

M E M O R A N D U M

DATE: February 11, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0128-A- Appeal Period Expired

The appeal period for the above-referenced case expired on February 10, 2016. 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



KEVIN KAMENETZ
County Executive

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

January 11, 2016

James D. O'Connor, Esq.
O'Connor, Hammel & Butler, P.A.
100 West Road, Suite 215
Towson, Maryland 21204

RE: Petition for Variance
Case No. 2016-0128-A
Property: 2108 Thistlebloom Road

Dear Mr. O'Connor:

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 the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: R. Craig Rodgers, Craig Consulting, LLC,
7024 Greenbank Road, Baltimore, Maryland 21220

IN RE: PETITION FOR VARIANCE
(2108 Thistlebloom Road)
1st Election District
1st Council District
KMW & Associates, LLC
Petitioner

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*
*
*

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0128-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of KMW & Associates, LLC, owner of the subject property ("Petitioner"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 402.1.B to permit an existing four apartment dwelling (Duplex) with a side setback of 11.8 ft. in lieu of the minimum setback of 15 ft., and a front setback of 21.3 ft. in lieu of the required 25 ft. A redlined site plan was marked as Petitioners' Exhibit 1.

Keith Waller and Craig Rodgers from Craig Consulting, LLC appeared in support of the Petition. James D. O'Connor, Esq. with O'Connor, Hammel & Butler, P.A., appeared and represented the Petitioner. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not object to the request but proposed certain conditions for inclusion in the final order.

The subject property is approximately 23,850 square feet and is zoned DR 5.5. The property is comprised of three separate lots (Nos. 12 – 14) in a subdivision known as Windsor Dale. Lot 14 is improved with a 1-½ story dwelling containing four apartments or living units, while Lot Nos. 12 and 13 are unimproved. The property has been used as a four apartment house

ORDER RECEIVED FOR FILING

Date 1-11-16

By SW

for over 20 years, and Petitioner (in connection with an application for financing) seeks variance relief to "legitimize" long existing site conditions.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The property has irregular dimensions and Petitioner must contend with long-existing site conditions. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be required to relocate the dwelling, which is an untenable option. 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 Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 11th day of **January, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") § 402.1.B to permit an existing four apartment dwelling (Duplex) with a side setback of 11.8 ft. in lieu of the minimum setback of 15 ft., and a front setback of 21.3 ft. in lieu of the required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date 1-11-16

By [Signature]

2. Petitioner must, within 60 days of the date hereof, remove the chain link fence along the road frontage, and provide off-street parking for four (4) vehicles in compliance with the design requirements of B.C.Z.R. § 409.8 (with the exception of screening or landscaping, which shall not be required).

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:/dlw

ORDER RECEIVED FOR FILING

Date 1-11-16

By DLW



ION FOR ZONING H~~OR~~ 3(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 2108 THISTLEBLOOM ROAD which is presently zoned D.R. 5.5
 Deed References: 24979/807 10 Digit Tax Account # 01 02 20 05 70
 Property Owner(s) Printed Name(s) FOR KMW ASSOCIATES, LLC - KEITH WALLER

(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. X a Variance from Section(s) 4 02.1 B

SEE ATTACHED

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)

SEE ATTACHED

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

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

FOR: KMW ASSOCIATES, LLC

KEITH WALLER - MEMBER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

4316 ELDERON AVE BALTIMORE MD

Mailing Address

City

State

21215

Zip Code

Telephone #

Email Address

Representative to be contacted:

R. CRAIG RODGERS

Name - Type or Print

Signature

7024 GREENBANK RD BALTIMORE MD

Mailing Address

City

State

21220

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

JAMES O'CONNOR

Name- Type or Print

Signature

100 WEST RD, STE #215 TOWSON MD

Mailing Address

City

State

21204

Zip Code

Telephone #

Email Address

21220 / 443-677-2007 / craigrodgers200@gmail.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0128-A

Filing Date 11/18/15

Do Not Schedule Dates: _____

Reviewer G.H

November 18, 2015

Case # 2016-0128-A

Variance: Section: 402.1.B. of the BCZR. To permit an existing four apartment dwelling (duplex) with a side setback of 11.8 feet in lieu of the minimum setback of 15 feet.

2108 THISTLEBLOOM ROAD
STATEMENT OF PRACTICAL DIFFICULTY AND HARDSHIP

The property has a four apartment house and is zoned DR 5.5. As such it meets all zoning regulations except two setback requirements. Therefore, the petitioner requests he be permitted a side yard setback of 11.8 feet in lieu of the required 15 feet, and be permitted a front setback from the road of 21.3 feet in lieu of the required 25 feet.

The 11.8 feet side yard needing relief is over 80 feet from the buildings of the adjacent condominium complex. Thistlebloom Road terminates at the subject property. The dead end of the road and the north property line are separated from the condominium complex by a fence line. The front setback for the main house is 30.5 feet. However, prior to the present ownership, the front porch was closed in and has a setback of 21.3 feet from the road.

The petitioner has owned the property since 2006. The four apartment arrangement was in place at the time of purchase. Two of the four tenants were residents prior to the purchase and it would be a hardship for them to have to move. Also, the closed in porch existed prior to the purchase and it would be a practical difficulty to remove the alterations that were made to the original porch. The petitioner feels that being granted relief from the setback requirements is the practical solution for the property and the tenants.

ZONING PROPERTY DESCRIPTION FOR 2108 THISTLEBLOOM ROAD

Beginning at a point on the east side of Thistlebloom Road which is 30 feet wide at a distance of 165.00 feet north of the center line of Windsor Mill Road which is 30 feet wide;

Being Lots 12, ~~13~~ and 14 in the subdivision of Windsor Dale as recorded in Baltimore County Plat Book 7, Folio 55, containing 23,844.75 square feet, $\pm$, 0.5474 acres, $\pm$. Located in the First Election District and First Council District.

2016-0128-A



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3830471

Sold To:

Craig Rodgers - CU00510120
7024 Greenbank Rd
Middle River, MD 21220-1111

Bill To:

Craig Rodgers - CU00510120
7024 Greenbank Rd
Middle River, MD 21220-1111

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Dec 22, 2015

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: # 2016-0128-A
2108 Thistlebloom Road
NW/s Thistlebloom Road, SE 165 ft. to the centerline of Windsor Mill Road
1st Election District - 1st Councilmanic District
Legal Owner(s) KMW & Associates, LLC, Keith Waller, Member

Variance: to permit an existing four apartment dwelling (duplex) with a side setback of 11.8 ft. in lieu of the minimum setback of 15 ft.

Hearing: Monday, January 11, 2016 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 12/791 Dec. 22 3830471

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

THE UNIVERSITY OF CHICAGO
LIBRARY
1100 EAST 58TH STREET
CHICAGO, ILL. 60637

S. Wilkinson
Legal Advertising

THE UNIVERSITY OF CHICAGO
LIBRARY
1100 EAST 58TH STREET
CHICAGO, ILL. 60637

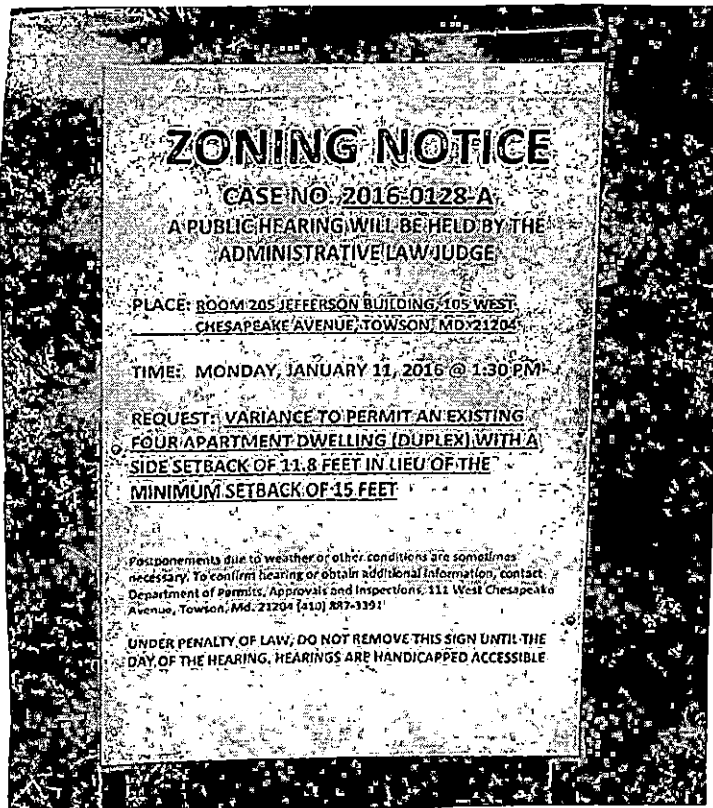
CERTIFICATE OF POSTING

Date: DECEMBER 22, 2015

RE: Project Name: 2108 THISTLEBLOOM ROAD
Case Number /PAI Number: CASE NO. 2016-0128-A
Petitioner/Developer: KMW & ASSOCIATES, LLC
Date of Hearing/Closing: JANUARY 11, 2016

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 2108 THISTLEBLOOM ROAD

The sign(s) were posted on DECEMBER 21, 2015
(Month, Day, Year)



PAI DM7w

David W. Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

December 4, 2015

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: 2016-0128-A

2108 Thistlebloom Road

NW/s Thistlebloom Road, SE 165 ft. to the centerline of Windsor Mill Road

1st Election District – 1st Councilmanic District

Legal Owners: KMW & Associates, LLC, Keith Waller, Member

Variance to permit an existing four apartment dwelling (duplex) with a side setback of 11.8 ft. in lieu of the minimum setback of 15 ft.

Hearing: Monday, January 11, 2016 at 1:30 p.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: James O'Connor, 100 West Road, Ste. #215, Towson 21204
Keith Waller, 4316 Elderon Avenue, Baltimore 21215
R. Craig Rodgers, 7024 Greenbank Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 22, 2015**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 22, 2015 Issue - Jeffersonian

Please forward billing to:
Craig Rodgers
7024 Greenbank Road
Baltimore, MD 21220

443-677-2007

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: 2016-0128-A

2108 Thistlebloom Road

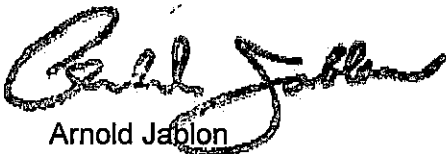
NW/s Thistlebloom Road, SE 165 ft. to the centerline of Windsor Mill Road

1st Election District – 1st Councilmanic District

Legal Owners: KMW & Associates, LLC, Keith Waller, Member

Variance to permit an existing four apartment dwelling (duplex) with a side setback of 11.8 ft. in lieu of the minimum setback of 15 ft.

Hearing: Monday, January 11, 2016 at 1:30 p.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.

RE: PETITION FOR VARIANCE
2108 Thistlebloom Rd; NW/S Thistlebloom
Road, SE 165' c/line of Windsor Mill Road
1st Election & 1st Councilmanic Districts
Legal Owner(s): KMW Associates, LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2016-128-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.

RECEIVED
DEC 04 2015

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of December, 2015, a copy of the foregoing Entry of Appearance was mailed to Craig Rodgers, 7024 Greenbank Road, Baltimore, Maryland 21220 and James O'Connor, 100 West Road, Suite 215, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

-13-

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 12/22/15

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

RE: Baltimore County
Item No. 2016-0128-A
Variance
KMW & Associates, LLC
2108 Thistlebloom 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. 2016-0128-A,

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Peake".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11-23</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>12/3</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
<u>12/2</u>	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>no obj 2/1 comment</u>
<u>11-24</u>	STATE HIGHWAY ADMINISTRATION TRAFFIC ENGINEERING	<u>No objection</u>
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>12-22-15</u>	
SIGN POSTING	Date: <u>12-21-15</u> by <u>Billingley</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 0102200570			
Owner Information					
Owner Name:		KMW & ASSOCIATES LLC		Use:	RESIDENTIAL
Mailing Address:		4316 ELDERON AVE BALTIMORE MD 21215-4804		Principal Residence:	NO
				Deed Reference:	/24979/ 00807
Location & Structure Information					
Premises Address:		2108 THISTLEBLOOM AVE BALTIMORE 21207-0000		Legal Description:	LTS 12,13,14 2108 THISTLEBLOOM RD WINDSOR DALE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 1
0095	0003	0234		0000	12 2016 0007/0055
Special Tax Areas:			Town: Ad Valorem: Tax Class: NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1930		2,818 SF			23,850 SF
County Use					
04					
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	BRICK	2 full	
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		66,400	66,400		
Improvements:		112,700	122,000		
Total:		179,100	188,400	179,100	182,200
Preferential Land:		0		0	
Transfer Information					
Seller: JONES THOMAS L,JR		Date: 12/27/2006		Price: \$250,000	
Type: ARMS LENGTH IMPROVED		Deed1: /24979/ 00807		Deed2:	
Seller: JONES THOMAS L		Date: 06/01/2006		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /23925/ 00469		Deed2:	
Seller: FRANCE JACOB H		Date: 12/28/1999		Price: \$80,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /14232/ 00001		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

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>).

1-11

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: December 2, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-128

RECEIVED

DEC 09 2015

INFORMATION:

Property Address: 2108 Thistlebloom Road
Petitioner: Keith Waller, For KMW & Associates, LLC
Zoning: DR 5.5
Requested Action: Variance

OFFICE OF ADMINISTRATIVE HEARINGS

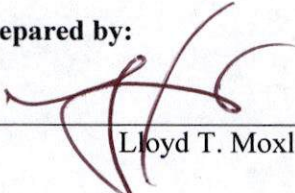
The Department of Planning has reviewed the petition for a variance to permit a side yard setback of 11.8' and a front yard setback of 21.3' in lieu of the required 15' and 25' respectively.

The Department has no objections to the requested relief conditioned upon the following:

- Provide required off-street parking meeting all applicable conditions established in BCZR Section 409. The Woodlawn/Liberty Community Plan, Appendix B (pp.67) does not support granting parking variances in the plan area so therefore the Department will similarly not lend support to such a request.
- The Department requests the zoning case file be kept open until a Parking Plan showing the location, materials of and screening for the parking area is submitted to the Department for review and approval.
- The Department recommends the petitioner repair, replace or remove the dilapidated chain link fence.

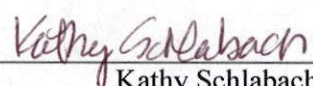
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski
R. Craig Rodgers
Office of the Administrative Hearings
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

January 5, 2016

KMW & Associates
Keith Waller
4316 Elderon Avenue
Baltimore MD 21215

RE: Case Number: 2016-0128 A, Address: 2108 Thistlebloom Road

Dear Mr. Waller:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 18, 2015. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
James O'Connor, Esquire, 100 West Road, Suite 215, Towson MD 21204
R Craig Rodgers, 7024 Greenbank Road, Baltimore MD 21220

RECEIVED

DEC 03 2015

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: December 3, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0128-A
Address 2108 Thistlebloom Road
(KMW Associates, LLC)

Zoning Advisory Committee Meeting of November 30, 2015.

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

Reviewer: *Jeff Livingston – Development Coordination*

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 11/24/15

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

RE: Baltimore County
Item No. 2016-0128-A
Variance
KMW Associates LLC, Keith Walker
2108 Thistlebloom 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. 2016-0128-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "David W. Peake".

David W. Peake
Metropolitan District Engineer - District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 30, 2015
Item No. 2016-0121, 0124, 0125 and 0128

DATE: November 23, 2015

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\ZAC11232015.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: December 2, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-128

INFORMATION:

Property Address: 2108 Thistlebloom Road
Petitioner: Keith Waller, For KMW & Associates, LLC
Zoning: DR 5.5
Requested Action: Variance

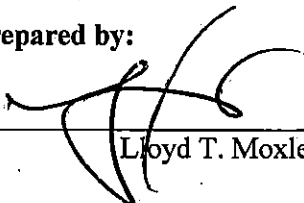
The Department of Planning has reviewed the petition for a variance to permit a side yard setback of 11.8' and a front yard setback of 21.3' in lieu of the required 15' and 25' respectively.

The Department has no objections to the requested relief conditioned upon the following:

- Provide required off-street parking meeting all applicable conditions established in BCZR Section 409. The Woodlawn/Liberty Community Plan, Appendix B (pp.67) does not support granting parking variances in the plan area so therefore the Department will similarly not lend support to such a request.
- The Department requests the zoning case file be kept open until a Parking Plan showing the location, materials of and screening for the parking area is submitted to the Department for review and approval.
- The Department recommends the petitioner repair, replace or remove the dilapidated chain link fence.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski
R. Craig Rodgers
Office of the Administrative Hearings
People's Counsel for Baltimore County

CRAIG CONSULTING, LLC

7024 Greenbank Rd.
Baltimore, MD 21220
443-677-2007

October 27, 2015

W. Carl Richards, Jr., Chief
Zoning Review Office
County Office Building
111 W. Chesapeake Ave.
Towson, MD 21204

RE: **2108 Thistlebloom Ave.**

Dear Carl,

Thank you for meeting with me last Friday, October 23, 2015. This letter is a follow up to our conversation about the above referenced property. It is being prepared as a confirmation of its status regarding the current Baltimore County Zoning regulations.

The property is zoned D.R. 5.5 and contains an individual dwelling that is and has been used as a four-apartment house for twenty years, more or less. There are no other buildings on the property. It consists of lots 12, 13 and 14 of the subdivision known as Windsor Dale in Election District One, identified with Tax ID No. 0102200570.

Confirmation is hereby requested to verify that under Section 402.1B of the Zoning Regulations the following criteria apply to a four apartment house in a D.R. 5.5 zone:

1. The lot must be at least 16,000 s.f.
2. A four apartment house must have 125 feet of road frontage.
3. The side yards are to be a minimum of 15 feet and a total of 35 feet.
4. All other D.R. 5.5 zoning regulations apply.

The criteria applies to the subject property as such:

1. The lot is 23,844.75 s.f. which complies.
2. The property has 148.21 feet of road frontage and complies.
3. The side yard setback total is 120 feet which complies. However, the right side yard is 11.8 feet in lieu of the required 15 feet and therefore requires a variance.
4. All other requirements in a D.R. 5.5 zone are met, with exception of the front setback being 21.3 feet in lieu of the 25 feet and therefore requires a variance.

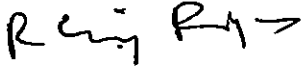
In summary, the subject property complies with all provisions of Section 402.1B with the exception of: a) the 15 foot side yard requirement; and b) the 25 foot minimum building set back requirement. Both items will require variances and be filed accordingly.

2016-0128-A

Thank you for your cooperation on this matter.

Sincerely,

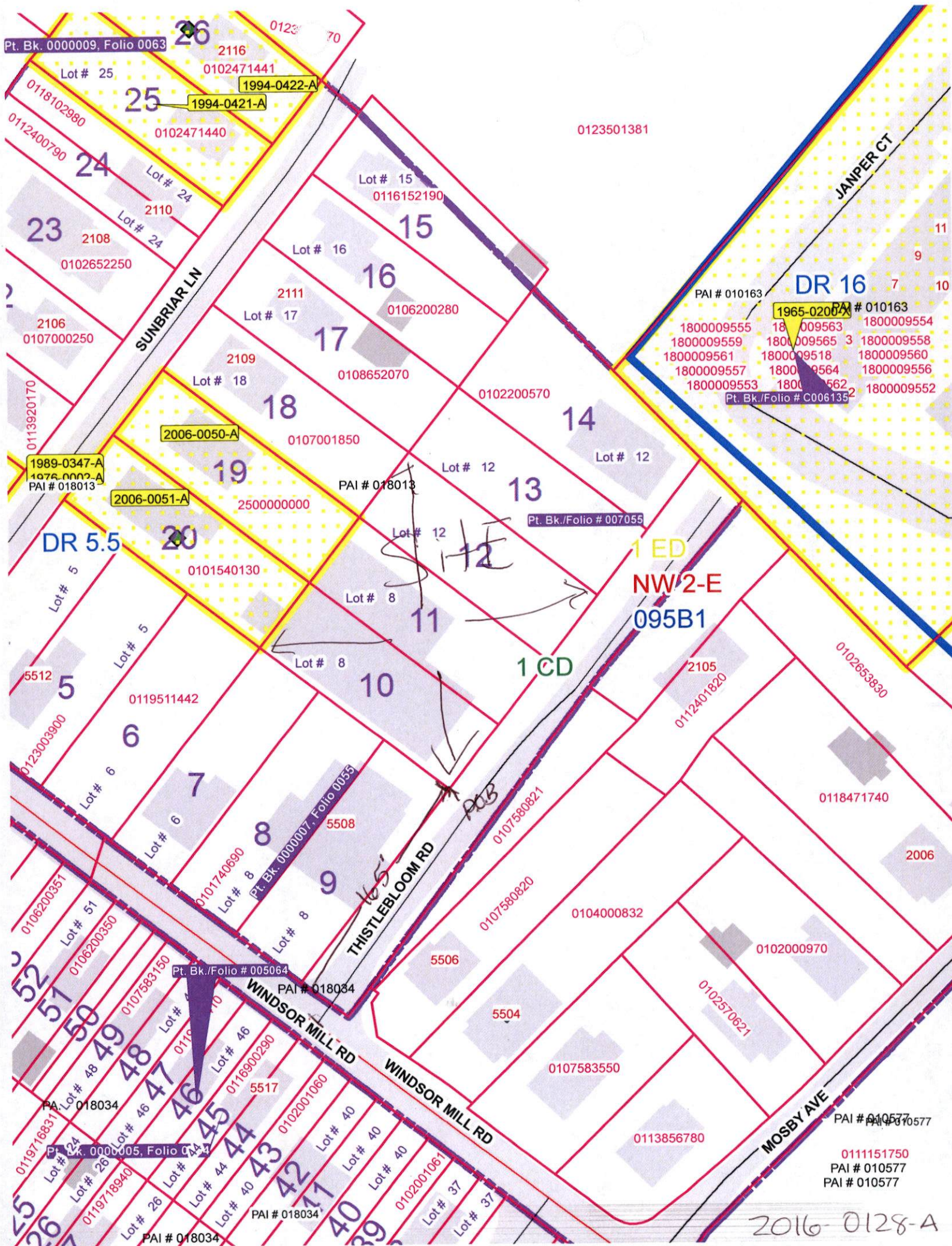
R. Craig Rodgers,
Project Manager

Handwritten signature of R. Craig Rodgers in cursive script.

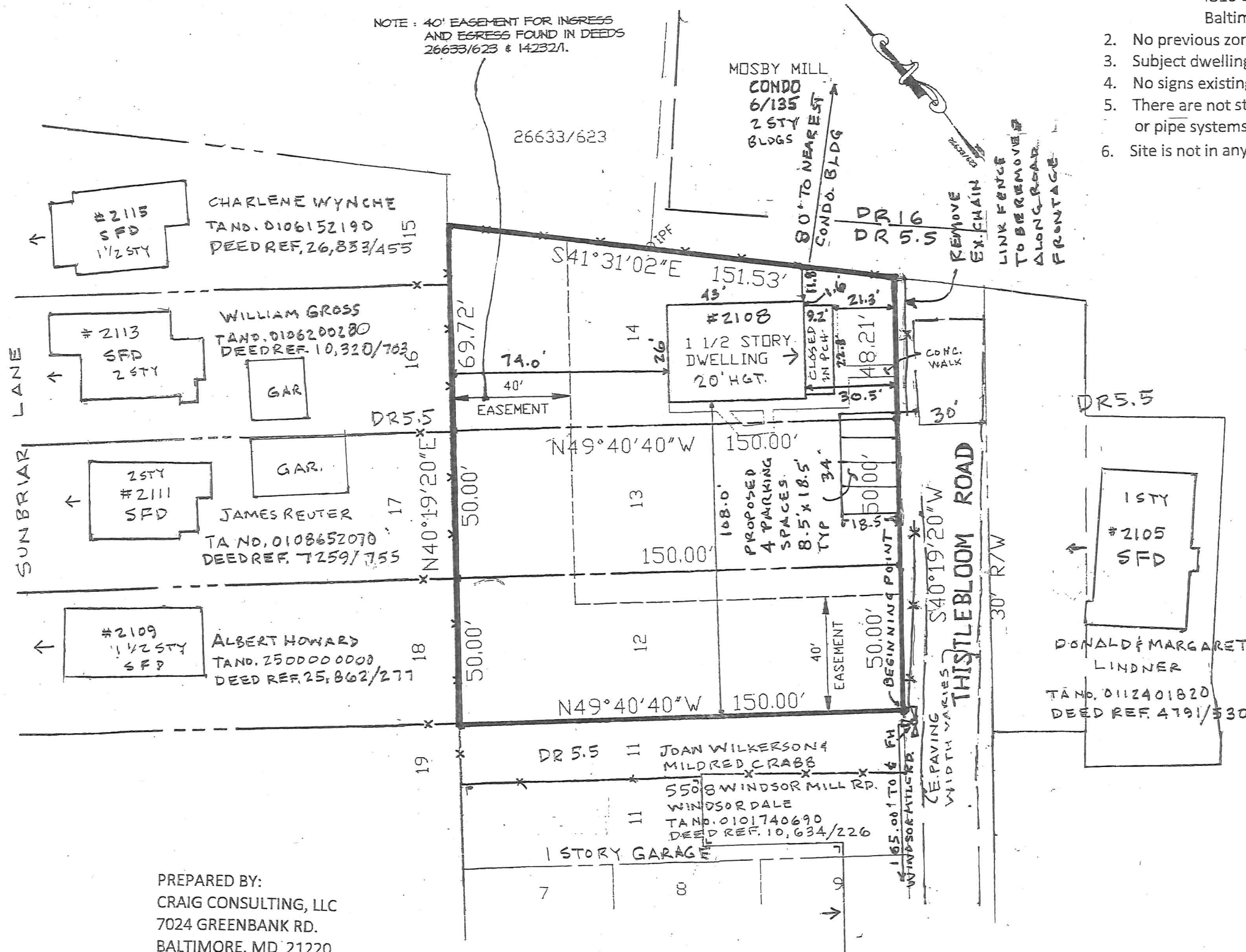
Agreed and Accepted:

W. Carl Richards, Jr.

Date

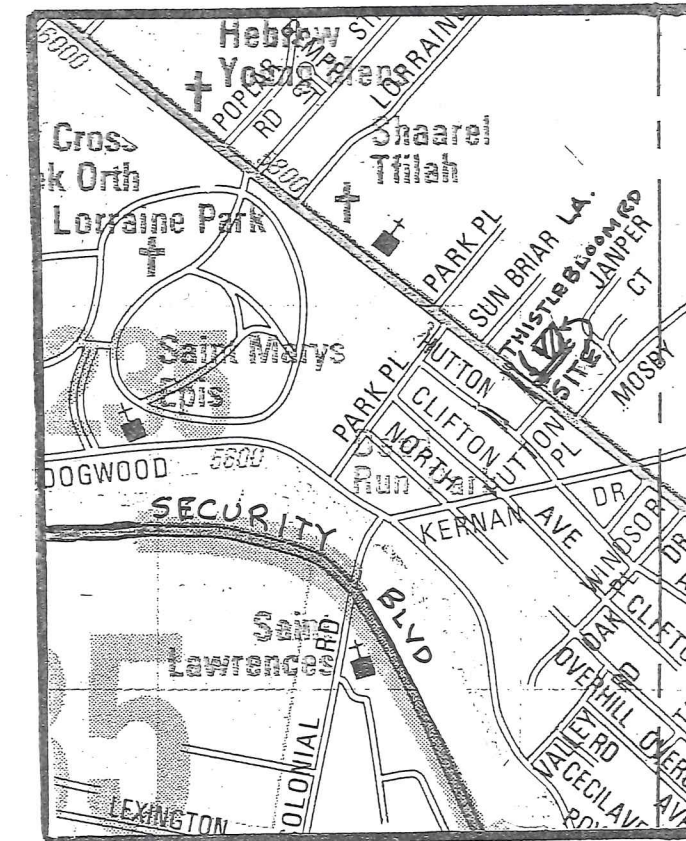


NOTE: 40' EASEMENT FOR INGRESS AND EGRESS FOUND IN DEEDS 26633/623 & 14232/1.



GENERAL NOTES:

1. Owner: KMW & Associates, LLC
4316 Elderon Ave.
Baltimore, MD 21215
2. No previous zoning history.
3. Subject dwelling contains four apartments
4. No signs existing or proposed.
5. There are not streams, SWM facilities, drainage or pipe systems within 50 feet of the property.
6. Site is not in any failed basic services map area.



VICINITY MAP
SCALE: 1" = 1000'

PLAN TO ACCOMPANY VARIANCE PETITION FOR:

2108 THISTLEBLOOM ROAD
ELECTION DISTRICT 1C1
BALTIMORE COUNTY, MD
ZONING MAP NO.
DEED REF. 24,979/807
LOTS 12, 13, & 14
WINDSOR DALE
PLAT BOOK 7, PAGE 55
T.A. NO. 0102200576

PREPARED BY:
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220
443-677-2007

CASE NO. 2016-0128-A

REDISTRIBUTED

REVISED: 12/18/15
1) SHOW FENCE
REMOVAL
2) PROVIDE
PARKING
SPACES

SCALE: 1" = 40' DATE: NOVEMBER 17, 2015