

IN RE: APPLICATION FOR BUILDING PERMIT * BEFORE THE
FOR UNDERSIZED LOT * ZONING COMMISSIONER

530 Berrymans Lane *
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Land Owner: Ethel Porter * Permit No.:
Joseph M. Collins, Sr., *
Applicant/Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner pursuant to a request for approval of the construction of a single family dwelling on that property known as lot No. 2 from the subdivision of the Porter property located adjacent to the intersection of Berrymans Lane and Saffel Road in the Reisterstown section of Baltimore County. The Application is filed pursuant to Section 304.2.A of the Baltimore County Zoning Regulations (B.C.Z.R.), which allows the use of undersized single family lots in certain circumstances. The Application is filed by Joseph M. Collins, Sr., property owner. Pursuant to Section 304.2.A, Mr. Collins has filed the requisite documentation requesting approval of his plans for a single family dwelling on the subject lot. The property was posted pursuant to Section 304.3 of the B.C.Z.R. and a request for hearing was filed pursuant to Section 304.4 of the B.C.Z.R. This request for a hearing was filed by Kenneth Wolfson, who resides immediately next door to the subject lot.

Appearing at the public hearing held for this case was the Applicant, Joseph M. Collins, Sr. Also appearing was his father, Joseph M. Collins. The Applicant was represented by Alan R. Engel, Esquire. The aforementioned, Mr. Wolfson appeared as a Protestant.

ORDER RECEIVED FOR FILING

Date

By

12/29/93
M. G. York

Testimony and evidence offered is that the subject lot is 1.09769 acres in size and is zoned R.C.4. As noted above, the lot is situated adjacent to the intersection of Berrymans Lane and Saffel Road. The lot was once part of a larger tract known as the Porter property. The Porter tract was approximately 7.5 acres in size. In 1931, Baltimore Gas and Electric Company acquired an easement across the Porter property which dissected the farm into two sections. In 1968, Baltimore Gas and Electric Company recorded a deed thereby acquiring the property subject to the easement in fee. Baltimore Gas and Electric Company has utilized this strip to construct a tension transmission wire across the farm. On the west side of the aforementioned strip is the original farm house and approximately 6.5 acres. On the east side of the strip is the aforementioned one acre property. As noted above, this property has recently been acquired by Mr. Collins. It is to be noted that he does not own any adjacent land.

Mr. Collins proposes to construct a single family dwelling on the subject lot. The Applicant/Petitioner is a builder and the house will be constructed as a spec dwelling for sale. The location of the proposed dwelling is shown on the site plan, marked as Petitioner's Exhibit No. 1.

As noted above, the property owner seeks relief pursuant to Section 304.2.A of the B.C.Z.R. It is to be noted that a favorable recommendation has been obtained pursuant to that section from the Office of Planning and Zoning.

As to Mr. Wolfson, he objects to any structure on the subject lot. As noted above, he resides immediately next door, having lived there for approximately one year. He stated that he has vested substantial sums in his property and does not want a dwelling next door. Although he does

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Date

By

not own the subject lot, he apparently wants to retain the unspoiled view provided by this lot. He fears that construction on the property will overcrowd the neighborhood and detrimentally affect his lot.

After considering the merits of the arguments made by both parties, I am persuaded that the approval should be given for the use of the lot as proposed. To deny the Applicant the use of this lot for an otherwise permitted purpose would be improper and unjust. Clearly, the date of B.G. & E.'s acquisition of the easement use of the adjacent strip predates the adoption of any zoning regulations in Baltimore County. Moreover, the proposed dwelling will meet all other setbacks. The Petition should not be denied merely so that the neighbor can enjoy an unspoiled view. Moreover, the proposed house and lot's size are both consistent with other properties in the neighborhood. Houses in the subdivision across the street, as well as properties on this side of Berrymans Lane are similar to what is proposed. For these reasons, I am persuaded that the Application should be granted.

Notwithstanding my approval of the application, however, I am persuaded that one of Mr. Wolfson's remarks has merit. He objects to the siting of the house as shown on the plan. As depicted, the house does not face Berrymans Lane but is pivoted so as to front Saffel Road and the intersection. He complains that construction of a deck to the rear of the property will visually intrude into his rear yard.

From a sound planning standpoint, construction of the house, as proposed, might seem reasonable. Obviously, front yards facing rear yards is not appropriate. However, in this instance, there will be no other construction near this lot on Saffel Road. The closest house is on the 6.5 acre Porter property which is separated from this site by the B.G. & E.

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Date

12/29/93

By

M. Novak

strip. Clearly, there will never be construction where the B.G.& E. transmission lines exist. Thus, I am persuaded that a more proper alternative would be to pivot the house so as to face Berrymans Lane. This would provide a side yard to side yard scheme between the Wolfson's property and the subject site. Moreover, it appears that all required setback distances can be maintained by moving the house in this direction. The Petitioner expressed some concern over the existing septic system, however, a review of the site plan shows that sufficient area for a septic reserve system is afforded. Thus, I shall approve the plan as submitted but require the Applicant to amend same so as to align the house with the Wolfson property and face Berrymans Lane. A new site plan, reflecting this amendment, shall be submitted for approval.

Pursuant to the advertising, posting of the property, and public hearing on this Application held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of December, 1993 that construction of a single family dwelling at the subject property known as 530 Berrymans Lane, in accordance with the drawings submitted as Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which is a condition pursuant to the relief granted herein:

1. The Applicant/Petitioner must submit a new plan within 30 days from the date of this Order to the Zoning Commissioner, for his approval, showing that the proposed house shall face Berrymans Lane and be in alignment with the house on the Wolfson property.

ORDER RECEIVED FOR FILING

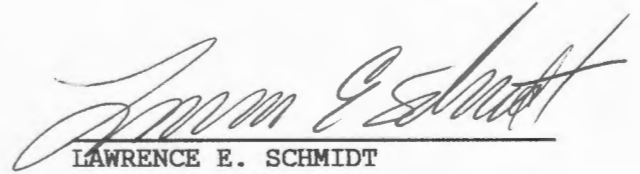
Date

12/29/93

By

Antony

Any appeal from this decision must be filed with the Baltimore County Board of Appeals in accordance with the applicable provisions of law and Section 304.6 of the B.C.Z.R.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

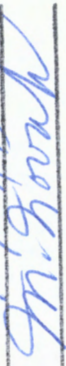
LES:mmn

ORDER RECEIVED FOR FILING

Date

12/29/93

By



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 28, 1993

Alan R. Engel, Esquire
211 Key Highway
Baltimore, Maryland 21230

RE: Application for Building Permit for Undersized Lot
Permit No.: None
530 Berrymans Lane

Dear Mr. Engel:

Enclosed please find the decision rendered in the above captioned case. The Application for Building Permit for Undersized Lot has been granted, with a restriction.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. Joseph M. Collins, Sr.
cc: Mr. Kenneth Wolfson



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

**NOTICE OF REQUEST FOR HEARING
AND HEARING DATE FOR UNDER-
SIZED LOT PERMIT**

Permit Number: None
Appliant: Joseph M. Collins, Sr.
Owner: Ethel Porter
Lot location: 530 Berrymans Lane

Please note that a formal request for a public hearing to be held before the Zoning Commissioner has been filed with this office. Pursuant to Baltimore County Zoning Regulation, such hearing has been scheduled and will take place as follows:

HEARING ON UNDERSIZED LOT
530 Berrymans Lane
4th Election District - 3rd Councilmanic
Legal Owner: Ethel Porter
Applicant: Joseph M. Collins, Sr.

Hearing to determine whether the Zoning Commissioner should approve the proposed improvements on an undersized lot.

HEARING: WEDNESDAY, DECEMBER 22, 1993 at 2:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director ZADM

cc: Joseph M. Collins, Sr.
Ethel Porter
Kenneth and Denise Wolfson



REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: undersized lot file (530 Berryman's Lane)

Petitioner(s): Collins, Joseph

Location: Lot 2 - Berryman's Ln + Saffel Rd

I/WE, Wolfson, Kenneth and Denise
Name(s) (TYPE OR PRINT)

() Legal Owners () Residents, of

526 BERRYMAN'S CA.

Address

Reisterstown

City/State/Zip Code

MD 21136

Phone

526-3895

which is located approximately 60 feet from the
property which is the subject of the above petition, do hereby formally
request that a public hearing be set in this matter.

[Signature]

Signature

11-21-93

Date

Denise A. Wolfson

Signature

11-20-93

Date

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[Signature]

Signature

11-21-93

Date

Denise A. Wolfson

Signature

11-20-93

Date

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

No. 9750

DATE 11/22/93 ACCOUNT 01-615

AMOUNT \$ 40.00

RECEIVED FROM: Woffson, Kenneth

FOR: Request for Hearing (\$10)

02AD2W0291NCHRC

\$40.00

BA C009125AK11 22 93

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B NONE
Permit Number

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ Joseph M. Collins Sr. 115 Sunnymeadow Lane Reisterstown, Md 21136 410-833-9539
Print Name of Applicant Address Telephone Number

☐ Lot Address Lot 2 Berrymans & Saffel Election District 04 Council District 03 Square Feet 47,480
Lot Location: XXXXXX corner of Berrymans Lane, XXXX feet from W E W corner of Saffel Road
(street) (street)

Land Owner Ethel Porter Tax Account Number 0416060025

Address 1002 Saffel Road Telephone Number None
Reisterstown, Maryland 21136 PROPERTY LOCATION: 5.30 BERRYMAN'S RD.

☐ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)

PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan	☒	☐
Property (3 copies)	☒	☐
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	☒	☐
4. Building Elevation Drawings	☐	☒
5. Photographs (please label all photos clearly)	☒	☐
Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐

Residential Processing Fee Paid
Codes 030 & 080 (\$85)

Accepted by: [Signature]
ZAM

Date: 10/28/93

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATIONS/COMMENTS:

☒ **Approval** ☐ **Disapproval** ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

** Set w/ Kitrocco*

Signed by: Francis Morsey
for the Director, Office of Planning & Zoning

Date: 11/4/93

RECEIVED

NOV 2 1993

OFFICE OF
PLANNING & ZONING

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2 UNDERSIZED LOT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

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

PROPOSED: 530 BERRYMAN'S ROAD (LOT #2, NWC BERRYMAN'S LANE & SAFFEL ROAD)
PROPERTY OWNER: ETHEL PORTER APPLICANT: JOSEPH M. COLLINS, SR.

The application for your proposed Building Permit Application has been accepted
for filing by J. P. Lewis on 10/28/93
Date (A)

A sign indicating the proposed Building must be posted on the property for
fifteen (15) days before a decision can be rendered. The cost of filing is
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,
a decision can be expected within approximately four weeks. However, if a valid
demand is received by the closing date, then the decision shall only be rendered
after the required public special hearing.

*SUGGESTED POSTING DATE 11/8/93 D (15 Days Before C)

DATE POSTED 11/5/93

HEARING REQUESTED-YES NO -DATE

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 11/23/93 C (B-3 Work Days)

TENTATIVE DECISION DATE 11/29/93 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District 3rd

Location of property: LOT #2 Berryman Lane & Saffel

Posted by: [Signature] Date of Posting: 11/5/93
Signature

Number of Signs: 1

CK/UNDER.LOT (TXTSOPH)



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

By JLL

Date

10/28/93

~~030~~ (030)
CODE UNDERSIZE LOT 304.2 BZR FILING \$50.00

080
(1) SIGN POSTING FEE ——— \$35.00
TOTAL 85.00

OWNER PORTER

LOCATION 530 BERRYMAN'S RD.

0240280253NICHRC
BA 0010102AK10-28-93

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

RE: Case No. _____

Petitioner/Developer: _____

Date of Hearing/Posting: _____

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 4th

Date of Posting 12/3/93

Posted for: Hearing for undersize lot.

Petitioner: Joseph M. Collins, Sr - Ethor Porter

Location of property: 530 Berryman Lane

Location of Sign: Facing roadway, on property requesting permit

Remarks: _____

Posted by [Signature]

Signature

Date of return: 12/10/93

Number of Signs: 1



(Printed Name)

1508 Lehigh Rd

(Address)

Baltimore, Maryland 21222

(City, State, Zip Code)

(410) 383-7960

(Telephone Number)

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

FOR PERMIT

ALAN B. ENGEL, ATT.

Joseph M. Collins Sr

Joseph M Collins

211 Key Hwy

Balt 21230

115 Sunny meadow Ln

9304 KNOW STONE CT



CITIZEN SIGN-IN SHEET

ADDRESS

Kenneth Wolfson

526 Berryman's LA 21136





1st 4A



2nd 4F





Ref 4B



Ref 4C



Ref 4D



Ref 4E



↑ PERC
Berrymans + Saffel ←
Back to Front



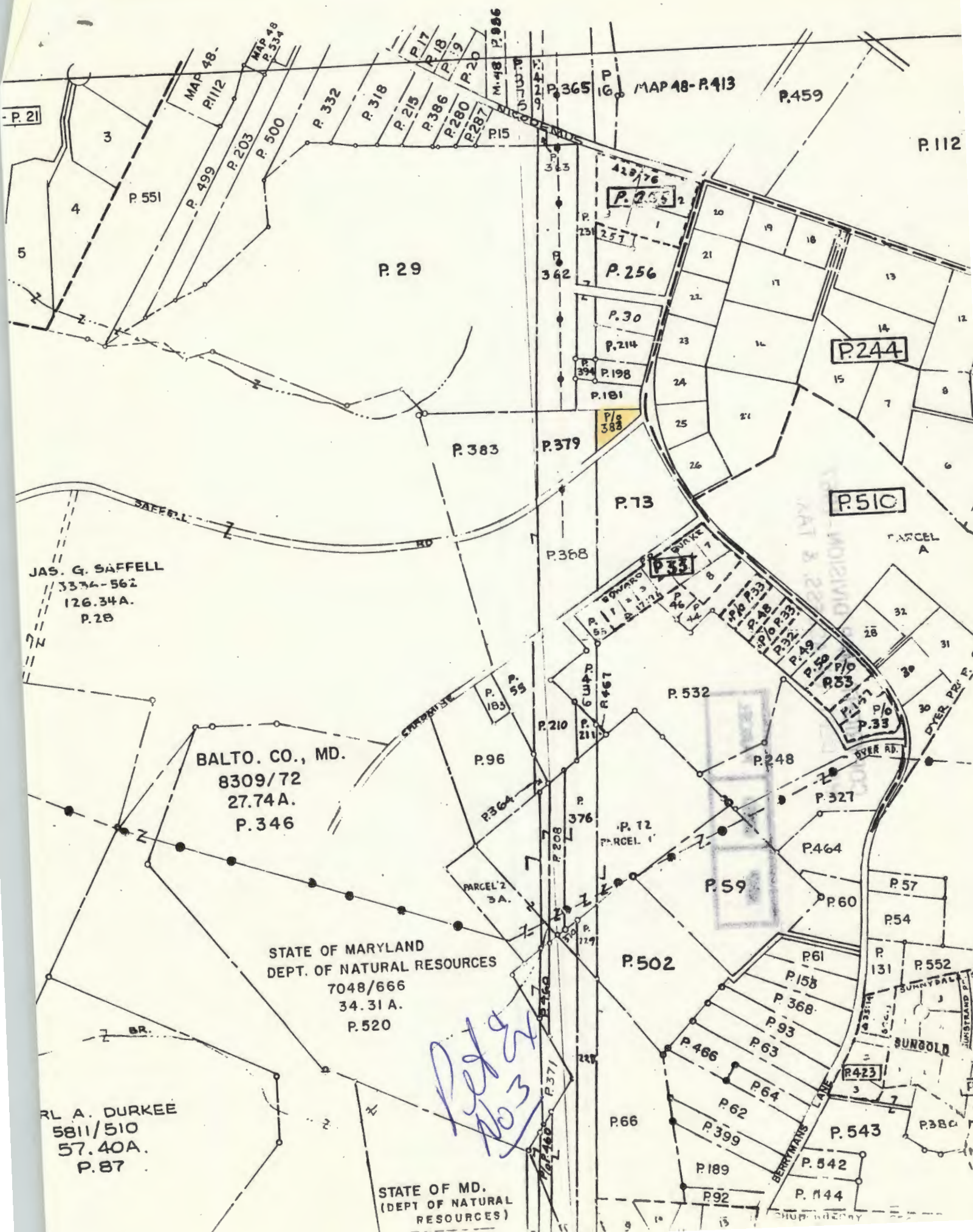
Looking Front to Back
→ N
LT2 Berrymans + Saffel



Berrymans + Saffel
Property next door to
South



Berrymans ↑ Saffel
House next door to North



JAS. G. SAFFELL
3334-562
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P.28

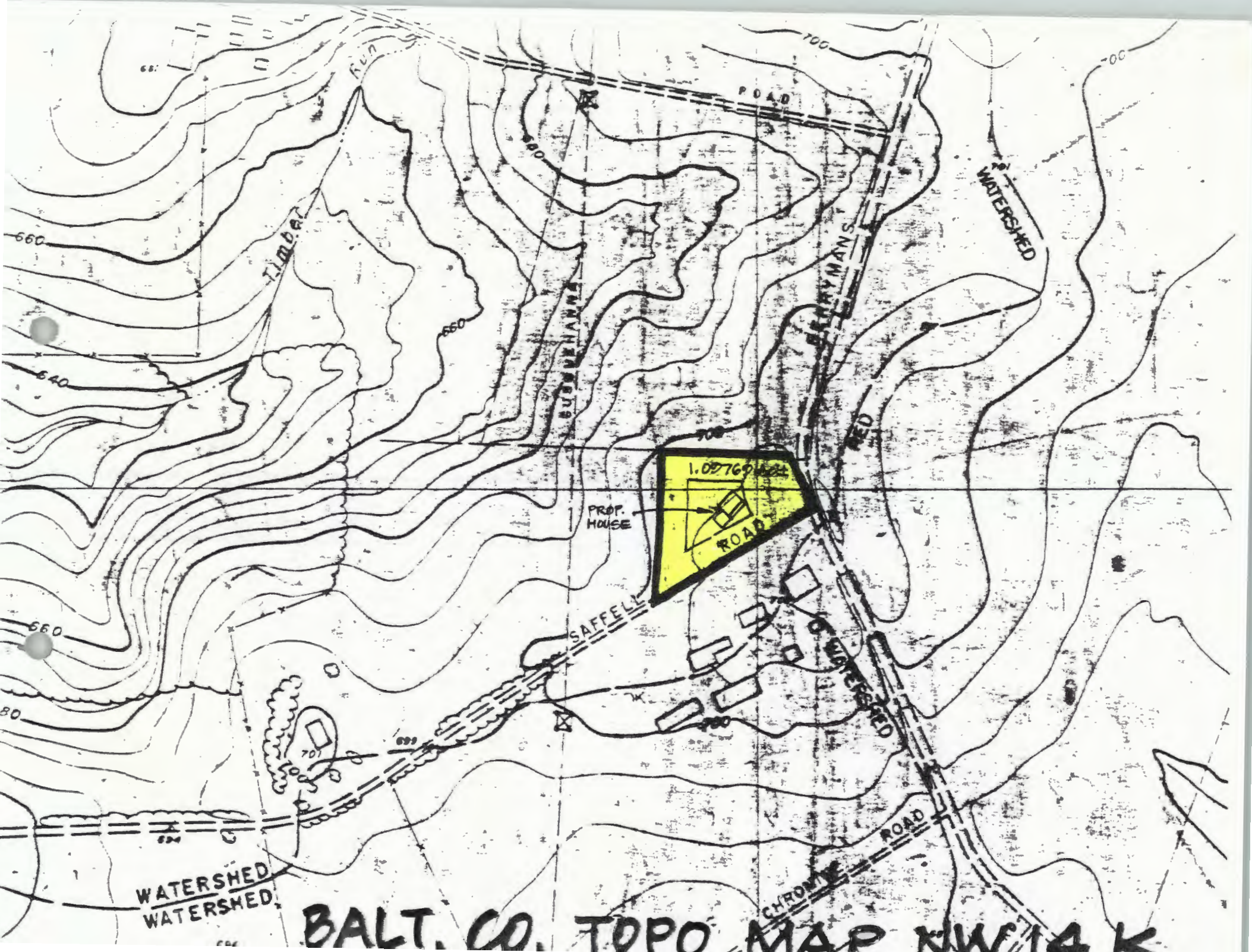
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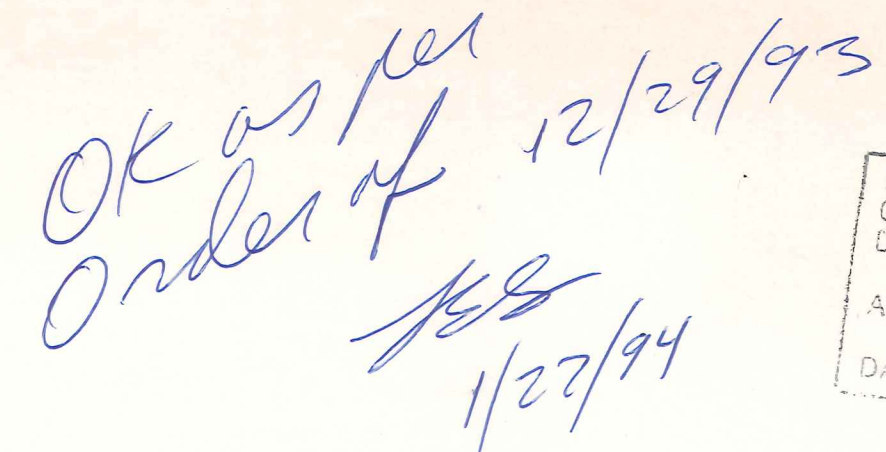
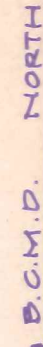
STATE OF MARYLAND
DEPT. OF NATURAL RESOURCES
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RL A. DURKEE
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STATE OF MD.
(DEPT OF NATURAL
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REVISED PLOT PLAN
CHANGE IN SEWAGE
DISPOSAL LOCATION
APPROVED: *[Signature]*
DATE: 1/24/94

PLAT TO ACCOMPANY REQUEST
FOR UNDERSIZED LOT OF
THE PORTER PROPERTY

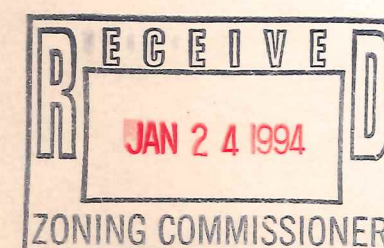
4TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1"=100' DATE: OCTOBER 20, 1993

APPLICANT: JOE COLLINS - 922-2500
OUTSAIL REALTY CO., INC.,
5015 LIBERTY ROAD
RANDALLSTOWN, MD. 21133

PREPARED BY:
A.L.SNYDER
SURVEYOR
1011 HANOVER PIKE
HAMPSTEAD, MD. 21074
(410) 239-7744



JOB NO. 53070



REVISED 1.7.94 HOUSE SITE

530 Berryman Lane