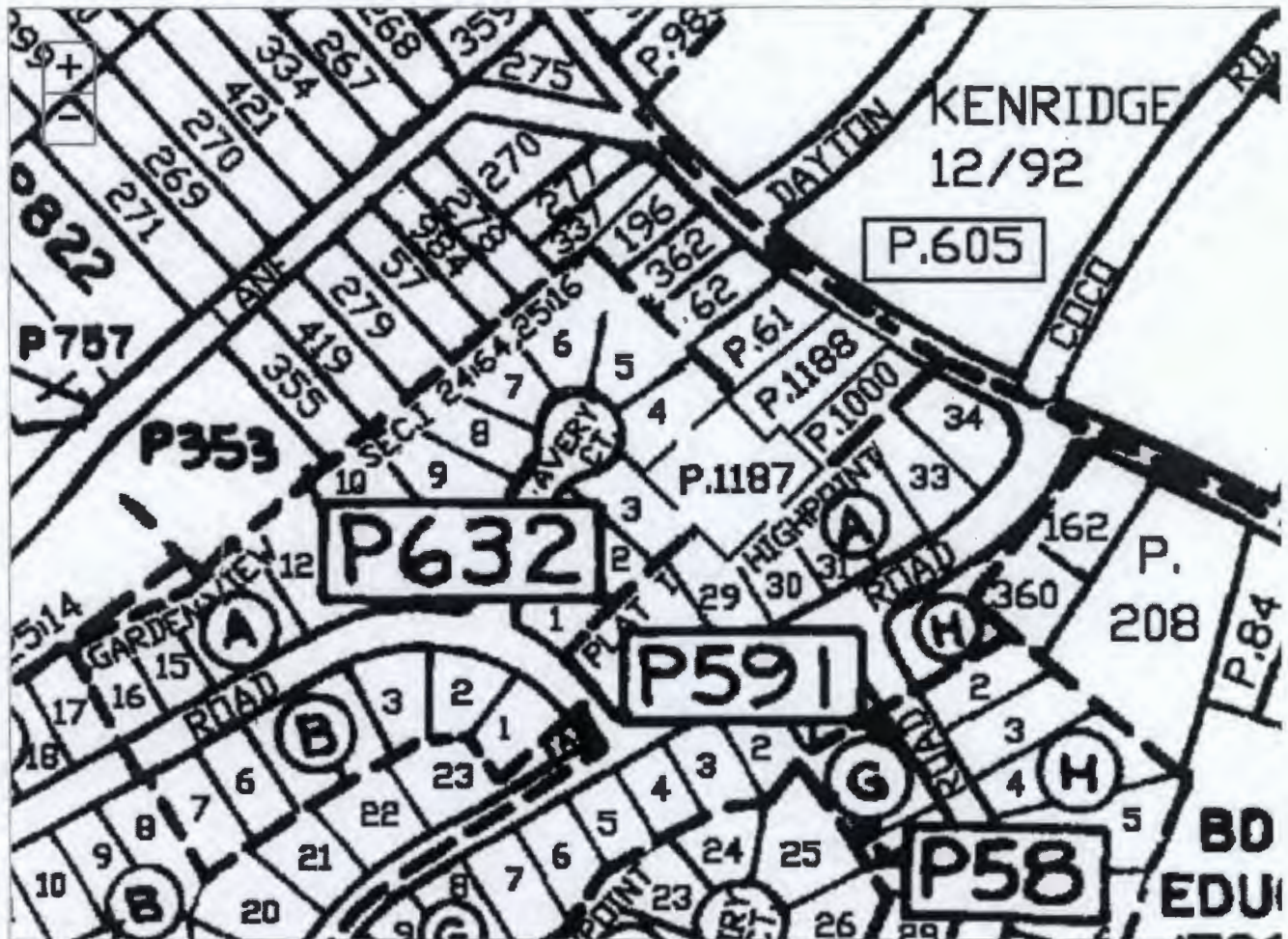
Real Property Data Search (w3)

Your feedback is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Register
Account Identifier:	District - 14 Account Number - 2300004474	
Owner Information		
Owner Name:	FOUCAULT JEFFREY BARSTAD CHRISTOPHER BUTZ JOHN 2ND STE 101	Use: Principal Residence: RESIDENTIAL NO
Mailing Address:	900 A SOUTH ST BALTIMORE MD 21014	Deed Reference: 1) /22365/ 00526 2)
Location & Structure Information		
Premises Address:	6605 KENWOOD AVE 0-0000	Legal Description: .491 AC 6605 KENWOOD 1000 FT SW OF RD
Map:	Grid:	Parcel:
0089	0011	1187
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
	2	2012
Town:	Ad Valorem:	
	NONE	
Special Tax Areas:	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
		Property Land Area
		21,424 SF
Stories	Basement	Type
		Exterior
		Full/Half Bath
		Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	74,200	74,100
Improvements	0	0
Total:	74,200	74,100
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2013
		As of
		07/01/2014
Transfer Information		
Seller:	Date:	Price:
DULANEY CARLA M	08/16/2005	\$150,000
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/22365/ 00526	
Seller:	Date:	Price:
DULANEY RICHARD	05/24/2005	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/21914/ 00379	
Seller:	Date:	Price:
DULANEY RICHARD J	07/28/1999	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/13922/ 00686	
Exemption Information		
Partial Exempt	Class	07/01/2013
Assessments:		07/01/2014
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

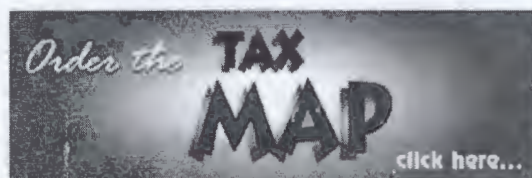
New Search (<http://sdat.resiusa.org/RealProperty>)District: **14** Account Number: **2300004474**

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>).

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

☒ Loading... Please

Loading... Please Wait.

-->

DATE _____

2014-0226-SPH

6-13-2014

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

Lisc Seely
Ryan Seely

6601 Kenwood Ave

Baltu, MD 21037

See 5701 @
Gmail - Pom

CASE NAME 6605 KENWOOD AVE
CASE NUMBER 2614-0226-SPH
DATE JUNE 13, 2014

[illegible]

Case No.:

2014-0226-SPH

Exhibit Sheet

DW 9-30-14

Petitioner/Developer

Respondent

No. 1	Plan	Letter dated 6-13-2014
No. 2	SDAT record	Photos
No. 3	Tax map	
No. 4	Deed	
No. 5	Kahler Minor Subdivision Plan	
No. 6	Aerial photo	
No. 7	7A-7H Photo Exhibit	
No. 8		
No. 9	Ordn in No. 49-103	
No. 10	Easement Agt.	
No. 11	My Neighborhood Map-Aerial	
No. 12		

PETITIONER'S EXHIBITS

**6605 KENWOOD AVENUE
CASE NO. 2014-0226-SPH**

- 1. PLAT TO ACCOMPANY PETITION AS FILED (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. PORTION OF TAX MAP 0089 SHOWING PARCEL 1187**
- 4. DEED OF RECORD – L.22365 F.526 DATED AUGUST 8, 2005**
- 5. REDUCED COPY OF MINOR SUBDIVISION PLAN OF FREDERICK KAHLER PROPERTY (98081M) APPROVED 12-22-98**
- 6. AERIAL PHOTO**

7a – 7h. PHOTOS

8. Prior zoning Order from 1998
9. Prior Planning Comment + Site Plan
10. Old Aerial Photo from 2007
11. Driveway easement agreement
12. "My Neighborhood" Map of lot or neighborhood
13. Planning office comment
14. Public works comment

Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 14 Account Number - 2300004474		
Owner Information		
Owner Name:	FOUCAULT JEFFREY BARSTAD CHRISTOPHER BUTZ JOHN 2ND STE 101	Use: Principal Residence: RESIDENTIAL NO
Mailing Address:	900 A SOUTH ST BALTIMORE MD 21014	Deed Reference: 1) /22365/ 00526 2)
Location & Structure Information		
Premises Address:	6605 KENWOOD AVE 0-0000	Legal Description: .491 AC 6605 KENWOOD AVE 1000 FT SW OF CORKLEY RD
Map: 0009	Grid: 0011	Parcel: 1187
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 2	Assessment Year: 2012
Plat No:	Plat Ref:	MS
Special Tax Areas:	Town:	NONE
Ad Valorem:	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
Property Land Area	County Use	
21,424 SF	04	
Stories	Basement	Type
Exterior	Full/Half Bath	Garage
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2012	07/01/2013
		07/01/2014
Land:	74,200	74,100
Improvements	0	0
Total:	74,200	74,100
Preferential Land:	0	0
Transfer Information		
Seller: DULANEY CARLA M	Date: 08/16/2005	Price: \$150,000
Type: ARMS LENGTH IMPROVED	Deed1: /22365/ 00526	Deed2:
Seller: DULANEY RICHARD	Date: 05/24/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /21914/ 00379	Deed2:
Seller: DULANEY RICHARD J	Date: 07/28/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13922/ 00686	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

PETITIONER'S
EXHIBIT NO. 2

New Search (<http://sdat.resiusa.org/RealProperty>)

[illegible]

Order the **TAX MAP** [click here...](#)

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

PETITIONER'S
EXHIBIT NO. 3

0022365 521

After recording, please return to:

Stonegate Title Company
1919 York Road
Timonium, MD 21093

DEED

File No. 058440

Tax Account No. 14-2300004474

THIS DEED, Made this 8th day of August, 2005, by and between Carla M. Dulaney, party of the first part, and Jeffrey Foucault and Christopher Barstad; and John Butz, II, parties of the second part.

WITNESSETH, that in consideration of the sum of One Hundred Fifty Thousand and 00/100 (\$150,000.00) DOLLARS; and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part, does grant and convey unto the parties of the second part, as joint tenants with full powers of survivorship their assigns, the survivor of them, and the survivor's personal representatives and assigns, in fee simple, all that property situate in Baltimore County, State of Maryland, described as follows, that is to say:

BEGINNING for the same at the beginning of the fourth line of that parcel of land which by deed dated September 16, 1987 and recorded among the Land Records of Baltimore County in Liber 7676, folio 277 was conveyed by ELIZABETH KAHLER and FREDERICK WILLIAM KAHLER, JR., thence running with and binding on the first, second and third lines as follows: South 50 degrees 31 minutes 00 seconds west 158.50 feet; North 39 degrees 29 minutes 00 seconds west 148.00 feet; North 53 degrees 03 minutes 43 seconds east 139.46 feet; thence running for three lines of division as follows: South 36 degrees 56 minutes 17 seconds east 71.24 feet; North 52 degrees 09 minutes 30 seconds east 22.36 feet; South 39 degrees 29 minutes 00 seconds east 70.01 feet to the place of beginning. CONTAINING 21,424 square feet (0.491 acres) of land more or less. The improvements thereon being known as 6605 Kenwood Avenue.

BEING the same property described in a deed dated December 27, 2003 and recorded among the Land Records of Baltimore County in Liber 21914, folio 379 was granted and conveyed by Richard Dulaney and Carla M. Dulaney unto Carla M. Dulaney, the herein Grantor.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

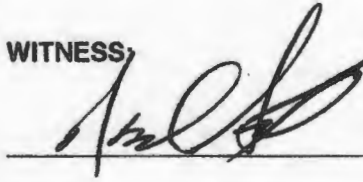
TO HAVE AND TO HOLD said described lot of ground and premises to the said parties of the second part, as joint tenants with full powers of survivorship their assigns, the survivor of them, and the survivor's personal representatives and assigns, in fee simple.

PETITIONER'S
EXHIBIT NO. 4

AND the said party of the first part hereby covenants that he/she have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he/she will warrant specially the property hereby conveyed; and that he/she will execute such further assurances of the same as may be requisite or necessary.

WITNESS, the hands and seals of said Grantor.

WITNESS:

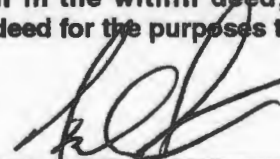


Carla M. Dulaney (SEAL)
Carla M. Dulaney
Grantor

STATE OF Maryland
County of Baltimore, TO WIT:

I Hereby Certify, That on this 8th day of August, 2005, before me, the subscriber, personally appeared Carla M. Dulaney and, known to me or satisfactorily proven to be the person whose name is/are set forth in the within deed, and did further acknowledge that he/she executed the foregoing deed for the purposes therein contained.

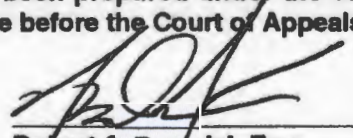
WITNESS MY HAND AND NOTARIAL SEAL.


NOTARY PUBLIC

My Commission Expires:

ROBERT C. BRENDL NOTARY PUBLIC
BALTIMORE COUNTY, MARYLAND
MY COMMISSION EXPIRES 12/1/2007

THIS IS TO CERTIFY that this instrument has been prepared under the supervision of Robert C. Brendel, an Attorney admitted to practice before the Court of Appeals of the State of Maryland.


Robert C. Brendel, Esq.

return to:



6605 KENWOOD
AVENUE
BETHESDA, MD 20814

EXHIBIT NO.

6

Created By
Baltimore County
Assessor's Office



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Printed 6/9/2014



7a



7b



7d



7e



7e



7f



7h



7g

IN RE: PETITION FOR SPECIAL HEARING
S/S Kenwood Avenue, 210' NE of
Coco Road
(6601 Kenwood Avenue)
14th Election District
7th Councilmanic District

Frederick Kahler, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-103-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Frederick Kahler, Jr. The Petitioner seeks approval of a waiver from the requirements of Section 2.B.1 of the Department of Permits and Development Management (DPDM) Design Manual, to permit the use of an existing 15-foot wide ingress/egress maintenance and utility easement to provide access from Lot 2 to a public road (Kenwood Avenue) in lieu of the required 20-foot wide in-fee strip. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Frederick Kahler, Jr., property owner, and Paul Lee, Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.82 acres, more or less, zoned D.R. 5.5, and is improved with two single family dwellings and a detached garage which serves the dwelling known as 6601 Kenwood Avenue. The property is located on the south side of Kenwood Avenue, not far from Golden Ring Road in Rosedale. Apparently, the two dwellings have existed on the property for

DATE FILED
11/2/98
By [Signature]



many years. The Petitioner is desirous of subdividing the property to create two separate lots so that each dwelling can be offered for sale independently. However, in order to proceed through the minor subdivision process, the requested special hearing is necessary to allow access to proposed Lot 2 utilizing an existing 15-foot wide maintenance and utility easement. Testimony indicated that the Development Plans Review Division of DPDM has recommended approval of the requested waiver. As noted above, these houses have existed on the property for many years and access to both homes has never been an issue. The residents have always shared a common driveway and public utilities exist for both lots. Thus, it is clear that relief can be granted without causing any detriment to the surrounding locale.

Pursuant to Section 26-172 of the Baltimore County Code (B.C.C.), I am persuaded to grant the requested waiver. Based upon the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if strict compliance with the development regulations set forth in Section 2.B.1 of the DPDM Design Manual were required. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

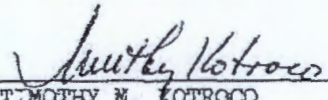
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of November, 1998 that the Petition for Special Hearing seeking approval of a waiver from the requirements of

Section 2.B.1 of the Department of Permits and Development Management (DPDM) Design Manual, to permit the use of an existing 15-foot wide ingress/egress maintenance and utility easement to provide access from Lot 2 to a public road (Kenwood Avenue) in lieu of the required 20-foot wide in-fee strip, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

FILED
Date 11/12/98
BY [Signature]

10/11/98
P.P.
10/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: October 7, 1998

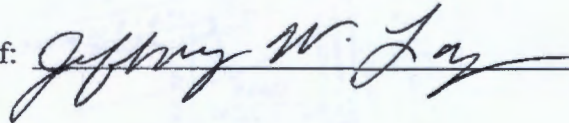
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 103

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

②

EASEMENT AGREEMENT

IMP 20 SURF 1	2.00
RECORDING FEE	20.00
TOTAL	22.00

BACKGROUND

- Post #482 Post # 5844
 SN RC File # 2077
 Jun 12 1999 27:01 PM

4 DEFINITIONS:

- A. "Owner(s)" as used herein shall mean any present or future owner of record of all or any portion of the Kahler, Jr. Lot or the Dulancy Lot
- B. "Kahler, Jr. maintenance Area" is that area of the Kahler, Jr. Lot crosshatched on Exhibit A attached hereto and make a part hereof
- C. "Easement Area" is the area which is located between Kenwood Avenue and the Dulancy Lot as shown on Exhibit A
- D. "Utility Easement Area" means the area shown on Exhibit A marked R/W

5. KAHLER, JR. and DULANEY EASEMENT:

Kahler, Jr. the owner of Lot 1 one Exhibit A attached hereto does hereby establish and create for the benefit of Dulaney an easement, license, right and privilege of passage, both vehicular, and pedestrian in, on over and upon the paved driveway located within the Easement Area for the sole purpose of ingress and egress to Keenwood Avenue. The Easement shall be subject to the limitations that vehicular access shall be limited to automobiles and pick up trucks that are sized to stay within the fifteen foot (15') driveway and of such weight so as to not damage the paved driveway, the parking or stopping of vehicles on the driveway shall not be permitted.

6. **MAINTENANCE AND COST SHARING:** The Owner of the Dulaney Lot shall be responsible for maintaining the Dulaney Driveway in a clean and orderly condition. The Owner of the Dulaney lot shall reimburse the owner to the Kahler Lot for One-half (1/2) of the reasonable cost of maintaining the Dulaney Driveway within the Dulaney Maintenance Area, such payment to be but within thirty (30) days after delivery of an itemized invoice therefor, together with copies of paid invoices substantiating such costs. The cost of maintenance shall include but not be limited to snow removal, cleaning, repair and maintenance of the paving, including resurfacing and/or sealing, the removal of any dead or fallen trees on or adjacent to the Kahler Jr driveway.

7 RELEASE AND INDEMNIFICATION

The Owners of the Duane Lot 2 hereby release and discharge the Owner of Kahler, Jr. Lot 1 from any and all liabilities, actions, damages on account of death or bodily injuries or damage to property, and claim of any type whatsoever, including reasonable attorney's fees, consultants' fees, or other costs incurred in connection herewith, on account of (i) the use of the Easement area by such Owners and Contractors, agents, servants, invite, guests or any other person or (ii) the failure of the Owner of the Kahler, Jr. Lot to discharge its obligation under Section 5 hereof.

- 8 REMEDIES: If any Owner fails to comply with any provision herein, then any other Owner may, at its option upon thirty (30) days written notice to the defaulting Owner, or sooner upon verbal notice if any emergency exists, proceed to cure such default and charge the defaulting Owner for the cost thereof which shall be due within thirty (30) days after written request therefor including copies of invoices reflecting such costs. Any such amount, or any other amount which an Owner is required to pay under the terms of this Agreement shall be a joint and several obligation of the defaulting Owner to the Owner to whom such amount is owed, as well as entire such

RECEIVED
DEPT. OF JUSTICE
JUL 14 1994
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

10

EXHIBIT NO.

0013825 061

Owner to a lien upon the defaulting Owner's property pursuant to the Maryland Contract Lien Act as in effect at the date hereof or as subsequently amended from time to time, together with all remedies provided thereunder including the foreclosure of such lien. No lien created hereunder shall be valid as against a purchaser (or mortgagee or holder of a deed of trust) of the defaulting Owner's property, and no such lien shall be superior to any such mortgage or deed of trust unless a suit to enforce such lien shall have been filed in court of record in Baltimore County, Maryland, prior to the recordation among the Land Records of Baltimore County of the deed (or mortgage or deed of trust) conveying such property to such purchaser (or subjecting the same to such mortgage or deed of trust). All costs and expenses, including reasonable attorney's and consultant's fees of prosecuting any proceeding at law or in equity brought to enforce any provision of this agreement, including any amounts due and owing and the foreclosure of the aforementioned lien, shall be paid by the defaulting owner and shall be included as part of the amount secured by the aforementioned lien against the defaulting owner's property.

9. **AMENDMENT.** The provisions of this agreement may be modified or amended only by a written instrument executed by all Owners.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound

hereby, have executed this agreement of the day and year first above written.

WITNESS:

John H. Dumlcr

Frederick William Kahler, Jr.

Frederick William Kahler, Jr.

John H. Dumlcr

Richard Dulaney

Richard Dulaney

State of Maryland, County of Howard

I hereby certify that on this 26th day of February, 1999 before me, the subscriber, a Notary Public in and for the State aforesaid, personally appeared FREDERICK WILLIAM KAHLER, JR., who made oath in due form of law, under the penalties of perjury that the matters and facts set forth in the forgoing document are true and correct to the best of his knowledge, information and belief, and that he has Voluntarily executed this document for the purposes therein contained.

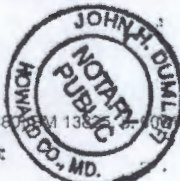


John H. Dumlcr
John H. Dumlcr, Notary Public

My Commission Expires:
August 1, 2000

State of Maryland, County of Howard

I hereby certify that on this 26th day of February, 1999 before me, the subscriber, a Notary Public in and for the State aforesaid, personally appeared RICHARD DULANEY, who made oath in due form of law, under the penalties of perjury that the matters and facts set forth in the forgoing document are true and correct to the best of his knowledge, information and belief, and that he has Voluntarily executed this document for the purposes therein contained.



John H. Dumlcr
Notary Public

Return to:
THE CITIZEN'S TITLE COMPANY
2221 MARYLAND AVENUE
BALTIMORE, MD 21218-5648

#14324 Dulaney My Commission Expires:

BA CIRCUIT COURT (Land Records) [MSA CE 62-4368-1382-1007] Printed 10/13/2007. Online 03/08/2005.

CONFIRMATORY AGREEMENT

20
THIS CONFIRMATORY AGREEMENT dated 17th day of May, 2001 by and between **FREDERICK WILLIAM KAHLER, JR.** the owner of 6601 Kenwood Avenue, Baltimore County and **RICHARD DULANEY** the owner of 6605 Kenwood Avenue, Baltimore County.

WHEREAS, **FREDERICK WILLIAM KAHLER, JR.** and **RICHARD DULANEY** entered into an Easement Agreement dated February 16, 1999 which has been recorded among the Land Records of Baltimore County in Liber 13825, folio 60, et seq.

IMP ED SURF \$	5.00
RECORDING FEE	20.00
TOTAL	25.00

THE PARTIES hereto have discovered through inadvertence, the survey Plat was not recorded with the Easement Agreement.

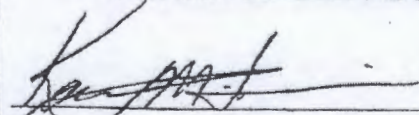
Rest # 2481	Rept # 78338
SM CR	Bk # 956

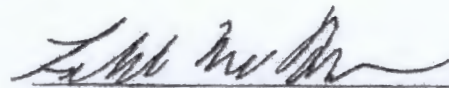
NOW THEREFORE, this Agreement in consideration of the mutual agreement between the parties hereto and **NO MONETARY CONSIDERATION** both parties agree that the original Easement Agreement recorded among the Land Records of Baltimore County in Liber 13825, folio 60, et seq shall remain in full force and effect as originally recorded, 2001

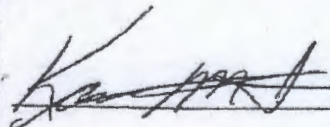
29:45

The Survey attached hereto is the original survey that was prepared for settlement on May 3, 1999 and is attached hereto to reflect the easement area and to correct the deficiency of non-recording of the survey.

WITNESS the hands and seals of the parties hereto.

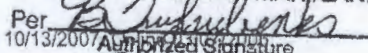


 (SEAL)
FREDERICK WILLIAM KAHLER, JR.



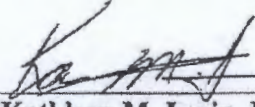
 (SEAL)
RICHARD DULANEY

TRANSFER TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY MARYLAND

Per 
Authorized Signature

STATE OF MARYLAND, COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 11th day of May, 2001 before me, the subscriber, a Notary Public in and for the State aforesaid, personally appeared **FREDERICK WILLIAM KAHLER, JR.**, who made oath in due form of law, under the penalties of perjury that the matters and facts set forth in the forgoing document are true and correct to the best of his knowledge, information and belief, and that he has voluntarily executed this document for the purposes herein contained.


Kathleen M. Irwin, Notary Public

My Commission Expires: November 17, 2001



STATE OF MARYLAND, COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 11th day of May, 2001 before me, the subscriber, a Notary Public in and for the State aforesaid, personally appeared **RICHARD DULANEY**, who made oath in due form of law, under the penalties of perjury that the matters and facts set forth in the forgoing document are true and correct to the best of his knowledge, information and belief, and that he has voluntarily executed this document for the purposes herein contained.


Kathleen M. Irwin, Notary Public

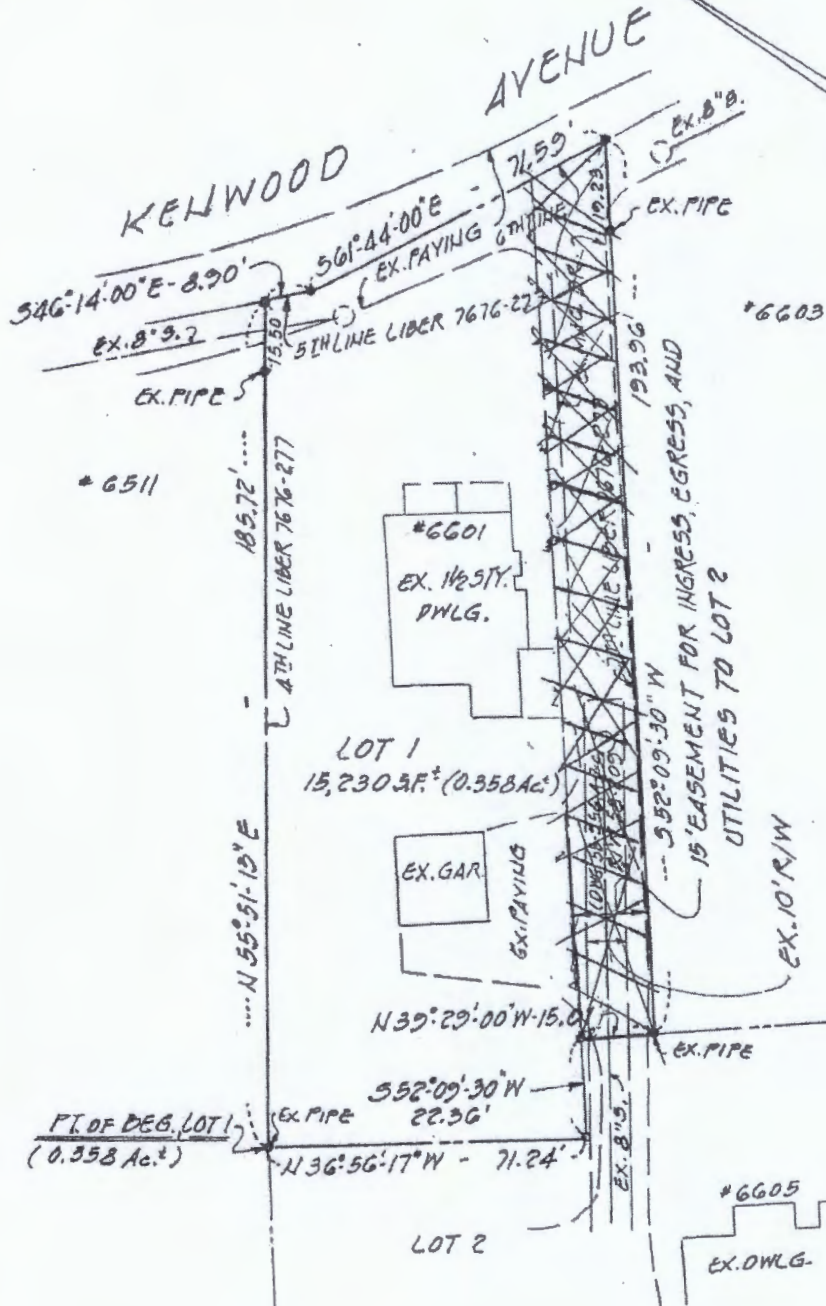
My Commission Expires: November 17, 2001



Ambassador Title Company, LLC
100 West Rd. Ste. 214
Towson, MD 21204

AMB 456

0015277 5351



PT. OF DEG. LOT 1
(0.358 Ac.)

PLAT OF LOT 1

6601 KENWOOD AVENUE

FREDERICK W. KAHLER, JR. PROPERTY

ELECT. DIST. 1467 BALTIMORE COUNTY, MD.

SCALE: 1" = 30'

NOV. 13, 1998

ENGINEER:

CENTURY ENGINEERING, INC.

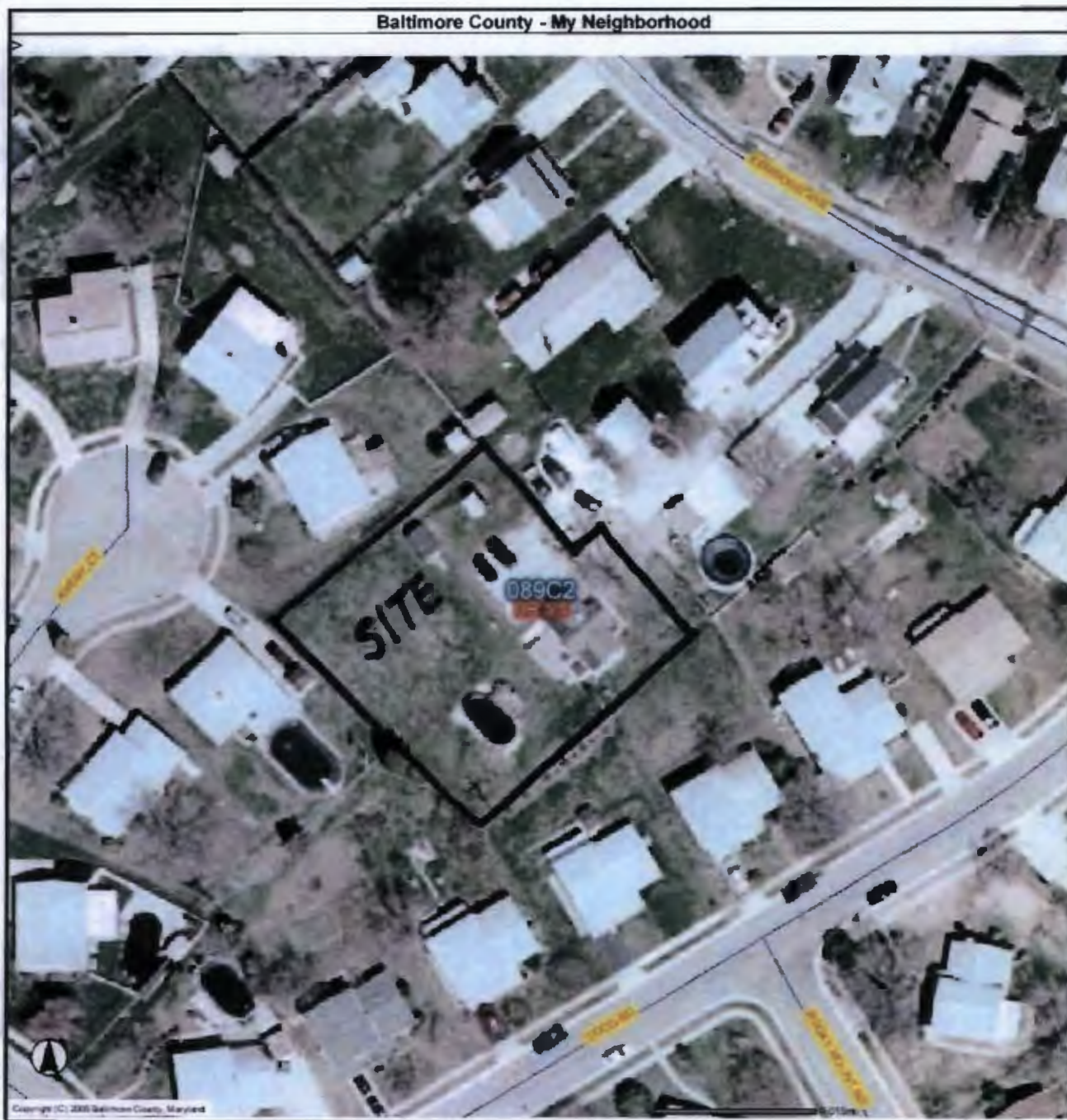
32 WEST ROAD

TOWSON, MARYLAND 21204

(410) 823-8070

98-067.00





#11

#287

Case No.: 2014-0226-SPH

Exhibit Sheet

EW 9-30-14

Petitioner/Developer

Respondent

No. 1	Plan	Letter dated 6-13-2014
No. 2	SDAT record	Photos
No. 3	Tax map	
No. 4	Deed	
No. 5	Kahler Minor Subdivision Plan	
No. 6	Aerial photo	
No. 7	7A-7H Photo Exhibit	
No. 8		
No. 9	Ordn in No. 49-103	
No. 10	Easement Agt.	
No. 11	My Neighborhood Map-Aerial	
No. 12		

June 13, 2014

Jefferson Building
105 W. Chesapeake Ave Rm 205
Towson, MD 21204

Ref: Case # 2014-0226-SPH

To whom it may concern:

We have many concerns that will affect several surrounding homeowners if this case is granted. The following is a list of our concerns:

- Deficient sewage line. - Our three properties share the same sewage line. Currently the sewage line is cracked and broken, it barely supports three dwellings, let alone a fourth.
 - Homeowner in 6603 has/had sewage backups in their basement every 4-6 months.
 - When Baltimore County conducts its "White Smoke Test" the ground smokes in many areas.
- **Trash pickup**. - Where is the trash for two proposed dwellings going to sit, on the front lawn of 6601 or 6603 Kenwood Ave?
- **Mailboxes**- Where are the mailboxes going to be placed, on the front lawn of 6601 or 6603 Kenwood Ave?
- **Emergency Vehicles** - As our properties sit today, emergency vehicles have no place to fit or turn around.
- **Weight distribution on driveway** - We have witnessed the driveway flexing with heavy trucks. Our concern is our driveway collapsing. Is the weight of large trucks that deliver materials going to collapse our driveway?
- **1,000 gallon oil tank under driveway** - If our 1,000 gallon oil tank underground is disturbed and causes environmental issues or damage, which party becomes responsible for repairs/loss?
- **Snow removal** - Where will snow removal be placed?
- **Heavy Traffic - 2 vehicles** per dwelling **times five** (6601 Kenwood has a current Rental Housing License) would be **ten vehicles**. Will the new driveway be one way in and one way out? What happens if one of the two new homeowners opens a daycare or home business that increases traffic?

Ryan & Lisa Seeley
6601 Kenwood Ave

Protestant #1

Car #2

Car #3 } Rental
House

Car #4

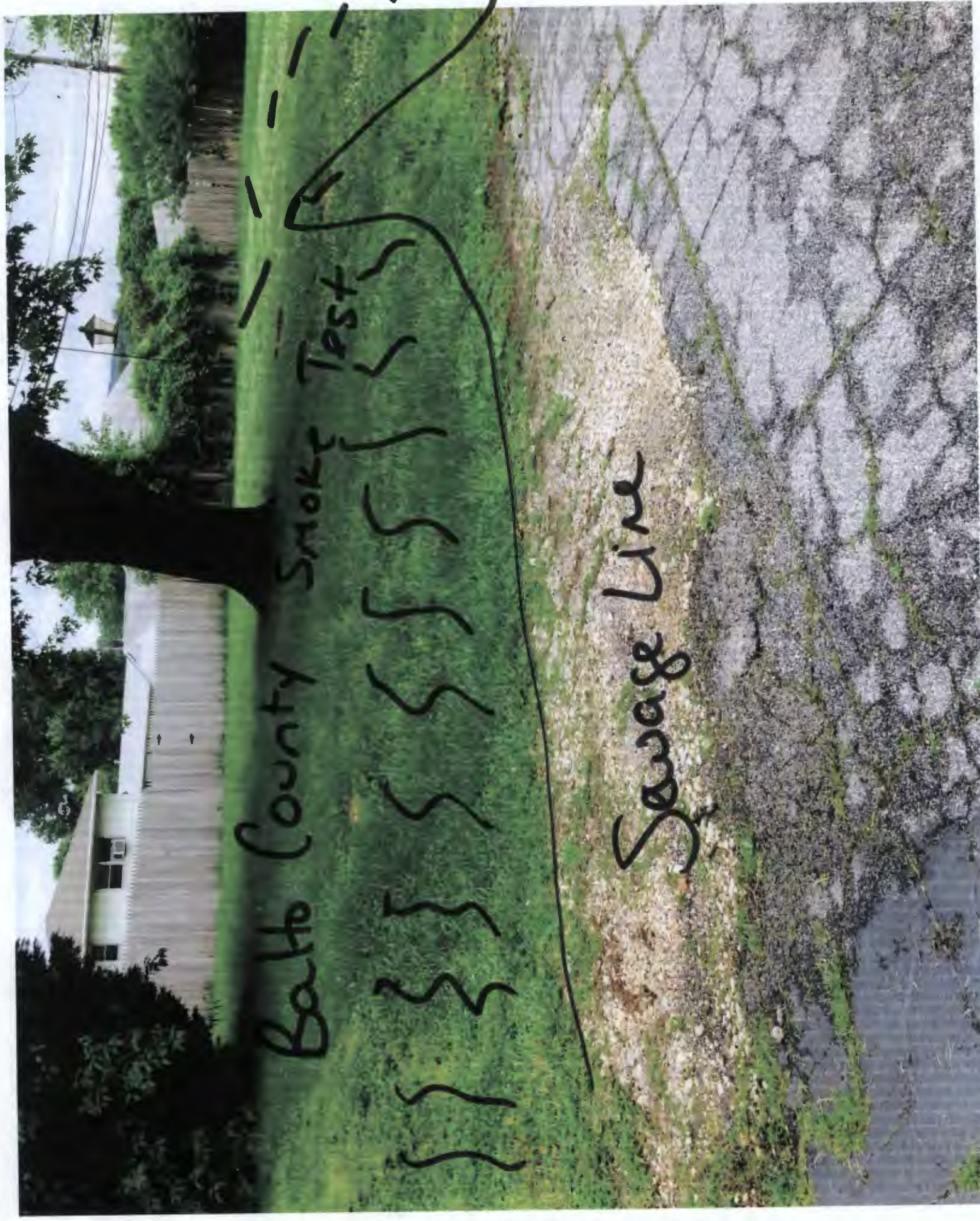
License

Oil Tank

Car #1 Car #2







Baltimore County Smoke Test

Sewage Line





2001-0002-A
1984-0215-A

1419062050
Lot # 8

6418

1414011230

Lot # 9

Lot # 10 1408005630

6422
1413078040

Lot # 11

DAYTONA RD

PDM # 148017

1419076360

Lot # 29

Lot # 5
1408006260

8500
1419085226

Lot # 34
1407083700

8507
1415015050

Lot # 33

1402067970

Lot # 32

Lot # 31 1405074350

Lot # 30

1406047090

Pt. Bk./Folio # 012092A

1412022300

Lot # 21

Lot # 22

1412002275
8500

Pt. Bk. 0000012, Folio 0092

6-CD

1402087430

6503

1401055110

6501

6507
1414065375

6509
1408005580

1406035571

1996-0233-A

1420031810

9 Lot # 5

Pt. Bk./Folio # 024064

089C2-DR 5.5

NE 4-F

1408006010

Lot # 4

PDM # 148064

Pt. Bk./Folio # MP98081

2002-0171-A

1411002190

6603

2300004473

Lot # 1

2002-0171-A

Lot # 34
1411069660

8442

Lot # 33
1413086620

8440

Lot # 32
1403004550

8438

Lot # 31
1403039160

8436

1408056290

Lot # 30

Lot # 29
1416046240

PDM # 140311

Pt. Bk./Folio # 024135

Lot # 28
1407061090

SITE

2008-0287-SPH
1999-0103-SPH

Lot # 2

00004474

1407016890

Lot # 3

1412074820

Lot # 27

8428

1999-0057-A

COCO RD

ROCKY MOUNT RD

1407048701

1407048700

6611
1401085122
Pt. Bk. 0000024, Folio 0135

1405019980

Pt. Bk. 0000027, Folio 0008

1413042530

8421

Lot # 2

Pt. Bk./Folio # 027008

1412041400

Lot # 3

1402087480

Lot # 1

1402023290

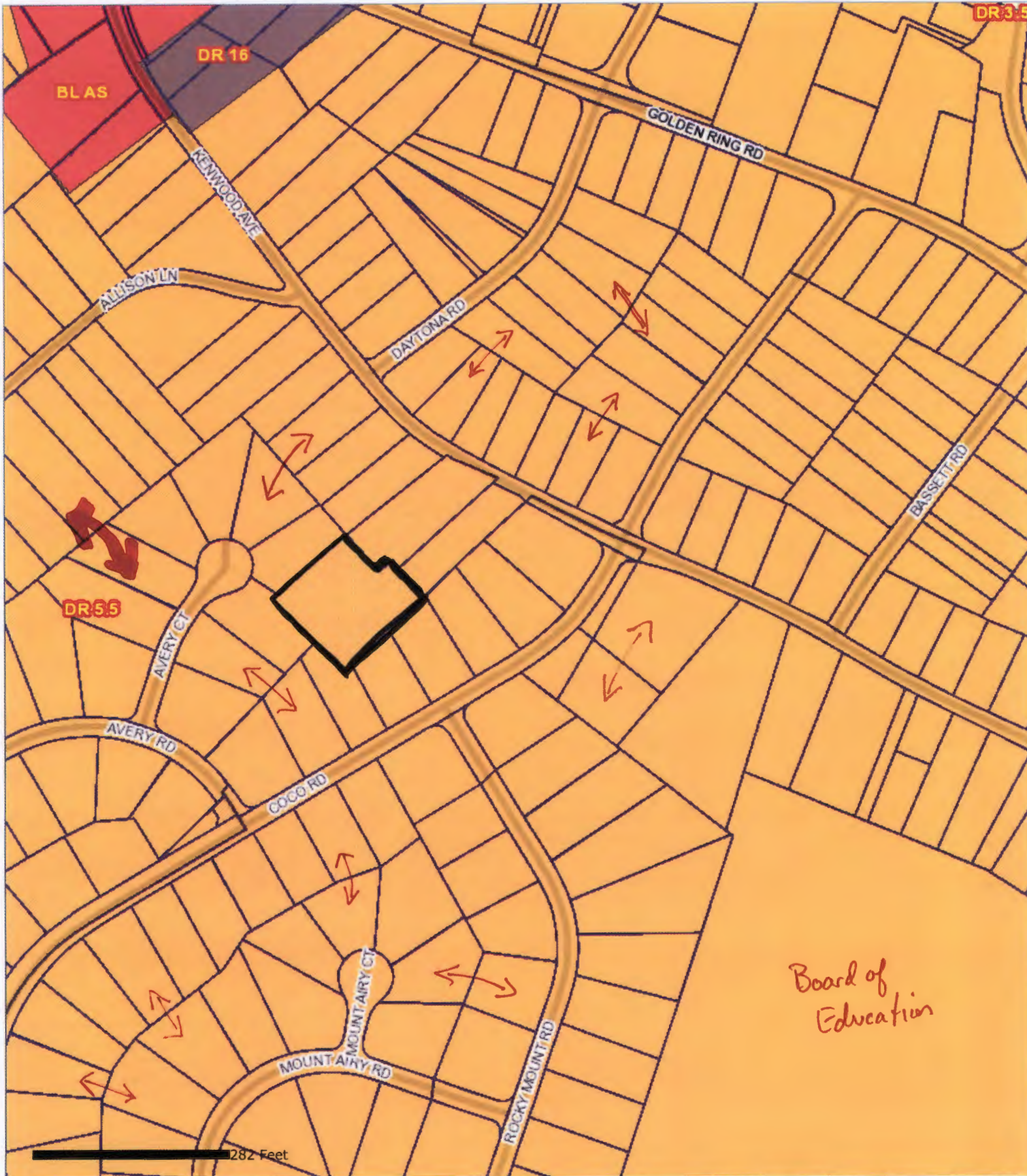
Lot # 2

1410047230

1403051160

8419

1413026850



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



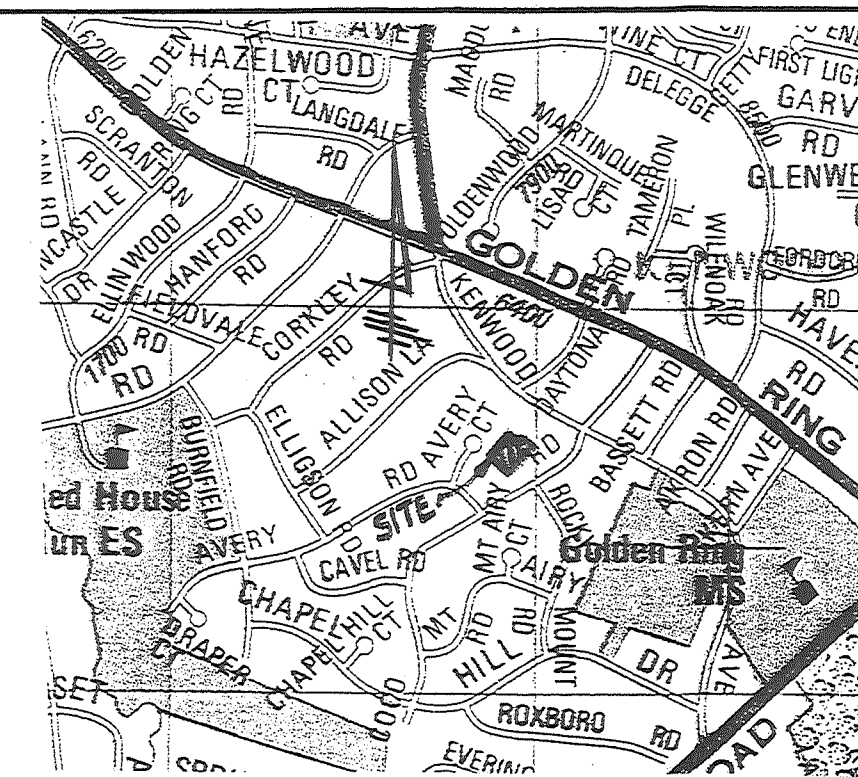
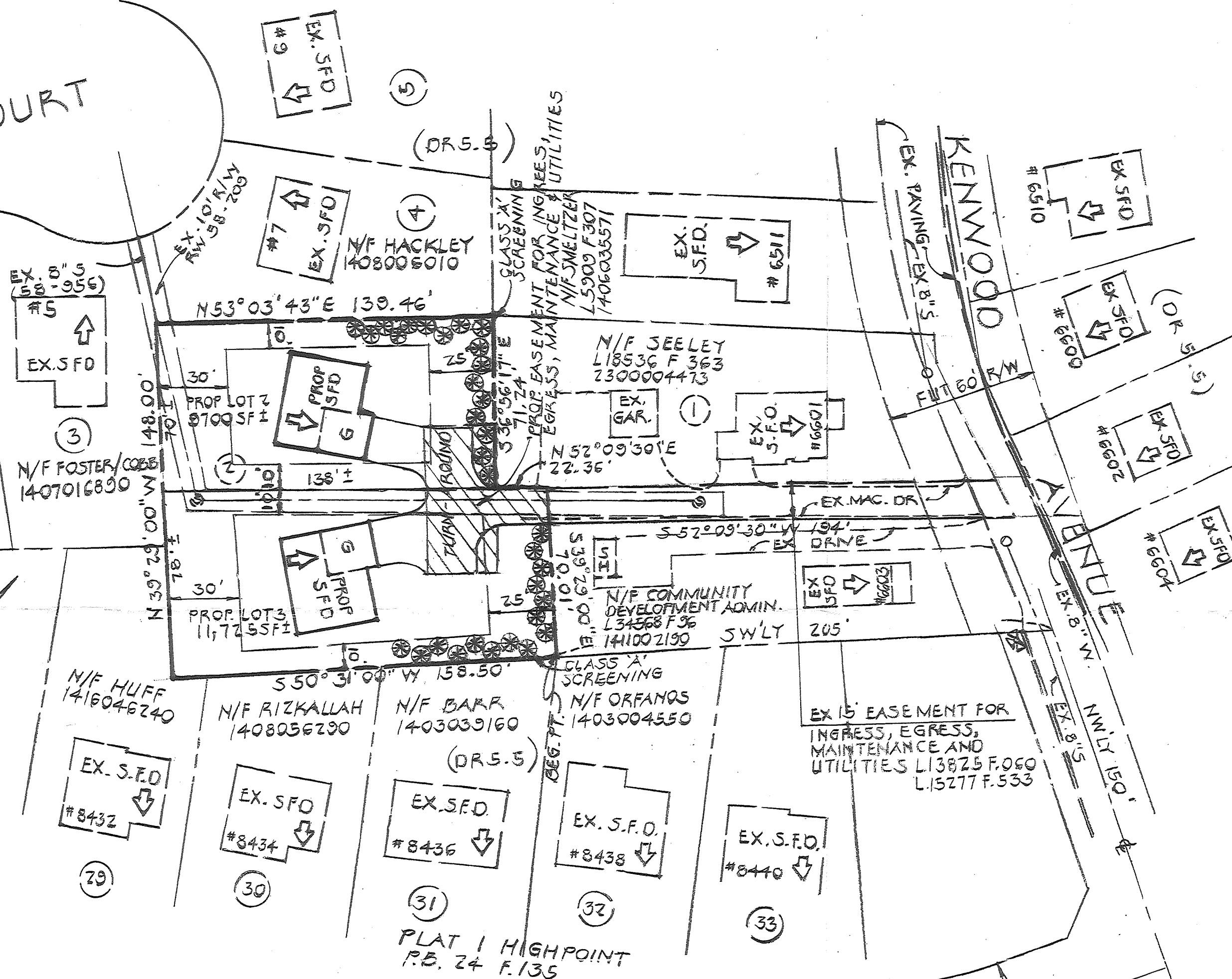
This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 11/20/2012

AVERY COURT

GREENVIEW
P.B. 24 F. 64

(2)
(DR S.S.)



VICINITY MAP
SCALE: 1" = 1000'

NOTES

1. ZONING.....DR 5.5 (MAP 089C2)
2. AREA.....21424 S.F. = 0.491 ACRE
3. PREVIOUS ZONING HISTORY
CASE NO. 99-103 SPH GRANTED NOVEMBER 12, 1998
SEE ORDER ATTACHED HERETO
4. PUBLIC WATER AND SEWER IS EXISTING
5. TO THE PREPARER'S KNOWLEDGE, NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES, CRITICAL AREAS OR UNDERGROUND STORAGE TANKS EXIST
6. SITE IS NOT LOCATED IN THE CBCA OR A 100 YEAR FLOOD ZONE

ZONING ORDER-CASE 99-103SPH

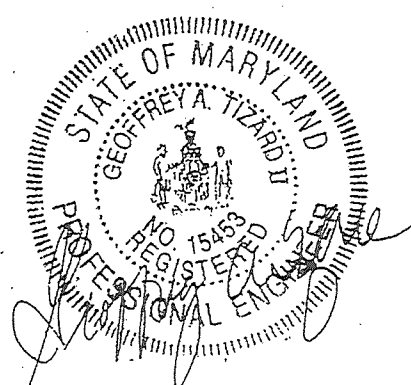
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of November, 1998 that the Petition for Special Hearing seeking approval of a waiver from the requirements of Section 2.B.1 of the Department of Permits and Development Management (DPDM) Design Manual, to permit the use of an existing 15-foot wide ingress/egress maintenance and utility easement to provide access from Lot 2 to a public road (Kenwood Avenue) in lieu of the required 20-foot wide in-fee strip, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

PETITIONER'S
EXHIBIT NO. 1

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

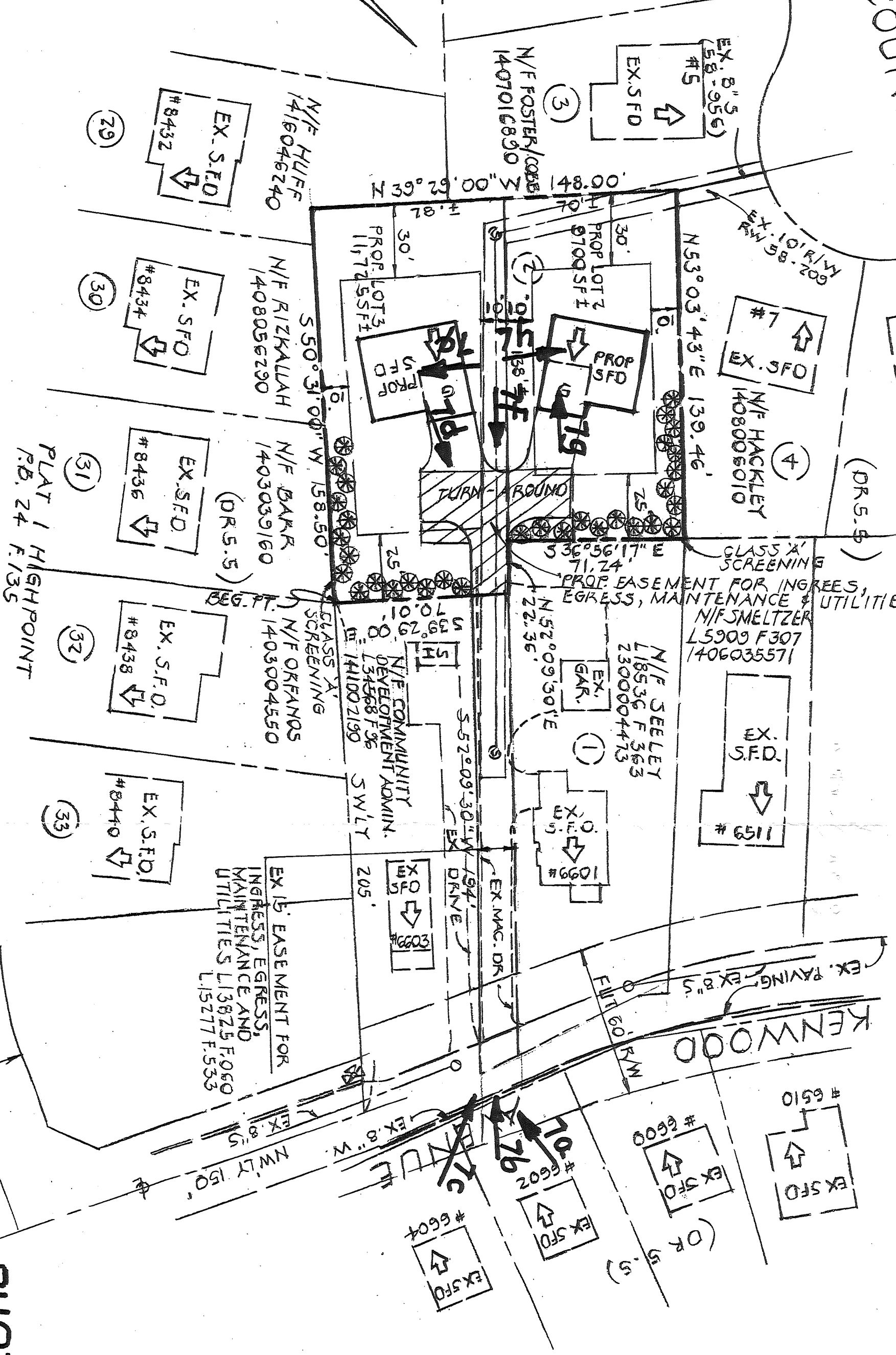
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME,
AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MARYLAND. LICENSE NO. 15453, EXPIRATION DATE: JULY 2, 2015



CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNERS
JEFFREY FOUCAULT, CHRISTOPHER BARSTAD
AND JOHN BUTZ, II
P.O. BOX 3661
BALTIMORE, MD. 21214-0661
DEED REF. L.22365 F.526
PROP. NO. 2300004474

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING
6605 KENWOOD AVENUE
LOT 2
FREDERICK W. KAHLER, JR. PROPERTY (98081M)
ELECTION DISTRICT 14C7
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 40 FEET APRIL 23, 2014



NOTES WERE PREPARED OR APPROVED BY ME,
 ESSIONAL ENGINEER UNDER THE LAWS OF THE
 453, EXPIRATION DATE: JULY 2, 2015

PHOTOS

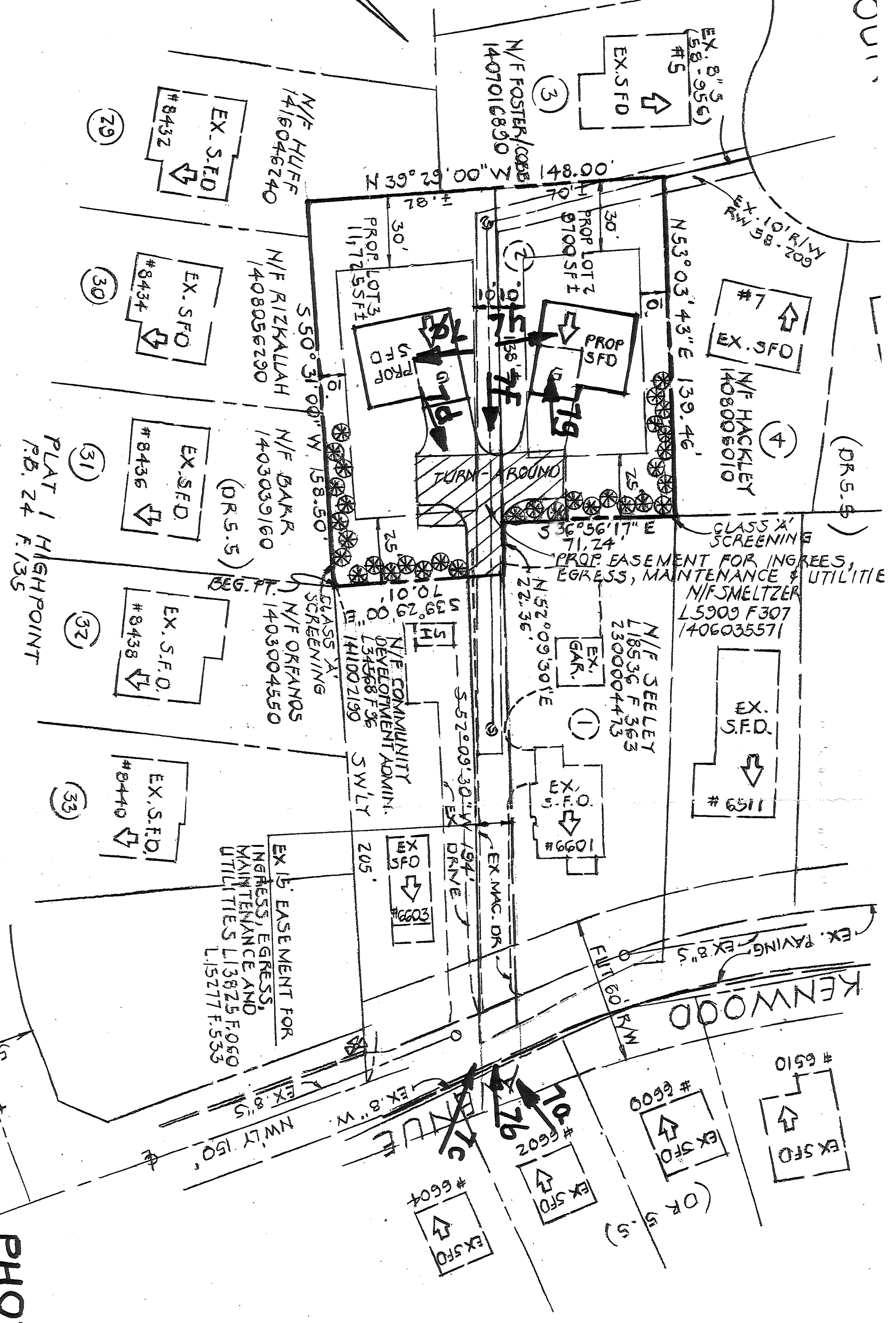
PETITIONER'S
 EXHIBIT NO. 7a-7h

ZONING

- NOTES
1. ZONING.....DI
 2. AREA.....21424 S
 3. PREVIOUS ZONING I
 CASE NO. 99-103 SPE
 SEE ORDER ATTAC
 4. PUBLIC WATER AND
 5. TO THE PREPARER'S
 ARCHEOLOGICAL SI
 STORAGE TANKS EX
 6. SITE IS NOT LOCATE

THEREFORE, IT IS
 Baltimore County this 2
 Special Hearing seeking ay
 Section 2.B.1 of the Dc
 (DPDM) Design Manual, to pe
 gress/egress maintenance 2
 to a public road (Kenwood 2
 in-free strip, in accordan
 GRANTED, subject to the fol

- 1) The Petito
 permit and be gr
 however, Petition
 ceeding at this
 30-day appeal per
 expired. If at
 reversed, the rel



NOTES WERE PREPARED OR APPROVED BY ME,
 ESSIONAL ENGINEER UNDER THE LAWS OF THE
 453, EXPIRATION DATE: JULY 2, 2015

PHOTOS

PETITIONER'S
 EXHIBIT NO. 7a-7h

ZONING

- NOTES
1. ZONING.....DI
 2. AREA.....21424 S
 3. PREVIOUS ZONING I
 CASE NO. 99-103 SPE
 SEE ORDER ATTAC
 4. PUBLIC WATER AND
 5. TO THE PREPARER'S
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