

IN THE MATTER OF THE
THE APPLICATION OF
KATHERINE PAUL
FOR A VARIANCE ON PROPERTY
LOCATED ON THE WEST SIDE
CARROLL PLACE, EAST OF LINDEN
AVENUE (5208 CARROLL PLACE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-245-A

* * * * *

O P I N I O N

On May 2, 1991 and by Amended Order dated May 17, 1991, the Deputy Zoning Commissioner for Baltimore County granted to the Petitioner, Katherine Paul, variances to permit a lot area of 4,000 square feet for Lots 6 and 7 and Lots 8 and 9 in lieu of the required 6,000 square feet for each, to permit a lot width of 40 feet in lieu of the required 55 feet for Lots 6 and 7 and Lots 8 and 9, to permit a side yard setback of 8 feet in lieu of the required 10 feet and a front yard setback of 13 feet in lieu of the required 25 feet for the existing dwelling on Lots 8 and 9, and to permit a side yard setback of 6 feet in lieu of the required 10 feet for the proposed dwelling on Lots 6 and 7.

Feeling aggrieved by the decision of the Deputy Zoning Commissioner, two neighbors, Brian Morrison and David McAuliffe, filed an appeal to the Board from the Deputy Zoning Commissioner's Orders.

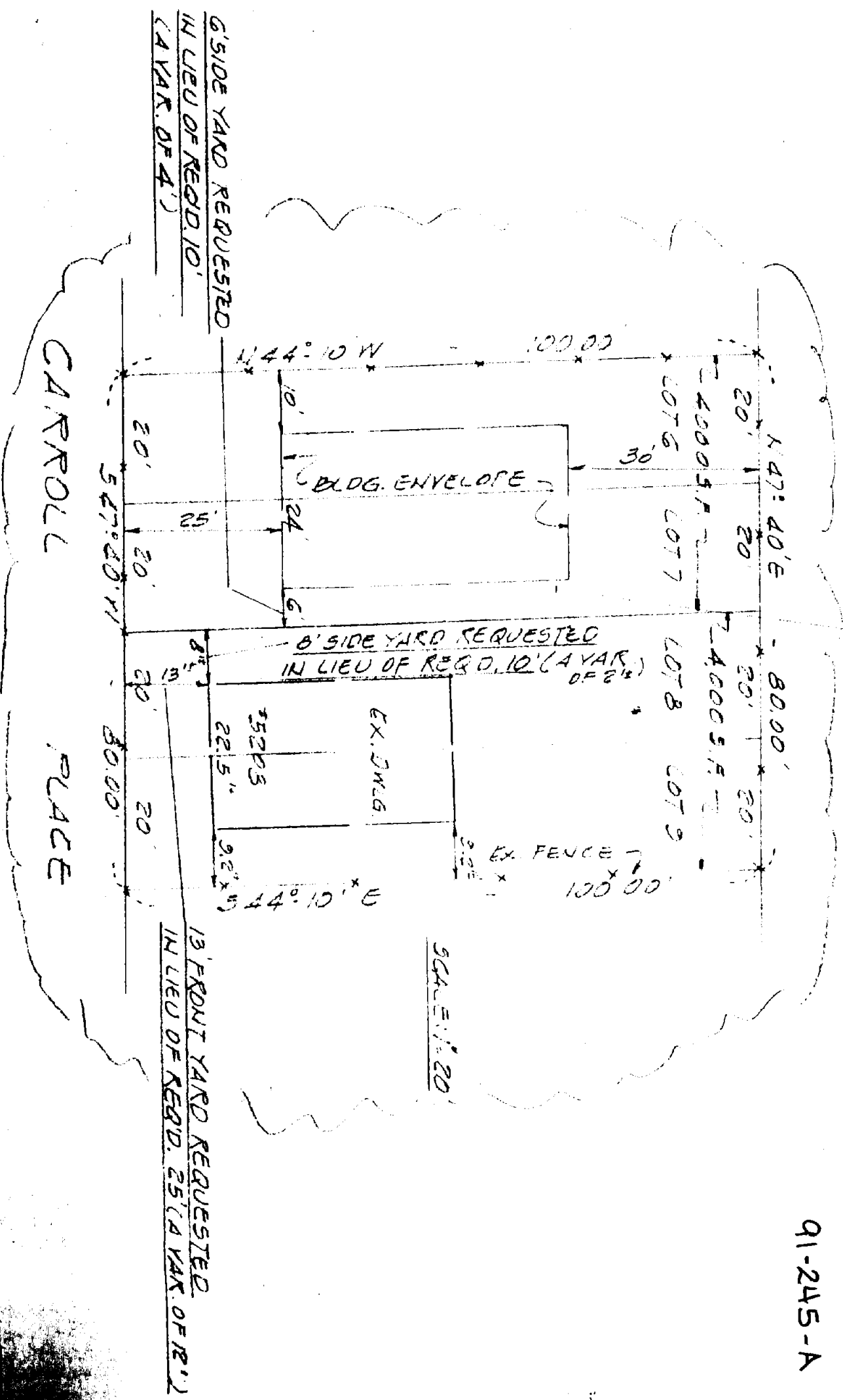
The matter was heard before this Board on October 25, 1991. Petitioner appeared, represented by S. Eric DiNenna, Esquire, and testified on her own behalf. Also testifying for the Petitioner was Paul Lee, an Engineer and land planner. Both Protestants testified along with other witnesses who live in the area in opposition to the requested variances. The property is known as 5208 Carroll Place. It is zoned D.R. 5.5 and is improved with a

EXIST. USE: "RESIDENTIAL"

EXIST. FOUNG. OF 5.5"
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PLAN SCALE: 1"=40'

Q1-245-A



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single-family dwelling. The property actually consists of four 20-foot wide lots totalling 8,000 square feet. They are referred to as Lots 6 and 7 and Lots 8 and 9 on the plat offered into evidence and marked Petitioner's Exhibit No. 1. The property is located in an approved subdivision which was established in the 1920's and is known as "Linden Terrace" and sometimes referred to as "Linden Heights."

The Petitioner, Katherine Paul, over 80 years of age, testified on her own behalf. She informed the Board that she has resided in the dwelling which she purchased approximately 35 years ago, which dwelling is situated on Lots 8 and 9. Testimony further indicated that the dwelling was built sometime between 1943 and 1945. The Petitioner informed the Board that she also owns Lots 6 and 7, and wants to sell the property because of expenses which have been incurred by her for hospitalization occurring recently. She informed the Board that she is presently undergoing financial hardship and needs to sell the property to be able to improve her financial condition. She further stated in response to her attorney's questioning that she has experienced hardship with regard to the property because of the imposition of zoning regulations on the property occurring in 1955 and 1971.

Paul Lee, an Engineer, also testified on behalf of the Petitioner. Mr. Lee informed the Board that the variances are necessary for the residential development of the property because of the narrowness of the subject property. A review of Petitioner's Exhibit No. 1 discloses that the other houses built in the development are likewise on 40-foot wide lots, and, in order to keep the present lot in character with the neighborhood, the

requested variances should be granted. This would permit the construction of a home in keeping with the size and scale of other homes in the development. In Mr. Lee's opinion, the requested variances would not result in any detriment to the health, safety or general welfare of the surrounding community. It was his opinion that a denial of the requested variances would create a practical difficulty and unreasonable hardship.

The Protestants as well as other witnesses who live in the neighborhood testified in opposition to the variances. Their concerns were mainly directed toward traffic problems, parking on the front street that would be generated, and water runoff problems emanating from property located to the rear of the subject site.

At issue in these proceedings is whether the requested area variances should be granted. Variances may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. As aptly pointed out by the Deputy Zoning Commissioner below, in order to prove practical difficulty for an area variance, the Petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.
- Anderson v. Board of Appeals, Town of Chesapeake Beach,
22 Md. App. 28 (1974)

This Board, after considering all the evidence and testimony

presented to it, is satisfied that the granting of the requested variances would not in any way result in a detriment to the public health, safety and general welfare of the surrounding community. The Board believes that it would be grossly unfair to deny the requested variances to the Petitioner and that in doing so the Board would be unreasonably preventing the Petitioner from the use of the property for a residential purpose to the same level and extent as the residential use being enjoyed by the other surrounding property owners. To make the Petitioner conform to the present setback requirements would be to place an unnecessary burden upon the Petitioner and her property.

After giving due consideration to this matter, the Board believes that those same restrictions that were imposed upon the Petitioner by the Deputy Zoning Commissioner below are reasonable restrictions and should be reimposed. Therefore, this Board is granting the requested variances subject to the following restrictions hereinafter set out.

O R D E R

IT IS THEREFORE this 30th day of October, 1991 by the County Board of Appeals of Baltimore County

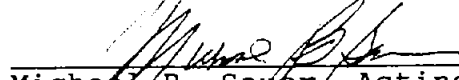
ORDERED that the Petition for Zoning Variance to permit a lot area of 4,000 square feet for Lots 6 and 7 and Lots 8 and 9 in lieu of the required 6,000 square feet for each, to permit a lot width of 40 feet in lieu of the required 55 feet for Lots 6 and 7 and Lots 8 and 9, to permit a side yard setback of 8 feet in lieu of the required 10 feet and a front yard setback of 13 feet in lieu of the required 25 feet for the existing dwelling on Lots 8 and 9, and to permit a side yard setback of 6 feet in lieu of the required 10 feet for the proposed dwelling on Lots 6 and 7, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED subject, however, to the following restrictions which are conditions

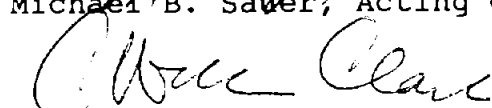
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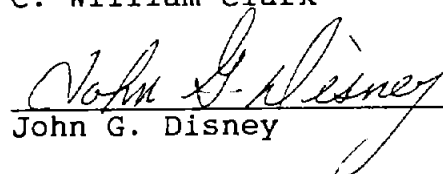
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to the issuance of any occupancy permits, Petitioner shall submit a revised site plan of the proposed development on Lots 6 and 7 which includes at a minimum two off-street parking spaces.
3. Prior to the issuance of any permits Petitioner shall file a landscape plan for Lots 6 and 7 which has been approved by the Baltimore County Landscape Planner in the Office of Current Planning. Said plan shall at a minimum provide a landscape buffer on Carroll Place and the side yard closest to Linden Avenue.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Michael B. Saver, Acting Chairman


C. William Clark


John G. Disney

IN RE: PETITION FOR ZONING VARIANCE
W/S Carroll Place, E of
Linden Avenue
(5208 Carroll Place)
13th Election District
1st Councilmanic District

Katherine Paul
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-245-A
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a lot area of 4,000 sq.ft. for Lots 6 and 7 and Lots 8 and 9 in lieu of the required 6,000 sq.ft. for each, to permit a lot width of 40 feet in lieu of the required 50 feet for Lots 6 and 7 and Lots 8 and 9, to permit a side yard setback of 8 feet in lieu of the required 10 feet and a front yard setback of 13 feet in lieu of the required 25 feet for the existing dwelling on Lots 8 and 9, and to permit a side yard setback of 6 feet in lieu of the required 10 feet for the proposed dwelling on Lots 6 and 7, all as more particularly described on Petitioner's Exhibit 1.

Michael G. Davis, nephew of and real estate agent for Petitioner, appeared and testified on behalf of the Petitioner. The Petitioner was represented by S. Eric DiNenna, Esquire. Appearing as Protestants in the matter were Owen Duffy, Jr., Brian Morrison, Thomas Kane and David McAuliffe.

Testimony indicated that the subject property, known as 5208 Carroll Place, consists of four 20-foot wide lots totalling 8,000 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling on Lots 8 and 9. Said property is part of an approved subdivision plan known as Linden Terrace predating 1945. Mr. Davis testified that Petitioner purchased Lots 6, 7, 8 and 9 approximately 35 years ago and resides in the existing

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dwelling which was developed on Lots 8 and 9 in approximately 1943. It was undisputed that the subject dwelling was built between 1943 and 1945 and that it is one of the oldest, if not the oldest, homes in the community. Testimony indicated that Lots 6 and 7 and Lots 8 and 9 have always been and continue to be separately taxed and assessed. Mr. Davis testified that his aunt is desirous of selling off Lots 6 and 7 for future residential development and indicated that the narrowness of the subject property has necessitated the requested variances. Testimony indicated Petitioner believes the requested side yard setbacks for Lots 6 and 7 are necessary in order to construct a home in keeping with the character of the neighborhood rather than build a narrow home. Petitioner's Exhibit 1 depicts the surrounding development of houses built on 40-foot wide lots and indicates the proposed dwelling will be developed in keeping with other homes on the same side as the subject property. Petitioner argued the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community. Petitioner argued that denial of the variance will create practical difficulty and unreasonable hardship.

The Protestants are opposed to the granting of the variances, arguing that the proposed development of the subject property would exacerbate existing parking problems. In response to that argument, the Petitioner argued that the builder would be able to create the required two parking spaces in the development of the proposed dwelling on Lots 6 and 7 as depicted on Petitioner's Exhibit 1. Further, the Protestants were concerned about water runoff problems due to the development of the property before storm water management. Petitioners argued the water runoff problems in the neighborhood were not created by the subject properties

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but could potentially be as a result of the development of the Lutheran Church which is to the rear of this lot.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. The undisputed testimony indicated that the proposed development on a 40-foot wide lot is in keeping with the development of other properties on that side of the street and as such, would be compatible with the neighborhood. Further, testimony indicated that the properties have always been taxed as two separate lots and that the granting of the relief requested would not adversely affect density requirements.

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

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The Petitioner, Katherine Paul, over 80 years of age, testified on her own behalf. She informed the Board that she has resided in the dwelling which she purchased approximately 35 years ago, which dwelling is situated on Lots 8 and 9. Testimony further indicated that the dwelling was built sometime between 1943 and 1945. The Petitioner informed the Board that she also owns Lots 6 and 7, and wants to sell the property because of expenses which have been incurred by her for hospitalization occurring recently. She informed the Board that she is presently undergoing financial hardship and needs to sell the property to be able to improve her financial condition. She further stated in response to her attorney's questioning that she has experienced hardship with regard to the property because of the imposition of zoning regulations on the property occurring in 1955 and 1971.

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- 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
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Ann M. Nastarowicz
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Deputy Zoning Commissioner
for Baltimore County

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AMN:bjs

EXIST. USE: "RESIDENTIAL"

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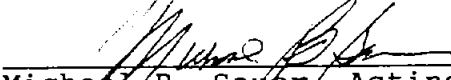
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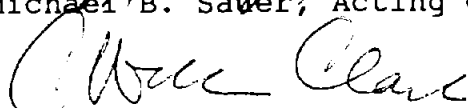
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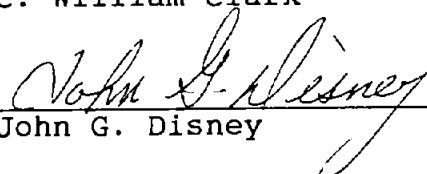
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COUNTY BOARD OF APPEALS
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Michael B. Saver, Acting Chairman


C. William Clark


John G. Disney

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Petitioner

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Deputy Zoning Commissioner
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OPINION

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Case No. 91-245-A Katherine Paul

2

single-family dwelling. The property actually consists of four 20-foot wide lots totalling 8,000 square feet. They are referred to as Lots 6 and 7 and Lots 8 and 9 on the plat offered into evidence and marked Petitioner's Exhibit No. 1. The property is located in an approved subdivision which was established in the 1920's and is known as "Linden Terrace" and sometimes referred to as "Linden Heights."

The Petitioner, Katherine Paul, over 80 years of age, testified on her own behalf. She informed the Board that she has resided in the dwelling which she purchased approximately 35 years ago, which dwelling is situated on Lots 8 and 9. Testimony further indicated that the dwelling was built sometime between 1943 and 1945. The Petitioner informed the Board that she also owns Lots 6 and 7, and wants to sell the property because of expenses which have been incurred by her for hospitalization occurring recently. She informed the Board that she is presently undergoing financial hardship and needs to sell the property to be able to improve her financial condition. She further stated in response to her attorney's questioning that she has experienced hardship with regard to the property because of the imposition of zoning regulations on the property occurring in 1955 and 1971.

Paul Lee, an Engineer, also testified on behalf of the Petitioner. Mr. Lee informed the Board that the variances are necessary for the residential development of the property because of the narrowness of the subject property. A review of Petitioner's Exhibit No. 1 discloses that the other houses built in the development are likewise on 40-foot wide lots, and, in order to keep the present lot in character with the neighborhood, the

Case No. 91-245-A Katherine Paul

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requested variances should be granted. This would permit the construction of a home in keeping with the size and scale of other homes in the development. In Mr. Lee's opinion, the requested variances would not result in any detriment to the health, safety or general welfare of the surrounding community. It was his opinion that a denial of the requested variances would create a practical difficulty and unreasonable hardship.

The Protestants as well as other witnesses who live in the neighborhood testified in opposition to the variances. Their concerns were mainly directed toward traffic problems, parking on the front street that would be generated, and water runoff problems emanating from property located to the rear of the subject site.

At issue in these proceedings is whether the requested area variances should be granted. Variances may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. As aptly pointed out by the Deputy Zoning Commissioner below, in order to prove practical difficulty for an area variance, the Petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974)

This Board, after considering all the evidence and testimony

Case No. 91-245-A Katherine Paul

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presented to it, is satisfied that the granting of the requested variances would not in any way result in a detriment to the public health, safety and general welfare of the surrounding community. The Board believes that it would be grossly unfair to deny the requested variances to the Petitioner and that in doing so the Board would be unreasonably preventing the Petitioner from the use of the property for a residential purpose to the same level and extent as the residential use being enjoyed by the other surrounding property owners. To make the Petitioner conform to the present setback requirements would be to place an unnecessary burden upon the Petitioner and her property.

After giving due consideration to this matter, the Board believes that those same restrictions that were imposed upon the Petitioner by the Deputy Zoning Commissioner below are reasonable restrictions and should be reimposed. Therefore, this Board is granting the requested variances subject to the following restrictions hereinafter set out.

ORDER

IT IS THEREFORE this 30th day of October, 1991 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Zoning Variance to permit a lot area of 4,000 square feet for Lots 6 and 7 and Lots 8 and 9 in lieu of the required 6,000 square feet for each, to permit a lot width of 40 feet in lieu of the required 55 feet for Lots 6 and 7 and Lots 8 and 9, to permit a side yard setback of 8 feet in lieu of the required 10 feet and a front yard setback of 13 feet in lieu of the required 25 feet for the existing dwelling on Lots 8 and 9, and to permit a side yard setback of 6 feet in lieu of the required 10 feet for the proposed dwelling on Lots 6 and 7, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED subject, however, to the following restrictions which are conditions

Case No. 91-245-A Katherine Paul

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precedent to the relief granted:

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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to the issuance of any occupancy permits, Petitioner shall submit a revised site plan of the proposed development on Lots 6 and 7 which includes at a minimum two off-street parking spaces.
3. Prior to the issuance of any permits Petitioner shall file a landscape plan for Lots 6 and 7 which has been approved by the Baltimore County Landscape Planner in the Office of Current Planning. Said plan shall at a minimum provide a landscape buffer on Carroll Place and the side yard closest to Linden Avenue.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

C. William Clark

John G. Disney

IN RE: PETITION FOR
ZONING VARIANCE
W/S Carroll Place,
E of Linden Avenue
(5208 Carroll Place)
13th Election District
1st Councilmanic
District

* BEFORE THE
* COUNTY BOARD
* OF APPEALS
* Case No. 91-245-A

Katherine Paul
Petitioner

MOTION TO DISMISS

Now comes Katherine Paul, Petitioner and Appellee, by S. Eric DiNenna and DiNenna and Breschi, and moves to dismiss the Appeal filed herein.

1. That upon the Petition of Katherine Paul the Deputy Zoning Commissioner issued a Findings of Fact and Conclusions of Law on May 2, 1991;
2. That the Deputy Zoning Commissioner filed an Amended Order of May 17, 1991, correcting a typographical error contained in the Order of May 2, 1991;
3. That on June 17, 1991 the Appellants filed an Appeal with the Zoning Commissioner's Office; Section 22-32 Baltimore County Code 1978 as amended.

"That any person or persons jointly or severally, or any tax payer or any official, office, department, board or bureau of the County, feeling aggrieved by any decision of the Zoning Commissioner shall have the right to appeal therefrom to the County Board of Appeals. Notice of such Appeal shall be filed, in writing, with the Zoning Commissioner, within thirty (30) days of the date of any final Order appealed from,"

4. That the Appellants filed an untimely appeal beyond the

thirty (30) day period from the May 2, 1991 Opinion and Order;

5. That the Amended Order of May 17, 1991 was only to correct a "typographical error" and that "all other terms and conditions of the Order issued May 2, 1991, shall remain in full force and effect";

6. That the Amended Order was in the nature of a non-pro tunc Order; Rule 2-535(d) of the Maryland Rules states:

"Clerical mistakes in judgments, orders or other parts of the record may be corrected by the Court at any time on its own initiative, or on motion of any party after such notice, if any, as the Court orders..."

This (Rule) contemplates the correction of clerical errors, deficiencies of form, inadvertent admissions or obvious mistakes as distinguished from judicial errors. Jackson v. Jackson 260 Md. 141. In Jackson, the appeal was filed from an Order of April 9, 1970, correcting a November 18, 1969 Order "by striking from the heading thereof the words, 'sitting as the Orphan's Court.'" The Appeal was taken on April 29, 1970 and the Appellee moved to dismiss the Appeal which the Court of Appeals denied because the issue was not before them. But, the Court went on to say "while this point was neither brief nor argued, after a review of the record and both proceedings, we realized that this Motion should have been granted as should the Motion to Dismiss the Appeal from the Order of the Orphan's Court."

For the foregoing reasons, your Appellee respectfully requests that the Appeal filed in this matter be dismissed as untimely pursuant to the Baltimore County Code and the law applicable thereto.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15th day of July, 1991, a copy of the foregoing Motion to Dismiss was mailed, postage prepaid, to People's Counsel for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Owen Duffy, Jr., 1230 Linden Avenue, Arbutus, Maryland 21227; Brian Morrison, 5206 Carroll Place, Arbutus, Maryland 21227; Thomas Kane 1224 Linden Avenue, Arbutus, Maryland 21227; David McAuliffe, 5207 Carroll Place, Arbutus, Maryland 21227, Appellants.

S. ERIC DINENNA

IN THE MATTER OF * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
KATHERINE PAUL * OF
FOR ZONING VARIANCE ON *
PROPERTY LOCATED ON THE WEST *
SIDE CARROLL PLACE, EAST OF *
LINDEN AVENUE * BALTIMORE COUNTY
(5208 CARROLL PLACE) *
13TH ELECTION DISTRICT * CASE NO. 91-245-A
1ST COUNCILMANIC DISTRICT * * * * *

RULING ON MOTION TO DISMISS

The above-entitled matter came on for a hearing before this Board on Motion to Dismiss filed by the Petitioners, Katherine Paul. The Petitioner contends that the appeal filed to this Board was not filed within the 30-day period required in the statute. The original Order was passed on May 2, 1991. Thereafter, an Amended Order was passed by the Deputy Zoning Commissioner on May 17, 1991. The appeal was noted by letter on June 17, 1991.

Computing the time for filing an appeal from the date of the original Order would put the Protestants beyond the 30-day period. Using the date of the Amended Order of May 17, 1991 would make the Protestants' appeal timely.

At the hearing before this Board it was determined that the Protestants contacted the Zoning Office after receiving the Amended Order and were informed by that office that the time for filing an appeal runs from 30 days from the date of the Amended Order. In a nutshell, relying on that advice, the Protestants filed their appeal.

The Petitioner argues to the Board that the Amended Order did not substantively change the original Order and thus the time for

Case No. 91-245-A Katherine Paul 2
filing an appeal should not be extended. Jackson v. Jackson 260 Md. 138 (1970)

This Board, after giving due consideration to the arguments presented to it, finds that the appeal filed is within the 30-day statutory period and that the Motion to Dismiss is denied. Fundamental fairness dictates that the Protestants' appeal should not be dismissed on the basis that it is untimely, especially in light of the fact that they were advised by County Government that their time for appeal ran from the date of the Amended Order. It is important to highlight in these particular proceedings that the Amended Order was issued within 30 days of the date of the original Order, which distinguishes these proceedings from the facts as set out in Jackson v. Jackson, supra.

IT IS HEREBY THIS 19th DAY OF September, 1991, by the County Board of Appeals of Baltimore County ORDERED that the Motion to Dismiss be and the same is hereby DENIED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

John G. Disney
John G. Disney

Michael B. Bauer
Michael B. Bauer

IN RE: PETITION FOR * BEFORE THE
ZONING VARIANCE * COUNTY BOARD
W/S Carroll Place, *
E of Linden Avenue * OF APPEALS
(5208 Carroll Place) *
13th Election District * Case No. 91-245-A
1st Councilmanic District *
Katherine Paul *
Petitioner *

MOTION FOR EMERGENCY HEARING

Now comes Katherine Paul, Petitioner and Appellee, by S. Eric DiNenna and DiNenna and Breschi, and moves for an emergency hearing for her Motion to Dismiss:

1. That said Appeal is frivolous;
2. That if the Appeal of the Appellants is to be heard pursuant to the Board's timing and scheduling of hearings, it will cause an undue hardship upon the property owner, Katherine Paul;

3. That this matter be set on the docket of the Board of Appeals immediately for purpose of hearing and it is anticipated that that hearing would take no more than 30 minutes.

For the foregoing reasons, it is respectfully requested that the above-captioned Motion to Dismiss be expeditiously scheduled and heard immediately as an emergency.

S. ERIC DINENNA
DiNenna and Breschi
409 Washington Avenue
Suite 600
Towson, Maryland 21204
(301) 296-6820
Attorney for Petitioner

- 1 -

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 19th day of July, 1991, a copy of the foregoing Motion to Dismiss was mailed, postage prepaid, to People's Counsel for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Owen Duffy, Jr., 1230 Linden Avenue, Arbutus, Maryland 21227; Brian Morrison, 5206 Carroll Place, Arbutus, Maryland 21227; Thomas Kane 1224 Linden Avenue, Arbutus, Maryland 21227; David McAuliffe, 5207 Carroll Place, Arbutus, Maryland 21227, Appellants.

S. ERIC DINENNA

- 2 -

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Carroll Place, E of *
Linden Avenue * DEPUTY ZONING COMMISSIONER
(5208 Carroll Place) *
13th Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case No. 91-245-A
Katherine Paul *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a lot area of 4,000 sq.ft. for Lots 6 and 7 and Lots 8 and 9 in lieu of the required 6,000 sq.ft. for each, to permit a lot width of 40 feet in lieu of the required 50 feet for Lots 6 and 7 and Lots 8 and 9, to permit a side yard setback of 8 feet in lieu of the required 10 feet and a front yard setback of 13 feet in lieu of the required 25 feet for the existing dwelling on Lots 8 and 9, and to permit a side yard setback of 6 feet in lieu of the required 10 feet for the proposed dwelling on Lots 6 and 7, all as more particularly described on Petitioner's Exhibit 1.

Michael G. Davis, nephew of and real estate agent for Petitioner, appeared and testified on behalf of the Petitioner. The Petitioner was represented by S. Eric DiNenna, Esquire. Appearing as Protestants in the matter were Owen Duffy, Jr., Brian Morrison, Thomas Kane and David McAuliffe.

Testimony indicated that the subject property, known as 5208 Carroll Place, consists of four 20-foot wide lots totalling 8,000 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling on Lots 8 and 9. Said property is part of an approved subdivision plan known as Linden Terrace predating 1945. Mr. Davis testified that Petitioner purchased Lots 6, 7, 8 and 9 approximately 35 years ago and resides in the existing

dwelling which was developed on Lots 8 and 9 in approximately 1943. It was undisputed that the subject dwelling was built between 1943 and 1945 and that it is one of the oldest, if not the oldest, homes in the community. Testimony indicated that Lots 6 and 7 and Lots 8 and 9 have always been and continue to be separately taxed and assessed. Mr. Davis testified that his aunt is desirous of selling off Lots 6 and 7 for future residential development and indicated that the narrowness of the subject property has necessitated the requested variances. Testimony indicated Petitioner believes the requested side yard setbacks for Lots 6 and 7 are necessary in order to construct a home in keeping with the character of the neighborhood rather than build a narrow home. Petitioner's Exhibit 1 depicts the surrounding development of houses built on 40-foot wide lots and indicates the proposed dwelling will be developed in keeping with other homes on the same side as the subject property. Petitioner argued the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community. Petitioner argued that denial of the variance will create practical difficulty and unreasonable hardship.

The Protestants are opposed to the granting of the variances, arguing that the proposed development of the subject property would exacerbate existing parking problems. In response to that argument, the Petitioner argued that the builder would be able to create the required two parking spaces in the development of the proposed dwelling on Lots 6 and 7 as depicted on Petitioner's Exhibit 1. Further, the Protestants were concerned about water runoff problems due to the development of the property before storm water management. Petitioners argued the water runoff problems in the neighborhood were not created by the subject properties

ORDER RECEIVED FOR FILING

Date 7/19/91
By [Signature]

- 2 -

but could potentially be as a result of the development of the Lutheran Church which is to the rear of this lot.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. The undisputed testimony indicated that the proposed development on a 40-foot wide lot is in keeping with the development of other properties on that side of the street and as such, would be compatible with the neighborhood. Further, testimony indicated that the properties have always been taxed as two separate lots and that the granting of the relief requested would not adversely affect density requirements.

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

ORDER RECEIVED FOR FILING

Date 7/19/91
By [Signature]

- 3 -

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of May, 1991 that the Petition for Zoning Variance to permit a lot area of 4,000 sq.ft. for Lots 6 and 7 and Lots 8 and 9 in lieu of the required 6,000 sq.ft. for each, to permit a lot width of 40 feet in lieu of the required 50 feet for Lots 6 and 7 and Lots 8 and 9, to permit a side yard setback of 8 feet in lieu of the required 10 feet and a front yard setback of 13 feet in lieu of the required 25 feet for the existing dwelling on Lots 8 and 9, and to permit a side yard setback of 6 feet in lieu of the required 10 feet for the proposed dwelling on Lots 6 and 7, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any occupancy permits, the Petitioner shall submit a revised site plan of the proposed development on Lots 6 and 7 which includes at a minimum two off-street parking spaces.
- 3) Prior to the issuance of any permits Petitioner shall file a landscape plan for Lots 6 and 7 which has been approved by the Baltimore County Landscape Planner in the Office of Current Planning. Said plan shall at a minimum provide a landscape buffer on Carroll Place and the side yard closest to Linden Avenue.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 7/19/91
By [Signature]

AMN:bjs

- 4 -

PETITION FOR ZONING VARIANCE
W/S Carroll Place, E of
Linden Avenue
13th Election District
1st Councilmanic District
Katherine Paul
Petitioner

AMENDED ORDER

WHEREAS, the Petitioner requested and was granted variances for a proposed dwelling on Lots 6 and 7 and an existing dwelling on Lots 8 and 9 of the subject property by Order issued May 2, 1991;

WHEREAS, subsequent to the issuance of said Order, Counsel for Petitioner advised that due to a typographical error, the relief requested and granted as to the required lot width was inaccurate and a modification of the Order was necessary;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of May, 1991 that the Order issued May 2, 1991 be and the same is hereby AMENDED to reflect that the variance requested and granted for a lot width of 40 feet for Lots 6 and 7 and Lots 8 and 9, is in lieu of the required 55 feet and not in lieu of 50 feet as set forth in the original Order.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued May 2, 1991 shall remain in full force and effect.

ANN:bj
cc: S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600, Towson, Md. 21204
All Protestants; People's Counsel; Case File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto, hereby petition for a Variance from Section 304 and from Sec. 1B02.2c1 to permit a lot area of 4000 sq. ft. for lots (6 & 7) and (8 & 9) in lieu of required 6000 sq. ft. to allow lot widths of 40 ft. for lots (6 & 7) and (8 & 9) in lieu of 55 ft.; a side yard set back of 8 ft. in lieu of 10 ft.; a front yard set back of 13 ft. in lieu of 25 ft. for existing dwelling; lot (8 & 9) a side yard set back of 6 ft. in lieu of 10 ft. for lot (8 & 9).

1. Existing development in area same as requested

2. Shape and size of subject properties

3. For such other reasons to be presented at time of Hearing.

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: Katherine Paul
(Type or Print Name)
Signature: Katherine M. Paul
Address: 5209 Carroll Place
City and State: Arbutus, MD 21228
City and State: Towson, MD 21204
City and State: 296-6820
Attorney for Petitioner: S. Eric DiNenna, Esquire
Address: 409 Washington Ave., Ste. 600
City and State: Towson, MD 21204
City and State: 296-6820
Attorney's Telephone No.: 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day of May, 1991, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 27 day of May, 1991, at 2:45 o'clock

ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON - TUES - WED - NEXT TWO MONTHS
ALL OTHERS
REVIEWED BY: DATE 12-18-91

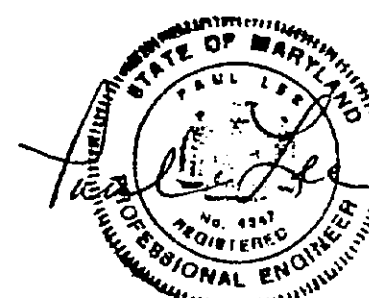
Paul Leo P.D.

Paul Leo Engineering Inc.
301 W. Pennsylvania Ave.
Towson, Maryland 21204
301-281-5941
DESCRIPTION

#5208 CARROLL PLACE
13th ELECT. DIST. BALTIMORE COUNTY, MD.

Beginning for the same at a point on the west side of Carroll Place, said point also located N 47°40' E - 145 feet ± from the center of Linden Avenue; thence leaving said west side of Carroll Place: (1) N 44°10' W - 100.00 feet, thence (2) N 47°40' E - 80.00 feet, thence (3) S 44°10' E - 100.00 feet to the west side of Carroll Place, thence binding on the west side Carroll Place (4) S 47°40' W - 80.00 feet to the point of beginning.

Containing 8,000 s.f. of land more or less.



J.O 90-026
11-12-90

Engineers - Surveyors - Site Planners

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: 3-4-91
Posted for: Katherine Paul
Petitioner: Katherine Paul
Location of property: W/S Carroll Place, E of Linden Avenue - lots 6 thru 9 - 5208 Carroll Place
Location of Sign: East front of 5208 Carroll Place
Remarks: S. J. DiNenna
Posted by: S. J. DiNenna
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: July 2, 1991
Posted for: Appeal
Petitioner: Katherine Paul
Location of property: W/S Carroll Place, E of Linden Avenue - 5208 Carroll Place
Location of Sign: In front of 5208 Carroll Place
Remarks: S. J. DiNenna
Posted by: S. J. DiNenna
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-5-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2-28-91.

THE JEFFERSONIAN,

S. Zake Olin
Publisher

\$68.96

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-5-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2-28-91.

THE JEFFERSONIAN,

S. Zake Olin
Publisher

\$ 68.96

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number
91-245-A
Date
CASHIER VALIDATION
Please Make Checks Payable To: Baltimore County 01-254708-20-91 \$150.00

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number
91-245-A
Date
CASHIER VALIDATION
Please Make Checks Payable To: Baltimore County 01-254708-20-91 \$150.00

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number
91-245-A
Date
CASHIER VALIDATION
Please Make Checks Payable To: Baltimore County 01-254708-20-91 \$150.00

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number
91-245
Date
CASHIER VALIDATION
Please Make Checks Payable To: Baltimore County 01-254708-20-91 \$150.00

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 3-12-91

Katherine Paul
5209 Carroll Place
Arbutus, Maryland 21228

RE:
Case Number: 91-245-A
W/S Carroll Place, 145' E of c/l Linden Avenue
lots 6 thru 9 - 5208 Carroll Place
13th Election District - 1st Councilmanic
Petitioner(s): Katherine Paul
HEARING: WEDNESDAY, MARCH 27, 1991 at 2:45 p.m.

Dear Petitioner(s):

Please be advised that \$ 93.96 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

S. Eric DiNenna, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 1, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-245-A
W/S Carroll Place, 145' x of c/o Linden Avenue
Lots 6 thru 9 - 5208 Carroll Place
13th Election District - 1st Councilmanic
Petitioner(s): Katherine Paul
HEARING: WEDNESDAY, MARCH 27, 1991 at 2:45 p.m.

Variance to permit a lot area of 4,000 sq. ft. for lots 6 & 7 and 8 & 9 in lieu of required 6,000 sq. ft.; to allow lot widths of 40 ft. for lots 6 & 7 and 8 & 9 in lieu of 55 ft.; to allow a side yard setback of 8 ft. in lieu of 10 ft.; to allow a front yard setback of 13 ft. in lieu of 25 ft. for existing dwelling; to allow lot 8 & 9 a side yard setback of 6 ft. in lieu of 10 ft. for lot 6 & 7.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Katherine Paul
S. Eric DiNenna, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 14, 1991

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 252, Case No. 91-245-A
Petitioner: Katherine Paul
Petition for Zoning Variance

Dear Mr. DiNenna:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Katherine Paul
5209 Carroll Place
Arbutus, MD 21228

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this

9th day of January, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Katherine Paul

Petitioner's Attorney: S. Eric DiNenna

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: January 31, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Katherine Paul, Item No. 252

Staff has met with the petitioner's attorney, S. Eric DiNenna, and engineer, Paul Lee, to discuss the subject request. As outlined in our comment of January 29, 1991 (see attached), staff is supportive of the applicant's request provided that the petition be amended to include an additional variance for a front yard setback of 15-20 ft. This additional variance would ensure consistency with the existing built environment and reflect the intent of the Baltimore County Master Plan's community conservation goals.

Since the Office of Planning and Zoning is recommending that the petition be amended, we respectfully request that any fees attached for revisions purposes be waived.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

JL/cmm
ITEM252/2AC1

cc: S. Eric DiNenna, Esquire
Paul Lee, P.E.

received
3/1/91

APPEAL

Petition for Zoning Variance
W/S Carroll Place, E of Linden Avenue
(5208 Carroll Place)
13th Election District - 1st Councilmanic District
KATHERINE PAUL - Petitioner
Case No. 91-245-A

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments
Petitioner's Exhibits: 1. Plat to accompany Petition
2. Contract of Sale for Unimproved Property

Deputy Zoning Commissioner's Order dated May 2, 1991 (Granted w/ Restrictions)

Deputy Zoning Commissioner's Amended Order dated May 17, 1991

Notice of Appeal received June 17, 1991 from Protestants (David McAniff, Brian Morrison, Owen Duffy, Jr. and Thomas Kane)

cc: Katherine Paul & Michael Davis
5208 Carroll Place, Arbutus, MD 21227

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600, Towson, MD 21204

Owen Duffy, Jr., 1230 Linden Avenue, Arbutus, MD 21227

Brian Morrison, 5206 Carroll Place, Arbutus, MD 21227

Thomas Kane, 1224 Linden Avenue, Arbutus, MD 21227

David McAniff, 5207 Carroll Place, Arbutus, MD 21227

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clark
Arnold Jablon, Chief Deputy County Attorney
Public Services

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 11, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: KATHERINE PAUL
Location: #5208 CARROLL PLACE
Item No.: 252 Zoning Agenda: JANUARY 8, 1991

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

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", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *Capt. Joseph Kelly 1-11-91* Noted and Approved: *John L. Brown, Jr. DFC*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
1/14/91

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 2, 1991

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
W/S Carroll Place, E of Linden Avenue
(5208 Carroll Place)
13th Election District - 1st Councilmanic District
Katherine Paul - Petitioner
Case No. 91-245-A

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjbs
cc: Mr. Owen Duffy, Jr.
1230 Linden Avenue, Baltimore, Md. 21227

Mr. Brian Morrison
5206 Carroll Place, Baltimore, Md. 21227

Mr. Thomas Kane
1224 Linden Avenue, Baltimore, Md. 21227

Mr. David McAniff
5207 Carroll Place, Baltimore, Maryland 21227

People's Counsel
File

MAY 6 1991

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 19, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
W/S Carroll Place, E of Linden Avenue
(5208 Carroll Place)
13th Election District, 1st Councilmanic District
KATHERINE PAUL Petitioner
Case No. 91-245-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 17, 1991 by David McAniff, Brian Morrison, Owen Duffy, Jr. and Thomas Kane, Protestants. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cwr

Enclosures

cc: Katherine Paul & Michael Davis
5208 Carroll Place, Arbutus, MD 21227

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600, Towson, MD 21204

Owen Duffy, Jr., 1230 Linden Avenue, Arbutus, MD 21227



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. July 25, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-245-A KATHERINE PAUL
W/s Carroll Place, E of Linden Ave.
(5208 Carroll Place)
13th Election District
1st Councilmanic District
VAR - Lot area and setbacks
5/02/91 - D.Z.C.'s Order which GRANTED the
petition w/restrictions
5/17/91 - D.Z.C.'s Amended Order.

NOTE: Hearing scheduled on 8/28/91 on Motion to Dismiss filed by Counsel for Petitioner. Should that Motion be denied, the Board will then hear this appeal on its merits immediately thereafter on 8/28/91.

ASSIGNED FOR: WEDNESDAY, AUGUST 28, 1991 AT 10:00 a.m.

cc: S. Eric DiNenna, Esquire Counsel for Petitioners
Katherine Paul and Michael Davis Petitioners
Owen Duffy, Jr. Appellant /Protestant
Brian Morrison " "
Thomas Kane " "
David McAuliffe " "
People's Counsel for Baltimore County out per S. Hens 7/25
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. August 8, 1991

AMENDED NOTICE OF ASSIGNMENT /Motion to Dismiss and
NOTICE OF POSTPONEMENT ON MERITS

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-245-A KATHERINE PAUL
W/s Carroll Place, E of Linden Ave.
(5208 Carroll Place)
13th Election District
1st Councilmanic District
VAR - Lot area and setbacks
5/02/91 - D.Z.C.'s Order which GRANTED the
petition w/restrictions
5/17/91 - D.Z.C.'s Amended Order.

NOTE: Hearing on merits scheduled for 8/28/91 has been postponed at request of Counsel for Petitioner; HOWEVER, legal argument only will be heard on Mr. DiNenna's Motion to Dismiss on Wednesday, August 28, 1991 at 9:00 a.m. No testimony or evidence will be taken on the merits of the case on 8/28/91.

ASSIGNED FOR: WEDNESDAY, AUGUST 28, 1991 AT 9:00 a.m.

cc: S. Eric DiNenna, Esquire Counsel for Petitioners
Katherine Paul and Michael Davis Petitioners
Owen Duffy, Jr. Appellant /Protestant
Brian Morrison " "
Thomas Kane " "
David McAuliffe " "
P. David Fields
Pat Keller
Public Services out per Public Services 8/13/91
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. September 20, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-245-A KATHERINE PAUL
W/s Carroll Place, E of Linden Ave.
(5208 Carroll Place)
13th Election District
1st Councilmanic District
VAR - Lot area and setbacks
5/02/91 - D.Z.C.'s Order which GRANTED the
petition w/restrictions
5/17/91 - D.Z.C.'s Amended Order.

ASSIGNED FOR: FRIDAY, OCTOBER 25, 1991 AT 10:00 a.m.

cc: S. Eric DiNenna, Esquire Counsel for Petitioners
Katherine Paul and Michael Davis Petitioners
Owen Duffy, Jr. Appellant /Protestant
Brian Morrison " "
Thomas Kane " "
David McAuliffe " "
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. September 27, 1991

AMENDED NOTICE OF ASSIGNMENT /CHANGE IN START TIME

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-245-A KATHERINE PAUL
W/s Carroll Place, E of Linden Ave.
(5208 Carroll Place)
13th Election District
1st Councilmanic District
VAR - Lot area and setbacks
5/02/91 - D.Z.C.'s Order which GRANTED the
petition w/restrictions
5/17/91 - D.Z.C.'s Amended Order.

NOTE: This hearing was previously scheduled to start at 10:00 a.m.; however, at the request of Counsel for Petitioner, due to a Circuit Court conflict, this matter has been rescheduled to begin at 11:00 a.m. PLEASE NOTE THAT THE DATE REMAINS THE SAME.

ASSIGNED FOR: FRIDAY, OCTOBER 25, 1991 AT 11:00 a.m.

cc: S. Eric DiNenna, Esquire Counsel for Petitioners
Katherine Paul and Michael Davis Petitioners
Owen Duffy, Jr. Appellant /Protestant
Brian Morrison " "
Thomas Kane " "
David McAuliffe " "

P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

10/18/91 -Copy to Kathy Valderas

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

September 19, 1991

S. Eric DiNenna, Esquire
Mercantile Towson Building
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Case No. 91-245-A
Katherine Paul

Dear Mr. DiNenna:
Enclosed please find a copy of the Ruling on Motion to Dismiss issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Katherine Paul /Michael Davis
Mr. Owen Duffy, Jr.
Mr. Brian Morrison
Mr. Thomas Kane
Mr. David McAuliffe
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

October 18, 1991

Ms. Kathy Valderas
1225 Elmridge Avenue
Baltimore, MD 21243

RE: Case No. 91-245-A
Katherine Paul

Dear Ms. Valderas:

Pursuant to your telephone call this date, enclosed is a copy of the material you requested regarding Rule 8 of the Rules of Practice and Procedure of the Board of Appeals and the appearance before the Board as representative of a civic association.

Completion of the attached forms is necessary in order to have a representative testify before the Board on behalf of a civic or community association. These forms may be presented to the Board at the hearing, which is scheduled for Friday, October 25, 1991 at 11:00 a.m. Also enclosed for your information is a copy of the assignment notice which was sent to all parties as listed in the Board's file.

Should you have any other questions, please don't hesitate to call me at 887-3180.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

Enclosures (2)

7/25/91 - Following parties notified of hearing set for Wednesday, August 28, 1991 at 10:00 a.m.:

S. Eric DiNenna, Esquire Counsel for Petitioners
Katherine Paul and Michael Davis Petitioners
Owen Duffy, Jr. Appellant /Protestant
Brian Morrison " "
Thomas Kane " "
David McAuliffe " "
People's Counsel for Baltimore County out per S. Hens 7/25
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

7/31/91 -Letter from S. Eric DiNenna -conflict w/8/28 at 10:00; sitting as Master all day.

8/02 -Letter from B. Morrison, Protestant, voicing concerns re above postponement request.

8/08/91 -Above parties notified of postponement of hearing on merits scheduled for 8/28 at 10:00; however, amended notice of assignment to above advising of Motions Only Hearing on Mr. DiNenna's Motion to Dismiss on Wednesday, 8/28/91 at 9:00 a.m.

9/19/91 - Board's Ruling DENYING Motion to DISMISS.

9/20/91 - Above parties notified of hearing set for October 25, 1991 at 10:00 a.m.

9/27/91 -Letter received 9/27/91 from S. Eric DiNenna requesting start time of 11:00 a.m. due to Circuit Court conflict; Amended Notice sent this date advising of change in start time to 11:00 a.m.; date to remain the same.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 14, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 8, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 244, 248, 250, 251, 252, 253, 256, 258 and 259.

For Items 231 revised (Parring Plaza Shopping Center) and 247, the previous County Review Group comments are applicable.

For Items 254 and 255 and 257, County Review Group Meetings may be required.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s

DINENNA AND BRESCHI
ATTORNEYS AT LAW
SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.
FRANCIS X. BORGERDING, JR. I
ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

April 23, 1991

Ms. Ann Nastarovicz
Deputy Zoning Commissioner
for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 91-245-A
Petitioner/Katherine Paul

Dear Ms. Nastarovicz:

I must write you this letter making inquiry of your decision emanating from the hearing of March 27, 1991.

I appreciate your cooperation.

Very truly yours,

S. Eric Dinenna
S. ERIC DINENNA

SED:cjc
cc: Ms. Katherine Paul

P.S. Had to write this; Hope you understand
hi

RECEIVED
ZONING OFFICE

DINENNA AND BRESCHI
ATTORNEYS AT LAW
SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.
FRANCIS X. BORGERDING, JR. I
ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

July 15, 1991

Chairman
County Board of Appeals
for Baltimore County
111 W. Chesapeake Avenue
County Office Building
Towson, Maryland 21204

RE: Case No. 91-245-A
Katherine Paul, Petitioner

Dear Mr. Chairman:

Enclosed herewith for filing please find Motion to Dismiss and Motion for Emergency Hearing.

Thank you for your cooperation.

Very truly yours,

S. Eric Dinenna
S. ERIC DINENNA

SED:cjc
Enclosure
cc: Ms. Katherine Paul
People's Counsel
Owen Duffy, Jr.
Brian Morrison
Thomas Kane
David McAuliffe

Aug 28, 10:00 P.M.

41-3

DINENNA AND BRESCHI
ATTORNEYS AT LAW
SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.
FRANCIS X. BORGERDING, JR. I
ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

July 30, 1991

County Board of Appeals of
Baltimore County
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 91-245-A
Katherine Paul, Petitioner

Dear Mr. Chairman:

I am in receipt of your Notification of my Request for an Emergency Hearing to be held on Wednesday, August 28, 1991 at 10:00 a.m.

I do appreciate the Board scheduling this matter as soon as possible, but unfortunately, on the date of August 28, 1991, I will be sitting as a Master in the Circuit Court for Baltimore County starting at 9:30 with a docket that should last most of the morning and a second docket in the afternoon.

Accordingly, I would respectfully request a postponement and ask the Board to schedule this matter as quickly as possible, but prior to scheduling thereof, to contact me so there is no conflict with the Board's schedule my previous court schedule.

I appreciate the Board's consideration.

Very truly yours,

S. Eric Dinenna
S. ERIC DINENNA

SED:cjc
cc: Ms. Katherine Paul
People's Counsel for Baltimore County
Owen Duffy, Jr.
Brian Morrison
Thomas Kane
David McAuliffe

15-2114 10 AM 16

DINENNA AND BRESCHI
ATTORNEYS AT LAW
SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.
FRANCIS X. BORGERDING, JR. I
ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

September 20, 1991

County Board of Appeals
of Baltimore County
County Office Building
Room 315
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 91-245-A
Katherine Paul
My File No.: 90-64

Dear Mr. Chairman:

I am in receipt of the Board's Ruling on the Motion to Dismiss concerning the above-captioned matter.

Inasmuch as there is a pending Contract of Sale for the property with a very stringent time limitation, I would request that this matter be set in immediately for a hearing on the merits.

Thank you for your cooperation.

Very truly yours,

S. Eric Dinenna
S. ERIC DINENNA

SED:bjk
cc: Ms. Katherine Paul

10/25/91
already for @ 10:00am

RECEIVED 22 SEP 15

DINENNA AND BRESCHI
ATTORNEYS AT LAW
SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.
FRANCIS X. BORGERDING, JR. I
ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

September 25, 1991

County Board of Appeals
of Baltimore County
County Office Building, Room 315
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 91-245-A
Katherine Paul, Petitioner

Dear Mr. Chairman:

I am in receipt of your notice for a hearing concerning the above-captioned matter set for October 25, 1991 at 10:00 A.M.

Due to the fact that I am sitting as a Master in the Circuit Court for Baltimore County commencing at 9:30 A.M., I would respectfully request that this matter be rescheduled on that same date of October 25, 1991 but, at 11:00 A.M.

I do not want to request a postponement of the date due to the inconvenience that it may cause many people.

Please advise me as soon as possible of this request. If you have any questions, please contact me.

Very truly yours,

S. Eric Dinenna
S. ERIC DINENNA

SED:djm
cc: Katherine Paul
c/o Elmer W. Smith

91 SEP 27 AM 11:43

Michael H. Davis
1795 Westchester Ave.
Baltimore, Md. 21228
6-18-91

Zoning Commissioner - Baltimore County
111 W. Chesapeake Ave.
Towson, Md. 21204
Re: Case 91-245-A

Sir:

In reference to the subject petition for zoning variance for 5208 Carroll Pl. Arbutus, Md. 21227 I respectfully request that a transcript or tape of the hearing be forwarded to me. I enclose the required fee of \$15.00 and thank you for your cooperation.

Michael H. Davis

CALL INFO
+ OK

E. Dinenna

296-6820

RECEIVED
JUN 20 1991
ZONING OFFICE

Mr. William Harkett
Board Chairman
Room 315
111 West Chesapeake Ave.
Towson, Maryland 21204

re: Case # 91-245-A

Dear Mr. Harkett:

Today I received a letter written by Mr. Eric Dinenna to you asking for a postponement of the hearing currently scheduled for August 28. Mr. Dinenna apparently has an almost endless array of excuses that have become very frustrating to deal with.

I had the option of taking my vacation the week before or the week after Labor Day. I was going to take it the week before but changed my plans after learning of the August 28 date. I will also be going away on a work-related trip for two weeks in September.

I am not writing to ask for any special considerations. I just wanted you to know how frustrating Mr. Dinenna's demands have been.

Respectfully,

Brian Morrison

June 16, 1991

Baltimore County Board of Appeals
111 West Chesapeake Avenue
Towson, Maryland 21204

To Whom It May Concern:

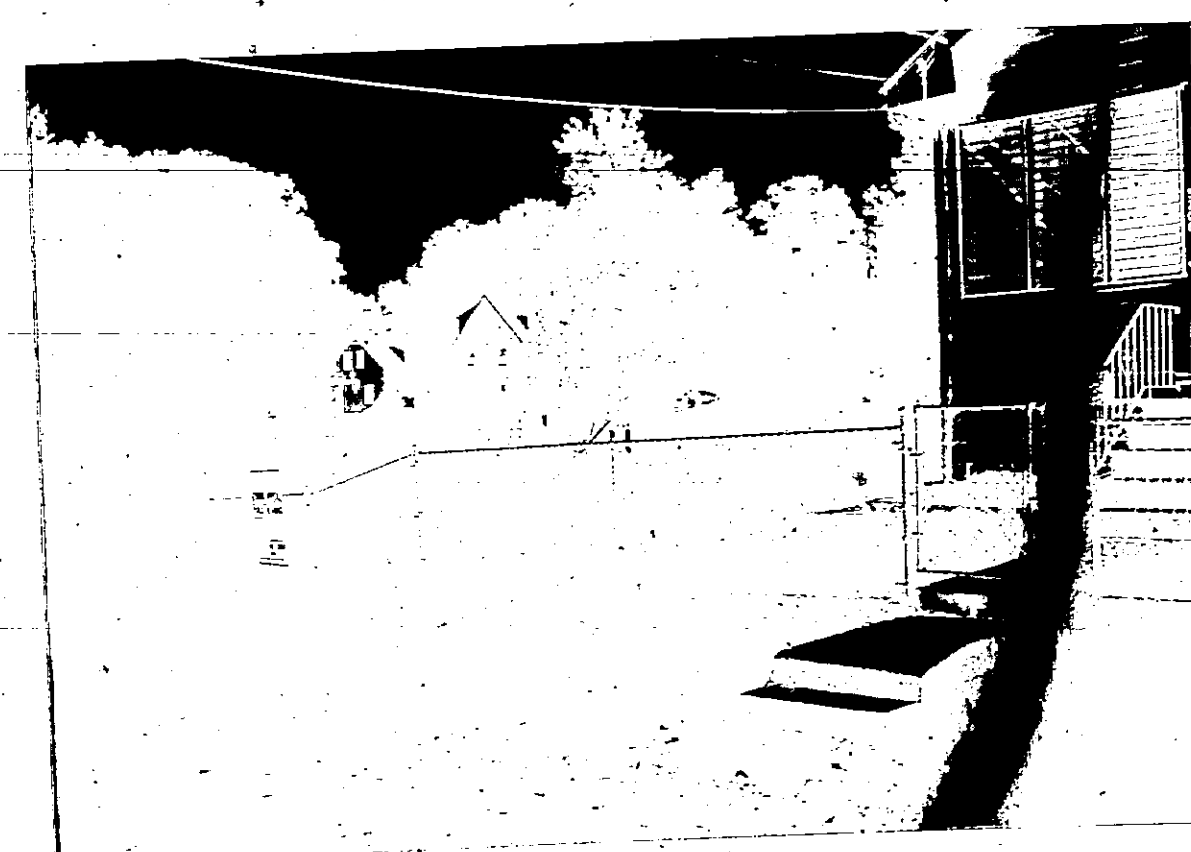
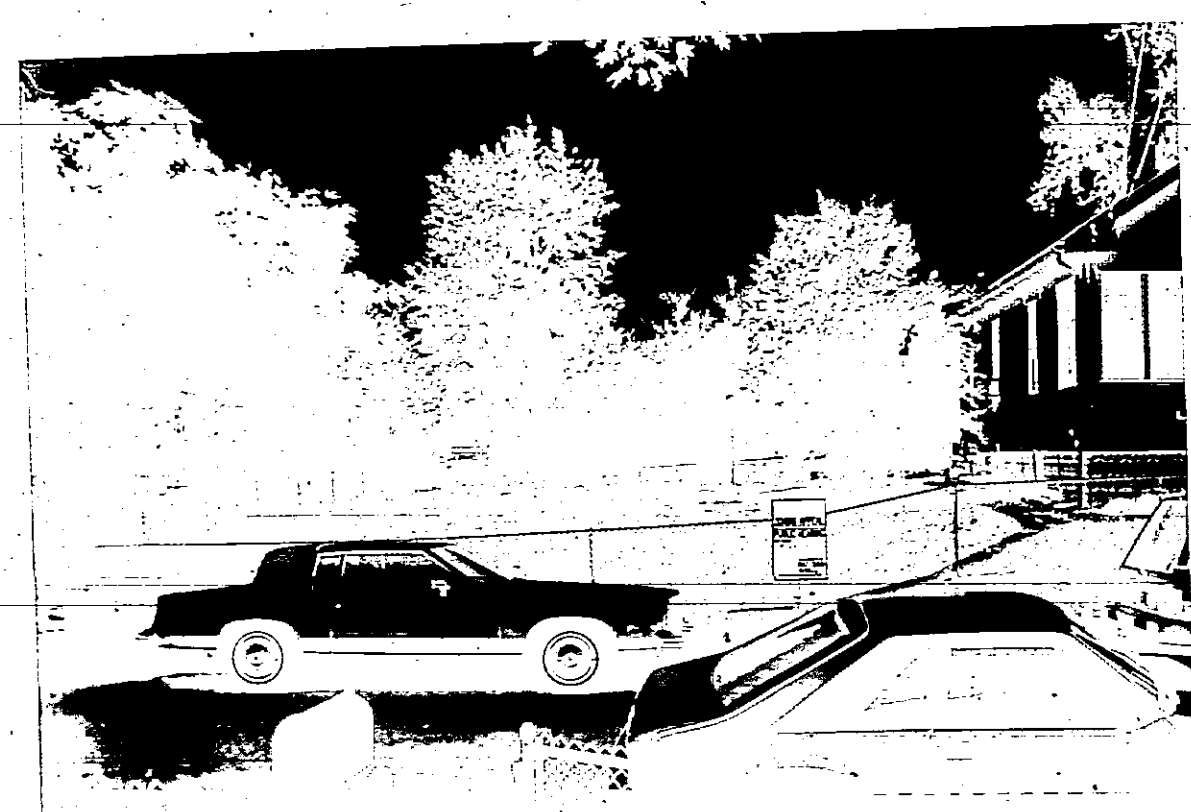
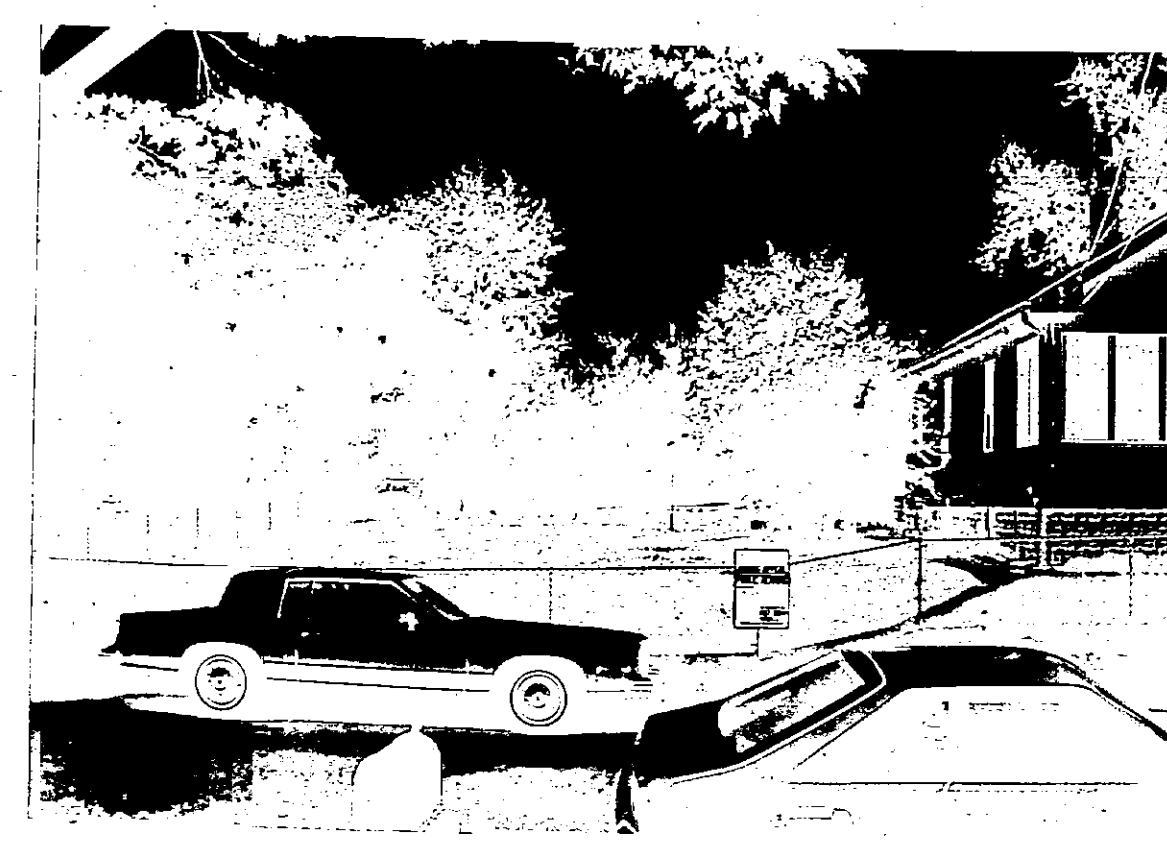
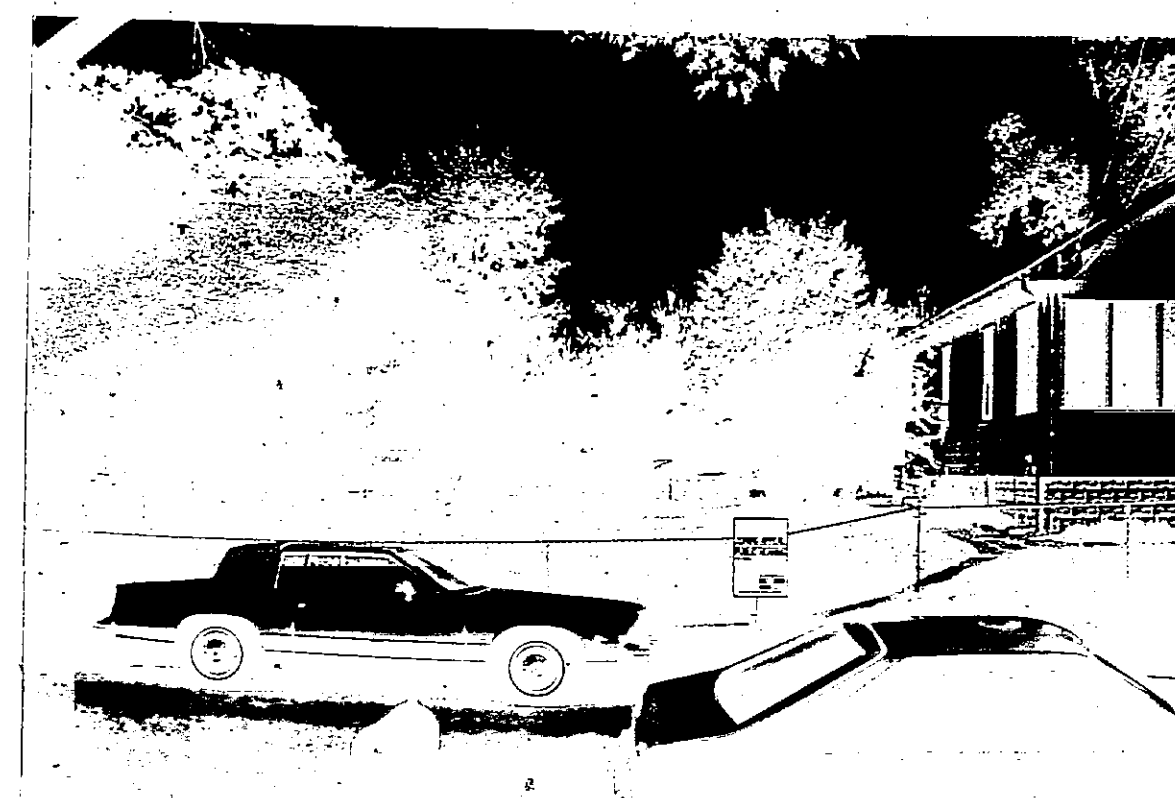
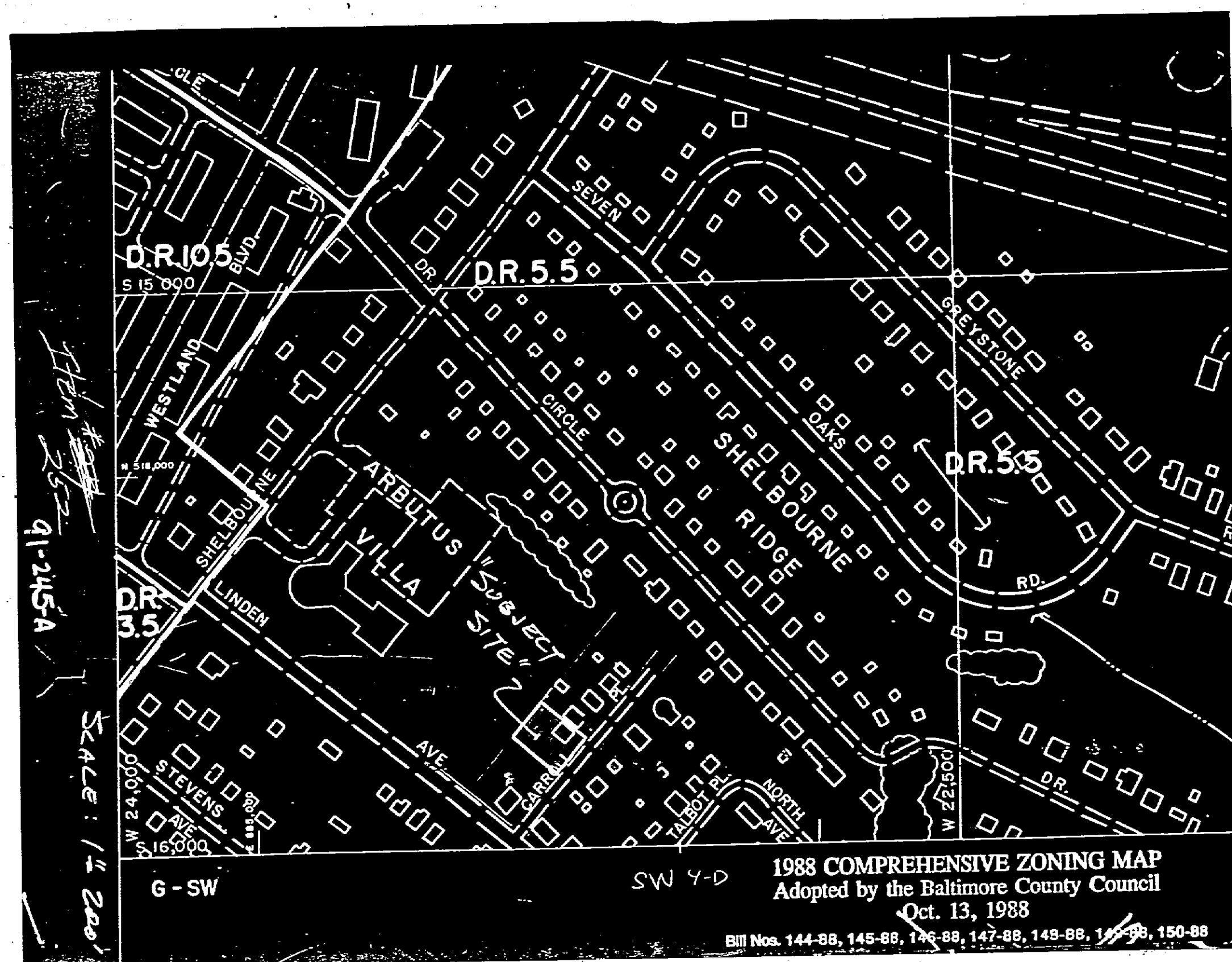
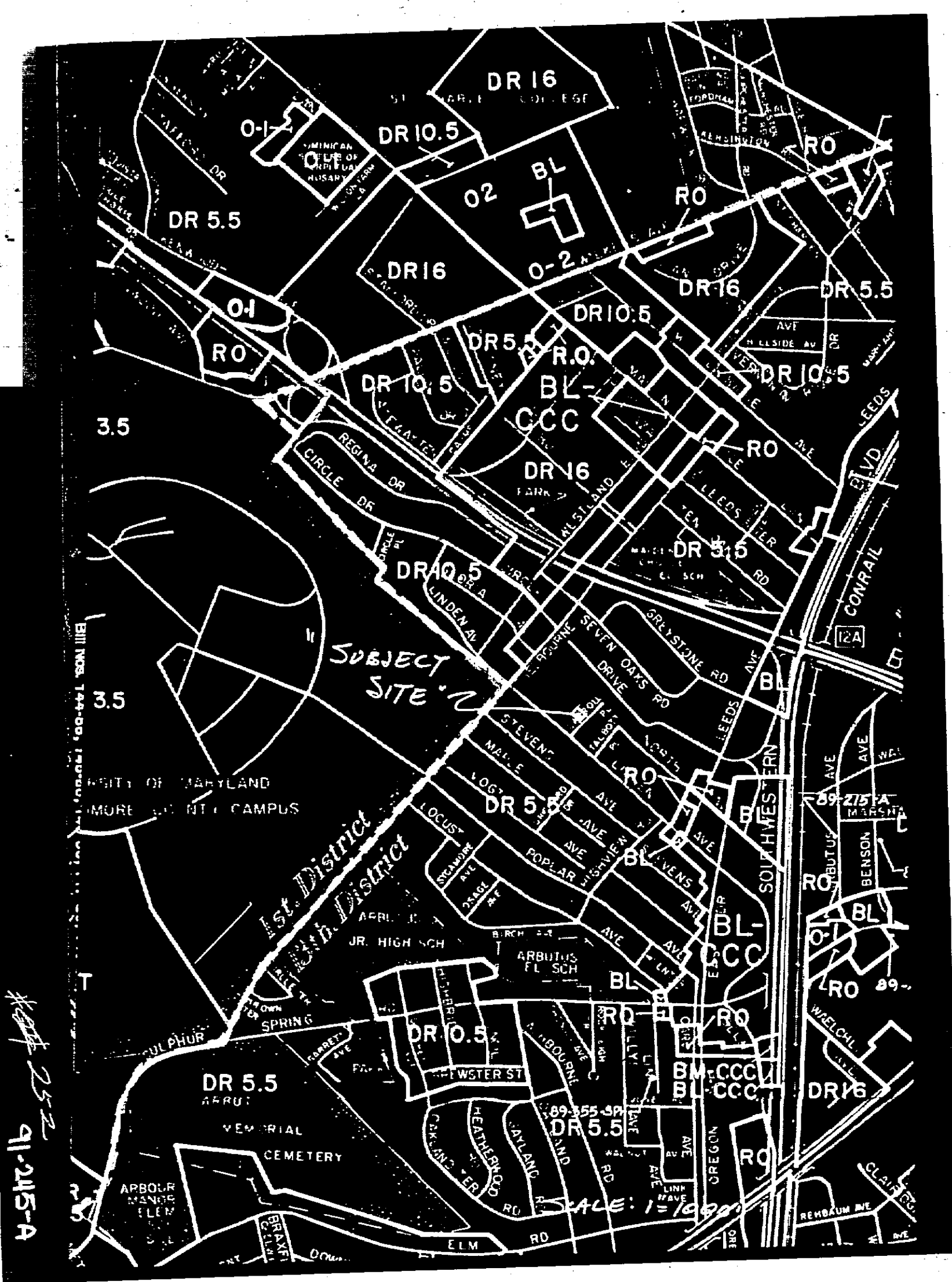
I, David McAuliffe, of 5207 Carroll Place, along with Brian Morrison of 5206 Carroll Place, and Owen Duffy, Jr., of 1230 Linden Ave., would like to formally appeal case number 91-245-A, which is a petition for a zoning variance by Mrs. Katherine Paul of 5208 Carroll Place. Also asking for an appeal is Mr. Thomas Kane of 1224 Linden Ave. Enclosed is my check in the amount of \$150.00 for the appeal.

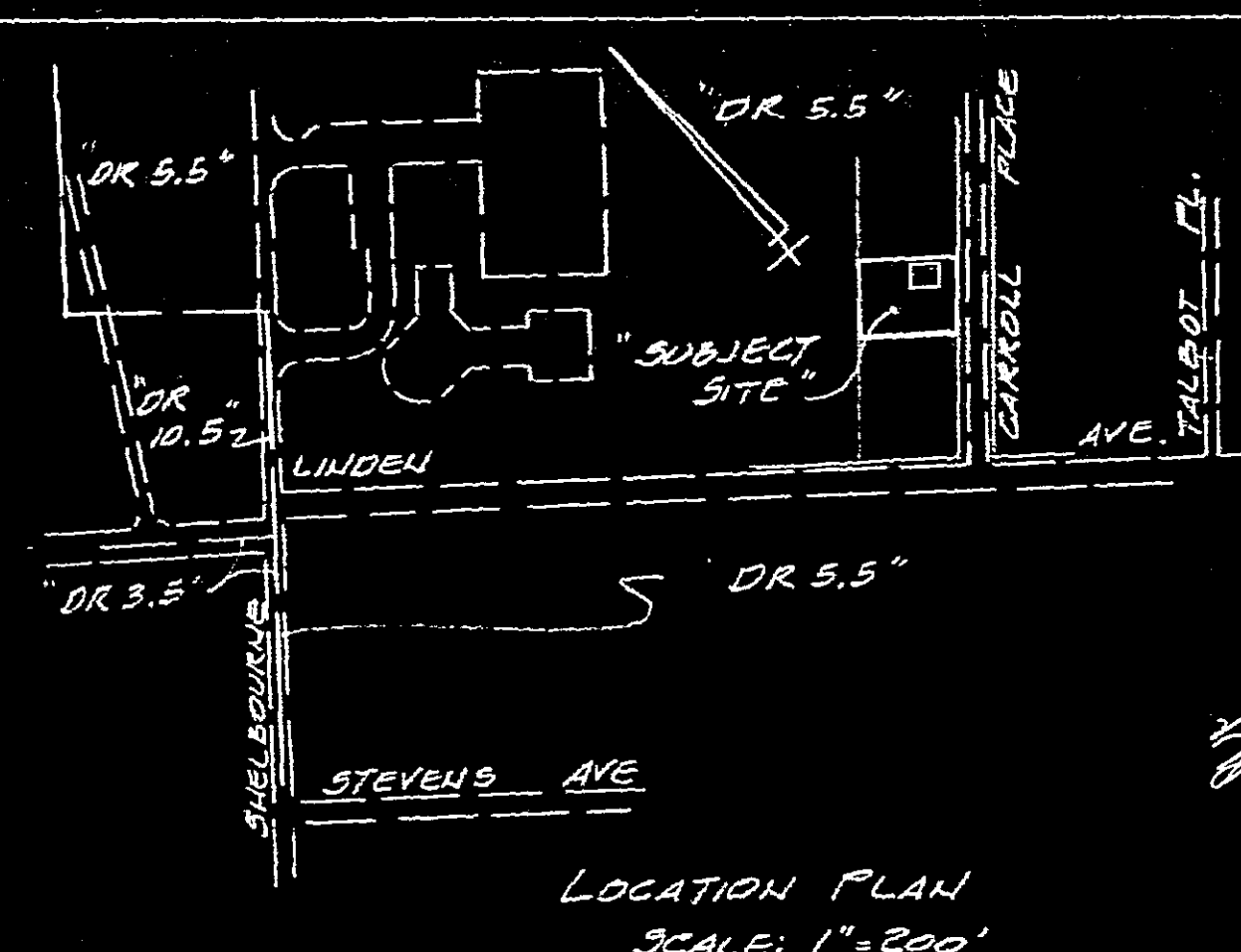
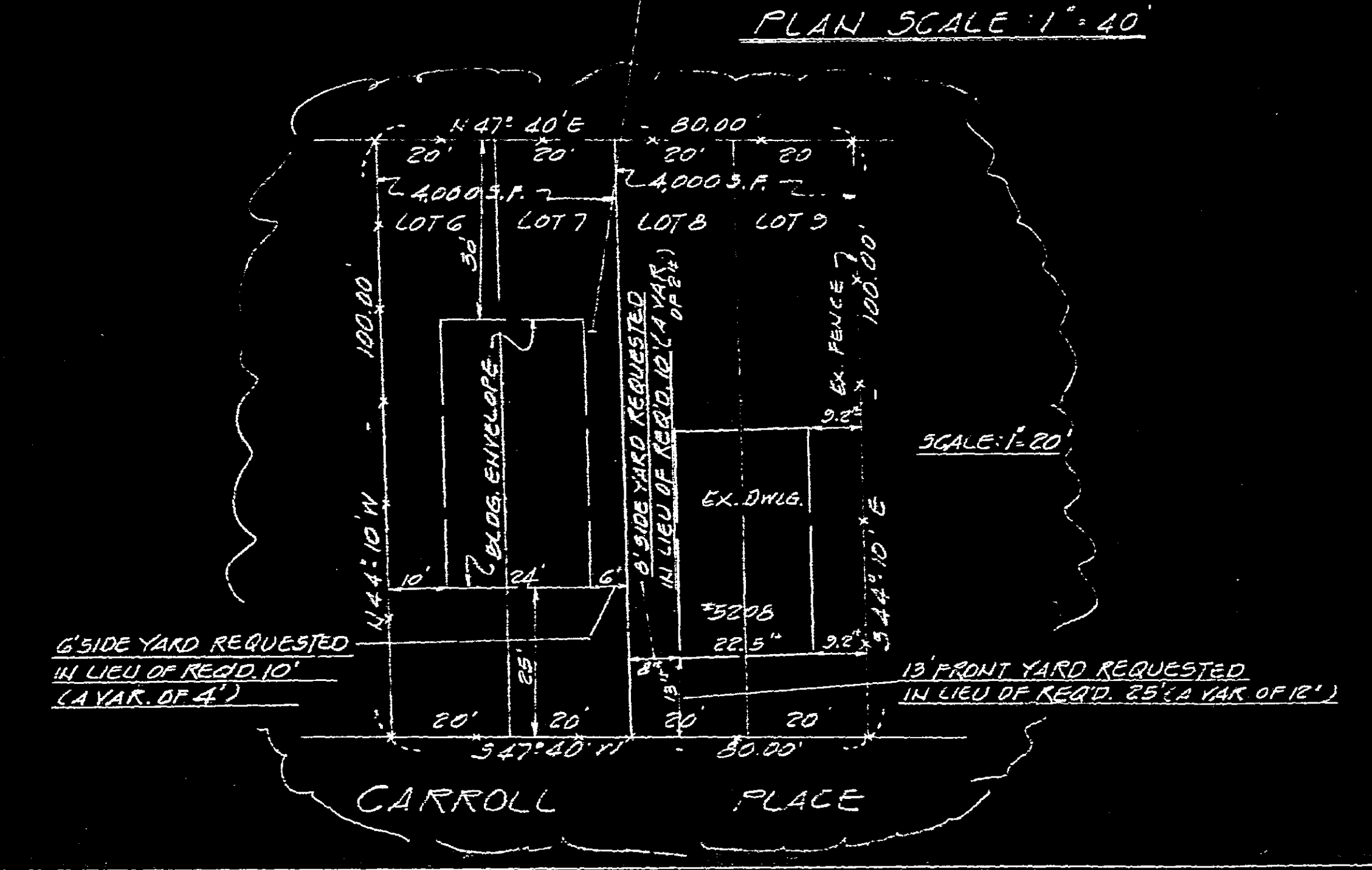
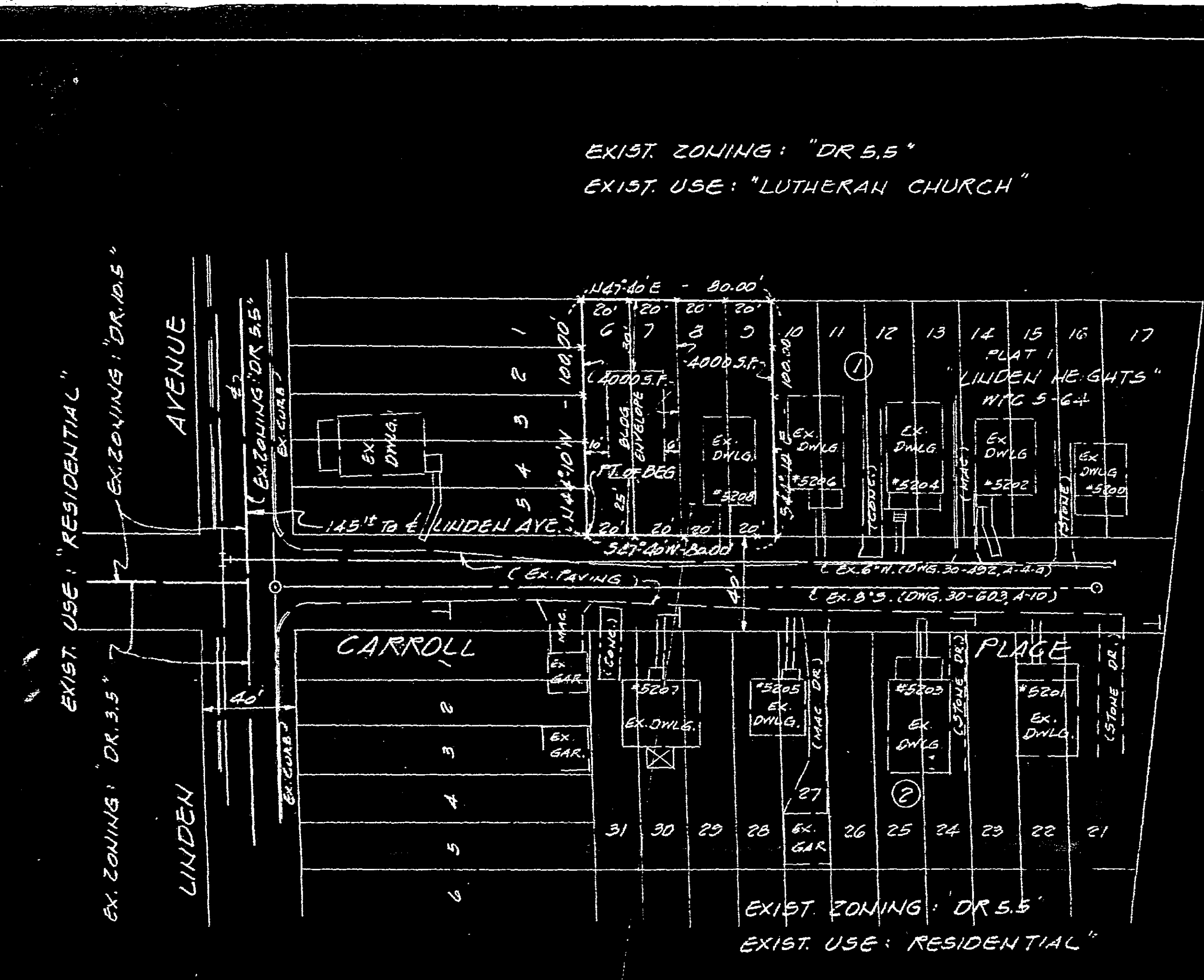
Thank you very much.

David McAuliffe
David McAuliffe
744-1889
Brian Morrison
Owen E. Duffy Jr.
Owen Duffy, Jr.

Thomas Kane
Thomas Kane

file 6/17/91
zoning office
J. Kane





GENERAL NOTES

1. AREA OF PROPERTY = 8,000 S.F. (NET LOT 6-9) 3600 GROSS
2. EXISTING ZONING OF PROPERTY = "DR-5.5"
3. EXISTING USE OF PROPERTY = "VACANT & RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY = "DR-5.5"
5. PROPOSED USE OF PROPERTY = "RESIDENTIAL"
6. EXISTING UTILITIES AVAILABLE TO SITE
7. PETITIONER REQUESTING A VARIANCE PURSUANT TO SECTION 304 FROM SECTION 1802.3-1 OF THE BCZR TO PERMIT A LOT AREA OF 4,000 S.F. FOR LOTS (6+7) (8+9) IN LIEU OF THE REQUIRED 6,000 S.F. (A VAR. OF 2000 S.F.); TO ALLOW LOT WIDTHS OF 40' FOR LOTS (6+7) & (8+9) IN LIEU OF THE REQUIRED 55' (A VAR. OF 15'); AND A SIDE YARD SETBACK OF 8' IN LIEU OF THE REQUIRED 10' (A VAR. OF 2') AND A FRONT YARD SETBACK OF 13' IN LIEU OF THE REQUIRED 25' (A VAR. OF 12') FOR EXIST. DWLG. LOT (8+9), A SIDE YARD SETBACK OF 6' IN LIEU OF THE REQUIRED 10' (A VAR. OF 4') FOR LOT (6+7).

FLAT TO ACCOMPANY PETITION FOR

VARIANCES
5208 CARROLL PLACE
LOT 6 (G+7) & (8+9)

13TH ELECT. DIST. BALTIMORE COUNTY, MD.
 SCALE: AS SHOWN NOV. 12, 1990

PAUL LEE ENGINEERING, INC.
 304 W. PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21204

