

IN RE: PETITION FOR ZONING VARIANCE  
8/5 Lincoln Avenue, 217' N of  
the c/l of Monumental Avenue  
(1937 Lincoln Avenue)  
13th Election District  
1st Councilmanic District  
William J. Kramer, Sr., et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 92-432-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners request relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet in accordance with Petitioner's Exhibit 1.

The Petitioners, William and Mary Kramer, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1937 Lincoln Avenue, consists of 7,500 sq.ft., zoned D.R. 5.5, and is presently unimproved. The Petitioners are desirous of developing the property with a single family dwelling as their new residence. Testimony indicated the Petitioners purchased the subject property approximately 20 years ago and currently reside on the adjoining property known as 1939 Lincoln Avenue. The Petitioners plan to sell their present residence to their son and live in the new dwelling. Testimony indicated that the subject property is located in the subdivision known as Oak Park Addition, which was developed many years ago with 50-foot wide lots and does not meet current zoning regulations as to lot width requirements.

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, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of June, 1992 that the Petition for Zoning Variance requesting relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.

*Timothy H. Kotrocco*  
TIMOTHY H. KOTROCCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

State 111, Campbell  
103 W. Adams Avenue  
Towson, MD 21284

(410) 887-4386

June 29, 1992

Mr. & Mrs. William J. Kramer, Sr.  
1939 Lincoln Avenue  
Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE  
8/5 Lincoln Avenue, 217' N of the c/l of Monumental Avenue  
(1937 Lincoln Avenue)  
13th Election District - 1st Councilmanic District  
William J. Kramer, Sr., et ux - Petitioners  
Case No. 92-432-A

Dear Mr. & Mrs. Kramer:

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 887-1391.

Very truly yours,

*Timothy H. Kotrocco*  
TIMOTHY H. KOTROCCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING  
Date 6/29/92  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 6/29/92  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 6/29/92  
By [Signature]

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-432-A

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 1B02.3.C.1

To allow a lot width of 50' in lieu of the required 55'

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

The zoning in this area is 5.5, which does not allow for a lot width of 50 feet. The zoning in this area is 5.5, which does not allow for a lot width of 50 feet. The zoning in this area is 5.5, which does not allow for a lot width of 50 feet.

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): \_\_\_\_\_  
(Type or Print Name) (Type or Print Name)  
Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
City and State: \_\_\_\_\_ City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name) Address: \_\_\_\_\_ Phone No. \_\_\_\_\_  
Signature: \_\_\_\_\_ City and State: \_\_\_\_\_  
Address: \_\_\_\_\_ Name, address and phone number of legal owner, contract purchaser or representative to be contacted \_\_\_\_\_  
City and State: \_\_\_\_\_ Name \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_ Address: \_\_\_\_\_ Phone No. \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day

of \_\_\_\_\_, 19\_\_\_\_, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock

\_\_\_\_\_ M.

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING  
Date 6/29/92  
By [Signature]

ZONING DESCRIPTION

BEGINNING ON THE NORTHEAST SIDE OF LINCOLN AVE. 30 FEET WIDE, AT THE DISTANCE OF 217.25 FEET NORTH OF THE CENTERLINE OF MONUMENTAL AVE. BEING LOT 62, SECTION A IN THE SUBDIVISION OF OAK PARK ADDITION, BOOK 07 FOLIO 23. ALSO KNOWN AS 1937 LINCOLN AVE. IN THE 13TH DISTRICT.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 13th  
Date of Posting: May 28, 92  
Petitioner: William J. & Mary Jean Kramer  
Location of property: 8/5 of Lincoln Avenue, 217' N of the c/l of Monumental Avenue, 1937 Lincoln Avenue  
Location of signs: On front of 1937 Lincoln Avenue  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: May 29, 92  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 21, 1992

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 \_\_\_\_\_ successive weeks, the first publication appearing on May 21, 1992

THE JEFFERSONIAN,

S. Zeke Orkin  
Publisher

\$ 39.70

92-432-A

**Baltimore County Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21286

**receipt**

Account: R-001-4150  
Number

Date: 6/1/92

6/1/92 1920-0000

PUBLIC HEARING FEES CITY PRICE  
POSTING SIGNS ADVERTISING 135 424.76  
LAST NAME OF OWNER: KRAMER, SP. TOTAL: 560.76

0A04W016SM1CHRC \$74.76  
BA C0124SPW06-09-92  
Please Make Checks Payable To: Baltimore County

Cashier Validation

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

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

DATE: 6/1/92

William and Mary Kramer  
1939 Lincoln Avenue  
Baltimore, Maryland 21227

RE:  
CASE NUMBER: 92-432-A  
8/5 Lincoln Avenue, 217' W of c/l Monumental Avenue  
1937 Lincoln Avenue  
13th Election District - 1st Councilmanic  
Petitioner(s): William J. and Mary Jane Kramer

Dear Petitioner(s):

Please be advised that \$ 74.76 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE SIGNING 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 forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

*Carl Jablon*  
ARNOLD JABLON  
DIRECTOR

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

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

MAY 15, 1992

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: 92-432-A  
8/5 Lincoln Avenue, 217' W of c/l Monumental Avenue  
1937 Lincoln Avenue  
13th Election District - 1st Councilmanic  
Petitioner(s): William J. and Mary Jane Kramer  
HEARING: WEDNESDAY, JUNE 17, 1992 at 2:00 p.m.

Variance to allow a lot width of 50 ft. in lieu of the required 55 ft.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner of  
Baltimore County

cc: William and Mary Kramer

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

June 2, 1992

Mr. & Mrs. William J. Kramer  
1939 Lincoln Avenue  
Baltimore, MD 21227

RE: Item No. 459, Case No. 92-432-A  
Petitioner: William J. Kramer, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Kramer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

Your petition has been received and accepted for filing this 4th day of May, 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: William J. Kramer, et ux  
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services) 05/18/92  
Development Review Committee Response Form  
Authorized signature *Derwood H. Boring* Date 5/18/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
9690 Deereco Road Limited Partnership	450		5-11-92
DED DEPRM RP STP TE			NC
Orville Jones	451		
DED DEPRM RP STP TE			NC
Harbor Realty Partnership	452		
DED DEPRM RP STP TE			NC
Jerald H. And Brenda D. Windes	453		
DED DEPRM RP STP TE			NC
Daniel C. And Susan E. Gutkin	454		
DED DEPRM RP STP TE			NC
Donald And Anne Kahn	455		
DED DEPRM RP STP TE			NC
Signet Bank, Maryland	456		
DED DEPRM RP STP TE			NC
Ronald W. Bair	457		
DED DEPRM RP STP TE			NC
A. Eric And Esther J. Dott	458		
DED DEPRM RP STP TE			NC
William J. And Mary Jane Kramer	459		
DED DEPRM RP STP TE			NC
Douglas B. And Judith A. Celmar	460		
DED DEPRM RP STP TE			NC

COUNT 11

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING  
New Courts Building  
401 Bosley Avenue  
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief  
Development Review Section  
Office of Planning and Zoning

DATE: May 13, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - 5/11/92

The Office of Planning and Zoning has no comments on the following petitions:

Jerald & Brenda Windes - Item 453  
Daniel & Susan Outkin - Item 454  
Donald & Anne Kahn - Item 455  
Ronald W. Bair - Item 457  
William & Mary Jane Kramer - Item 459  
Douglas & Judith Celmar - Item 460

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

5\_11\_92.txt  
Petitns.txt

RECEIVED  
MAY 19 1992  
ZONING OFFICE

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature *Robert J. Fambly* Date 5/18/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
9690 Deereco Road Limited Partnership	450		5-11-92
DED DEPRM RP STP TE		N/C	
Orville Jones	451		
DED DEPRM RP STP TE		N/C	
Harbor Realty Partnership	452		
DED DEPRM RP STP TE		N/C	
Jerald H. And Brenda D. Windes	453		
DED DEPRM RP STP TE		N/C	
Daniel C. And Susan E. Gutkin	454		
DED DEPRM RP STP TE		N/C	
Donald And Anne Kahn	455		
DED DEPRM RP STP TE		N/C	
Signet Bank, Maryland	456		
DED DEPRM RP STP TE		N/C	
Ronald W. Bair	457		
DED DEPRM RP STP TE		N/C	
A. Eric And Esther J. Dott	458		
DED DEPRM RP STP TE		N/C	
William J. And Mary Jane Kramer	459		
DED DEPRM RP STP TE		N/C	
Douglas B. And Judith A. Celmar	460		
DED DEPRM RP STP TE		N/C	

COUNT 11

92-432-A 6-17-92

6/17/92  
6/19/92  
JW

Department of Environmental Protection & Resource Management  
Development Review Committee Response Form  
Authorized signature: *H. Bruce Stealy* Date: 6-1-92

File Number	Waiver Number	Zoning Issue	Meeting Date
7510 Bay Front Road	396		4-13-92
(AT CBCA) DEPRM			<i>IN PROCESS</i>
5301 Edwards Lane (Parkside Marina)	402		
DEPRM (AT CBCA)			<i>IN PROCESS</i>
807 St. Marys Road	406		
DEPRM (AT CBCA)			<i>IN PROCESS</i>
Broadview II (Related to CRG refinement)	415		
DEPRM (AT EIRB)			<i>IN PROCESS</i>
COUNT 4			
Orville Jones	451		5-11-92
DEPRM			<i>NO COMMENTS</i>
Donald And Anne Kahn	455		
DEPRM			<i>NO COMMENTS</i>
William J. And Mary Jane Kramer	459		
DEPRM STP			<i>NO COMMENTS</i>
COUNT 3			
Phillip And Carol Faulkenkious	461		5-18-92
DED DEPRM RP STP TE			<i>IN PROCESS</i>
August J. And Elsie W. Seifert	464		
DED DEPRM RP STP TE			<i>written comments</i>
Francis D. And Suzanne L. Bovie	465		
DED DEPRM RP STP TE			<i>NO COMMENTS</i>
Robert N. And Joan M. Greene	466		
DED DEPRM RP STP TE			<i>IN PROCESS</i>

Baltimore County Government  
Fire Department



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

(301) 887-4500

MAY 13, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: WILLIAM J. KRAMER, SR. AND MARY JANE KRAMER

Location: #1937 LINCOLN AVENUE

Item No.: 459 (LJG) Zoning Agenda: MAY 11, 1992

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.

REVIEWER: *Carl J. ...* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JF/KEK

RECEIVED  
MAY 14 1992

ZONING OFFICE

5/18/92  
Rec'd Zoning

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature: *[Signature]* Date: 6/13/92

File Number	Waiver Number	Zoning Issue	Meeting Date
9690 Deereco Road Limited Partnership	450		5-11-92
DED DEPRM RP STP TE			<i>No comment</i>
Orville Jones	451		
DED DEPRM RP STP TE			<i>No comment</i>
Harbor Realty Partnership	452		
DED DEPRM RP STP TE			<i>No comment</i>
Jerald H. And Brenda D. Windes	453		
DED DEPRM RP STP TE			<i>No comment</i>
Daniel C. And Susan E. Gutkin	454		
DED DEPRM RP STP TE			<i>No comment</i>
Donald And Anne Kahn	455		
DED DEPRM RP STP TE			<i>No comment</i>
Signet Bank, Maryland	456		
DED DEPRM RP STP TE			<i>No comment</i>
Ronald W. Bair	457		
DED DEPRM RP STP TE			<i>No comment</i>
A. Eric And Esther J. Dott	458		
DED DEPRM RP STP TE			<i>No comment</i>
William J. And Mary Jane Kramer	459		
DED DEPRM RP STP TE			<i>No comment</i>
Douglas B. And Judith A. Celmar	460		
DED DEPRM RP STP TE			<i>No comment</i>
COUNT 11			

LOCATION PLAN

Scale: 1"=50'

Note:

Designated as Lot No. 62, Section A as shown on the Plat of Oak Park Addition which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7 Book 23. Lot also known as 1987 Lincoln Ave. in the 13th Election District. Zoned D.R. 5.5

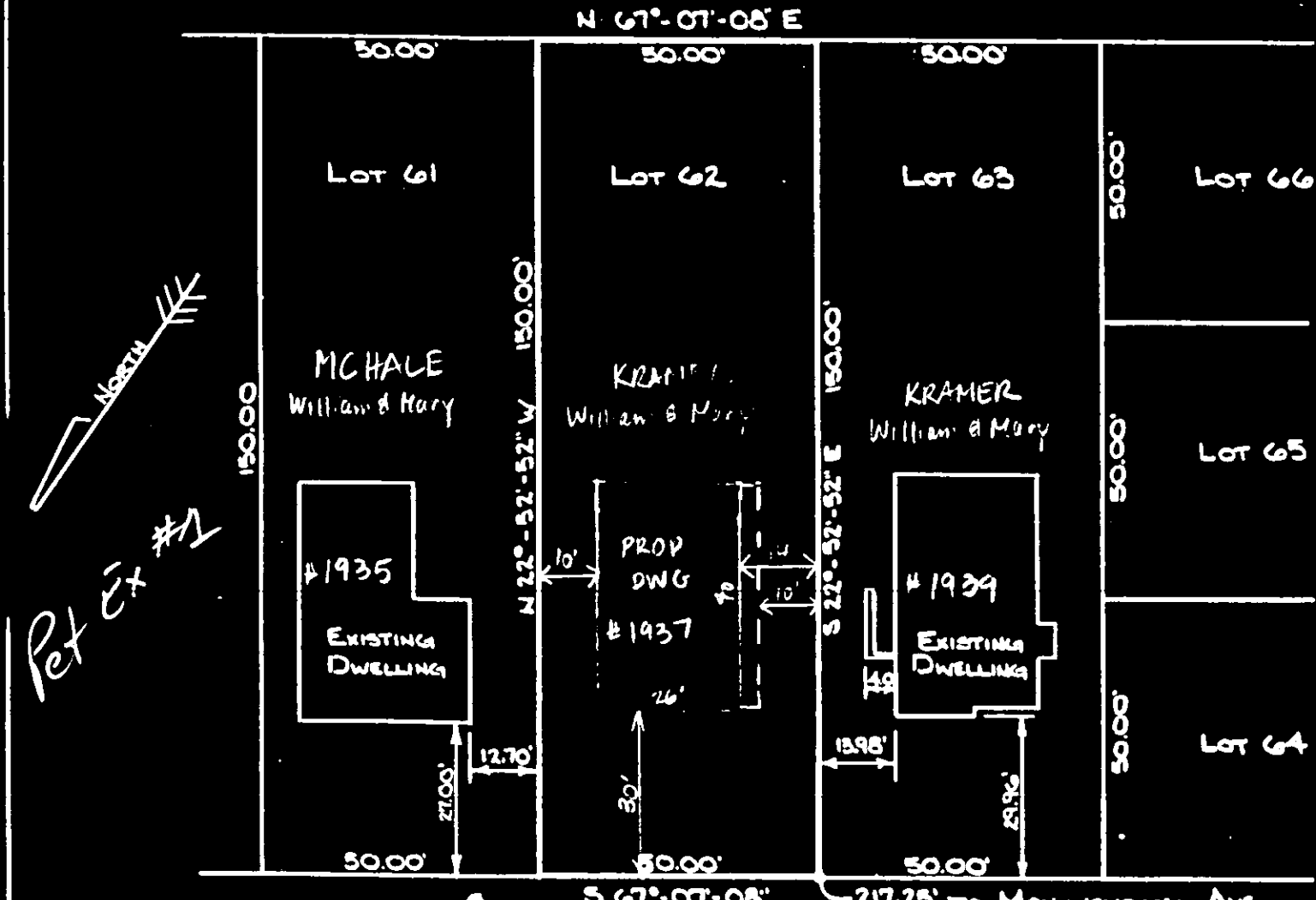
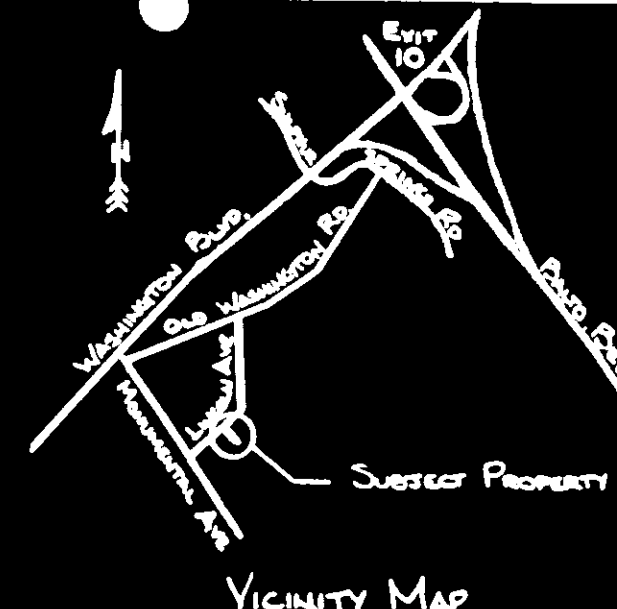
OWNER - William & Mary Kramer

ED 13

CD 1

7500 sq. ft. ac

PUBLIC WATER & SEWER NOT IN CHESAPEAKE BAY CRITICAL AREA NO PRIOR HEARINGS



92-432-A  
LINCOLN AVE. 30' R/W  
459  
PLAT TO ACCOMPANY VARIANCE  
LG



G-SW G-SE  
C-NW C-NE

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1988  
Bill Nos. 144-88, 146-88, 150-88, 147-88, 149-88, 148-88, 150-88  
*Chairman, County Council*

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION MONUMENTAL	SHEET S.W. 6-C
DATE OF PHOTOGRAPHY JANUARY 1986		

92-432-A

459