

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

March 5, 1996

William A. Hahn, Jr., Esquire Suite 700, Court Towers 210 West Pennsylvania Avenue Towson, Maryland 21204-5340

> RE: 7108 Oliverwood Road Case No. CBA-95-157 15th Election District

Dear Mr. Hahn:

In reference to your letter of February 23, 1996 to this office regarding the above captioned matter, please be advised that your correspondence will be placed in 7108 Oliverwood Road file.

However, be aware that at such time when the Myers file for compatibility review (pursuant to Section 304.2 of the Baltimore County Zoning Regulations) and the property is posted, any request for hearing must be in writing and received by this office within the 15 day posting period (see Section 304.4 of BCZR).

Your aforementioned February 23rd letter does not secure your client's right to a hearing on a future compatibility filing by the Myers.

Finally, regarding your notice request on the <u>reapplication</u> of a permit by the Myers, the property will need to be posted prior to any such building permit being issued, and this posting serves as formal notice.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Sincerely,

Joseph C. Merrey

Planner I

Soning Review

JCM/jnw

WILLIAM A. HAHN, JR. ATTORNEY AT LAW SUITE 700, COURT TOWERS 210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-5340 (410) 823-7858 FAX (410) 823-0451 February 23, 1996

Arnold Jablon, Esquire Director Office of Planning and Zoning Baltimore County Office Building 111 Chesapeake Avenue Towson, Maryland 21204

> RE: Case No. CBA-95-157

Building Permit No. B-226263

Dear Mr. Jablon:

I represent Mr. and Mrs. Thomas Snow, the adjoining landowners and Protestants in the above matter that went to the County Board of Appeals for hearing January 31, 1996. The Board of Appeals filed its decision and Final Opinion and Order on February 9, 1996, on a de novo determination that the applicants' lot qualified as an undersized lot under \$304.1 finding that the subject lot did not satisfy the requirements for approval as set forth in \$304.1 of the Baltimore County zoning regulations.

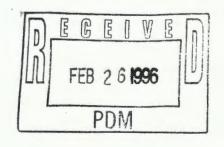
My clients would like to make formal notice under \$304.4 that they request a hearing on any building permits that the applicants may reapply for on the subject property 7108 Oliver Road, and it would be appreciated if this office was notified on behalf of Mr. and Mrs. Snow in the event that there is any reapplication for permit.

Thank you for your attention in this matter.

VILLIAM A. HAHN, JR

WAHJr:tji Enclosures

cc: Mr. and Mrs. Thomas Snow Peter Max Zimmerman, Esquire Mary E. Gephardt, Esquire



B

IN THE MATTER OF

MARVIN MYERS, ET UX -APPLICANTS

7108 OLIVERWOOD ROAD

15TH ELECTION DISTRICT

6TH COUNCILMANIC DISTRICT

* BEFORE THE

* COUNTY BOARD OF APPEALS

* OF

RE: DEPUTY ZONING COMMISSIONER'S DISAPPROVAL /BUILDING PERMIT APPLICATION /UNDERSIZED LOT

* BALTIMORE COUNTY

* CASE NO. CBA-94-163

OPINION

This matter comes before the Board of Appeals on a <u>de novo</u> determination of whether or not the subject lot qualifies as an undersized lot that satisfies Section 304.1 of the <u>Baltimore County Zoning Regulations</u> (BCZR). Mr. & Mrs. Marvin Myers were represented at the hearing by Mary E. Gephardt, Esquire, and Mr. & Mrs. Thomas Snow and Dane Glisan appeared in proper person. Mr. Myers and Mr. Snow were the only witnesses to testify. Mr. Myers offered evidence as to the lot being undersized and first recorded by plat on May 21, 1947, and testified that he has never owned adjoining property. Mr. Snow offered evidence of drainage and water flow problems whereby the adjoining properties' runoff flows onto the subject lot. There was no evidence as to what, if any, agencies have reviewed the plans or any footprint or other evidence as to where the proposed dwelling would be placed on the lot.

Section 304.1 of the BCZR permits the erection of a single-family detached dwelling on an undersized lot provided three requirements are met; namely, 1) the lot shall have been duly recorded prior to March 30, 1955; 2) all other requirements of the height and area regulations are complied with; and 3) the lot owner does not own sufficient adjoining land to permit compliance. The

evidence before the Board indicated that the lot was duly recorded prior to 1955, and the owners do not own adjoining property with which to cure the size defect. There also was evidence of compliance with height requirements, but no evidence of compliance with area regulations. Given the paucity of evidence in this regard, the Board is constrained to decline at this juncture to approve of the application under Section 304.1. The denial is without prejudice insofar as the Myerses may reapply for a permit and, if they can produce evidence that satisfies subsection B of Section 304.1, this Board would rule in their favor.

Because this Board would ultimately rule in favor of Mr. and Mrs. Myers were they to comply with subsection B of Section 304.1, we believe further comment is in order. We do not wish to be understood as necessarily granting a permit per se. Merely, we would be granting the Myerses the ability to proceed with application for the building permit. This Board would thus still expect the Myerses to comply with the procedures and substantive requirements set forth in Section 304.2 of the BCZR, as well as the Title 26 requirements set forth in the Baltimore County Code, particularly Sections 26-269 and 26-275 pertaining to drainage, grading and sediment control. Accordingly, this Board finds that the property does not satisfy the requirements for approval as an undersized lot pursuant to Section 304.1 of the BCZR and will so order.

ORDER

IT IS THEREFORE, this 9th day of February , 1996 by

Case No. CBA-95-157 Marvin Myers, et ux

the County Board of Appeals of Baltimore County

ORDERED that the subject property, known as 7108 Oliverwood Road, does not satisfy the requirements for approval as an undersized lot as set forth in Section 304.1 of the <u>Baltimore</u> County Zoning Regulations.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Robert O. Schuetz, Chairman

Kristine K. Howanski

Margaret Worrall

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 18, 1995

Mr. and Mrs. Thomas Snow 7106 Oliverwood Road Baltimore, MD 21220

Mr. Dane E. Glisan 7102 Oliverwood Road Baltimore, MD 21220

RE: Undersized Lot

7108 Oliverwood Road 15th Election District 6th Councilmanic District Marvin Meyers, et ux

Building Permit No. B226263

Dear Mr. and Mrs. Snow, and Mr. Glisan:

Please be advised that an appeal of the above-referenced case was filed in this office on June 13, 1995 by Marvin and Elaine Myers. 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 A. Winiarski at 887-3353.

Sincerely,

ARNOLD JABLON

Director

AJ:jaw

cc: People's Counsel



Printed with Soybean Ink on Recycled Paper

APPEAL

Undersized Lot
7108 Oliverwood Road
15th Election District, and 6th Councilmanic District
Marvin & Elaine Myers-Owners
Permit No. B226263

Rear Elevation Plan

Entry of Appearance dated May 31, 1995

Amended Entry of Appearance dated June 6, 1995

Petitioner(s) and Protestant(s) Sign-In Sheets

Letter of opposition to the Zoning Department from John and Kathleen Cunzeman Received on May 2, 1995

Two Miscellaneous Letter

57 Photographs of 7108 Oliverwood Road

Building Permit B226263

Zoning Commissioner's Order dated June 20, 1995 (Denied)

Notice of Appeal received on July 13, 1995 from Elaine Myers

cc: Mr. and Mrs. Marvin Myers, 6223 Ebenezer Road, Baltimore, MD 21220 Mr. and Mrs. Thomas Snow, 7106 Oliverwood Road, Baltimore, MD 21220 Mr. Dane E. Glisan, 7102 Oliverwood Road, Baltimore, MD 21220 People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning and Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

July 12, 1995

Mr. Timothy M. Kotroco Deputy Zoning Commissioner for Baltimore County 111 West Chesapeake Avenue Towson, Maryland 21204

Re: Hearing on undersized lot

(7108 Oliverwood Road)

15th Election District - 6th Councilmanic District

Marvin Myers, et ux - Applicants Building Permit No. B-226263

Dear Mr. Kotroco:

This letter is formal notice that we are appealing the Findings of Fact and Conclusions of Law rendered in the above entitled case on June 20, 1995. Attached is a check in the amount of \$75.00 to cover the applicable charges for the appeal.

Should you require additional information, please advise.

Very truly yours,

Marvin Myers

Elaine Myers

6223 Ebenezer Road

Baltimore, Maryland 21220

Enclosure

RECEIVED

ZADM

IN RE:

HEARING ON UNDERSIZED LOT

(7108 Oliverwood Road) 15th Election District 6th Councilmanic District

Marvin & Elaine Myers Owners/Applicants BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Bldg. Permit #B-226263

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner pursuant to a request for public hearing filed by the adjoining property owners to determine the appropriateness of a building permit application for the proposed development of the subject undersized lot, known as 7108 Oliverwood Road, located in the vicinity of Chase in the subdivision of Oliver Beach. The owners of the subject property seek to develop the property with a single family dwelling in accordance with the architectural drawing submitted with their application.

Appearing at the hearing in support of their building permit application were Marvin and Elaine Myers, owners of the subject property.

Appearing in opposition to the application were Thomas C. and Laura D. Snow, adjoining property owners who requested this public hearing, and Dane E. Glisan, a nearby resident of the area.

Testimony and evidence offered revealed that Mr. & Mrs. Myers seek approval to construct a single family dwelling on the subject undersized lot, which consists of 8,635 sq.ft., more or less, zoned D.R. 5.5. The lot is approximately 50 feet wide by 168 feet deep. Mr. Myers testified that he has owned the subject property for the past 12 years and now seeks to develop the lot as proposed for resale.

ORDER RECEIVED FOR FILING

Appearing in opposition to the Applicants' request were Thomas and Laura Snow, adjoining property owners who reside at 7106 Oliverwood Road, and Dane Glisan, a nearby resi dent at 7102 Oliverwood Road. The Protestants are very concerned over the proposed development of the subject lot and submitted into evidence numerous photographs of the poor drainage conditions which currently exist in this area, not only on the subject lot, but also the area surrounding this property. The many photographs submitted by these Protestants depict a very serious water ponding and pooling problem that exists in this area and accumulates on the lot in question. These neighbors are very much concerned that the construction of a dwelling on this particular lot will cause more standing water and force the standing water to runoff onto adjacent properties. Testimony revealed that there is no storm water drainage system for this area of Oliverwood Road.

As noted above, this matter comes before me pursuant to Section 304.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). That Section provides for a public hearing before the Zoning Commissioner in the event a hearing is requested either by a resident located within 1,000 feet of an undersized lot, or by the Director of Zoning Administration and Development Management (ZADM). At the hearing before me, I am required to determine whether the construction of a single family dwelling on the subject undersized lot would be appropriate, considering the circumstances surrounding the particular lot. Given the terrible drainage and surface water problem which currently exists in this area of Baltimore County, I do not believe it appropriate to construct a single family dwelling on the subject undersized lot and as such, the Myers' request should be denied.

ORDER RECEIVED FOR FILING

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of June, 1995 that Building Permit No. B-226263 for the construction of a single family dwelling on the subject undersized lot, known as 7108 Oliverwood Road, should and must be denied.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Deputy Zoning Commissioner

for Baltimore County

ORDER RECEIVED FOR FILING

TMK:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

June 20, 1995

(410) 887-4386

Mr. & Mrs. Marvin Myers 6223 Ebenezer Road Baltimore, Maryland 21220

RE: HEARING ON UNDERSIZED LOT
(7108 Oliverwood Road)
15th Election District - 6th Councilmanic District
Marvin Myers, et ux - Applicants
Building Permit No. B-226263

Dear Mr. & Mrs. Myers:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The building permit application has been denied 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 Permits and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Thomas Snow

7106 Oliverwood Road, Baltimore, Md. 21220

Mr. Dane E. Glisan

7102 Oliverwood Road, Baltimore, Md. 21220

People's Counsel

File

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

May 12, 1995

(410) 887-3353

NOTICE OF REQUEST FOR HEARING AND HEARING DATE FOR UNDERSIZED LOT PERMIT

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

HEARING ON UNDERSIZED LOT Permit Number: B-226263 7108 Oliverwood Road 15th Election District - 6th Councilmanic

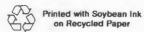
Legal Owners: Marvin and Elaine Myers

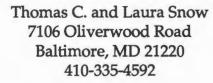
Hearing to determine whether the Zoning Commissioner should approve the proposed improvements on an undersized lot.

HEARING: MONDAY, JUNE 12, 1995 at 2:00 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson MD.

Arnold Jablon Director ZADM

cc: Marvin and Elaine Myers
Dane and Kay Glisan
John and Kathleen Cunzeman





5115 GT

April 30, 1995

Office of Zoning Administration Room 104 111 W. Chesapeake Avenue Towson, MD 21204

RE:

7108 Oliverwood Road

Baltimore, MD 21220

Dear Sirs:

We hereby request a hearing regarding a building permit on the undersized subject property, 7108 Oliverwood Road, Baltimore, MD.

Please notify us of the hearing date, time and location. Thank you.

Very truly yours,

Thomas C. Snow

Laura D. Snow

BECETTORIAN SAOM

s/2/95 68 fr A?

Zoning Department Room 104 111 W. Chesapeake Ave. Towson MD 21204

Re: 7108 Oliverwood Rd. Baltimore MD 21220

To Whom it May Concern,

I, along with my husband John K. Cunzeman, strongly protest the building of a house or the removal of trees from the lot 7108 Oliverwood Rd. We live within 1000 feet of the property at 7105 Oliverwood Rd.

The reasons for this protest include the lot is undersized and removal of the trees would further compound drainage problems we are all ready experiencing. Additional construction would also detach from the esthetics of the area and reduce the resale value of our home.

4-27-95

Very Truly Yours,

John and Kathleen Cunzeman

7105 Oliverwood Rd.

Baltimore MD 21220

(410) 335-8707

DECEIVED NAY 2 1995

ZADM

4/27/95 MB

TO:

Office of Zoning Administration

111 West Chesapeake Ave., Room 104

Towson, MD 21204

FROM:

Mr. & Mrs. Dane Glisan Hoy & Dane Susar 7102 Oliverwood Road 335 - 8869

Baltimore, MD 21220

DATE:

April 25, 1995

RE:

7108 Oliverwood Road

Please be advised that we request a public hearing regarding the lot on 7108 Oliverwood Road. We understand that you will advise us as to the time and date of the hearing. Thank you for your assistance.



887-3391

INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

BB-226263

TO:

Director, Office of Planning and Zoning

Attn: Ervin McDaniel

County Courts Bldg, Rm 406

401 Bosley Av Towson, MD 21204

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

Pursuant to Section 304.2(Baltimore County Zonin tions and comments from the Office of Planning & Zoning pr			is requesting recommenda-
MINIMUM APPLICANT SUPPLIED INFORMATION:			
DARVINGELAINE MYERS Print Name of Applicant Address			
1 Lot Address 7/08 OLIVERWOOD RE	Election District /	Council District 6	Square Feet 8635, 75
Lot Location: N E S W/ (Ide) comme of OLIVER WO	nov. Rol feet from I	ES W corner of PAT	UXENT RD,
Land Owner MARUIN & ELAINE M	VENS TON Account to	15-04-	203112
Address 6223 EBENFTEN	M D Tol	lenhore Mambas (1,141)	2:5-7750
Address 6223 EBENEZER BALTO. MD. 2122	0	epaone number (4/0)	557-1770
CHECKLIST OF MATERIALS: (to be submitted for design	review by the Office of PROVI		Residential Processing Fee Paid
1. This Recommendation Form (3 copies)	YES	NO	Codes 030 & 080 (\$85)
			Accepted by ZADM
2. Permit Application	u		1 Date
3. Site Plea Property (3 copies)	_		
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	V		
4. Building Elevation Drawings	V		
Phetegraphs (please label all photos clearly) Adjoining Buildings	<u>v</u>	_	
Surrounding Neighborhood	<u> </u>	-	
TO BE FILLED IN BY T	HE OFFICE OF PLANNING A	AND ZONING ONLY!	
RECOMMENDATIONS/COMMENTS:	4		
Approvei Disapprovei Approval co	anditioned on required m	odifications of the permit	to conform with the following
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Signed by: for the Director, Office of Planning & Zoning Date:

Undersized Lat 811 Van Book SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

CK/UNDER.LOT (TXTSOPH)

B-726263

ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

7108 OLIVERWOOD ROAD
The application for your proposed Building Permit Application has been accepted for filing by JPF on 4-17-95.
Date (A)
A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00.
In the absence of a request for public hearing during the 15-day posting period a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.
*SUGGESTED POSTING DATE 4-27-95 D (15 Days Before C)
DATE POSTED 4/21/95
HEARING REQUESTED-YESNODATE
CLOSING DAY (LAST DAY FOR HEARING DEMAND) 5-/2-95 C (B-3 Work Days)
TENTATIVE DECISION DATE 5-17-95 B (A + 30 Days)
*Usually within 15 days of filing
CERTIFICATE OF POSTING
District 15th
Location of property: 7108 Oliverwood Rd,
Posted by: Malledy Date of Posting: 4/25/95
Number of Signs: /

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ZONING DEPARTMENT OF BALTIMORE COUNTY B 22 6263

Towson, Maryland

District 15 of	Date of Posting 5/20/95
Posted for: Mardonsits of Lot	/
Petitioner: Morvin & Floring Myons Location of property: 7108 Oliverwood	
Location of property: 7108 Oliverwood	
Location of Signe On pro party being Zone	را
Remarks:	
Posted by Meeter I	Date of return: 5 /26/93
Number of Signe:	



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS		
MARVIN MYELS	6223 EBENEZEK		
MARVIN MYERS ElAINE MYERS	6223 EBENEZER Rd BALTON		
	·		



PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Thomas C Snow	7106 Oliverwood Rd
Laura D Snow	Baltimore MD 21220
_ Laura 23/10/2/	
5 5 0 1	410-335-4592
Dane E. Glisan	7182 Oliverwood Rd.
	Balto., Md. 21220 410-335-8869
·	418-335-8869
	,

6/7/95 AS

RE: HEARING ON UNDERSIZED LOT

7108 Oliverwood Road

15th Election District, 6th Councilmanic

BEFORE THE

ZONING COMMISSIONER

Marvin and Elaine Myers Applicants OF BALTIMORE COUNTY

Permit

Permit No. B226263

AMENDED ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 64 day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Marvin and Elaine Myers, 6223 Ebenezer Road, Baltimore, MD 21220, Applicants.

PETER MAX ZIMMERMAN

RECEIVED

ZADM

RE: HEARING ON UNDERSIZED LOT * BEFORE THE
7108 Oliverwood Road
15th Election District, 6th Councilmanic * ZONING COMMISSIONER

Marvin and Elaine Myers * OF BALTIMORE COUNTY
Applicants * Permit No. B226263

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Max Zimmeiman

vole S. Demilio

Peterplax Timmerman

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse

400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3(\$\frac{1}{2}\$ day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Marvin and Elaine Myers, 7108 Oliverwood Road, Baltimore, MD 21220, Applicants.

PETER MAX ZIMMERMAN



7104 OLIVERWOOD



7110 CCIVERWOOD



7122 OLIVER. 15 Ro.



7/06 OLIVERWOOD



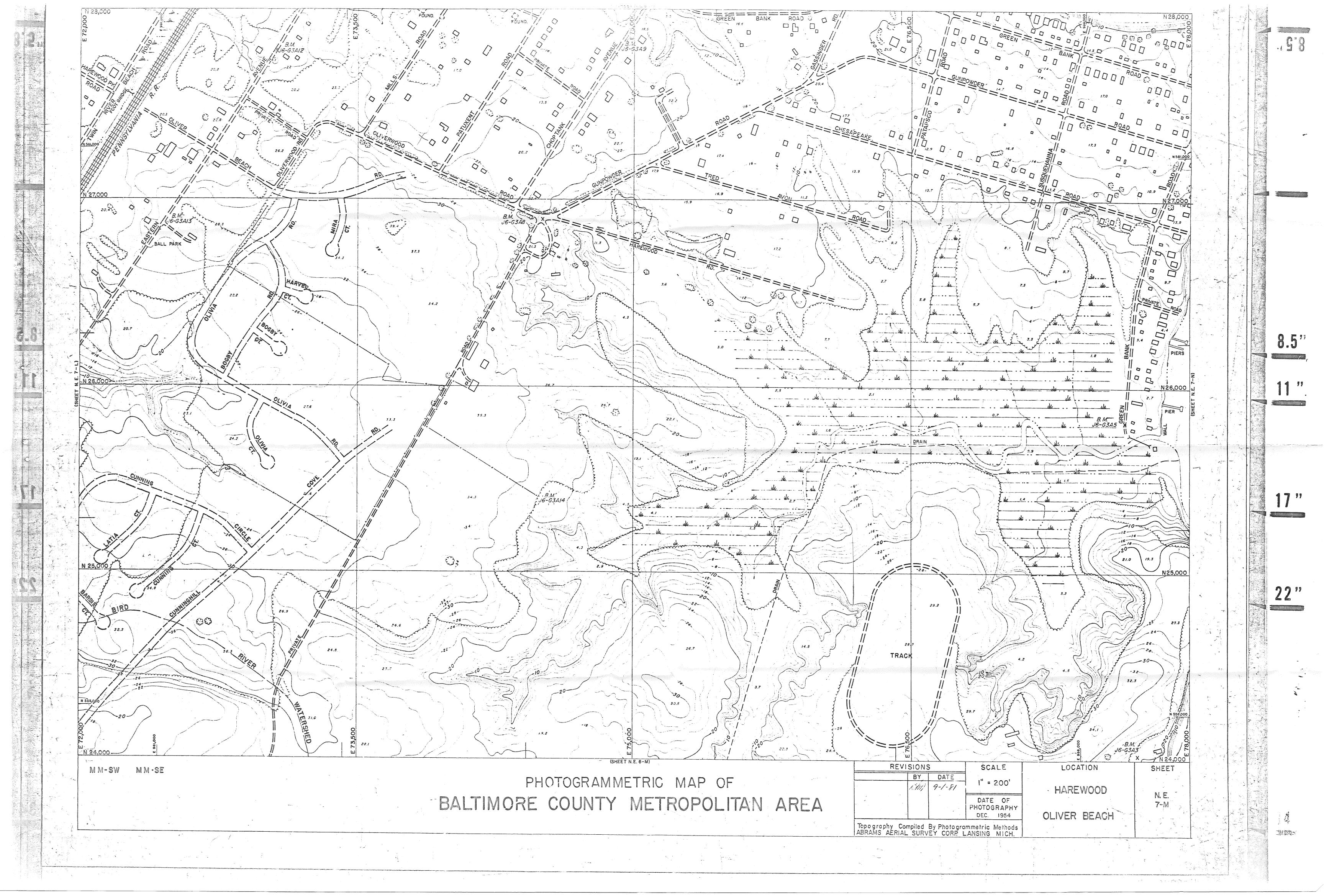
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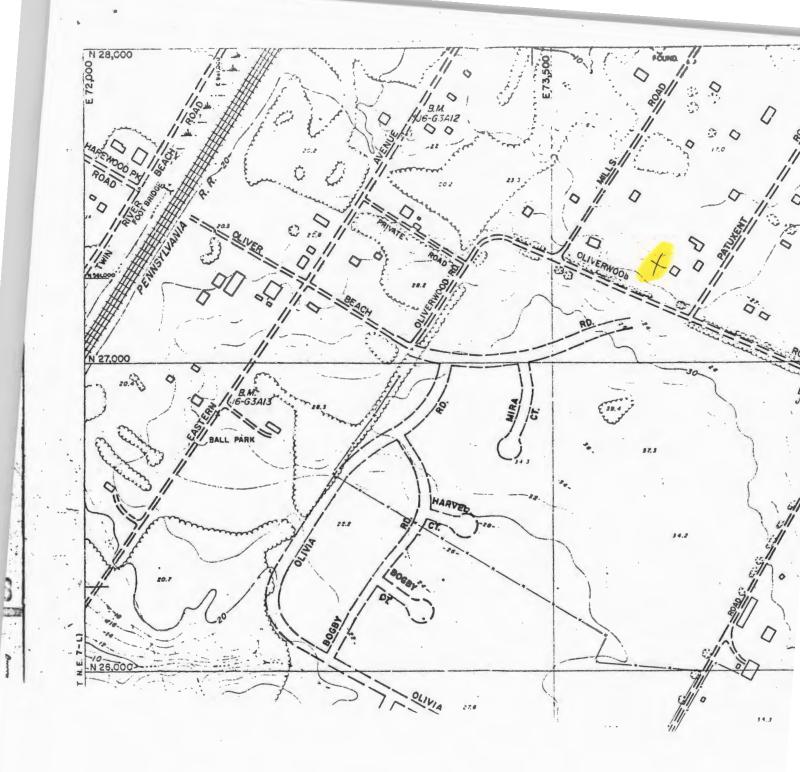


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REAR ELEMATION

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LESS THAN 5000' DISTURGED AZEA PLAT DOOK No 14 FOLIO

SCALE 1"= 30'