

IN RE: HEARING ON UNDERSIZED LOT
(6705 Brighton Avenue)
3rd Election District
2nd Councilmanic District

Richard W. Casey
Owner/Applicant

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

*

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* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner pursuant to a request for public hearing filed by an adjacent property owner, Samuel Howard, to determine the appropriateness of a building permit application filed by the owner of the property, Richard W. Casey, for the proposed development of the subject undersized lot with a single family dwelling in accordance with the site plan and front elevation drawings submitted with the application and marked into evidence as Petitioner's Exhibit 8. The property consists of 5,500 sq.ft. and is 50 feet wide and 110 feet deep.

A hearing on the matter was held on April 9, 1996 at 11:00 AM in Room 118 of the Old Courthouse. Appearing at the hearing in support of the building permit application were Richard W. Casey, Owner/Applicant, and his attorney, Thomas L. Hennessey, Esquire. Appearing in opposition to the application were Mr. & Mrs. Samuel Howard, and Mr. Bobby Bethea, adjoining property owners.

As noted above, this matter comes before me, pursuant to Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) which addresses development of undersized lots. Unlike the vast majority of cases which are heard by the Zoning Commissioner's Office, the matter is not before this Deputy Zoning Commissioner as a Petition for Special Hearing, Special

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Date

By

5/23/96

[Signature]

Exception or Variance. Thus, none of the requirements and standards which regulate those zoning Petitions as found within the B.C.Z.R. are applicable. Pursuant to Section 304.4 of the B.C.Z.R., I am only required to make a determination as to whether a proposed dwelling on the subject undersized lot is appropriate.

In support of the application, Mr. Richard Casey testified that the subject property consists of two lots, Lots 7 and 9 of Section K of Johnstone Park, which is located off of Patterson Road across from its intersection with Wabash Avenue in Reisterstown. Testimony indicated that this is an older subdivision which was recorded in 1889 with 25-foot wide lots. Mr. Casey testified that he has owned the property since 1980 and is now desirous of developing the property with a single family dwelling. However, due to the small size of the property in question, the Owner/Applicant must seek approval to develop the lot, pursuant to Section 304 of the B.C.Z.R.

Testimony revealed that Mr. Casey filed for and received approval from the Department of Permits and Development Management (PDM) to construct a single family residence on the property, pursuant to Section 304 of the B.C.Z.R. In accordance with Section 304.3 of the B.C.Z.R., the property was posted to announce that a building permit had been issued for a dwelling on the property, and subsequently, the adjoining property owner, Mr. Samuel Howard, requested a public hearing to determine the appropriateness of developing this lot as proposed. Further testimony revealed that Mr. Casey does not own any other property in the neighborhood.

As noted above, Mr. & Mrs. Samuel Howard and Mr. Bobby Bethea, appeared in opposition to the proposed development. Both gentlemen are

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concerned over storm water runoff which might be generated by virtue of this property being developed. Testimony indicated that there is no storm water management in this community, given its age, and that drainage problems exist throughout. Furthermore, both gentlemen raised issue that Mr. Casey has not properly maintained the two lots.

As stated above, Section 304.4 of the B.C.Z.R. dictates that I make a determination only as to whether a dwelling is appropriate on the subject undersized lot. Testimony and evidence showed that there are many houses in this community that are located on 50-foot wide lots and that the proposed dwelling is similar to others in this neighborhood. After due consideration of the testimony and evidence presented, I find that the subject undersized lot is appropriate for development with a single family dwelling in accordance with Petitioner's Exhibit 8. Testimony indicated that Mr. Casey has owned the property since 1980 and that it has remained in single ownership since that time. Mr. Casey has paid taxes on the two lots since 1980 and should not now be penalized for an undersized lot which was appropriate at the time it was created. Therefore, I believe that a building permit for a single family dwelling on the property is appropriate and should be approved.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of May, 1996 that the building permit application for the proposed development of the subject undersized lot, known as 6705 Brighton Avenue, with a single family dwelling, meets the requirements of Section 304.4 of the B.C.Z.R., and as such, should be APPROVED, 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

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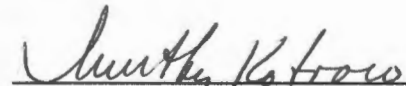
time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The Owner/Applicant must file a grading plan showing that all storm water runoff generated by the construction of this single family dwelling will be managed on-site and will not result in any additional runoff onto adjacent properties.

3) When applying for a building permit, the site plan and grading plan filed must reference this case and set forth and address the restrictions of this Order.

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

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

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Date

By

5/23/16



INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

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

B _____
Permit Number

FROM: Arnold Jablon, Director, Department of Permits & Development Management

RE: **Undersized Lots**

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

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ Richard W. Casey, 2609 Wentworth Rd., Balto. Md. 21234 (410) 665-8330
Print Name of Applicant Address Telephone Number

☐ Lot Address 6705 Brighton Ave. 21208 Election District 3rd. Council District 2nd. Square Feet 5-500 Sq.

Lot Location: N.E. S W / side / corner of East Side Brighton 90'± feet from N.E. S W corner of (North Corner) Spring Av
(street) (street)

Land Owner Richard W. Casey Tax Account Number LOT 9-03-03-003960
LOT 9-03-21-045096

Address 2609 Wentworth Rd Balto. Md 21234 Telephone Number 410-665-8330

☐ CHECKLIST OF MATERIALS: to be submitted for design review by the Office of Planning & Community Conservation
PROVIDED?

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

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

Accepted by _____
ZADM

Date _____

RECEIVED
FEB 6 1996
OFFICE OF
PLANNING

TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATIONS/COMMENTS:

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

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

Date: 2/20/96

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted
for filing by REGIT on 1/2/96 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 2-10-96 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED-YES _____ NO _____ -DATE 2-26

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 1/29/96 C (B-3 Work Days)

TENTATIVE DECISION DATE 2/1/96 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

35-H/2

District 3rd

Location of property: 6705 Brighton Ave

Posted by: [Signature]
Signature

Date of Posting: 2/9/96

Number of Signs: 1

off to Hanson







REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number:

Petitioner(s): Richard Casey
Location: 6705 Brighton Ave

I/WE, SAMUEL R HOWARD
Name(s) (TYPE OR PRINT)

{ } Legal Owners { } Residents, of

6707 Brighton Ave
Address

BALTO MD 21215
City/State/Zip Code Phone

which is located approximately 3 ft. feet from the
property which is the subject of the above petition, do hereby formally
request that a public hearing be set in this matter.

Sam R Howard
Signature Date
Beverly Howard 2-26-96
Signature Date
4:45 P.M.

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

No.

DATE 2/26/96 ACCOUNT 12-001-6150

RECEIVED FROM: Sam R. Howard AMOUNT \$ 40.00

FOR: UNREPAIRED LOT

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

Rec'd \$40.00 cash 2/26/96
889-2430



Baltimore County
Department of Permits and
Development Management

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

March 7, 1996

**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 Commissioner 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: n/a

6705 Brighton Avenue

E/S Brighton Avenue, 70' N from c/l Spring Avenue

3rd Election District - 2nd Councilmanic

Legal Owners: Richard W. Casey

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

HEARING: TUESDAY, APRIL 9, 1996 at 11:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director ZADM

cc: Richard W. Casey
Samuel R. Howard



RE: HEARING ON UNDERSIZED LOT
6705 Brighton Avenue, E/S Brighton Ave,
70' N from c/l Spring Avenue, 3rd
Election District, 2nd Councilmanic

Richard W. Casey
Applicant

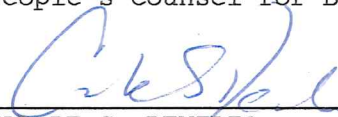
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Permit No.

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned 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 10th day of April, 1996, a copy of the foregoing Entry of Appearance was mailed to Richard W. Casey, 2609 Wentworth Road, Baltimore, MD 21234, Applicant, and to Samuel R. Howard, 6707 Brighton Avenue, Baltimore, MD 21215, Protestant.


PETER MAX ZIMMERMAN

PETITIONER'S EXHIBIT 1

This Deed, MADE THIS 31st day of March

in the year one thousand nine hundred and eighty by and between

Stewart P. Jung, Sr. and Helene M. Jung, his wife

of

of the first part, and

Richard Casey

of the second part.

WITNESSETH, That in consideration of the sum of Four Thousand Dollars (\$4,000.00)

the said parties of the first part

do grant and convey to the said party of the second part, his

heirs
personal representatives, ~~successors~~ and assigns, in fee simple, all

those lots of ground situate in Baltimore County, State of Maryland
and described as follows, that is to say:

Those two parcels of ground, situate, lying, and being in the Third Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

FIRST PROPERTY: Lot 7, Section K, Brighton, located in the Third Election District of Baltimore County.

SECOND PROPERTY: Lot East Side Brighton Avenue, lot 9, Section K, 25.00 x 110.00 located in the Third Election District of Baltimore County.

Both lots being shown on the Plat of Brighton ("Lands of Brighton Land and Improvement Company"), which plat is recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 1 (part I), folio 46.

BEING for the first the firstly described lot of ground conveyed by deed dated April 3, 1978, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5869, folio 506 from Walter R. Richardson, Director, to the within grantors.

BEING for the second the ninethly described lot of ground conveyed by deed dated May 31, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6028, folio 119 from William F. Landeman, Director, to the within grantors.

006***** 2 03-2-85
0002***** 2 03-2-85
0081***** 2 03-2-85
0074***** 2 03-2-85

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot^S of ground and premises to the said

Richard Casey, his

heirs

personal representatives/~~successors~~

and assigns

, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hand^S and seal^S of said grantor^S

Test:

Stewart P. Jung Sr. (SEAL)
Stewart P. Jung, Sr.

L. Eugene Towner

Helene M. Jung (SEAL)
Helene M. Jung

STATE OF MARYLAND, County of Baltimore, to wit:

I HEREBY CERTIFY, That on this 31 day of March, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Stewart P. Jung, Sr. Helene M. Jung, his wife

known to me (or satisfactorily proven) to be the person^S whose name^S ~~X~~/are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

7/1/82

L. Eugene Towner
Notary Public



Rec'd for record APR 2 1980 at 154 P
Per Elmer H. Kahline, Jr., Clerk
Mail to L. Eugene Towner
Receipt No. 600

PROPOSED SITE

Johnstone Park

SPRING AVENUE

RIDGE AVENUE

PARSONS AVENUE

BRIGHTON AVENUE

PARK AVENUE

ARMSTRONG AVENUE

MAPLE AVENUE

ROAD

To Liberty Rd.

To Reisterstown Rd.

Metro To Owings Mills

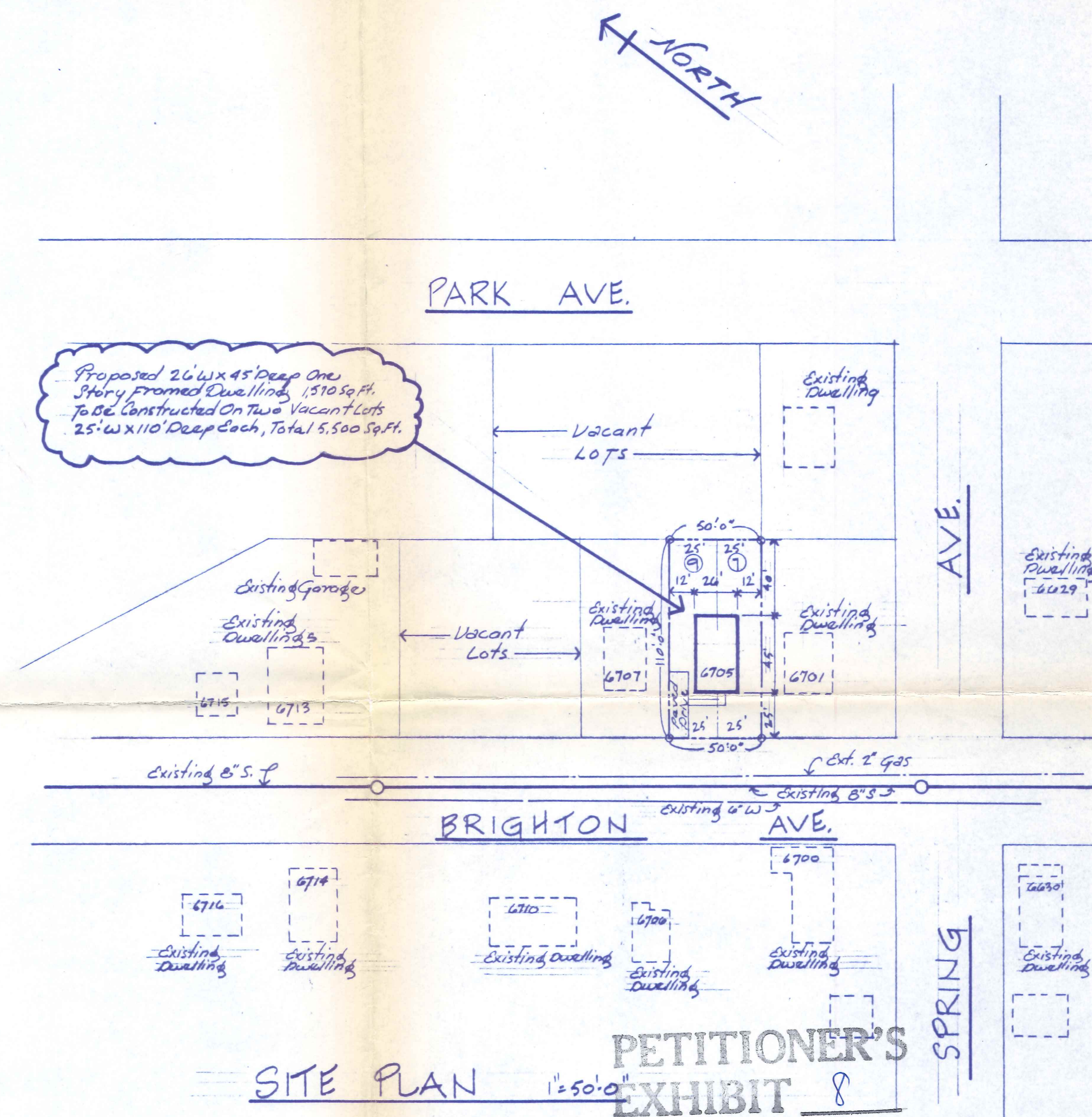
Property Site

Spring A

To Liberty

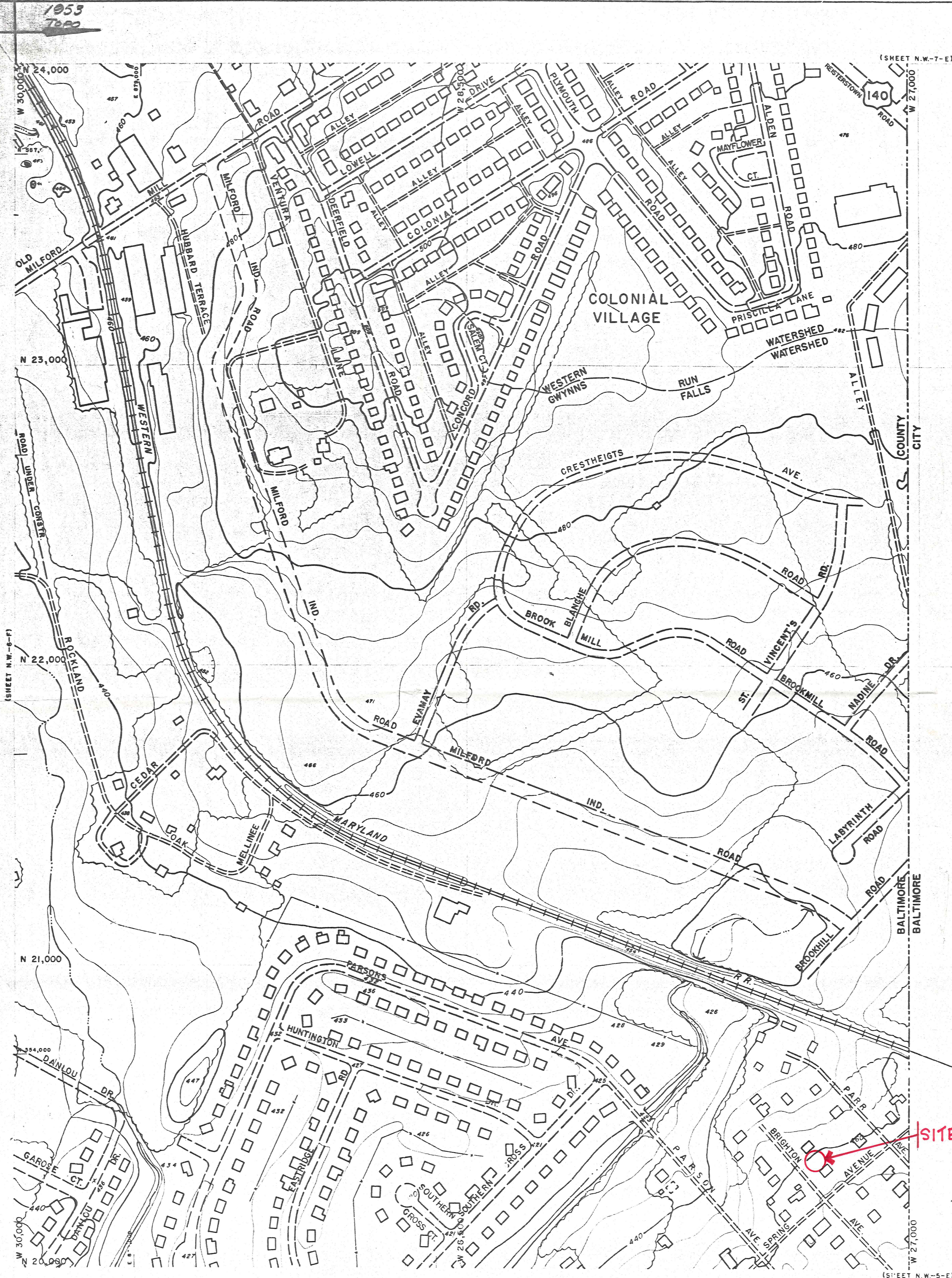
Prof. and Rail Road Station

Scale: 0 50 100 200 300



PROPOSED ONE STORY DWELLING
for RICHARD W. CASEY
6705 BRIGHTON AVE. LOTS 7 & 9 SECTION K
BALTO. COUNTY, MARYLAND 21208
ELECTION DISTRICT 3rd.
COUNCIL DISTRICT 2nd.

DEC. 28th, 1995 SCALE: AS NOTED 1" = 50'-0"
VICINITY MAP 1" = 200'-0"



PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

O - SW
K - NW

REVISIONS			SCALE 1" = 200'	DATE OF PHOTOGRAPHY APRIL 1953
BY	DATE			
Topographic	Maps, 4-11-70 Inc.	5/21/84		
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION - PHILADELPHIA, PA.				

LOCATION
SUDBROOK
PARK

SHEET
N.W.
6-E

Plat of the Lands of
Robert Johnstone & Robert B Johnstone
partners trading under the name of
Brighton Land & Improvement Company

Filed July 8th 1889
with deed from Joshua Parsons
to
Martha Burdick

THE CIRCUIT COURT FOR BALTIMORE COUNTY,
STATE OF MARYLAND, COUNTY OF BALTIMORE, MD.
I, Suzanne Marsh, Clerk, of the Circuit Court for Baltimore County,
do hereby certify that this is a true copy of the original filed in the Office
in File Book J.W.S. No. 1 Page 46
at Baltimore, Maryland, I witnessed my
hand and seal of said Court
this 12th day of April 1995



Suzanne Marsh
Clerk of the Circuit Court for
Baltimore County

PETITIONER'S
EXHIBIT 3

DEFENDANT'S
EXHIBIT 1

