

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: Memo to the file

DATE: March 10, 1995

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Case No. 93-91-SPHA (Tammy Polk)

I had several telephone conversations with Tammy Polk regarding the above case. She is Richard H. O'Connell's niece and is acquiring the property. She is planning to put a modular home on the site. She indicated that the home which is proposed would not be oriented as shown on the site plan. That is, the site plan shows that the front of the dwelling would face Alabama Avenue and Mrs. Polk proposes orienting the house towards Anne Arundel Street. The house would remain in the same building envelope as shown on the plan, however.

As I explained to Mrs. Polk, orienting the house towards Anne Arundel Street would alter the setbacks. The side yards would become the front yard and vice-versa. Thus, I advised her that orientation of the house toward Anne Arundel Street would not be consistent with the approval granted in the prior Order. In view of my comments, she is considering locating the house so as to still face Alabama Avenue but have a side door towards Anne Arundel Street. That would seem to be appropriate if the orientation of the house remains consistent as on the site plan.

I attach this memorandum to the file in the event a question arises when she makes application for permit.

LES:mmn

Palk papers
and file
Joe Merrey
brought over

3:50 PM

Tel: Palk
549-7936



Baltimore County, Maryland

Date 5/17/94

To: Harry Schindl

From: Jeff Long

- | | |
|--|---|
| ☐ Please Note & File | ☐ To be Signed |
| ☐ For Your Information | ☐ Please Comment |
| ☐ Please Note & Return | ☐ Please See Me |
| ☐ Please Handle | ☐ Investigate & Report |
| ☐ Please answer, Sending me Copy of your letter | |
| ☐ Please Prepare reply for my Signature | |

Remarks:

Provided that the garage
is improved with a wire
fence, we have no problem
with the proposed addition.
Take and a line

CPS-004

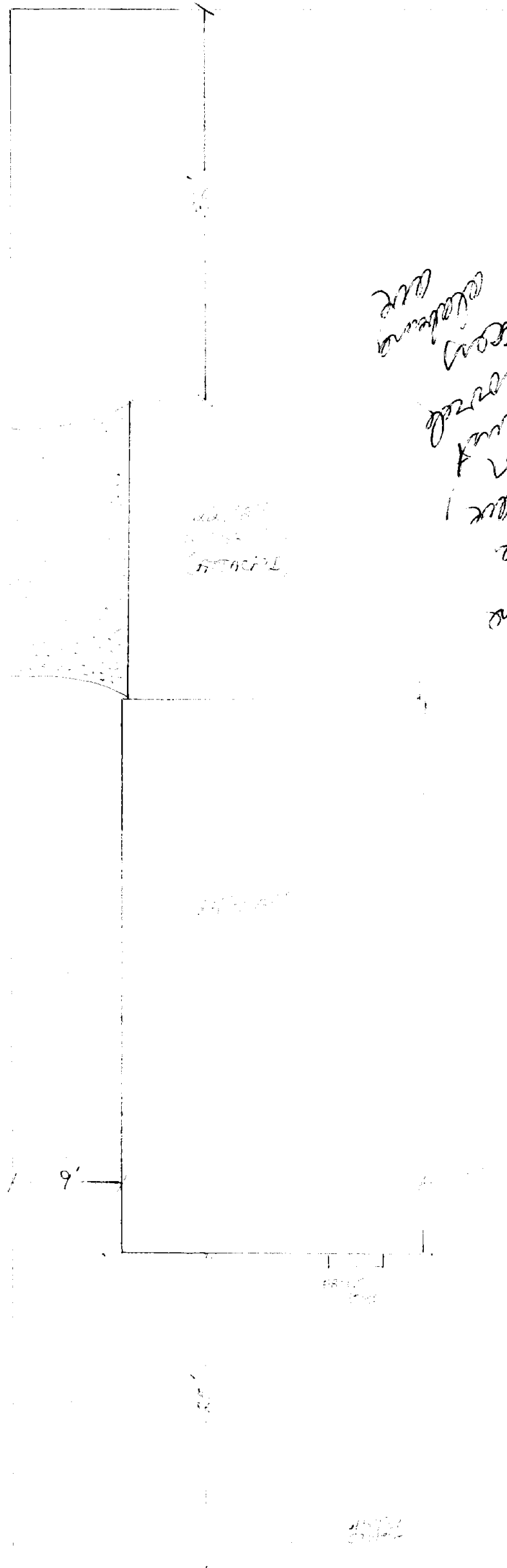
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Baltimore County, Maryland

Date 5/17/94

To: Harry Schindl

From: Jeff Long

- | | |
|--|---|
| ☐ Please Note & File | ☐ To be Signed |
| ☐ For Your Information | ☐ Please Comment |
| ☐ Please Note & Return | ☐ Please See Me |
| ☐ Please Handle | ☐ Investigate & Report |
| ☐ Please answer, Sending me Copy of your letter | |
| ☐ Please Prepare reply for my Signature | |

Remarks:

Provided that the garage
is improved with a wire
fence, we have no problem
with the proposed addition.
Take and a line

CPS-004

Recycled Paper

On 12/12/2011

IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE
S/S Alabama Ave, 25 ft. W of c/l of Anne Arundel Street
2827 Alabama Avenue
13th Election District
1st Councilmanic District
Richard H. O'Connell
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-91-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Hearing and Petition for Variance for that property known 2817 Alabama Avenue in the Baltimore Highlands subdivision of Baltimore County. Under the Petition for Special Hearing, the property owner requests approval of the use of lots 23 and 24, as shown on the plat plan, as one (1) buildable lot, and confirmation that the overall density of the area will not be increased or changed as the result of this use.

As to the Petition for Variance, the Petitioner/property owner seeks relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 40 ft., in lieu of the required 55 ft.; to permit a side street setback of 9 ft., in lieu of the required 25 ft.; and to permit a side yard setback of 7 ft., in lieu of the required 10 ft., all as more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions.

Appearing and testifying at the public hearing was the Petitioner, Richard H. O'Connell. There were no Protestants present.

Mr. O'Connell testified that he owns the subject property known as lots 23 and 24 in the Baltimore Highlands subdivision. This is an older

As to the Petition for Variance, 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 variances are 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 a practical difficulty or unreasonable hardship will result if the variances are 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 the variances requested, 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 variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the

-3-

subdivision in Baltimore County which was platted and has been built out prior to the adoption of the B.C.Z.R. Mr. O'Connell further testified that his mother owned and lived at the adjoining property, known as 2815 Alabama Avenue, for approximately 60 years. In approximately 1960, she acquired the subject property, known as 2817 Alabama Avenue. Mr. O'Connell proposes to construct a single family dwelling on the subject site. The proposed building envelope is 24 ft. in width and due to the narrowness of the property, the above requested variances are necessary. Mr. O'Connell noted that many of the other homes in the Baltimore Highlands subdivision were constructed on 40 ft. lots. Thus, the construction of the proposed house would be in keeping with the character and scheme of the neighborhood. In fact, it is to be noted that the Office of Planning and Zoning within their Zoning Plans Advisory Committee comment, recommends approval of the Petitioner's request. However, a restriction is suggested by the Office of Planning and Zoning that the proposed construction will have the same foot-print, setbacks and house orientation as the adjacent house at 2810 Pennsylvania Avenue. This restriction will create a wide strip of open space paralleling Anne Arundel Street and preserve the character of the neighborhood. Mr. O'Connell was agreeable to construction in compliance with that restriction.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing was not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

-2-

variance will be 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 these Petitions 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 October, 1992, that, pursuant to Petition for Special Hearing, approval of the use of lots 23 and 24, as shown on the plat plan, as one (1) buildable lot, and confirmation that the overall density of the area will not be changed or increased due to said use, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 40 ft., in lieu of the required 55 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a side street setback of 9 ft., in lieu of the required 25 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a side yard setback of 7 ft., in lieu of the required 10 ft., all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

-4-

2. The Petitioner shall comply with the Zoning Plans Advisory Committee comment from the Office of Planning and Zoning dated September 30, 1992.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

October 28, 1992

(410) 887-4386

Mr. Richard H. O'Connell
3019 Michigan Avenue
Baltimore, Maryland 21227

RE: Petitions for Special Hearing and Variance
Case No. 93-91-SPHA
2817 Alabama Avenue

Dear Mr. O'Connell:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

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:mmm
att.



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 2817 Alabama Ave
which is presently zoned RS-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

LOTS 23 & 24 AS SHOWN ON THE PLAN AS 1 BUILDABLE LOT AND THAT THE OVERALL DENSITY OF THE AREA WILL NOT BE INCREASED OR CHANGED.

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

I, or we, agree to pay expenses of above Special Hearing 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.

Contact Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s) RICHARD H. O'CONNELL

(Type or Print Name) Richard H. O'Connell

Signature Richard H. O'Connell

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zipcode

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

ALL the following dates: 1/1/93 Next Two Months

REVIEWED BY: mmk DATE: 10/28/92



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 2817 Alabama Ave
which is presently zoned RS-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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(s) SECTION 1802.3.B of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve

SECTION 1802.3.B of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve

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

ALL HEARD BY THE BOARD AND APPROVED BY THE BOARD.

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.

Contact Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s) RICHARD H. O'CONNELL

(Type or Print Name) Richard H. O'Connell

Signature Richard H. O'Connell

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zipcode

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

ALL the following dates: 1/1/93 Next Two Months

REVIEWED BY: mmk DATE: 10/28/92

93-91-SPHA 99

Beginning on the south side of Alabama Avenue at the distance of 25 feet west of the centerline of Anne Arundel Street. Being lots 23 and 24, Section 3 of the Rosemont Subdivision, Plat Book 7 Folio 105. Also known as 2817 Alabama Avenue containing .115 acres in the 13th Election District

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13 Date of Posting: 10/1/92
Posted for: Special Hearing & Variance
Petitioner: Richard H. O'Connell
Location of property: 2817 Alabama Ave. on S. 25' N. Anne Arundel St.
Location of Sign: Posting on sign on property of Petitioner
Remarks: _____
Posted by: [Signature] Date of return: 10/9/92
Number of Signs: 2

CERTIFICATE OF PUBLICATION
TOWSON, MD., 10/2, 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 1 successive weeks, the first publication appearing on 10/1, 1992

THE JEFFERSONIAN,
S. Tate Oliver
Publisher

101.07

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

Account: R-001-6150
Number: _____

9/16/92 H9300099

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES		
010 - ZONING VARIANCE (IRL)	1 X	\$50.00
030 - SPECIAL HEARING (IRL)	1 X	\$50.00
LAST NAME OF OWNER: O'CONNELL		
TOTAL:		\$100.00

receipt

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

No. 107875
99

DATE: 9-1-92 ACCOUNT: R-001-6150
AMOUNT: \$ 100.00
RECEIVED FROM: Richard O'Connell
FOR: VARIANCE & SPH for 2817 Michigan Ave
INAP: 010571111111 \$100.00
VALIDATION OF SIGNATURE OF CASHIER

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

Account: R-001-6150
Number: _____

10/2/92 H9300101

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES		
040 - SPECIAL HEARING (OTHER)	1 X	\$250.00
LAST NAME OF OWNER: LONG GREEN HOTEL		
TOTAL:		\$250.00

receipt

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

Account: R-001-6150
Number: _____

10/2/92 H9300101

93-91

2817 Michigan Ave

receipt

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

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 10-6-92

Richard H. O'Connell
3019 Michigan Avenue
Baltimore, Maryland 21227

RE: CASE NUMBER: 93-91-SPHA (Item 99)
5/5 Alabama Avenue, 25' W of o/l Anne Arundel Street
2817 Alabama Avenue
13th Election District - 1st Councilmatic
Petitioner(s): Richard H. O'Connell
HEARING: THURSDAY, OCTOBER 22, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 101.07 is due for advertising and posting of the above captioned property and hearing date.

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 forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

[Signature]
ARNOLD JABLON
DIRECTOR

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

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

SEP. 23 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-91-SPHA (Item 99)
5/5 Alabama Avenue, 25' W of o/l Anne Arundel Street
2817 Alabama Avenue
13th Election District - 1st Councilmatic
Petitioner(s): Richard H. O'Connell
HEARING: THURSDAY, OCTOBER 22, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve Lots #23 and #24 as one buildable lot and that the overall density of the area will not be increased or changed.
Variance to permit a 40 foot lot width, a 9 foot side street setback, and a 7 foot side yard setback in lieu of 55 feet, 25 feet, and 10 feet respectively.

[Signature]
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Richard H. O'Connell

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 (410) 887-3353

October 8, 1992

Mr. Richard H. O'Connell
3019 Michigan Avenue
Baltimore, MD 21227

RE: Item No. 99, Case No. 93-91-SPHA
Petitioner: Richard H. O'Connell
Petition for Special Hearing

Dear Mr. O'Connell:

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 (410) 887-3353

Your petition has been received and accepted for filing this 10th day of September, 1992

[Signature]
ARNOLD JABLON
DIRECTOR

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

Petitioner: Richard H. O'Connell
Petitioner's Attorney:

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2815 Alabama Ave see pages 2 & 6 of the CHECKLIST for additional required information

Subdivision name: ROSEMONT

plat book: 7, folios 200, 201, 202, 203, 204, sections B

OWNER: RICHARD O'CONNELL

ANN APIN...
2815 ALABAMA AVE

93-91-SPHA

North
date: 5/30/92
prepared by: RAO O'CONNELL Scale of Drawing: 1" = 30'

LOCATION INFORMATION

Councilman's District: 1

Election District: 13

1"=200' scale map: DR 5.5

Lot size: 0.115 acreage 5,000 square feet

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearing: none

Zoning Office USE ONLY!

reviewed by: mmk ITEM #: CASE#:

