

PETITION FOR ZONING VARIANCE • SPECIAL HEARING **TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:** 973

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to permit a lot width of 40 ft. in lieu of the required 55 ft. and a special hearing to determine if a 4800 sq. ft. lot may be approved as an undersized lot and that density would not be affected by the approval.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Undersize Lot (40')
2. No adjacent ownership.
3. Contracted in good faith.
4. THERE ARE OTHER UNLAWFUL FRONT HOMES BUILT ON UNLAW LOT IN THE DEVELOPMENT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do 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 Petition.

Contract Purchaser:	Legal Owner(s):
Catonsville Builders (Type or Print Name) <i>Robert Haines</i>	Maryland Joint Venture (Type or Print Name) <i>Robert Haines</i>
Signature <i>Robert Haines</i>	Signature <i>Robert Haines</i>
217 Maiden Choice Lane Address	217 Maiden Choice Lane (Type or Print Name)
Baltimore, Maryland 21228 City and State	Signature <i>Robert Haines</i>
Attorney for Petitioner:	1603 Edmondson Ave. 788-8466 Address Phone No.
(Type or Print Name)	Catonsville MD 21228 City and State
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Robert Scranton Name
City and State	217 Maiden Choice Lane 788-8466 (w) Address Phone No.
Attorney's Telephone No.:	

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of July, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of September, 1987 at 9:45 o'clock A.M.

Call John
Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines, Zoning Commissioner
TO: Zoning Administration Date: August 20, 1987
FROM: Norman E. Gerber, AICP
DIRECTOR OF PLANNING AND ZONING
SUBJECT: Zoning Petition 88-96-SPHA

It would appear that the plat submitted by the petitioner delineates an adjacent residence having a lot wider than 40 feet and a substantial side yard setback.

Norman E. Gerber, AICP
Director

NEC:KAK:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
AUG 27 1987

ZONING OFFICE

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - E/S Maryland Avenue, 345' S of Raynor Avenue (418 Maryland Avenue) 1st Election District 1st Councilmanic District
Maryland Joint Venture, Petitioner
BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 88-96-SPHA

The Petitioner herein requests a special hearing to approve a lot of 4800 sq.ft. as an undersized lot and that density would not be affected by such approval; and a variance to permit a lot width of 40 feet in lieu of the required 55 feet.

The Petitioner, by Robert Scranton, Contract Purchaser of the subject property, appeared and testified. Frank Potepan III appeared and testified on behalf of the Petitioner. The following appeared and testified as Protestants: Stephanie L. Higgins, Frank P. Liberto and Margaretta Grimm.

Testimony indicated that the subject property, zoned D.R. 5.5 and consisting of approximately 4800 sq.ft., is divided equally into two lots. The property in question is shown on Petitioner's Exhibit 3 as Lots 17 and 18 of Section 5 on Maryland Avenue in the Catonsville Heights subdivision, which was platted in 1919 into 20-foot wide lots. Generally the area has been developed with single family homes on three, four or five of the 20-foot lots combined together for single living units. There are a few 40-foot wide lots in the area which have been improved, but none are located near the lots in question or on Maryland Avenue.

All of the Protestants live across the street or next door to Lots 17 and 18 and all of their homes are built on at least three contiguous 20-foot lots. Ms. Grimm stated that the proposed dwelling would be 25 feet away from her residence. Ms. Higgins stated the dwelling would be 20 feet away from her residence and less than 10 feet from her deck.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

August 25, 1987

cc:

Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Timothy M. Moylan
Maryland Joint Venture
1603 Edmondson Avenue
Catonsville, Maryland 21228

RE: Item No. 473 - Case No. 88-96-SPHA
Petitioner: Maryland Joint Venture
Petition for Special Hearing and Zoning Variance

Dear Mr. Moylan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:tjs

Enclosures

cc: Mr. Robert Scranton
Catonsville Builders
217 Maiden Choice Lane
Baltimore, Maryland 21228

File

The request for a 40-foot lot width is due to the actions of the original owner of Lots 7 thru 18 on Maryland Avenue. All of the lots were sold off in such a manner as to have a restricted lot size on Lots 17 and 18 and an illegal subdivision was created. Accordingly, the original owner created its own hardship and as a result is not entitled to the relief requested.

It is clear from the testimony that if the special hearing was approved, the development of Lots 17 and 18 would be contrary to the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and would result in substantial detriment to the public good.

Pursuant to the advertisement, posting of property, and public hearing held on this case and after due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the requested special hearing should be denied.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19 day of October 1987, that the Petition for Special Hearing to approve a lot of 4800 sq.ft. as an undersized lot and that density would not be affected by such approval, and additionally, the Petition for Zoning Variance to permit a lot width of 40 feet in lieu of the required 55 feet, be and are hereby DENIED.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

COPIES FOR FILING
Date
By

Catonsville Builders
217 Maiden Choice Lane
Baltimore, Maryland 21228

ZONING DESCRIPTION 418 Maryland Avenue

Beginning on the east side of Maryland Avenue: 40 ft. wide, at the distance of 345 ft. south of the centerline of Raynor Avenue. Being lot 17 & 18, Block 23, in the subdivision of Catonsville Heights, Book No. MPC 6 Folio 178. Also known as 418 Maryland Avenue in the 1st Election District of Maryland. Containing 4800 Sq. Ft.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this day of 1987.

Petitioner
Petitioner
Attorney

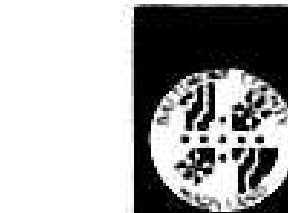
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinke
Chief

May 28, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Maryland Joint Venture

Location: E/S Maryland Avenue, 345' S. Raynor Avenue

Item No.: 473

Zoning Agenda: Meeting of 5/26/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-5553

J. Robert Haines
Zoning Commissioner

October 19, 1987



Dennis F. Rasmussen
County Executive

Mr. Timothy M. Moylan
Maryland Joint Venture
1603 Edmondson Avenue
Baltimore, Maryland 21228

RE: Petitions for Special Hearing and Zoning Variance
E/S Maryland Avenue, 345' S of Raynor Avenue (418 Maryland Avenue)
1st Election District; 1st Councilmanic District
Maryland Joint Venture - Petitioner
Case No. 88-96-SPHA

Dear Mr. Moylan:

Pursuant to the recent hearing held on the subject case, please be advised that your Petitions for Special Hearing and Zoning Variance have been Denied in accordance with the attached Order.

Please be advised that you have the right to file an appeal of this decision to the County Board of Appeals. If you have any questions with regard to filing an appeal, please call this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:tjs

Enclosures

cc: Mr. Robert Scranton
Catonsville Builders
217 Maiden Choice Lane, Baltimore, Md. 21228

Ms. Stephanie Higgins
422 Maryland Avenue, Baltimore, Md. 21228

Ms. Margaretta Grimm
410 Maryland Avenue, Baltimore, Md. 21228

Mr. Frank P. Liberto
409 Maryland Avenue, Baltimore, Md. 21228

People's Counsel
File

PETITION FOR SPECIAL HEARING AND VARIANCE

1st Election District - 1st Councilmanic District
Case No. 88-96-SPHA

LOCATION: East Side of Maryland Avenue, 345 feet South of Raynor Avenue (418 Maryland Avenue)
DATE AND TIME: Wednesday, September 2, 1987, at 9:45 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to determine if a 4,800 square foot lot may be approved as an undersized lot and that density would not be affected by the approval

Petition for Zoning Variance to permit a lot width of 40 feet in lieu of the required 55 feet

Being the property of Maryland Joint Venture, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
E/S Maryland Ave., 345' S of : OF BALTIMORE COUNTY
Raynor Ave. (418 Maryland Ave.)
1st Election District
MARYLAND JOINT VENTURE, : Case No. 88-96-SPHA
Petitioner
: : : : :
ENTRY OF APPEARANCE

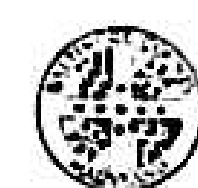
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 14th day of August, 1987, a copy of the foregoing Entry of Appearance was mailed to Timothy M. Moylan, Maryland Joint Venture, 1603 Edmondson Ave., Catonsville, MD 21228, Petitioner; and Robert Scranton, Catonsville Builders, 217 Maiden Choice Lane, Baltimore, MD 21228, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

J. ROBERT HAINES
ZONING COMMISSIONER

August 25, 1987

Mr. Robert Scranton
217 Maiden Choice Lane
Baltimore, Maryland 21228

RE: PETITION FOR SPECIAL HEARING AND VARIANCE
E/S Maryland Ave., 345' S of Raynor Ave.
(418 Maryland Ave.)
1st Election District - 1st Councilmanic District
Maryland Joint Venture - Petitioner
Case No. 88-96-SPHA

Dear Mr. Scranton:

This is to advise you that \$90.01 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:md

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 37871

DATE: 9/2/87 ACCOUNT: E-01-615-000

2 SIGNS & POSTS
RETURNED
AMOUNT \$ 90.01
Catonsville Builders, 217-A Maiden Choice Lane,
Balto., Md. 21228

RECEIVED FROM: Catonsville Builders

ADVERTISING & POSTING COSTS RE CASE #88-96-SPHA

FOR: \$ 8033*****9001: 80724

VALIDATION OR SIGNATURE OF CASHIER

Mr. Robert Scranton
217 Maiden Choice Lane
Baltimore, Maryland 21228

July 30, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING AND VARIANCE
E/S Maryland Ave., 345' S of Raynor Ave.
(418 Maryland Ave.)
1st Election District - 1st Councilmanic District
Maryland Joint Venture - Petitioner
Case No. 88-96-SPHA

TIME: 9:45 a.m.

DATE: Wednesday, September 2, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Robert Scranton
Zoning Commissioner
of Baltimore County

AJ:md

cc: Mr. Timothy M. Moylan
Maryland Joint Venture
1603 Edmondson Avenue
Catonsville, Maryland 21228

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 36086

DATE: 5/13/87 ACCOUNT: 01-615-000

AMOUNT \$ 70.00

RECEIVED FROM: Catonsville Builders

FOR: Sph + Van #473

\$ 8049*****7000: 81241

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

February 11, 1987

Catonsville Builders
217 Maiden Choice Lane
Catonsville, Md. 21228

Re: Building Application 93763NR
District 1

Gentlemen:

The above mentioned application was reviewed by Councilman Ronald Hickemill and it was requested that several items be added to this project. Enclosed with this letter is a copy of your site plan, on which I have shown these additions. Please make these additions and submit six (6) copies of the revised site plan to Room 106, Permits and Licenses.

We will hold this application in abeyance until we receive the revised plan.

If you have any questions concerning this matter, please contact Mr. William Dailey, Bureau of Public Services, on 494-3342.

Very truly yours,

James A. Markle
JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:kb

cc: Jack Berger
Paul Millman
File

PETITIONER'S
EXHIBIT 2

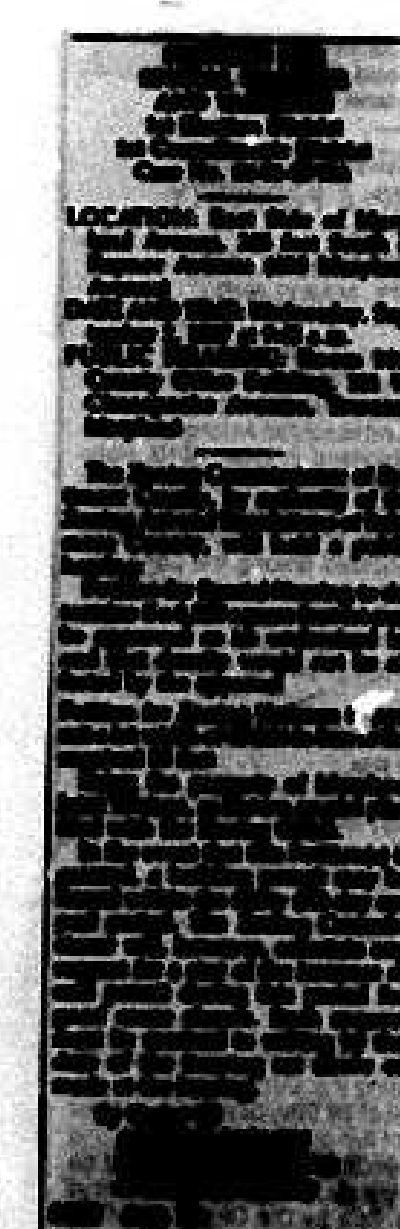
CERTIFICATE OF PUBLICATION

TOWSON, MD., August 13, 1987

THIS IS TO CERTIFY, that the enclosed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing August 13, 1987

THE JEFFERSONIAN,

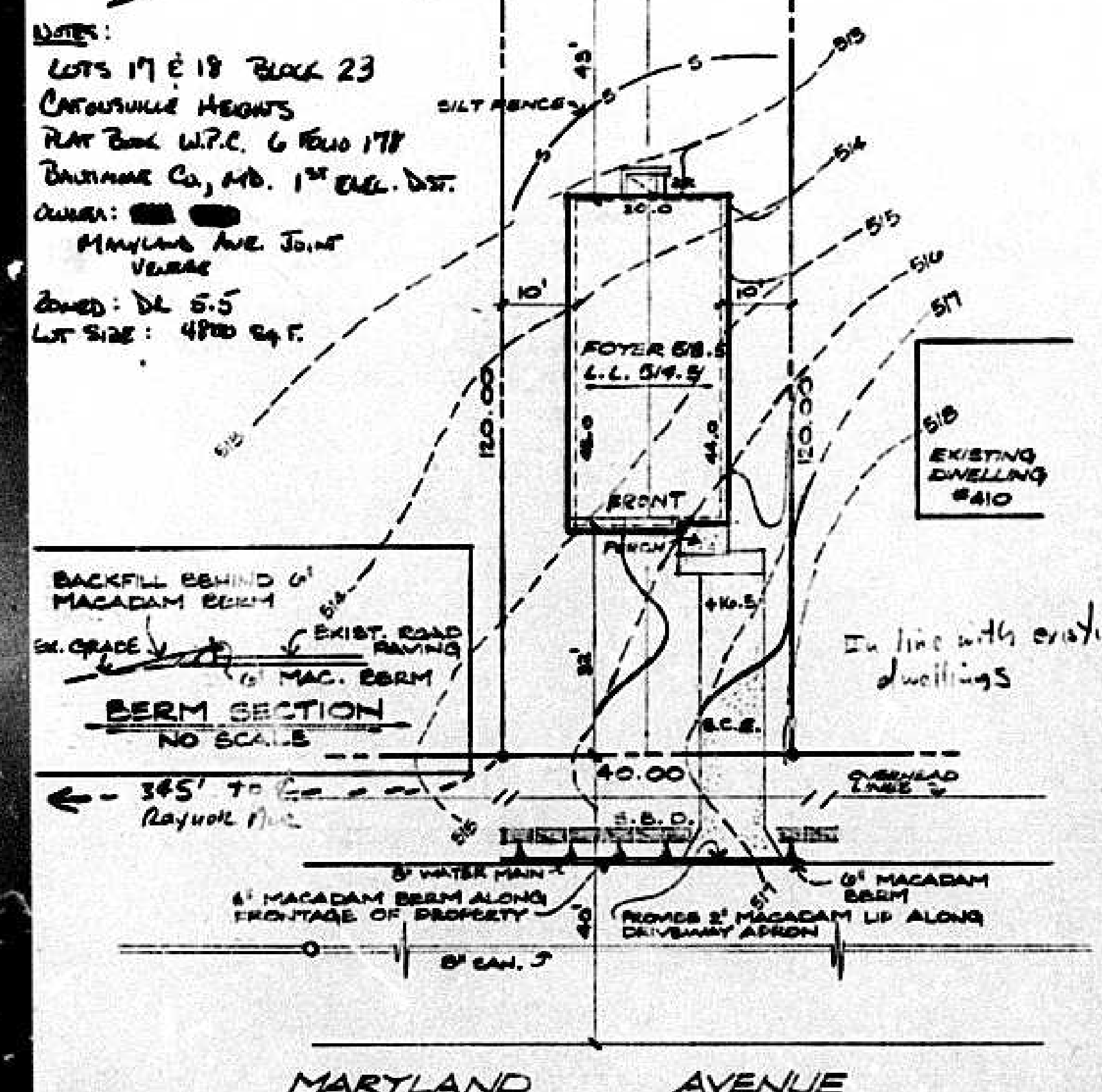
Susan Shindler Obrecht
Publisher



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-96-SPHA

District: 1st
Posted for: Special Hearing
Petitioner: Maryland Joint Venture
Location of property: E/S Maryland Ave., 345' S of Raynor Ave.
(418 Maryland Ave.)
Location of sign: In front of subject property at 418 Maryland Ave.
Remarks:
Posted by: S. J. Brata
Date of return: August 26, 1987
Number of Signs: 2



MARYLAND AVENUE

2nd Urban Zone (R-40 USES)

VICINITY MAP

418 MARYLAND AVE.

88-96-SPHA

Current + Prev. Maryland Ave.

C # 19-00-013207 Md. S. Venture to John L. Teeter
P # 01-11-351580 6/30/84
FI Lots - 7, 8, 9, 10

C # 19-00-010715 Olin Kirby to Ronald Gnehm
P # 01-11-351580 11/13/83
Lots - 11, 12, 13

C # 20-00-011208 Md. S. Venture to James Higgins
P # 01-13-855600 8/26/86
Lots - 14, 15, 16

C # 01-13-855600 Olin C. Kirby to Md. S. Venture
11/30/83
Lots - 17, 18

473

