



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

February 7, 2002

Mr. George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

RE: *In the Matter of: George Sears, Jr. - Petitioner*
Case No. 94-227-SPHA and Case No. 94-228-SPHA

Dear Mr. Sears:

The Board of Appeals has been reviewing its docket, particularly with reference to inactive cases. By this review, the Board intends to dismiss and close as many of these cases as possible.

Pursuant to the above intent, the purpose of this letter is to advise you that the Petitions filed in the subject matter will be dismissed, and an Order of Dismissal for lack of prosecution will be issued by the Board, after the expiration of 30 days from the date of this Notice, thereby rendering any relief granted by the Zoning Commissioner null and void.

Upon receipt of a request filed at any time before 30 days after date of this Notice, the Board, for good cause, may defer entry of the Order of Dismissal for the period and on the terms it deems proper.

Very truly yours,


Kathleen C. Bianco
Administrator

c: Mr. Roland Thompson
Ms. Rose Miller
Ms. Theresa Lowry
People's Counsel for Baltimore County



CHAIRPERSON
THERESA LOWRY

CHAIRPERSON
CATHERINE OWINGS

CHAIR SECRETARY
DAWN HODGES

MARYLAND
CITIZENS FOR THE ENVIRONMENT
INCORPORATED
BOARD OF DIRECTORS

CHAIRPERSON
WILLIAM COLEMAN

CHAIR RECORDING
HELEN ANDERSON

CHAIR TREASURER
ROBERT USHER

RECEIVED
DEC 8 1994

ZADM

Re. 94-227 SPHA AND
94-228 SPHA
20-22 Clyde Ave.
12/8/94

Dear Sir:

We wish to appeal the Decision on the
above case.

The Lansdowne Improvement Association, Inc
Rose Miller

And

Maryland Citizens for the Environment Inc
Theresa Lowry

And

The Southwest Leadership Team, Inc.
Father Steve Gerard

Respectfully
Board of Directors

Address: Rose Miller

135 Hazel Ave 21227

Address: Theresa Lowry

2517 Hammonds Ferry Rd 21227



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

July 7, 1995

Mr. George H. Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

Re: Case No. 94-227-SPHA and
Case No. 94-228-SPHA /
George Sears, Jr. -Petitioner

Dear Mr. Sears:

The Board of Appeals has received your letter dated July 5, 1995 regarding the subject cases and your property on Clyde Avenue.

In response to your letter, do you wish to go forward with these cases, and to have them scheduled for a hearing before the Board?

Please call me at 887-3180 so that the intent of your July 5th letter may be clarified. Thank you.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

cc: Mr. Roland Thompson
Peter Max Zimmerman
People's Counsel for Baltimore County



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on Recycled Paper

July 5, 1995

To it may concerne,
County Board of Appeals
of Baltimore County. I wish not to sell my lots
of 112 through 114 of 20 Clyde Ave. at no time
at all as, I live at 22 Clyde Ave, Baltimore, Maryland.
21227. I wish that you would take this under conserv,
also! Thanks a lot.

George H. Sears Jr.
22 Clyde Ave,
Baltimore, Maryland 21227

95 JUL -7 PM 12:48

CLERK OF COURT

1/31/95 -Notice of Assignment for hearing scheduled for Tuesday,
May 23, 1995 at 10:00 a.m. sent to following:
(94-227-SPHA and 94-228-SPHA)

Rose Miller
Theresa Lowry
George Sears, Jr.
Kenneth Colbert
Leslie H. Rock
David Baker
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

2/07/95 -Copy of letter from Kenneth Colbert Engineer, to A. Jablon,
advising that Leslie H. Rock, contract purchaser, does not wish to
contest appeal filed; requests that petition be withdrawn. (Also
applies to Case No. 94-228-SPHA).

5/22/95 - T/C w/Deputy People's Counsel; per conversation with Mr.
Colbert, and pursuant to his above-referenced letter, neither he
nor Mr. Rock would be in attendance at hearing on 5/23/95. Not
pursuing Petitions.

5/23/95 -Hearing convened; Board continued this matter; to be reset at
later date. Property Owner, George Sears, Jr., appeared on his own
behalf. Matter will be scheduled for a hearing in the normal
course of docketing, with additional notification to Mr. Roland
Thompson at 22 Clyde Avenue (attended hearing with Petitioner
/Property Owner).

7/07/95 -Letter dated 7/05/95 from George H. Sears, Jr., indicating his
intent not to sell property at 20 Clyde Avenue.
- Letter to Mr. Sears requesting clarification of his 7/05/95
letter / does he wish to proceed on this matter and have hearing
scheduled. Copies to Mr. Thompson and People's Counsel.

IN THE MATTER OF THE
THE APPLICATION OF
GEORGE SEARS, JR.
FOR A SPECIAL HEARING AND
VARIANCES ON PROPERTIES
LOCATED ON THE NORTH SIDE OF
CLYDE AVENUE, 172' EAST OF
HAMMONDS FERRY ROAD (20 CLYDE
AVENUE) AND 200' EAST OF
HAMMONDS FERRY ROAD (22 CLYDE
AVENUE) 13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-227-SPHA AND
CASE NO. 94-228-SPHA
*
*

ORDER OF DISMISSAL

This matter comes before this Board as an appeal filed by The Landsdowne Improvement Association, Inc., Maryland Citizens for the Environment, Inc., and the Southwest Leadership Team, Inc.; Rose Miller and Theresa Lowry from a decision of the Zoning Commissioner dated November 9, 1994 in which the subject Petitioner were granted with restrictions.

WHEREAS, by letter dated February 7, 2002, the Board of Appeals notified the parties of record in the above-entitled matter that this matter would be dismissed for lack of prosecution after a period of 30 days; and

WHEREAS, the Board has received no response to said letter of February 7, 2002;

IT IS HEREBY ORDERED this 6th day of May, 2002 by the County Board of Appeals of Baltimore County that the Petitions for Special Hearing and Variance filed in Case No. 94-227-SPHA and Case No. 94-228-SPHA be and the same are hereby **DISMISSED FOR LACK OF PROSECUTION**, and, further, hat any and all relief granted therein is rendered **null and void**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Charles L. Marks, Chairman



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

May 6, 2002

Ms. Rose Miller
135 Hazel Avenue
Baltimore, MD 21227

Ms. Theresa Lowry
2517 Hammonds Ferry Road
Baltimore, MD 21227

RE: *In the Matter of: George Sears, Jr. / Order of Dismissal*
Case No. 94-227-SPHA and Case No. 94-228-SPHA

Dear Ms. Miller and Ms. Lowry:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board
of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: George Sears, Jr.
Kenneth J. Colbert
Leslie H. Rock
David Baker
Roland Thompson
Office of People's Counsel
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Director /Planning
Arnold Jablon, Director /PDM



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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
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wcf

May 6, 2002

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Administrator

Enclosure

c: George Sears, Jr.
Kenneth J. Colbert
Leslie H. Rock
David Baker
Roland Thompson
Office of People's Counsel
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Director /Planning
Arnold Jablon, Director /PDM

02-1559



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RECEIVED
COUNTY BOARD OF APPEALS

95 JAN 20 PM 12:28

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-227-SPHA

District 13th Date of Posting 1/14/95

Posted for: Appeal

Petitioner: George Seon, Jr.

Location of property: 20 Clyde Ave, N/S

Location of Signs: Facing roadway, on property being appealed

Remarks: _____

Posted by M. Hestey Date of return: 1/20/95
Signature

Number of Signs: 1





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 31, 1995

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. 94-227-SPHA GEORGE SEARS, JR. -Petitioner
N/s Clyde Avenue, 172'E of Hammonds Ferry Road
(Proposed Dwelling) Lots 112 through 114 (20 Clyde Avenue)

AND

CASE NO. 94-228-SPHA N/s Clyde Avenue, 200' E of Hammonds Ferry Road (Existing Dwelling) Lots 115 through 117 (22 Clyde Avenue)
13th Election District
1st Councilmanic District

SPH -To approve 4,800 sq. ft. in lieu of 6000 sq. ft. for proposed /existing dwellings; determine that proposed dwelling will not affect overall density of recorded subdivision of Lots 112 through 117 of Joshua; VAR -lot width of 48' in lieu of 55' lot area; to approve undersized lots.

11/09/94 -Z.C.'s Order in which Petitions for Special Hearing are GRANTED with restrictions.

ASSIGNED FOR:

TUESDAY, MAY 23, 1995 at 10:00 a.m.

cc: Rose Miller
Theresa Lowry

Appellant /Protestant
Appellant /Protestant

George Sears, Jr.
Kenneth Colbert

Petitioner
Engineer

Leslie H. Rock
David Baker

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

CT Reporter- Sue Smith
(Towson)



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*Continued on
record (Sue Smith)
dep Board, to be
next. App 22 to file
Poland Thompson
Clyde Ave*

Case No. 94-227-SPHA

George Sears, Jr. - Petitioner

172 ft. and 200 ft. East of
Road (20 Clyde Avenue)

Appealed: 12/8/94

10

CASE: 94-227/228-SPHA - GEORGE SEARS, JR.

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

P.C. Ex. 1



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

February 7, 2002

Mr. George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

RE: *In the Matter of: George Sears, Jr. - Petitioner*
Case No. 94-227-SPHA and Case No. 94-228-SPHA

Dear Mr. Sears:

The Board of Appeals has been reviewing its docket, particularly with reference to inactive cases. By this review, the Board intends to dismiss and close as many of these cases as possible.

Pursuant to the above intent, the purpose of this letter is to advise you that the Petitions filed in the subject matter will be dismissed, and an Order of Dismissal for lack of prosecution will be issued by the Board, after the expiration of 30 days from the date of this Notice, thereby rendering any relief granted by the Zoning Commissioner null and void.

Upon receipt of a request filed at any time before 30 days after date of this Notice, the Board, for good cause, may defer entry of the Order of Dismissal for the period and on the terms it deems proper.

Very truly yours,


Kathleen C. Bianco
Administrator

c: Mr. Roland Thompson
Ms. Rose Miller
Ms. Theresa Lowry
People's Counsel for Baltimore County



10

CASE: 94-227/228-SPHA - GEORGE SEARS, JR.

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P.C. Ex. 1

Exhibits

P.C. Ex. 1

Case 94-227/228 - SPHA - George Sears, Jr.

APPEAL

Petition for Special Hearing and Variance
N/S Clyde Avenue, 172 ft and 200 ft East of
Hammonds Ferry Road
(20 Clyde Avenue)
13th Election District - 1st Councilmanic District
George Sears, Jr.-PETITIONER

Case No. 94-227-SPHA (Rising w/ 94-228-SPHA)
22 Clyde Ave.

- ✓ Petition(s) for Special Hearing and Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Undersized Lot Recommendation Form
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Nine Photographs (not marked as exhibits)
- ✓ Plat to Accompany Petition for Zoning Variance (not marked as exhibit)
- ✓ Zoning Commissioner's Order dated November 9, 1994 (Granted)
- ✓ Notice of Appeal received on December 8, 1994 from the Lansdowne Improvement Association, Inc., Maryland Citizens for the Environment, Inc, and the Southwest Leadership Team, Inc. ✓E

c: *Ms. Rose Miller, 135 Hazel Avenue, Baltimore, MD 21227
Ms. Theresa Lowry, 2517 Hammonds Ferry Road, Baltimore, MD 21227
Mr. George Sears, Jr., 22 Clyde Avenue, Baltimore, MD 21227
Mr. Kenneth J. Colbert, 3723 Old Court Road, Baltimore, MD 21208
Ms. Leslie H. Rock, 5430F Lynx Lane, #235, Columbia, MD 21044
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

ADD TO FILE /adjacent neighbor:

David Baker
10 Clyde Avenue
Baltimore, MD 21227

Mr. Roland Thompson
22 Clyde Avenue
Baltimore, MD 21227
(for Petitioner)

2/07/02 – Letter to Petitioner (copy to Appellants /Protestants Lowery and Miller; PMZ; and Roland Thompson) – Petitions
will be dismissed after period of 30 days and granted relief rendered null and void.

4/17/02 – No response to 2/07/02 letter; Order of Dismissal of Petitions to be issued.

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

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

B
Permit Number

ZONING ITEM #
226

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:

☐ LESLIE H. ROCK 5430 F LYNX LANE COLUMBIA, MD 21044 740-1200
Print Name of Applicant Address Telephone Number

☐ Lot Address 20 CLYDE AVE Election District 13 Council District 1 Square Feet 4800

Lot Location N S W side/corner of CLYDE AVE 172 feet from NE S W corner of HAMMONDS FERRY RD
(street) (street)

Land Owner GEORGE SEARS, JR Tax Account Number 130257600

Address 22 CLYDE AVE Telephone Number NONE
BALTIMORE, MD 21227

☐ 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		☐	☒ N/A
3. Site Plan		☒	☐
Property (3 copies)		☒	☐
Topo Map (available in Rm 204 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 <u>[Signature]</u> ZADM
Date <u>12/1/93</u>

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:

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

Date: _____

smjots.pub



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

February 7, 2002

Mr. George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

RE: *In the Matter of: George Sears, Jr. - Petitioner*
Case No. 94-227-SPHA and Case No. 94-228-SPHA

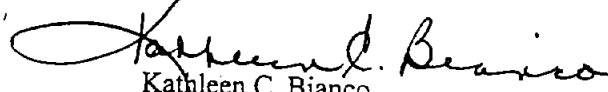
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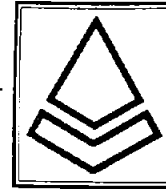

Kathleen C. Bianco
Administrator

c: Mr. Roland Thompson
Ms. Rose Miller
Ms. Theresa Lowry
People's Counsel for Baltimore County



Colbert Matz Rosenfelt & Woolfolk, Inc.

Civil Engineers • Landscape Architects • Land Surveyors • Land Planners



February 2, 1995

Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

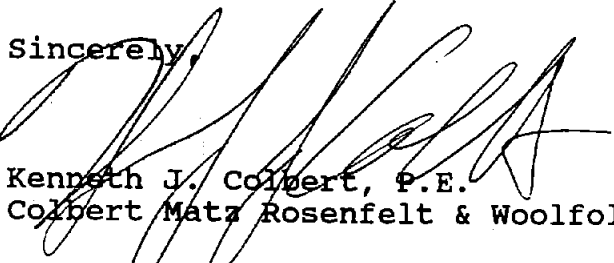
SUBJECT: Petition for Special Hearing and Variance
N/S Clyde Avenue, 172 ft. and 200 ft. East of
Hammonds Ferry Road
(20 and 22 Clyde Avenue)
13th Election District
1st Councilmanic District
Case No. 94-227-SPHA and 94-228 SPHA

Dear Mr. Jablon:

In response to your January 11, 1995 notification of the December 8, 1994 appeal filed on the subject case, please be advised that our client, Leslie H. Rock, contract purchaser, does not wish to contest the appeal filed, and requests that the petition be withdrawn.

Thank you for your assistance in this matter. Should you have any questions or require additional information, please contact us at any time.

Sincerely,


Kenneth J. Colbert, P.E.
Colbert Matz Rosenfelt & Woolfolk, Inc.

cc: Leslie H. Rock, 5430-F Lynx Lane, #235, Columbia, MD 21044
George Sears, Jr., 22 Clyde Ave., Baltimore, MD 21227
Board of Appeals, 400 Washington Ave., Towson, MD 21204

j:\colbert\letters\93090.wpf

COMM 68374
95FEB-7 PM 1:23

3723 Old Court Road, Suite 206
Baltimore, Maryland 21208



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Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 11, 1995

Mr. George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

RE: Petition for Special Hearing and Variance
N/S Clyde Avenue, 172 ft. and 200 ft. East of
Hammonds Ferry Road
(20 and 22 Clyde Avenue)
13th Election District
1st Councilmanic District
George Sears, Jr.-Petitioner
Case No. 94-227-SPHA and 94-228-SPHA

Dear Mr. Sears:

Please be advised that an appeal of the above-referenced case was filed in this office on December 8, 1994 by The Lansdowne Improvement Association, Inc., Maryland Citizens for the Environment, Inc. and the Southwest Leadership Team, Inc. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

ARNOLD JABLON
Director

AJ:jaw

c: Mr. Kenneth Colbert, 3723 Old Court Road, Baltimore, MD 21208
Ms. Leslie H. Rock, 5430-F Lynx Lane, #235, Columbia, MD 21044
People's Counsel



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on Recycled Paper

95 JAN 11 08:11:48

CHAIRPERSON
THERESA LOWRY

CHAIRPERSON
CATHERINE OWINGS

CHAIR SECRETARY
DAWN HODGES

MARYLAND
CITIZENS FOR THE ENVIRONMENT
INCORPORATED
BOARD OF DIRECTORS

CHAIRPERSON
WILLIAM COLEMAN

CHAIR RECORDING
HELEN ANDERSON

CHAIR TREASURER
ROBERT USHER

RECEIVED
DEC 8 1994

ZADM

Re. 94-227 SPHA AND
94-228 SPHA
20-22 Clyde Ave.
12/8/94

Dear Sir:

We wish to appeal the Decision on the
above case.

The Lansdowne Improvement Association, Inc
Rose Miller

And

Maryland Citizens for the Environment Inc
Theresa Lowry

And

The Southwest Leadership Team, Inc.
Father Steve Gerard

Respectfully
Board of Directors

Address: Rose Miller

135 Hazel Ave 21227

Address: Theresa Lowry

2517 Hammonds Ferry Rd 21227

Exhibits

P.C. Ex. 1

Case 94-227/228 - SPHA - George Sears, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

July 7, 1995

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Baltimore, MD 21227

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Very truly yours,

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Administrative Assistant

cc: Mr. Roland Thompson
Peter Max Zimmerman
People's Counsel for Baltimore County



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July 5, 1995

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George H. Sears Jr.
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95 JUL -7 PM 12:48

CLERK OF COURT

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(94-227-SPHA and 94-228-SPHA)

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George Sears, Jr.
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David Baker
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Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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5/22/95 - T/C w/Deputy People's Counsel; per conversation with Mr.
Colbert, and pursuant to his above-referenced letter, neither he
nor Mr. Rock would be in attendance at hearing on 5/23/95. Not
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5/23/95 -Hearing convened; Board continued this matter; to be reset at
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1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-227-SPHA AND
CASE NO. 94-228-SPHA
*
*

ORDER OF DISMISSAL

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WHEREAS, by letter dated February 7, 2002, the Board of Appeals notified the parties of record in the above-entitled matter that this matter would be dismissed for lack of prosecution after a period of 30 days; and

WHEREAS, the Board has received no response to said letter of February 7, 2002;

IT IS HEREBY ORDERED this 6th day of May, 2002 by the County Board of Appeals of Baltimore County that the Petitions for Special Hearing and Variance filed in Case No. 94-227-SPHA and Case No. 94-228-SPHA be and the same are hereby **DISMISSED FOR LACK OF PROSECUTION**, and, further, hat any and all relief granted therein is rendered **null and void**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Charles L. Marks, Chairman



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

May 6, 2002

Ms. Rose Miller
135 Hazel Avenue
Baltimore, MD 21227

Ms. Theresa Lowry
2517 Hammonds Ferry Road
Baltimore, MD 21227

RE: *In the Matter of: George Sears, Jr. / Order of Dismissal*
Case No. 94-227-SPHA and Case No. 94-228-SPHA

Dear Ms. Miller and Ms. Lowry:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board
of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: George Sears, Jr.
Kenneth J. Colbert
Leslie H. Rock
David Baker
Roland Thompson
Office of People's Counsel
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Director /Planning
Arnold Jablon, Director /PDM



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on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

wcf

May 6, 2002

Ms. Rose Miller
135 Hazel Avenue
Baltimore, MD 21227

Ms. Theresa Lowry
2517 Hammonds Ferry Road
Baltimore, MD 21227

RE: *In the Matter of: George Sears, Jr.* / Order of Dismissal
Case No. 94-227-SPHA and Case No. 94-228-SPHA

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Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: George Sears, Jr.
Kenneth J. Colbert
Leslie H. Rock
David Baker
Roland Thompson
Office of People's Counsel
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Director /Planning
Arnold Jablon, Director /PDM

02-1559



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on Recycled Paper

RECEIVED
COUNTY BOARD OF APPEALS

95 JAN 20 PM 12:28

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-227-SPHA

District 13th Date of Posting 1/14/95

Posted for: Appeal

Petitioner: George Seon, Jr.

Location of property: 20 Clyde Ave, N/S

Location of Signs: Facing roadway, on property being appealed

Remarks: _____

Posted by M. Hestey Date of return: 1/20/95
Signature

Number of Signs: 1





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 31, 1995

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. 94-227-SPHA GEORGE SEARS, JR. -Petitioner
N/s Clyde Avenue, 172'E of Hammonds Ferry Road
(Proposed Dwelling) Lots 112 through 114 (20 Clyde Avenue)

AND

CASE NO. 94-228-SPHA N/s Clyde Avenue, 200' E of Hammonds Ferry Road (Existing Dwelling) Lots 115 through 117 (22 Clyde Avenue)
13th Election District
1st Councilmanic District

SPH -To approve 4,800 sq. ft. in lieu of 6000 sq. ft. for proposed /existing dwellings; determine that proposed dwelling will not affect overall density of recorded subdivision of Lots 112 through 117 of Joshua; VAR -lot width of 48' in lieu of 55' lot area; to approve undersized lots.

11/09/94 -Z.C.'s Order in which Petitions for Special Hearing are GRANTED with restrictions.

ASSIGNED FOR:

TUESDAY, MAY 23, 1995 at 10:00 a.m.

cc: Rose Miller
Theresa Lowry

Appellant /Protestant
Appellant /Protestant

George Sears, Jr.
Kenneth Colbert

Petitioner
Engineer

Leslie H. Rock
David Baker

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

CT Reporter- Sue Smith
(Towson)

Case No. 94-227-SPHA

George Sears, Jr. - Petitioner

172 ft. and 200 ft. East of
Road (20 Clyde Avenue)

Appealed: 12/8/94

APPEAL

Petition for Special Hearing and Variance
N/S Clyde Avenue, 172 ft and 200 ft East of
Hammonds Ferry Road
(20 Clyde Avenue)
13th Election District - 1st Councilmanic District
George Sears, Jr.-PETITIONER

Case No. 94-227-SPHA (Rising w/ 94-228-SPHA)
22 Clyde Ave.

- ✓ Petition(s) for Special Hearing and Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Undersized Lot Recommendation Form
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Nine Photographs (not marked as exhibits)
- ✓ Plat to Accompany Petition for Zoning Variance (not marked as exhibit)
- ✓ Zoning Commissioner's Order dated November 9, 1994 (Granted)
- ✓ Notice of Appeal received on December 8, 1994 from the Lansdowne Improvement Association, Inc., Maryland Citizens for the Environment, Inc, and the Southwest Leadership Team, Inc. ✓E

c: *Ms. Rose Miller, 135 Hazel Avenue, Baltimore, MD 21227
Ms. Theresa Lowry, 2517 Hammonds Ferry Road, Baltimore, MD 21227
Mr. George Sears, Jr., 22 Clyde Avenue, Baltimore, MD 21227
Mr. Kenneth J. Colbert, 3723 Old Court Road, Baltimore, MD 21208
Ms. Leslie H. Rock, 5430F Lynx Lane, #235, Columbia, MD 21044
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

ADD TO FILE /adjacent neighbor:

David Baker
10 Clyde Avenue
Baltimore, MD 21227

Mr. Roland Thompson
22 Clyde Avenue
Baltimore, MD 21227
(for Petitioner)

2/07/02 – Letter to Petitioner (copy to Appellants /Protestants Lowery and Miller; PMZ; and Roland Thompson) – Petitions
will be dismissed after period of 30 days and granted relief rendered null and void.

4/17/02 – No response to 2/07/02 letter; Order of Dismissal of Petitions to be issued.

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

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

B
Permit Number

ZONING ITEM #
226

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:

☐ LESLIE H. ROCK 5430 F LYNX LANE COLUMBIA, MD 21044 740-1200
Print Name of Applicant Address Telephone Number

☐ Lot Address 20 CLYDE AVE Election District 13 Council District 1 Square Feet 4800

Lot Location N S W side/corner of CLYDE AVE 172 feet from NE S W corner of HAMMONDS FERRY RD
(street) (street)

Land Owner GEORGE SEARS, JR Tax Account Number 130257600

Address 22 CLYDE AVE Telephone Number NONE
BALTIMORE, MD 21227

☐ **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 204 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 <u>[Signature]</u> ZADM
Date <u>12/1/93</u>

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:

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

Date:

smjots.pzb



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

February 7, 2002

Mr. George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

RE: *In the Matter of: George Sears, Jr. - Petitioner*
Case No. 94-227-SPHA and Case No. 94-228-SPHA

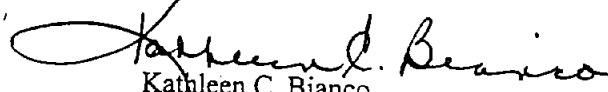
Dear Mr. Sears:

The Board of Appeals has been reviewing its docket, particularly with reference to inactive cases. By this review, the Board intends to dismiss and close as many of these cases as possible.

Pursuant to the above intent, the purpose of this letter is to advise you that the Petitions filed in the subject matter will be dismissed, and an Order of Dismissal for lack of prosecution will be issued by the Board, after the expiration of 30 days from the date of this Notice, thereby rendering any relief granted by the Zoning Commissioner null and void.

Upon receipt of a request filed at any time before 30 days after date of this Notice, the Board, for good cause, may defer entry of the Order of Dismissal for the period and on the terms it deems proper.

Very truly yours,

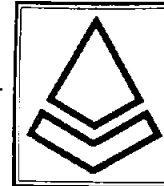

Kathleen C. Bianco
Administrator

c: Mr. Roland Thompson
Ms. Rose Miller
Ms. Theresa Lowry
People's Counsel for Baltimore County



Colbert Matz Rosenfelt & Woolfolk, Inc.

Civil Engineers • Landscape Architects • Land Surveyors • Land Planners



February 2, 1995

Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

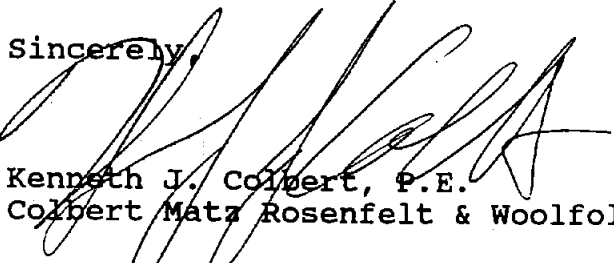
SUBJECT: Petition for Special Hearing and Variance
N/S Clyde Avenue, 172 ft. and 200 ft. East of
Hammonds Ferry Road
(20 and 22 Clyde Avenue)
13th Election District
1st Councilmanic District
Case No. 94-227-SPHA and 94-228 SPHA

Dear Mr. Jablon:

In response to your January 11, 1995 notification of the December 8, 1994 appeal filed on the subject case, please be advised that our client, Leslie H. Rock, contract purchaser, does not wish to contest the appeal filed, and requests that the petition be withdrawn.

Thank you for your assistance in this matter. Should you have any questions or require additional information, please contact us at any time.

Sincerely,


Kenneth J. Colbert, P.E.
Colbert Matz Rosenfelt & Woolfolk, Inc.

cc: Leslie H. Rock, 5430-F Lynx Lane, #235, Columbia, MD 21044
George Sears, Jr., 22 Clyde Ave., Baltimore, MD 21227
Board of Appeals, 400 Washington Ave., Towson, MD 21204

j:\colbert\letters\93090.wpf

COMM 68374
95FEB-7 PM 1:23

3723 Old Court Road, Suite 206
Baltimore, Maryland 21208



Printed on Recycled Paper

Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 11, 1995

Mr. George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

RE: Petition for Special Hearing and Variance
N/S Clyde Avenue, 172 ft. and 200 ft. East of
Hammonds Ferry Road
(20 and 22 Clyde Avenue)
13th Election District
1st Councilmanic District
George Sears, Jr.-Petitioner
Case No. 94-227-SPHA and 94-228-SPHA

Dear Mr. Sears:

Please be advised that an appeal of the above-referenced case was filed in this office on December 8, 1994 by The Lansdowne Improvement Association, Inc., Maryland Citizens for the Environment, Inc. and the Southwest Leadership Team, Inc. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

ARNOLD JABLON
Director

AJ:jaw

c: Mr. Kenneth Colbert, 3723 Old Court Road, Baltimore, MD 21208
Ms. Leslie H. Rock, 5430-F Lynx Lane, #235, Columbia, MD 21044
People's Counsel



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on Recycled Paper

95 JAN 11 08:11:48

IN RE PETITIONS FOR SPECIAL HEARING * BEFORE THE
N.S. Clyde Avenue, 172' and 200' F. * ZONING COMMISSIONER
of the Hammonds Ferry Road (20 and 22 Clyde Avenue)
18th Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case Nos. 94-227-SPHA and
George Sears, Jr. 94-228-SPHA
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Special Hearing and Variances for the subject properties, known as 20 and 22 Clyde Avenue, located in the Halethorpe area of western Baltimore County. The Petitions were filed by the owner of the property, George Sears, Jr., and the Contract Purchaser, Leslie H. Rock. The Petitioners request a special hearing to approve a 4,800 sq.ft. lot area for each building lot (known as 20 and 22 Clyde Avenue) in lieu of the minimum required 6,000 sq.ft., and to determine that the two lots will not affect the overall density of the recorded subdivision of Joshua. In addition to the special hearing relief sought, the Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 48 feet in lieu of the required 55 feet, a lot area of 4800 sq.ft. in lieu of the required 6,000 sq.ft., and to approve an undersized lot, pursuant to Section 304 of the B.C.Z.R., for each building lot. The subject properties and relief sought are more particularly described on the site plans submitted into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were George Sears, Jr., property owner, Ken Colbert, Registered Professional Engineer, and Michael Rock, who appeared on behalf of the Contract Purchaser. Appearing as Protestants in the matter were Rosemary Miller, President of

the Lansdowne Improvement Association, Theresa Lowry and Dorothy Wienieke, all nearby property owners.

Testimony and evidence presented revealed that the subject properties are located within the subdivision known as Joshua, which was recorded in 1889. Most of the lots are 16 feet wide, with a few wider lots at corner locations. The Petitioner owns Lots 112 through 117, and resides on combined Lots 115 through 117, also known as 22 Clyde Avenue. The Petitioner has entered into a contract to sell Lots 112 through 114 to Mr. Leslie Rock who is desirous of constructing a new home thereon in accordance with Petitioner's Exhibits 1. Due to the narrow width and undersized area of the lots in question, the relief requested is necessary in order to proceed as proposed. Further testimony revealed that the proposed building envelope meets all area setback requirements and that development of the subject property will be consistent with that in the surrounding locale.

Ms. Theresa Lowry appeared and testified on behalf of the Maryland Citizens for the Environment. Ms. Lowry is adamantly opposed to the relief requested, arguing that an increase in density will result if the relief is granted. Ms. Rosemary Miller testified that she is opposed to another house being built in this community and stated that she fears congestion will result and impose a fire safety hazard on the neighborhood.

In response to the Protestants' arguments, Mr. Kenneth Colbert testified that the subject property meets the minimum area requirements for a minor subdivision, and thus, the proposed development will not result in any increase in density.

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).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and 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 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 and is in strict harmony with the spirit and intent of the B.C.Z.R. Specifically, a denial of the variance would render these residentially zoned lots undevelopable. Moreover, the size of the subject lots appears consistent with other lots in this development.

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

THHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of November, 1994 that the Petition for Special Hearing in Case No. 94-227-SPHA to approve a 4,800 sq.ft. lot area as a buildable lot in lieu of the minimum required 6,000 sq.ft. for a proposed dwelling at 20 Clyde Avenue, in accordance with Petitioner's Exhibit 1, and to determine that the proposed development will not affect the overall density of the recorded subdivision of Lots 112 through 117 of Joshua, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing in Case No. 94-228-SPHA to approve a 4,800 sq.ft. lot area as a buildable lot in lieu of the minimum required 6,000 sq.ft. for an existing dwelling at 22 Clyde Avenue, in accordance with Petitioner's Exhibit 1, and to determine that the proposed development on the adjacent lot will not affect the overall density of the recorded subdivision of Lots 112 through 117 of Joshua, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitions for Variance in Case Nos. 94-227-SPHA and 94-228-SPHA seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 48 feet in lieu of the required 55 feet and a lot area of 4800 sq.ft. in lieu of the required 6,000 sq.ft., for existing and proposed improvements at 20 and 22 Clyde Avenue, and to approve an undersized lot, pursuant to Section 304 of the B.C.Z.R. for the proposed improvements at 20 Clyde Avenue and existing improvements at 22 Clyde Avenue, in accordance with Petitioner's Exhibits 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 relief granted herein shall be rescinded.

2) The proposed development at 20 Clyde Avenue shall be limited to the building envelope depicted on Petitioner's Exhibit 1. There shall be no further variances granted for either of the subject properties.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 20 Clyde Avenue
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property shown 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 1802.3 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a 4800 square foot lot area in lieu of the required 6000 square foot lot area as buildable, and to determine that the established lot will not affect the overall density of the recorded subdivision.

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 resolutions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

General Petitioner/Owner:
Leslie H. Rock
5430P Lynx Lane #235
Columbia, MD 21044

Address and phone number of Petitioner:
22 Clyde Avenue
Baltimore, MD 21227

Address and phone number of representative to be heard:
Kenneth J. Colbert
8723 Old Court Road
Baltimore, MD 21228

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 20 Clyde Avenue
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property shown 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 Baltimore County's 1802.3.C.1 to permit a lot of 4800 square feet in lieu of the required 55 feet and a lot area of 4800 square feet in lieu of the required 6000 square feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.) Adherence to the minimum lot width and area requirements would preclude the owner's ability to sell the lots for the purpose of construction of a single-family house consistent with the zoning and surrounding community.

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 resolutions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

General Petitioner/Owner:
Leslie H. Rock
5430P Lynx Lane #235
Columbia, MD 21044

Address and phone number of Petitioner:
22 Clyde Avenue
Baltimore, MD 21227

Address and phone number of representative to be heard:
Kenneth J. Colbert
8723 Old Court Road
Baltimore, MD 21228

ZONING DESCRIPTION
20 CLYDE STREET
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE NORTH SIDE OF CLYDE STREET, 50 FEET WIDE, 172 FEET MORE OR LESS EAST OF THE EASTERN SIDE OF HAMMONDS FERRY ROAD, VARIABLE WIDTH, BEING LOTS 112 THRU 114 IN THE SUBDIVISION OF JOSHUA AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. 1, FOLIO 144, CONTAINING 4,800 SQUARE FEET OR 0.11 ACRES OF LAND MORE OR LESS.

DESC\20CLYDE.DES

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 100 Date of Posting: 12/11/93
 Posted for: George H. Sears, Jr.
 Petitioner: George H. Sears, Jr.
 Location of property: 20 Clyde Ave., N/A
 Location of Sign: George H. Sears, Jr.
 Remarks: 1/11/93
 Posted by: 1/11/93
 Number of Signs: 2

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

receipt
94-227-SPHA
Account: R-001-6150
Number: 226
By: JL

Date: 11/1/93
 1 VAR 010 50.00
 1 SPH 030 50.00
 2 SHMS 080 70.00
 TOTAL \$170.00

SEARS,
LOC #20 CLYDE AVE.

Please Make Checks Payable To Baltimore County \$170.00

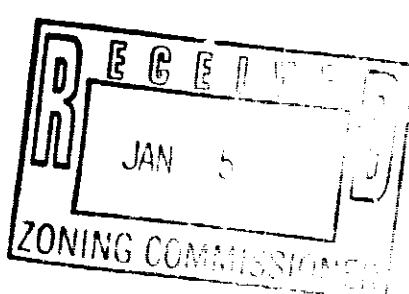
Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD. 12/11/93
 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 12/11/93

THE JEFFERSONIAN,

A. Henricson
LEGAL AD - TOWSON



BALTIMORE COUNTY, MARYLAND
OFFICE OF ZONING - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
 DATE: 12/20/93 ACCOUNT: R-001-6150
 AMOUNT: \$ 385.00
 RECEIVED FROM: Landowne Improvement Association/Rose Miller
 Appeal of Case Nos. 94-227-SPHA, 94-228-SPHA
 and Sign
 20-22 Clyde Avenue
 FOR: 12/20/93
 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF ZONING - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
 DATE: 11/1/93 ACCOUNT: R-001-6150
 AMOUNT: \$ 385.00
 RECEIVED FROM: Rose Miller
 FOR: 94-227-SPHA APPEAL
94-228-SPHA
 VALIDATION OR SIGNATURE OF CASHIER

INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
 Attn: Ervin McDaniel
 County Court Bldg, Rm 406
 401 Bosley Av
 Towson, MD 21204
 FROM: Arnold Jablon, Director, Zoning Administration and Development Management
 RE: Underlaid 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 and Zoning prior to this office's approval of a dwelling permit.
 APPLICANT SUPPLIED INFORMATION:
 1. LESLIE H. ROCK 5430 FLYNN LANE COLUMBIA, MD 21044 740-1200
 2. CLYDE AVE. 172' E of HAMMOND FERRY RD
 Lot Location: 172' E of HAMMOND FERRY RD
 Lot Area: 172' E of HAMMOND FERRY RD
 Lot Owner: GEORGE SEARS, JR.
 Address: 22 CLYDE AVE. Telephone Number: NONE
 BALTIMORE, MD 21227
 CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)
 1. This Recommendation Form (2 copies) YES NO
 2. Permit Application YES NO
 3. Site Plan YES NO
 4. Building Elevation Drawings YES NO
 5. Photographs (series taken at place shown) YES NO
 Surrounding Neighborhood YES NO
 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:
 Signed by: _____ Date: _____

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353
 ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 226
 Petitioner: SEARS
 Location: 20 CLYDE AVE.
 PLEASE FORWARD ADVERTISING BILL TO:
 NAME: COLBERT ENGINEERING, INC
 ADDRESS: 3723 OLD COURT ROAD SUITE 206
BALTIMORE, MD 21208
 PHONE NUMBER: 653-3538

AJ:ggg (Revised 04/09/93)

TO: JEFFERSON PUBLISHING COMPANY
 December 16, 1993 Issue - Jeffersonian

Please forward billing to:
 Colbert Engineering, Inc.
 3723 Old Court Road, Suite 206
 Baltimore, Maryland 21208
 410-653-3538

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 to 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: 94-227-SPHA (Item 226)

20 Clyde Avenue
 172' E of Hammond Ferry Road
 13th Election District - 1st Councilmanic
 Legal Owner(s): George Sears, Jr.
 Contract Purchaser: Leslie H. Rock
 HEARING: THURSDAY, JANUARY 6, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve a 4,800 square foot lot area in lieu of the required 6,000 square foot lot area as buildable and to determine that the established lot will not affect the overall density of the recorded subdivision.
 Variance to permit a lot width of 48 feet in lieu of the required 55 feet and a lot area of 4,800 square feet in lieu of the required 6,000 square feet and to approve an underlaid lot.

LAURENCE E. SCHULTZ
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARING AND POSTING REQUIREMENTS: FOR OFFICIAL RECOMMENDATIONS PLEASE CALL 887-3353.
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353
 DECEMBER 13, 1993

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 to 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: 94-227-SPHA (Item 226)

20 Clyde Avenue
 172' E of Hammond Ferry Road
 13th Election District - 1st Councilmanic
 Legal Owner(s): George Sears, Jr.
 Contract Purchaser: Leslie H. Rock
 HEARING: THURSDAY, JANUARY 6, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve a 4,800 square foot lot area in lieu of the required 6,000 square foot lot area as buildable and to determine that the established lot will not affect the overall density of the recorded subdivision.
 Variance to permit a lot width of 48 feet in lieu of the required 55 feet and a lot area of 4,800 square feet in lieu of the required 6,000 square feet and to approve an underlaid lot.

Arnold Jablon
 Director

George Sears, Jr.
 Leslie H. Rock
 Kenneth J. Colbert

NOTES: (1) HEARING AND POSTING REQUIREMENTS: FOR OFFICIAL RECOMMENDATIONS PLEASE CALL 887-3353.
 (2) HEARING AND POSTING REQUIREMENTS: FOR OFFICIAL RECOMMENDATIONS PLEASE CALL 887-3353.
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353
 DECEMBER 27, 1993

Mr. George H. Sears, Jr.
 22 Clyde Avenue
 Baltimore, Maryland 21227

RE: Case No. 94-227-SPHA, Item No. 226
 Petitioner: George Sears, Jr., et al
 Petitions for Special Hearing and Variance

Dear Mr. Sears:

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 December 1, 1993, and a hearing was 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.

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 94-226 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
 Bob Small
 DAVID N. RAITSEY, ACTING CHIEF
 John Contostabile, Chief
 Engineering Access Permits
 Division

BS/

My telephone number is _____
 Maryland Relay Service for Impaired Hearing or Speech
 1-800-735-2289 Toll-Free
 Hearing Address: P.O. Box 717 • Baltimore, MD 21208-0717
 Street Address: 707 North Carroll Street • Baltimore, Maryland 21201

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

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

SUBJECT: Petitions from Zoning Advisory Committee

DATE: December 29, 1993

The Office of Planning and Zoning has no comments on the following petition(s):
Items No. 226, 227, 238, 239, 240, 241, 242, 243, 244, and 245

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 887-3480.

Prepared by: JS/JS

Division Chief: JS/JS

PK/JL:lw

ZAC:226/PZONE/ZAC1

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

DECEMBER 16, 1993 (410) 887-3610

ZONING AGENDA: DECEMBER 13, 1993

Property Owner: REVISED PETITIONS AND PLANS WERE RECEIVED FOR
ITEM #206 ON 12/1/93

Location:
Item No.: #206

Property Owner: Roman Szyjka
Location: #6002 Hamilton Avenue
Item No.: #222 (WCR)

Property Owner: Perry Hall Courts II Joint Venture
Location: #81, #83, & #87 Cedar Chip Court
Item No.: 223 (RT)

Property Owner: George Sears, Jr.
Location: #20 Clyde Avenue
Item No.: 226 (JLL)

Property Owner: George Sears, Jr.
Location: #22 Clyde Avenue
Item No.: 227 (JLL)

Property Owner: Wayne DeFontes
Location: #15 Eastern Boulevard
Item No.: #232 (WCR)

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.

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

REVIEWER: Robert Sauerwald
Planning Group
Special Inspection Division
Robert Sauerwald

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

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

SUBJECT: Petitions from Zoning Advisory Committee

DATE: September 22, 1993

The Office of Planning and Zoning has no comments on the following petition(s):
Items No. 226, 227, 238, 239, 240, 241, 242, and 244

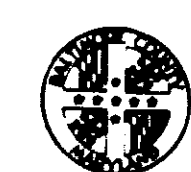
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey N. Long

Division Chief: Carol L. Kerns

PK/JL:lw

ZAC:226/PZONE/ZAC1



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 31, 1995

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. 94-227-SPHA GEORGE SEARS, JR. -Petitioner
N/S Clyde Avenue, 172'E of Hammonds Ferry Road
(Proposed Dwelling) Lots 112 through 114 (20 Clyde Avenue)

AND
CASE NO. 94-228-SPHA N/S Clyde Avenue, 200' E of Hammonds Ferry Road (Existing Dwelling) Lots 115 through 117 (22 Clyde Avenue)

13th Election District
1st Councilmanic District

SPH -To approve 4,800 sq. ft. in lieu of 6000 sq. ft. for proposed /existing dwellings; determine that proposed dwelling will not affect overall density of recorded subdivision of Lots 112 through 117 of Joshua; VAR -lot width of 48' in lieu of 55' lot area; to approve undersized lots.

11/09/94 Z.C.'s Order in which Petitions for Special Hearing are GRANTED with restrictions.

ASSIGNED FOR: TUESDAY, MAY 23, 1995 at 10:00 a.m.

cc: Rose Miller Appellant /Protestant
Theresa Lowry Appellant /Protestant
George Sears, Jr. Petitioner
Kenneth Colbert Engineer
Leslie H. Rock
David Baker

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy W. Kotzko
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 11, 1995

Mr. George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

RE: Petition for Special Hearing and Variance
N/S Clyde Avenue, 172 ft. and 200 ft. East of
Hammonds Ferry Road
(20 and 22 Clyde Avenue)
13th Election District
1st Councilmanic District
George Sears, Jr.-Petitioner
Case No. 94-227-SPHA and 94-228-SPHA

Dear Mr. Sears:

Please be advised that an appeal of the above-referenced case was filed in this office on December 8, 1994 by the Lansdowne Improvement Association, Inc., Maryland Citizens for the Environment, Inc. and the Southwest Leadership Team, Inc. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Mr. Kenneth Colbert, 3723 Old Court Road, Baltimore, MD 21206
Mr. Leslie H. Rock, 5430-F Lynn Lane, #235, Columbia, MD 21044
People's Counsel

APPEAL

Petition for Special Hearing and Variance
N/S Clyde Avenue, 172 ft and 200 ft East of
Hammonds Ferry Road
(20 Clyde Avenue)
13th Election District - 1st Councilmanic District
George Sears, Jr.-PETITIONER
Case No. 94-227-SPHA

Petition(s) for Special Hearing and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Undersized Lot Recommendation Form

Zoning Plans Advisory Committee Comments

Nine Photographs (not marked as exhibits)

Plat to Accompany Petition for Zoning Variance (not marked as exhibit)

Zoning Commissioner's Order dated November 9, 1994 (Granted)

Notice of Appeal received on December 8, 1994 from the Lansdowne Improvement Association, Inc., Maryland Citizens for the Environment, Inc. and the Southwest Leadership Team, Inc.

c: Mr. Rose Miller, 135 Basal Avenue, Baltimore, MD 21227
Mr. Theresa Lowry, 2517 Hammonds Ferry Road, Baltimore, MD 21227
Mr. George Sears, Jr., 22 Clyde Avenue, Baltimore, MD 21227
Mr. Kenneth J. Colbert, 3723 Old Court Road, Baltimore, MD 21206
Mr. Leslie H. Rock, 5430-F Lynn Lane, #235, Columbia, MD 21044
People's Counsel of Baltimore County, N.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

CHAIRPERSON
THERESA LOWRY

CHAIRPERSON
CATHERINE OWENS

CHAIR SECRETARY
DAVE ROBERTS

MARYLAND
CITIZENS FOR THE ENVIRONMENT
INCORPORATED
BOARD OF DIRECTORS

RECEIVED
DEC 8 1994

ZADM

Dear Sir:

We wish to appeal the decision on the above case.
The Lansdowne Improvement Association, Inc.
Rose Miller
and
Maryland Citizens for the Environment Inc.
Theresa Lowry
and
The Southwest Leadership Team, Inc.
Father Steve Gerard

Re. 94-227-SPHA AND
94-228-SPHA
20-22 Clyde Ave.
12/8/94

Respectfully
Board of Directors

Address: Rose Miller 242-4147
135 Hazel Ave 31007
Address: Theresa Lowry 241-2325
2517 Hammonds Ferry Rd 21227

Colbert Matz Rosenfelt & Woolfolk, Inc.
Civil Engineers - Landscape Architects - Land Surveyors - Land Planners

February 2, 1995

Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

SUBJECT: Petition for Special Hearing and Variance
N/S Clyde Avenue, 172 ft. and 200 ft. East of
Hammonds Ferry Road
(20 and 22 Clyde Avenue)
13th Election District
1st Councilmanic District
Case No. 94-227-SPHA and 94-228-SPHA

Dear Mr. Jablon:

In response to your January 11, 1995 notification of the December 8, 1994 appeal filed on the subject case, please be advised that our client, Leslie H. Rock, contract purchaser, does not wish to contest the appeal filed, and requests that the petition be withdrawn.

Thank you for your assistance in this matter. Should you have any questions or require additional information, please contact us at any time.

Sincerely,

Kenneth J. Colbert, P.E.
Colbert Matz Rosenfelt & Woolfolk, Inc.

cc: Leslie H. Rock, 5430-F Lynn Lane, #235, Columbia, MD 21044
George Sears, Jr., 22 Clyde Ave., Baltimore, MD 21227
Board of Appeals, 400 Washington Ave., Towson, MD 21204

j:\colbert\letters\93090.vpf

2/10/95 a note with Kathy W. - they will
notify the applicants, you

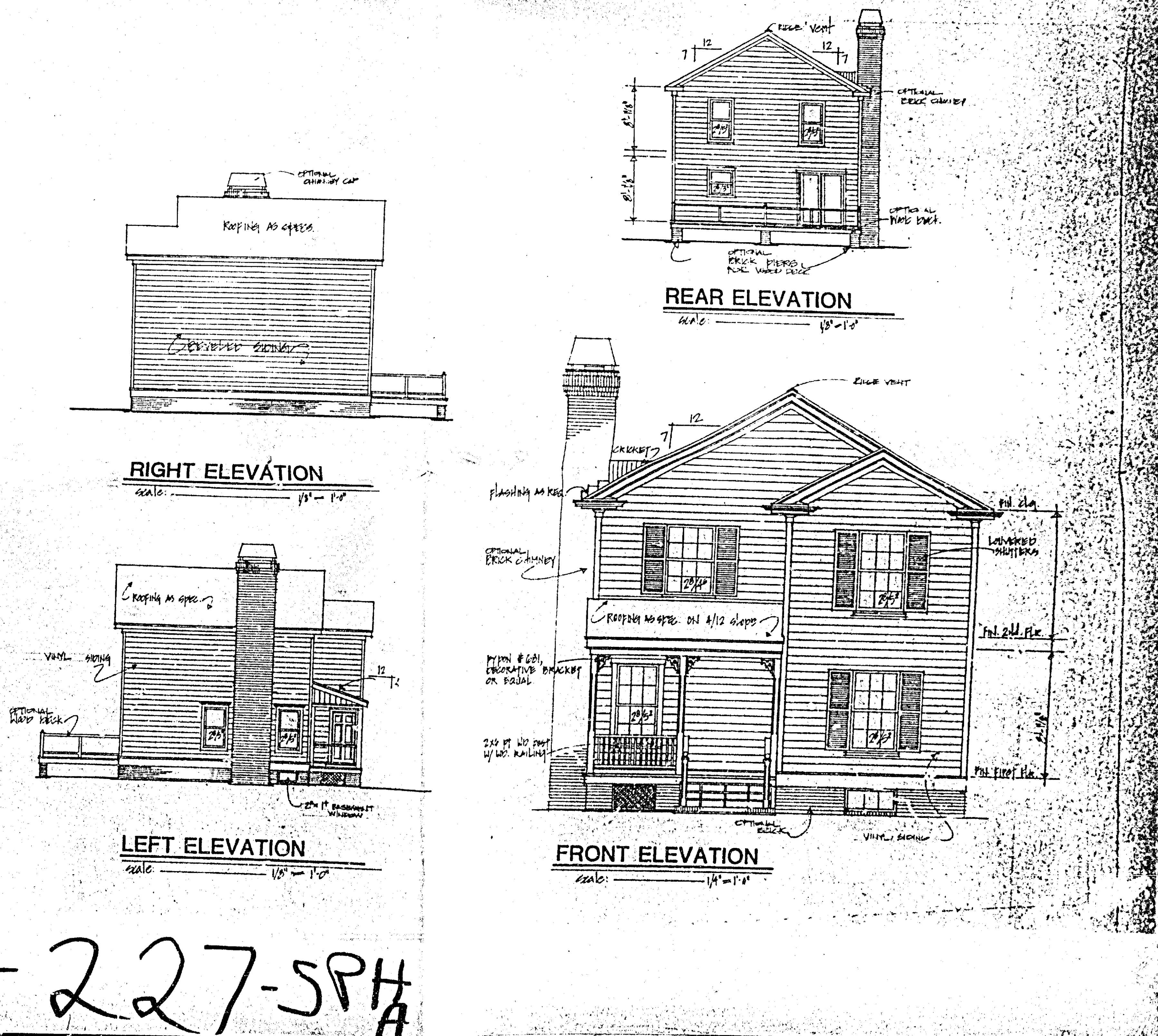
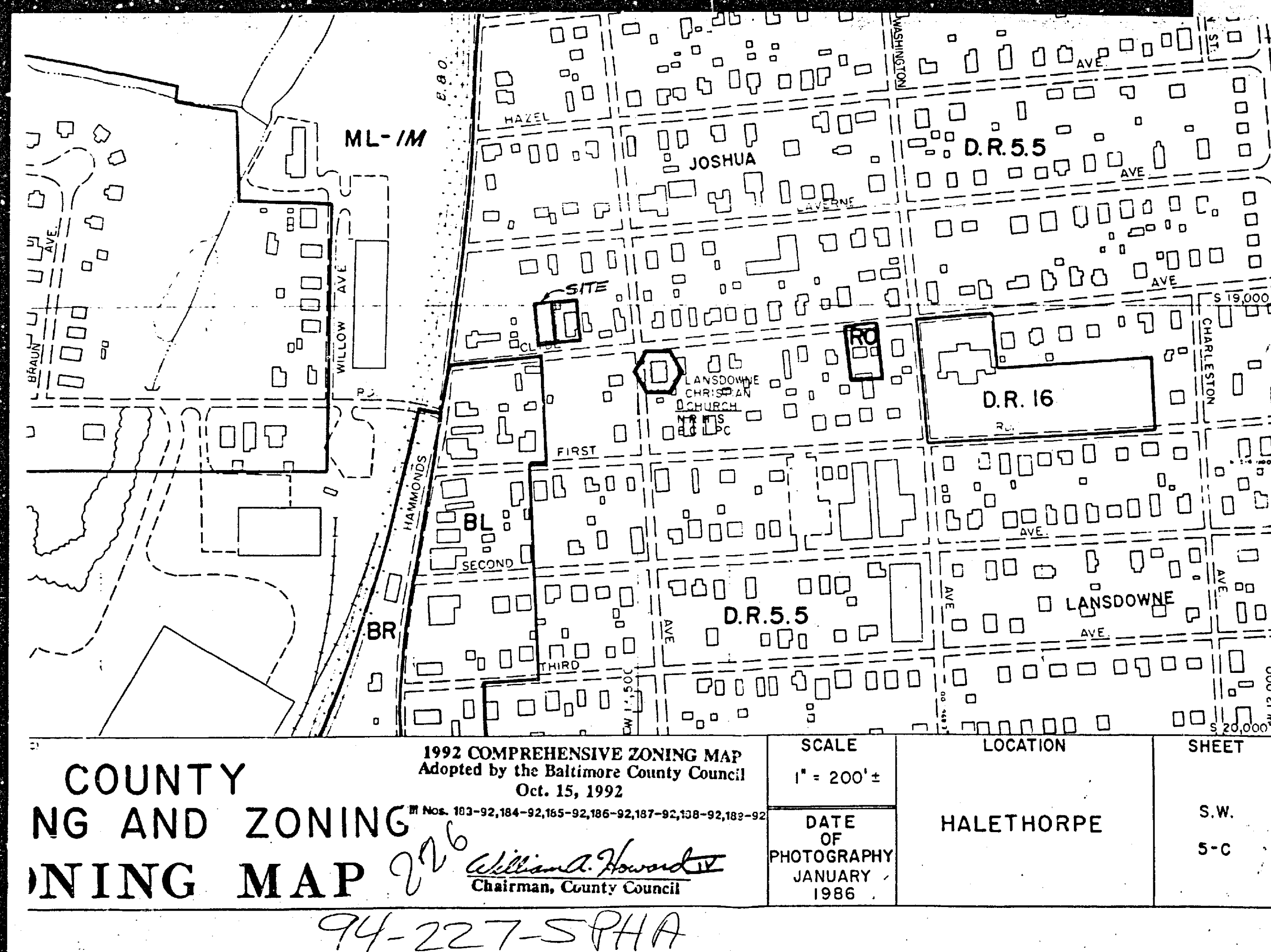
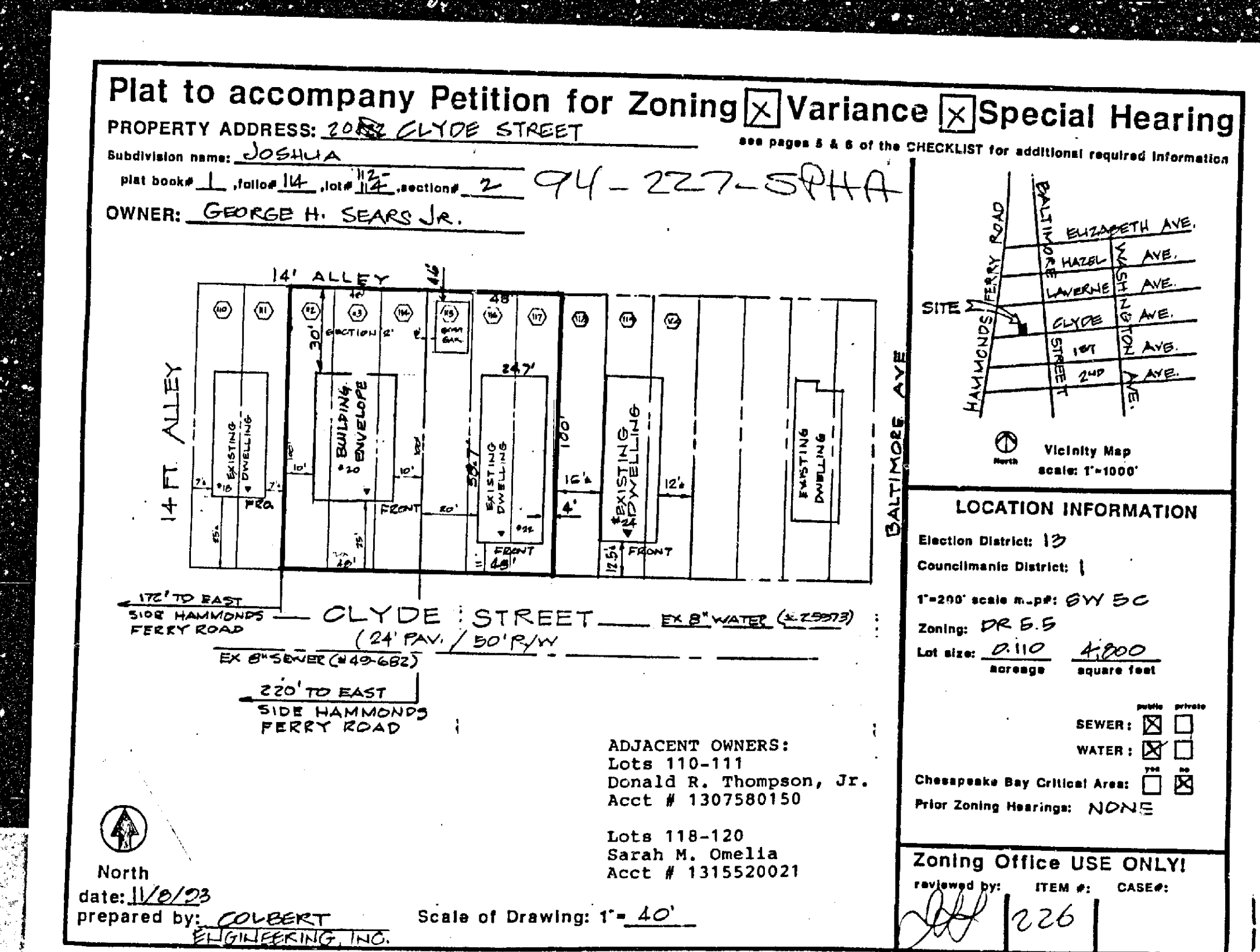
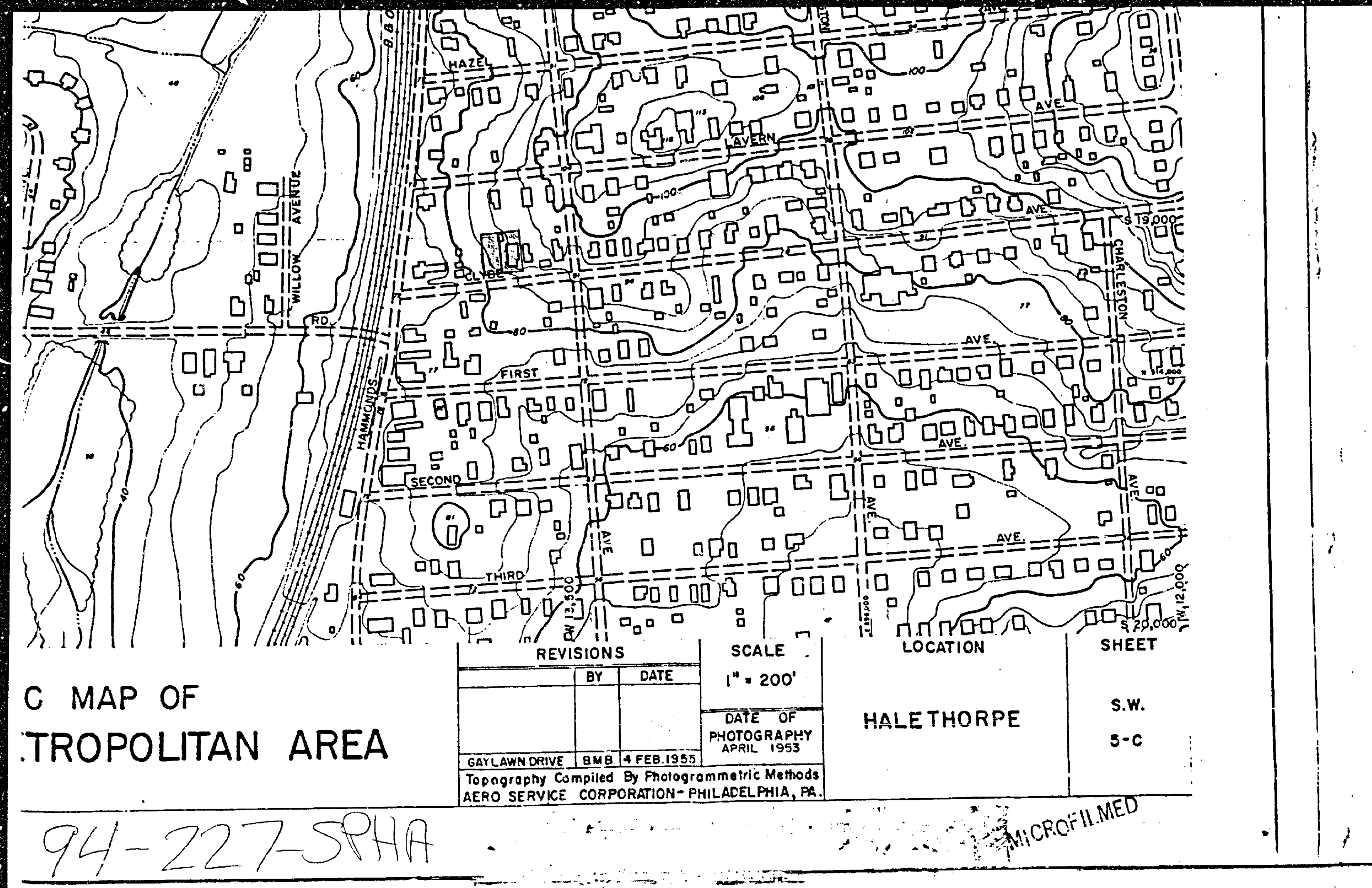
RECEIVED
FEB 7 1995

ZADM

3723 Old Court Road, Suite 200
Baltimore, Maryland 21206

Telephone: (410) 883-3626
Facsimile: (410) 883-7863

Printed on Recycled Paper



IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
N/S Clyde Avenue, 172' and 200' E * ZONING COMMISSIONER
of the Hammonds Ferry Road * OF BALTIMORE COUNTY
(10 and 22 Clyde Avenue)
13th Election District * Case Nos. 94-227-SPHA and
1st Councilmanic District * 94-228-SPHA
George Sears, Jr. * Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Special Hearing and Variances for the subject properties, known as 20 and 22 Clyde Avenue, located in the Halethorpe area of western Baltimore County. The Petitions were filed by the owner of the property, George Sears, Jr., and the Contract Purchaser, Leslie H. Rock. The Petitioners request a special hearing to approve a 4,800 sq.ft. lot area for each building lot (known as 20 and 22 Clyde Avenue) in lieu of the minimum required 6,000 sq.ft., and to determine that the two lots will not affect the overall density of the recorded subdivision of Joshua. In addition to the special hearing relief sought, the Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 48 feet in lieu of the required 55 feet, a lot area of 4800 sq.ft. in lieu of the required 6,000 sq.ft., and to approve an undersized lot, pursuant to Section 304 of the B.C.Z.R., for each building lot. The subject properties and relief sought are more particularly described on the site plans submitted into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were George Sears, Jr., property owner, Ken Colbert, Registered Professional Engineer, and Michael Rock, who appeared on behalf of the Contract Purchaser. Appearing as Protestants in the matter were Rosemary Miller, President of

The Lansdowne Improvement Association, Theresa Lowry and Dorothy Wieseke, all nearby property owners.

Testimony and evidence presented revealed that the subject properties are located within the subdivision known as Joshua, which was recorded in 1889. Most of the lots are 16 feet wide, with a few wider lots at corner locations. The Petitioner owns Lots 112 through 117, and resides on combined Lots 115 through 117, also known as 22 Clyde Avenue. The Petitioner has entered into a contract to sell Lots 112 through 114 to Mr. Leslie Rock who is desirous of constructing a new home thereon in accordance with Petitioner's Exhibits 1. Due to the narrow width and undersized area of the lots in question, the relief requested is necessary in order to proceed as proposed. Further testimony revealed that the proposed building envelope meets all area setback requirements and that development of the subject property will be consistent with that in the surrounding locale.

Ms. Theresa Lowry appeared and testified on behalf of the Maryland Citizens for the Environment. Ms. Lowry is adamantly opposed to the relief requested, arguing that an increase in density will result if the relief is granted. Ms. Rosemary Miller testified that she is opposed to another house being built in this community and stated that she fears congestion will result and impose a fire safety hazard on the neighborhood.

In response to the Protestants' arguments, Mr. Kenneth Colbert testified that the subject property meets the minimum area requirements for a minor subdivision, and thus, the proposed development will not result in any increase in density.

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).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and 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 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 and is in strict harmony with the spirit and intent of the B.C.Z.R. Specifically, a denial of the variance would render these residentially zoned lots undevelopable. Moreover, the size of the subject lots appears consistent with other lots in this development.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of November, 1994 that the Petition for Special Hearing in Case No. 94-227-SPHA to approve a 4,800 sq.ft. lot area as a buildable lot in lieu of the minimum required 6,000 sq.ft. for a proposed dwelling at 20 Clyde Avenue, in accordance with Petitioner's Exhibit 1, and to determine that the proposed development will not affect the overall density of the recorded subdivision of Lots 112 through 117 of Joshua, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing in Case No. 94-228-SPHA to approve a 4,800 sq.ft. lot area as a buildable lot in lieu of the minimum required 6,000 sq.ft. for an existing dwelling at 22 Clyde Avenue, in accordance with Petitioner's Exhibit 1, and to determine that the proposed development on the adjacent lot will not affect the overall density of the recorded subdivision of Lots 112 through 117 of Joshua, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitions for Variance in Case Nos. 94-227-SPHA and 94-228-SPHA seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 48 feet in lieu of the required 55 feet and a lot area of 4800 sq.ft. in lieu of the required 6,000 sq.ft., for existing and proposed improvements at 20 and 22 Clyde Avenue, and to approve an undersized lot, pursuant to Section 304 of the B.C.Z.R. for the proposed improvements at 20 Clyde Avenue and existing improvements at 22 Clyde Avenue, in accordance with Petitioner's Exhibits 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 relief granted herein shall be rescinded.

2) The proposed development at 20 Clyde Avenue shall be limited to the building envelope depicted on Petitioner's Exhibit 1. There shall be no further variances granted for either of the subject properties.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

November 9, 1994

(410) 887-4386

Mr. George Sears, Jr.
22 Clyde Avenue
Baltimore, Maryland 21227

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Clyde Avenue, 172' and 200' E of the Hammonds Ferry Road
(20 and 22 Clyde Avenue)
13th Election District - 1st Councilmanic District
George Sears, Jr. - Petitioner
Case Nos. 94-227-SPHA and 94-228-SPHA

Dear Mr. Sears:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Kenneth J. Colbert
3723 Old Court Road, Baltimore, Md. 21208

Mr. Leslie H. Rock
5430-F Lynx Lane, #235, Columbia, Md. 21044

People's Counsel

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 22 Clyde Avenue
94-228-SPHA which is presently zoned DR 5.5

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 802.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a 4800 square foot lot area in lieu of the required 6000 square foot lot area as buildable, and to determine that the established lot will not affect the overall density of the recorded subdivision.

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.

Contract Purchaser(s):

Leslie H. Rock
5430F Lynx Lane #235
Columbia, MD 21044

City of Baltimore
Baltimore, MD 21227

Address and phone number of Petitioner(s):
Kenneth J. Colbert
3723 Old Court Road
Baltimore, MD 21208 (410) 887-3391

Address and phone number of Petitioner(s):
George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

Address and phone number of Petitioner(s):
Leslie H. Rock
5430-F Lynx Lane #235
Columbia, MD 21044

Address and phone number of Petitioner(s):
George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

Address and phone number of Petitioner(s):
Leslie H. Rock
5430-F Lynx Lane #235
Columbia, MD 21044

Address and phone number of Petitioner(s):
George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

Address and phone number of Petitioner(s):
Leslie H. Rock
5430-F Lynx Lane #235
Columbia, MD 21044

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 22 Clyde Avenue
94-228-SPHA which is presently zoned DR 5.5

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 1802.3.C.1 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a 4800 square foot lot area in lieu of the required 6000 square foot lot area as buildable, and to determine that the established lot will not affect the overall density of the recorded subdivision.

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.

Contract Purchaser(s):

Leslie H. Rock
5430F Lynx Lane #235
Columbia, MD 21044

City of Baltimore
Baltimore, MD 21227

Address and phone number of Petitioner(s):
Kenneth J. Colbert
3723 Old Court Road
Baltimore, MD 21208 (410) 887-3391

Address and phone number of Petitioner(s):
George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

Address and phone number of Petitioner(s):
Leslie H. Rock
5430-F Lynx Lane #235
Columbia, MD 21044

Address and phone number of Petitioner(s):
George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

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Leslie H. Rock
5430-F Lynx Lane #235
Columbia, MD 21044

Address and phone number of Petitioner(s):
George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

Address and phone number of Petitioner(s):
Leslie H. Rock
5430-F Lynx Lane #235
Columbia, MD 21044

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 29, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Items No. 226, 227, 230, 231, 232, 233, 234, 235, 236, 237, and 238

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 887-3180.

Prepared by: *JS*Division Chief: *JS*

PK/JL:lw

ZAC.226/PZONE/ZAC1

Baltimore County Government
Department of Permits and Licenses

DECEMBER 16, 1993

(410) 887-3610

111 West Chesapeake Avenue
Towson, MD 21204

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

ZONING AGENDA: DECEMBER 13, 1993

Property Owner: REVISED PETITIONS AND PLANS WERE RECEIVED FOR
ITEM #206 ON 12/1/93Location:
Item No.: #206

Property Owner: Roman Szyjka
Location: #6002 Hamilton Avenue
Item No.: #222 (WCR)

Property Owner: Perry Hall Courts II Joint Venture
Location: #81, #83, & #87 Cedar Chip Court
Item No.: 223 (RT)

Property Owner: George Sears, Jr.
Location: #20 Clyde Avenue
Item No.: 226 (JLL)

Property Owner: George Sears, Jr.
Location: #22 Clyde Avenue
Item No.: 227 (JLL)

Property Owner: Wayne DeFontes
Location: #15 Eastern Boulevard
Item No.: #232 (WCR)

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.

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

REVIEWER: *Robert Sauerwald*
Planning Group
Special Inspection Division
Robert Sauerwald

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 22, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Items No. 226, 227, 238, 234, 237, 238, 239, 240, 242, and 244

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 887-3480.

Prepared by: *Jeffrey M. Long*Division Chief: *Carol L. Kerns*

PK/JL:lw

ZAC.226/PZONE/ZAC1

Baltimore County Government
Office of Zoning Administration
and Development Management

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

January 11, 1995

Mr. George Sears, Jr.
22 Clyde Avenue
Baltimore, MD 21227

RE: Petition for Special Hearing and Variance
N/S Clyde Avenue, 172 ft. and 200 ft. East of
Hammonds Ferry Road
(20 and 22 Clyde Avenue)
13th Election District
1st Councilmanic District
George Sears, Jr. - Petitioner
Case No. 94-227-SPHA and 94-228-SPHA

Dear Mr. Sears:

Please be advised that an appeal of the above-referenced case was filed in this office on December 8, 1994 by The Lansdowne Improvement Association, Inc., Maryland Citizens for the Environment, Inc. and the Southwest Leadership Team, Inc. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Mr. Kenneth Colbert, 3723 Old Court Road, Baltimore, MD 21208
Ms. Leslie H. Rock, 5430-F Lynx Lane, #235, Columbia, MD 21044
People's Counsel

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APPEAL

Petition for Special Hearing and Variance
N/S Clyde Avenue, 172 ft and 200 ft East of
Hammonds Ferry Road
13th Election District - 1st Councilmanic District
George Sears, Jr. - PETITIONER
Case No. 94-228-SPHA

Petition(s) for Special Hearing and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner's and Protestants Sign-In Sheets

Petitioner's Exhibit

- 1 - Plat to Accompany Petition for Zoning Variance and Special Hearing
- 2 - Two Microfilm pages of Zoning Case No. 89-216-SPHA
- 3 - Photographic Map SW-5C
- 4 - Elevation Plan

Zoning Commissioner's Order dated November 9, 1994 (Granted)

Notice of Appeal received on December 8, 1994 from the Lansdowne Improvement Association, Inc., Maryland Citizens for the Environment, Inc. and the Southwest Leadership Team, Inc.

c: Ms. Rose Miller, 135 Hazel Avenue, Baltimore, MD 21227
Ms. Theresa Lowry, 2517 Hammonds Ferry Road, Baltimore, MD 21227
Mr. George Sears, Jr., 22 Clyde Avenue, Baltimore, MD 21227
Mr. Kenneth J. Colbert, 3723 Old Court Road, Baltimore, MD 21208
Ms. Leslie H. Rock, 5430-F Lynx Lane, #235, Columbia, MD 21044
People's Counsel of Baltimore County, N.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

CHAIRPERSON
THERESA LOWRY
CHAIRPERSON
CATHYRINE OWENS
CHAIR SECRETARY
DAVE ROBERT

BALTIMORE
CITIZENS FOR THE ENVIRONMENT
INCORPORATED
BOARD OF DIRECTORS

CHAIRPERSON
WILLIAM COLEMAN
CHAIR SECRETARY
WILEY ANDERSON
CHAIR TREASURER
ROBERT USHER

RECEIVED

DEC 8 1994

ZADM

Dear Sir:

We wish to appeal the decision on the above case.
The Lansdowne Improvement Association, Inc.
Rose Miller
and
Maryland Citizens for the Environment Inc
Theresa Lowry
and
The Southwest Leadership Team, Inc.
Father Steve Gerard

Respectfully
Board of Directors

address: Rose Miller 242-4147
135 Hazel Ave 21227
address: Theresa Lowry 242-2325
2517 Hammonds Ferry Rd 21227

CHAIRPERSON
THERESA LOWRY
CHAIRPERSON
CATHYRINE OWENS
CHAIR SECRETARY
DAVE ROBERT



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
January 31, 1995

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. 94-227-SPHA GEORGE SEARS, JR. - Petitioner
N/S Clyde Avenue, 172' E of Hammonds Ferry Road
(Proposed Dwelling) Lots 112 through 114 (20 Clyde Avenue)

AND
CASE NO. [REDACTED] N/S Clyde Avenue, 200' E of Hammonds Ferry Road (Existing Dwelling) Lots 115 through 117 (22 Clyde Avenue)
13th Election District
1st Councilmanic District

SPH - To approve 4,800 sq. ft. in lieu of 6000 sq. ft. for proposed /existing dwellings; determine that proposed dwelling will not affect overall density of recorded subdivision of Lots 112 through 117 of Joshua; VAR - lot width of 48' in lieu of 55' lot area; to approve undersized lots.

11/09/94 - E.C.'s Order in which Petitions for Special Hearing are GRANTED with restrictions.

ASSIGNED FOR: TUESDAY, MAY 23, 1995 at 10:00 a.m.

cc: Rose Miller Appellant /Protestant
Theresa Lowry Appellant /Protestant

George Sears, Jr.
Kenneth Colbert

Petitioner
Engineer

Leslie H. Rock
David Baker

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy R. Matroco
W. Carl Richards, Jr. /EAD
Docket Clerk /EAD
Arnold Jablon, Director /EAD

Kathleen C. Waldman

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