

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 S/S Regester Ave., 160 ft. NW *
 of Sherwood Road * ZONING COMMISSIONER
 809 Regester Avenue
 9th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District
 Paul N. Glaudemans, et ux * Case No. 97-125-A
 Petitioners

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 S/S Regester Ave., 110 ft. NW *
 of Sherwood Road * ZONING COMMISSIONER
 811 Regester Avenue
 9th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District
 Paul N. Glaudemans, et ux * Case No. 97-126-A
 Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters came before the Zoning Commissioner as a combined hearing for adjacent properties located at 809 Regester Avenue and 811 Regester Avenue in the Idlewylde community. As to case No. 97-125-A, variance relief is requested for the property known as 809 Regester Avenue. Specifically, a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) is sought to permit a lot width of 52 ft. in lieu of the required 55 ft. As to case No. 97-126-A, for the property known as 811 Regester Avenue, variance relief is requested also from Section 1B02.3.C.1 of the BCZR so as to permit a lot width of 50 ft. in lieu of the required 55 ft. Relief is also requested in case No. 97-126-A to approve an undersized lot pursuant to Section 304 of the BCZR. The subject properties and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were the property owners, Paul N. Glaudemans and Darlene A. Glaudemans. Appearing in opposition to the request was James T. Hewes, who owns and resides on adjoining

UNRECORDED

property located at 6523 Banbury Road.

The facts germane to these cases are not in dispute. As noted above, Mr. and Mrs. Glaudemans own the adjacent lots at issue, known as 809 and 811 Regester Avenue. Apparently, these properties have been in Mrs. Glaudemans' family for many years. The properties were formerly part of a large tract which has been subdivided over the years. In fact, other members of Mrs. Glaudemans' family live nearby, on properties which were created following these subdivisions.

In any event, the property known as 809 Regester Avenue is roughly rectangular in shape and is zoned D.R.5.5. The lot is 52 ft. in width and ranges to a maximum depth of 192 ft. on the west side to 180 ft. on the east side. The property is improved with an existing two story single family dwelling in which Mr. and Mrs. Glaudemans reside. The house is quite old, having been constructed in approximately 1908.

Mr. and Mrs. Glaudemans also own the adjoining lot known as 811 Regester Avenue. That lot is 50 ft. wide but is significantly deeper than 809 Regester Avenue. The depth of the lot known as 811 Regester Avenue ranges from 237 ft. on the east side to 250 ft. on the west side. Presently, the lot is unimproved but for an existing garage. It is clear that the long term use of the lot at 811 Regester Avenue has been to serve as a large side and rear yard for the house on 809 Regester Avenue.

The Petitioners propose constructing a 30 ft. wide by a 40 ft. wide single family dwelling on the lot at 811 Regester Avenue. Such construction would allow a 10 ft. side yard setback on both sides and a sufficient front and rear yard setback. The existing garage would remain, subject to the desires of the new property owner.

Mr. and Mrs. Glaudemans testified that upon the granting of the variance and approval of the building plans, the lot at 811 Regester

Avenue would be sold for the proposed construction. They indicated that they would remain in their existing home at 809 Regester Avenue.

In an answer to a question presented at the hearing as to why the subdivision was proposed, the Petitioners stated that the proposal was to protect the community. They indicated that they intend on remaining in their existing house and felt that the subdivision was permissible and an enhancement to the community. Frankly it is difficult to accept the credibility of these statements. Certainly, the property owners are free to request the variances at issue and use their property in whatever means lawful. However, the area and the construction of a house 20 ft. from their dwelling does not appear to be designed to protect and enhance the community. To the contrary, it is obvious that the plans are designed for financial gain, so that the Petitioners can sell off a viable building lot.

In any event, testimony was also received from Mr. Hewes who lives behind the properties at 809 Regester Avenue. His address is 6523 Banbury Road. Mr. Hewes testified in opposition to the request. He produced a number of photographs which show severe flooding condition on his property during periods of heavy rain and melting snow. Specifically, he testified that water flows from the subject properties into his rear yard. From that location, the water flows through his side yard and into Banbury Road.

The pictures make clear that this is a problem. However, the source of the water is unclear. I conducted a site visit in order to investigate Mr. Hewes' claim. I was on site when the weather was dry but did observe the topography. Also, I examined the character of the houses in the neighborhood. It is not certain if Mr. Hewes' problems are entirely due to drainage from the subject properties. However, it is certain that additional construction in the immediate vicinity (e.g., the proposed dwell-

ing) will add more impervious surface and could exacerbate an already difficult situation.

A portion of the relief requested by the Petitioners is sought pursuant to Section 304 of the BCZR. That section provides relief for property owners who own undersized lots or lots of insufficient width in certain circumstances. Section 304 of the BCZR allows the owner of an undersized or insufficient width lot owner to utilize the lot if three conditions are met. They are:

1. That the lot at issue be part of a duly recorded subdivision contained within the Land Records of Baltimore County prior to 1955;
2. That no other variances are required; and,
3. That the owner of the lot does not own sufficient adjoining land to conform to the width or area requirement.

Clearly, the Petitioners do not qualify for relief under Section 304. The fact of the matter is that they own adjoining lots and that, when combined, the width and acreage of same are sufficient to meet the requirements. If the property owner of lot 811 Regester Avenue was not Mr. and Mrs. Glaudemans, relief may well be available, pursuant to Section 304. However, it is clearly not available under the current ownership.

As to the variance relief pursuant to Section 307 for the property known as 811 Regester Avenue, I am persuaded to grant same. The grant of that variance is based upon the fact that same is necessary to legitimize existing conditions; i.e., the 52 ft. lot width of this improved property. As noted above, the subject dwelling was constructed well prior to the adoption of any zoning ordinance in Baltimore County. In my judgment, the Petitioners satisfied the tests set forth in Section 307 of the BCZR, as construed by the case law. Thus, the variance shall be granted for the lot known as 809 Regester Avenue.

Variance relief for 811 Regester Avenue, pursuant to Section 307, is more problematic. The Petitioner must demonstrate that a practical difficulty would result if relief were denied. Moreover, the Petitioner must show that the relief can be granted without detriment to adjacent or nearby properties. The Petitioners correctly point out that the area requirements for the lot located at 811 Regester Avenue are more than satisfied. The property contains more than sufficient amount of acreage to support a single family dwelling. They also note that the front, side and rear yard setbacks will all be maintained. A comparison of nearby lots was also submitted in support of the Petitioners' contention that undersized lots are routine in the neighborhood.

Nonetheless, Mr. Hewes' testimony cannot be ignored. Admittedly, no expert testimony was presented by either side regarding drainage patterns in the area and the impact of the proposed single family dwelling on Mr. Hewes' existing problem. However, the photographs and my site inspection make clear that the water generally flows towards the Hewes property from the subject lots. The Petitioners offered no testimony as to how storm water management would be directed or managed after construction of a single family dwelling.

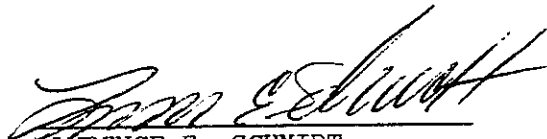
For this reason, I am persuaded to deny the variance as it relates to the property at 811 Regester Avenue. In my judgment, the Petitioners have failed to demonstrate the house can be constructed without detriment to adjacent properties. Thus, the requested relief will be granted in part and denied in part.

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

~~THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore~~
County this 16th day of December, 1996 that a variance from Section
1B02.3.C.1 of the BCZR for approval of a lot width of 52 ft., in lieu of
the required 55 ft, in case No. 97-125-A, (809 Regester Avenue) be and is
hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B02.3.C.1 of the
BCZR, or in the alternative, pursuant to Section 304, so as to permit a
lot width of 50 ft., in lieu of the required 55 ft., in case No. 97-126
(811 Regester Avenue) be and is hereby DENIED.

Any appeal from this decision must be taken in accordance with the
applicable provisions set forth in Section 26-132 of the Baltimore County
Code.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/immn

IN THE MATTER OF
THE APPLICATION OF
PAUL N. GLAUDEMANS, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SOUTH SIDE
REGESTER AVENUE, 110' NORTH-
WEST OF SHERWOOD ROAD
(902 WINDSOR ROAD)
2ND ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 97-126-A
* * * * *

O P I N I O N

This case comes to County Board of Appeals of Baltimore County based on a denial of a variance in connection with a lot width on an undersized lot. The request for a variance relative to the lot width size on the undersized lot was denied by the Zoning Commissioner for Baltimore County on December 16, 1996. The Petitioner /Appellant (hereinafter "Petitioner") was represented by Newton A. Williams, Esquire, NOLAN, PLUMHOFF AND WILLIAMS, CHTD.; and Protestant was represented by Anthony J. DiPaula, Esquire, COVAHEY AND BOOZER, P.A.

Mr. James Smith testified on behalf of the Petitioner. He is a licensed Civil Engineer in the State of Maryland, having experience in this field for 20 years, and was licensed by the State of Maryland in 1989. While he works for the firm of Johnson & Thompson, he appeared in this case as an individual. His specialty is water hydraulics, and he stated he had worked for the Department of Environmental Protection and Resource Management, Permits & Development Management Department of Baltimore County, and had prepared stormwater management plans for the County. He was accepted after voire dire as an expert in civil engineering matters and water hydraulics. Petitioner had requested that he

ENCLOSURE

investigate the drainage situation relative to the unimproved lot, and on April 6, 1997, had visited the site. He stated that the front drained toward the street (Regester Avenue), and the back toward Banberry. He opined that the present unimproved lot had a garage and a driveway and, with the proposed improvements and a runoff curve, the improvements would reduce the impervious runoff. Petitioner's Exhibit No. 1, "Plat to Accompany Zoning Variance," was introduced into evidence and discussed by Mr. Smith at length, along with a 200-scale 1986 Zoning Map attachment, accompanied by Petitioner's Exhibit No. 2, which was an interoffice memo to Arnold Jablon (Director of Permits and Development Management) from Pat Keller (Office of Planning -Baltimore County) in which the provisions of Section 304 of the Baltimore County Zoning Regulations (BCZR) are recited. It was noted that "the owners of the lot do not own sufficient adjacent lot to conform to the width and area requirements" of Section 304.

Mr. Smith testified that Petitioner's Exhibit No. 3 represented the drainage area due to topography; and that the house on Banberry, with a retaining wall, intercepted the natural water flow. He opined that the Banberry homes were built after those on Regester Avenue. It was his opinion that the building of the proposed structure on the unimproved lot would lessen the water flow to Banberry. Petitioner's Exhibit No. 4 was admitted into evidence to which Mr. DiPaula objected. The Chairman allowed the exhibit into evidence, cautioning the Board members to consider only that portion on which Mr. Smith had actually testified and was

subject to cross-examination by Protestant's counsel.

During cross-examination by Mr. DiPaula, Mr. Smith stated that he had not visited the site during heavy rain, and restated the proposed size and area of the proposed structure.

Mr. Paul Glaudemans testified on his own behalf. He stated that he had lived at 809 Regester Avenue; and originally had moved there in 1985. He purchased the two properties in 1989 from the Estate of Blanche Dorfler, his wife's grandmother, and at the time of the purchase, 809 Regester Avenue was used as two apartments. He stated that the two lots had always had separate tax bills and were always considered as separate parcels of land. He opined that there was a power line between the two properties, and that they were recognized as separate lots by Baltimore Gas & Electric as far back as 1924. Petitioner's Exhibit No. 5 consisted of photographs (A through F) which were described by the Petitioner to the Board members. He stated that he had always perceived 811 Regester Avenue as an available building lot; and that there were many such homes in the Idlewyld community that were similar in width; and that many other homes in the area consisted of "in-fill" houses. He testified that it was only when he applied for a building permit that he discovered the actual need for a zoning variance. Petitioner's Exhibit No. 6 (admitted for identification purposes only) represented a number of other "fill-in" properties in the immediate neighborhood. Mr. Glaudemans stated that it was his intention to remove the garage on 811 Regester Avenue and a large portion of the driveway which currently was not in very good

condition. In so doing, the driveway would be shortened and he would construct a new home.

Mr. Glaudemans stated that he and his wife and children would remain at 809 Regester Avenue for many future years; and he saw in the lot an excellent opportunity to utilize the unimproved lot to its highest and best use, and in so doing improve the quality of the neighborhood. He stated that the proposed dwelling was going to be of good quality and that he was going to oversee its building, although not doing the actual construction work. He stated that, since he would have to look at it for a considerable number of years, he was going to make sure that it blended with both his house and others located in the area. He opined that the lot was unique due to its depth (250 feet deep on the west and 237 feet deep on the east) and appeared, at least to him, to be one of the largest such lots in the area, most of which were only 100 to 150 feet deep. Additionally, it was usual to have only three lots backing up to it, stating that 811 has six adjoining lots. He indicated that Idlewyld was laid out in the early 1920s, when no zoning was in place, and that from 1945 to 1955, 50-foot lots were permitted by Baltimore County. He indicated that his practical difficulty and unreasonable hardship was his inability to move any additional land from the improved to the unimproved lot, that is approximately a 5-foot differential, and also the presence of the BGE easements with poles. He stated that he cannot create additional land to accommodate the Baltimore County regulations where there is none to give, and that when the lot was created, it

was an acceptable building size lot in Baltimore County.

Mr. William Meyers, 1400 W. Joppa Road, Baltimore County, 21204, also testified on behalf of the Petitioners. He has been a Registered Architect since 1962 and has been licensed by the State of Maryland since 1966. He was accepted by both counsel as an expert architect. He stated that in 1996 the Petitioner had requested that he assist him on the zoning variance that was being requested and that he visited the neighborhood, and that the area consisted of rather small homes built on 50-foot lots. Most of these homes were constructed during the period from 1920 to 1940 and that the newest ones in the 1970s or 1980s were on "in-fill lots." He stated that in his opinion as an architect the lot could be used without adversely affecting the neighbors, and that in his opinion it would conform with the other lots in the community, and would fit in well with the general character of the area. He stated that the depth of the lot was quite unusual, being one of the largest lots in the area, and more than double that which is normally required under current zoning regulations, and also the fact that it was bounded by six properties.

He indicated that, if the request were not granted by the Board, he felt that the Petitioner would suffer economic hardship, and that the Petitioner was entitled to build by precedence being established by other "fill-in" homes in the area, and that there was no reason for Mr. Glaudemans to be deprived of the use of the lot with the proposed building meeting the character of the neighborhood. That ended Petitioner's case-in-chief.

ENCLOSURE

Protestant's case consisted of testimony from Mr. James Markle, Jr., a member of the firm of G. W. Stephens and Associates, Civil Engineers. He indicated that he had worked for Baltimore County in the Department of Public Works and was responsible for a number of Public Works Agreements, reviewing developers' construction plans, and also was heavily involved in the CRG process.

He has been a licensed civil engineer since 1979. Mr. Markle was accepted by both counsel as an expert in civil engineering and stormwater management areas. He indicated that he had been retained by the Protestant, Mr. James Hewes. In that connection, his firm asked him to examine the drainage patterns and develop an analysis of how much of an increase in water runoff would occur if 811 were developed. He stated that most of the drainage came down through 6023 Banberry, and that the water concentrates and runs along the retaining wall between the Hewes property and next door. He opined that the water from the front yards of Regester Avenue runs down the 811 driveway toward the Hewes' house, and that the immediate area is generally devoid of any County storm drain system. He stated that the present County standards for a new subdivision would not allow more than 2 cubic feet and would assume that a 30-foot by 40-foot house with no driveway would raise a significant increase in water discharge. He related in detail what his opinion was concerning construction of the proposed dwelling and that the additional impervious area would have an incremental impact on what was already a drainage problem. In connection with

Mr. Markle's testimony, Protestant's Exhibit No. 1, which is a drawing of the proposed 28-foot by 28-foot house, walkway and driveway, was reviewed along with Protestant's Exhibit No. 2, which consisted of a large board with 16 mounted photographs with a blow-up of a topography map on one side, with a map on the other. These were also reviewed in depth by Mr. Markle.

Ms. Susie Sayre, 6525 Banberry Road, testified in opposition to Petitioner's request. She has lived at this address since July 1995 and rents the property. Mr. Hewes is her next-door neighbor. She related to the Board a number of problems relative to her flooded basement, that water collects in the back corner of the lot after heavy rain, and drains between her house and Mr. Hewes'. Protestant's Exhibits No. 3(a) through (m) were admitted into evidence representing a substantial number of photographs indicating the alleged water problems currently existing in the immediate area. Ms. Sayre indicated she was opposed to the granting of the variance because of the water problems and that the approval would simply exacerbate the situation.

Mr. James Hewes, 6523 Banberry Road, has resided in the area for 10 years, and during that entire period, he has had substantial water problems. He indicated he had taken the Protestant's Exhibit No. 3 photographs over several years and that he had to maintain three sump pumps in order to control the water flow from draining back into his Banberry property, and that he lives in constant fear of being flooded out. He stated that the problem had been related to the County a number of items, but that the County did not appear

interested in fixing the situation, and that any building would most assuredly again exacerbate the situation.

Mr. Erwin Cervený appeared on his own behalf and made a brief statement indicating that he was the landlord for Ms. Sayre, that he was concerned about the water problem, that he was aware of the situation currently existing as to the Hewes property, and that he was opposed to the building of any structure on the unimproved lot by the Petitioner.

Mr. Warren Dorfler also testified and indicated he had been born and raised in the community, and that the area in question had always been marshy and that there was a substantial number of springs in the area which caused water problems even before the houses were built.

Section 304.1 of the Baltimore County Zoning Regulations, which became law in 1995, provides that:

"A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations."

There is no doubt but that the subject lot was recorded by deed as well as in a subdivision before 1955. It meets all other height and area and setback regulations. However, it does not meet the

requirement of 304.1(C); that is, the owner does own sufficient adjoining land to conform to the width requirement. While the first two criteria have been met, the third cannot be achieved, since the property owner does own two adjacent lots, and therefore the undersized lot approval cannot be granted in the absence of variance.

BCZR Section 304 contemplates that a landowner is protected against the changes in zoning laws if either, or both, of two events has occurred: (1) the lot was recorded by deed before 1955; or (2) the lot was recorded as part of a validly approved subdivision before 1955. It appears evident that only those who owned the parcels at the time they were recorded substandard by increased area requirements had the right to build on such parcels. The Petitioners here, having purchased the parcels in 1989 after they became substandard, are not benefitted by such clause. It is obvious that Section 304.1 was passed by the County Council in 1955 so that owners of separate undersized lots created before the passage of zoning regulations would not be left with small, single lots that they could not utilize. It was not meant to grant relief to owners who had one or more adjacent undersized lots that could be combined to meet the width and area requirements, and thus allow the owner a reasonable use of his property. In the instant case, the Glaudemans own two adjacent undersized lots, on one of which is the home in which they live; and on the other, a garage and driveway. The Petitioner is therefore deriving a reasonable use of his property.

Additionally, the Board having reviewed the testimony and evidence produced at the hearing, concludes that the Petitioner does not meet the requirements for a variance under Section 307.1.

The Petitioner has argued that his property is unique or peculiar because it is unusually deep and is up to twice the size of many other lots in the area. However, Cromwell v. Ward requires a finding that a property must first be unique or unusual in a manner that the uniqueness or peculiarity causes the zoning provision to impact disproportionately on that property. The Board concludes that the deepness or large area of the subject property does not meet the requirement; and while not necessary to examine the second prong of Section 307.1, that of practical difficulty or unreasonable hardship, the Board also concludes that that factor has not been met by the Petitioner. Petitioner has a reasonable use of his two adjacent undersized lots which he bought together in 1989, and the only practical difficulty is that he is not allowed to build a second house, but he does have available use of the unimproved lot. The Petitioner, therefore, has not satisfied the requirements of either Section 304.1 or Section 307.1 and for the reasons specified, the Board is required to deny Petitioner's request for approval of an undersized lot; and the variance request made in connection therewith relative to Case No. 97-126-A.

O R D E R

THEREFORE, IT IS THIS _____ day of _____ April _____, 1997
by the County Board of Appeals of Baltimore County

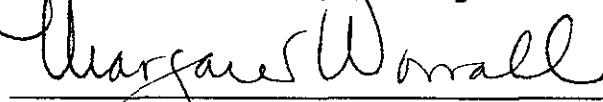
ORDERED that the request for variance from Section 1B02.3.C.1

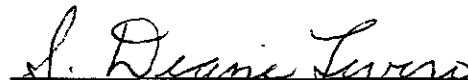
of the BCZR, or in the alternative, pursuant to Section 304, so as to permit a lot width of 50 feet, in lieu of the required 55 feet, in Case No. 97-126-A (811 Regester Avenue) be and is hereby DENIED.

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


Charles L. Marks, Acting Chairman


Margaret Worrall

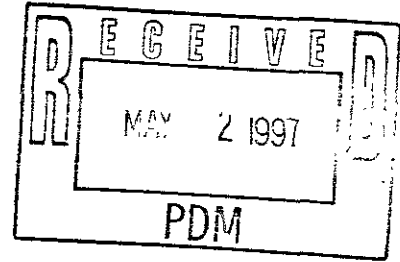

S. Diane Levero

97-2062



County Board of Appeals of Baltimore County

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



April 30, 1997

*70 68
for file*

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
520 Washington Avenue
Towson, MD 21204

RE: Case No. 97-126-A
Paul N. Glaudemans, et ux

Dear Mr. Williams:

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

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 and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Redcliffe for

Kathleen C. Bianco, Administrator
County Board of Appeals

encl.

cc: Paul N. and Darlene A. Glaudemans
Anthony J. DiPaula, Esquire
Mr. James T. Hewes
Mr. William Meyers II
People's Counsel for Baltimore County
Lawrence E. Schmidt
~~Arnold Jablon~~, Director /PDM
Virginia W. Barnhart, County Attorney





County Board of Appeals of Baltimore County

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

April 30, 1997

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
520 Washington Avenue
Towson, MD 21204

RE: Case No. 97-126-A
Paul N. Glaudemans, et ux

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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 and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen C. Bianco for".

Kathleen C. Bianco, Administrator
County Board of Appeals

encl.

cc: Paul N. and Darlene A. Glaudemans
Anthony J. DiPaula, Esquire
Mr. James T. Hewes
Mr. William Meyers II
People's Counsel for Baltimore County
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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W. 101010.
KEEP THIS
COPY IN
Z
FILE

#126



Petition for Variance

97-126-A

to the Zoning Commissioner of Baltimore County

for the property located at ~~811~~ 811 Regester Ave. Balt. MD 21239

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 situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

A LOT WITH A 50 FT WIDTH IN LIEU OF THE REQUIRED 55 FT.
(AND ANY OTHER VARIANCES DEEMED NECESSARY) AND TO APPROVE AN
UNDERSIZED LOT PER SECTION 304 (BCZR)

1B02.3.C.1 TO PERMIT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Hardship and Practical Difficulty TO BE DETERMINED AT HEARINGS.

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/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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

Legal Owner(s)

Paul N. Glaudemans

(Type or Print Name)

Signature

Darlene A. Glaudemans

(Type or Print Name)

Darlene A. Glaudemans

Signature

W-363-2600-Ext 3007

809 Regester Avenue

H- 377-3723

Address

Phone No

Baltimore, MD 21239

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

William Meyers 2nd

Name

1400 West Joppa Road

321-6822

Baltimore, MD 21204

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

9/19/96



Printed with Soybean Ink
on Recycled Paper

HEAR WITH #125
ITEM
Zoning Administration
Zoning Commission Management

Attachment to Zoning Variance for 811 Regester Avenue:

Attached are two (2) typical drawings (labelled as "The Washington" and "The Liberty") of single dwelling units measuring 28' +/- wide (not including garage). Either of these designs will be selected, or some reasonable likeness thereof, including a possible family room or great room extension as shown. Siding material to be used is vinyl siding. Roof material to use is asphalt shingles

12/10/11

126

ZONING DESCRIPTION FOR 811 REGESTER AVENUE

Beginning at a point on the south side of Regester Avenue, fifty feet wide, at the distance of one hundred and ten feet westerly from the corner formed by the intersection of the southwest side of Regester Avenue and Sherwood Avenue, and running thence southerly parallel with Sherwood Avenue two hundred and thirty-seven and one-half feet, more or less, thence westerly at right angles to Sherwood Avenue fifty feet , thence northerly parallel with Sherwood Avenue two hundred and fifty feet, more or less, to the South side of Regester Avenue fifty feet to the place of beginning, said lot of ground being lot 368A in the subdivision of Idlewylde as recorded in deed reference # A & B 8342, folio #546, plat # 7-140, in the ninth Election district and ~~third~~ forth Councilmanic District of Baltimore County, MD

97-126-A

CERTIFICATE OF POSTING

RE: Case No.: 97-126-A

Petitioner/Developer: _____

PAUL CLAUDEMANS ET UX

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at S/S REGISTER AVE,

110 FT. NW OF SHELWOOD

The sign(s) were posted on 1 29-97

(Month, Day, Year)

Sincerely,

Dennis Rioux

(Signature of Sign Poster and Date)

DENNIS RIOUX

(Printed Name)

(Address)

TOWSON MD 21204

(City, State, Zip Code)

887-8099

(Telephone Number)

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #97-128-A
(Item 128)

811 Regester Avenue
S/S Regester Avenue, 110'
NW of Sharwood Road
9th Election District
4th Councilmanic

Legal Owner(s):
Paul N. Glaudemans and

Darlene A. Glaudemans

Variance: to permit a lot with a 50 foot width in lieu of the required 55 feet (any other variances deemed necessary) and to approve an undersized lot.

Hearing: Wednesday, October 23, 1998 at 9:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the file and/or Hearing, Please Call 887-3391.

10/04/98 Oct. 3 C87781

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/3, 1996.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

97-126-A

USE SAME SIGN FOR

ITEM 125 / 126

See 'Item 125

file for
wording on
sign

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

No. 020083

DATE 1-8-97. ACCOUNT R-001-6150.

AMOUNT \$ 210⁰⁰

RECEIVED FROM: PAUL GLAUEDEMANIS.

FOR: RES. ZOWING VAUGHN APPEAL 97-126-A. CASH #

01A0080345MICHRO \$210.00
PA 5111150AMM-00-97

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

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

No. 024877

JLL #126

DATE 3/19/96 ACCOUNT R0016150

AMOUNT \$ 50.00

RECEIVED FROM: GLAUEDEMANIS.

FOR: IRV
NO SIGN SEE ITEM 125 USING SAME SIGN.

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



Baltimore County
Department of Permits and
Development Management

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

(2)

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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.

97-126-A

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 126 Petitioner: GLAUDEMANS

Location: 811 Regester Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul N. Glandemans

ADDRESS: 809 Regester Ave

Baltimore Md 21239

PHONE NUMBER: (410) ~~377~~ 377-2723

TO: PUTKENT PUBLISHING COMPANY

October 3, 1996 Issue - Jeffersonian

Please forward billing to:

Paul N. Glaudemans
809 Regester Avenue
Baltimore, MD 21239
377-2723

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-126-A (Item 126)
811 Regester Avenue
S/S Regester Avenue, 110' NW of Sherwood Avenue
Legal Owner(s): Paul N. Glaudemans and Darlene A. Glaudemans

Variance to permit a lot with a 50 foot width in lieu of the required 55 feet (any other variances deemed necessary) and to approve an undersized lot.

HEARING: WEDNESDAY, OCTOBER 23, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391. *



Baltimore County
Department of Permits and
Development Management

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

September 27, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-126-A (Item 126)
811 Regester Avenue
S/S Regester Avenue, 110' NW of Sherwood Avenue
Legal Owner(s): Paul N. Glandemans and Darlene A. Glandemans

Variance to permit a lot with a 50 foot width in lieu of the required 55 feet (any other variances deemed necessary) and to approve an undersized lot.

HEARING: WEDNESDAY, OCTOBER 23, 1996 at 9:00 a.m. in Room 106, County Office Building.

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

Arnold Jablon
Director

cc: Paul and Darlene Glandemans
William Meyers 2nd

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





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

February 25, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-126-A

IN THE MATTER OF: PAUL N. GLAUDEMANS, ET UX
S/s Regester Avenue, 110' NW of Sherwood Road
(811 Regester Avenue) 9th E; 3rd C Districts

(Denial of Variance /lot width /undersized lot.)

ASSIGNED FOR: **TUESDAY, APRIL 15, 1997 at 1:00 p.m.**

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Appellants /Petitioners: Paul N. and Darlene A. Glaudemans

Protestant : James T. Hewes

William Meyers II
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty



Case NO. 96-126-A

PAUL N. CLAUDEMANS, ET. UX - Petitioners

S/S Register Avenue, 110 ft. NW of Sherwood
Road (811 Register Avenue)

9th Election District Appealed: 1/8/97

(see copy of vicinity map attached)



Baltimore County
Department of Permits and
Development Management

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

October 18, 1996

Mr. and Mrs. Paul Glaudemans
809 Regester Avenue
Baltimore, MD 21239

RE: Item No.: 126
Case No.: 97-126-A
Petitioner: Paul Glaudemans, et ux

Dear Mr. and Mrs. Glaudemans:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 19, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style with a large, stylized "R" and "Jr." at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

RECEIVED



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: October 7, 1996

FROM:  Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for October 7, 1996
Item Nos. 119, 121, 122, 124, 125,
126, 127, & 129

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Sep 26, 96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Sep 30, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

119

122

124

125

126

127

129

RBS:sp

BRUCE2/DEPRM/TXTSBP



C.A. Dutch Ruppersberger, III
Baltimore County Executive

Executive Office
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2450
Fax: (410) 887-5781

September, 1996

Dear County Employee:

The 1996 United Way of Central Maryland charity campaign for Baltimore County Government is now in full swing. Please help United Way continue to aid family, friends, and neighbors by generously contributing to this year's gift giving.

One out of three people is touched by a United Way service each year—600,000 individuals whose lives are better because we care enough to give.

Far too many of our fellow citizens find it difficult to provide for the basics of life—food, clothing, shelter, and health care. Over 10,000 children in our County live below the poverty line. Homeless shelters serve nearly 3,000 and turned away over 1,000 more. Nearly twenty percent of our residents are over the age of sixty, with many lacking the necessary support and services to aid them. With limited resources, County Government cannot help all of those in need. Fortunately, we can count on over 300 United Way human care services to help improve the quality of life in our County.

Through United Way, we can help teens learn personal responsibility, teach adults how to read, provide affordable day care for our children, improve health care for families, help people with disabilities lead more independent lives, and care for the elderly.

We are extremely proud of Baltimore County employees' tradition of generously supporting the United Way. We are once again asking you to help the less fortunate by contributing to this year's campaign.

On behalf of the recipients of your contributions, thank you.

C.A. Dutch Ruppersberger

C.A. Dutch Ruppersberger, III
County Executive

Edward W. Pedrick

AFSCME, Local 921

Teri Gaslin

Fraternal Order of Police, Lodge #4

Ruby C. Williams

Supervisory, Management & Confidential Employees

George G. Perdikakis

George G. Perdikakis
Chairman, 1996 United Way Campaign

James S. Clark

Baltimore County Federation of Public Employees

Ken Bolon

Baltimore County Fire Fighters Association, Local 1311

Roberta Smith

Baltimore County Federation of Public Health Nurses



Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 30, 1996.

Item No.: SEE BELOW

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 119, 120, 121, 122, 124,
125, 126, 127 and 129.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Rosiyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 124 (JLL)

9/27/96

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Bob Smail at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RECORDED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director,
Permits and Development Management

DATE: October 18, 1996

FROM: Arnold F. "Pat" Keller, III, Director,
Office of Planning

SUBJECT: 809 & 811 Regester Avenue

INFORMATION:

Item Numbers: 125 and 126
Petitioner: Glaudemans Property
Property Size: _____
Zoning: DR 5.5
Requested Action: _____
Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

This is a combined comment for an undersized lot at 809 Regester Avenue and a lot width variance for a 52 foot wide lot at 811 Regester Avenue in lieu of the required 55 feet.

As for the undersized lot request, pursuant to Section 304 of the Baltimore County Zoning Regulations, use of undersized lot, a one family dwelling may be erected on a lot having an area or width less than that required if three (3) conditions are met:

- A. The lot must be recorded by deed or in a validity approved subdivision prior to March 30, 1995;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and acres requirements.

It appears that the first two criterion have been met, but the third cannot be met since the property owners own two adjacent lots. Therefore, the undersized lot approval should not be granted.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Kerner, III, Director, OP
RE: ZAC Comment Item 125 and 126

As for the variance request, the neighborhood contains a mix of lot sizes with 5 of the 11 lots cited on a list of adjacent property owners as undersized lots. Provided the applicant meets the test of hardship/practical difficulty, this office recommends the granting of the lot width variances subject to the following restrictions:

1. The house type for 811 Regester Avenue should be in accordance with the Liberty Elevation One, without the attached garage.
2. The vinyl siding should be a neutral color and asphalt shingles.

Prepared by:

Jeffrey W. Long

Division Chief:

Dennis Wertz

AFK/JL:rdn

RE: PETITION FOR VARIANCE
811 Regester Avenue, S/S Regester Ave.,
110' NW of Sherwood Road
9th Election District, 3rd Councilmanic

Paul N. and Darlene A. Glaudemans
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-126-A

* * * * *

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 21st day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to William Meyers, 2nd, 1400 W. Joppa Road, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

January 15, 1997

Mr. James T. Hewes
6523 Banbury Road
Baltimore, MD 21239

RE: Petition for Zoning
Variance
S/S Regester Ave., 110
ft. NW of Sherwood Road
(811 Regester Avenue)
9th Election District
3rd Councilmanic District
Paul N. Glaudemans, et ux
- Petitioner
Case No. 97-126-A

Dear Mr. Hewes:

Please be advised that an appeal of the above-referenced case was filed in this office on January 8, 1997 by Paul N. and Darlene A. Glaudemans. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

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

ARNOLD JABLON
Director

AJ:rye

c: Mr. William Meyers, II
People's Counsel



APPEAL

Petition for Zoning Variance
S/S Regester Avenue, 110 ft. NW of Sherwood Road
(811 Regester Avenue)
9th Election District - 3rd Councilmanic District
Paul N. Glaudemans, et ux - Petitioners
Case No. 97-126-A

Petition for Zoning Variance

Description of Property

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners' Exhibits: 1 - Plat to Accompany Zoning Variance
2 - Letter to Baltimore County Office of
Zoning and Planning from John P. Keenan,
President of Idlewylde Community
Association dated October 16, 1996

Twenty-nine Photographs not Marked as Exhibits

List of Adjacent Property Owners

Zoning Commissioner's Order dated December 16, 1996 (Denied)

Notice of Appeal received on January 8, 1997 from Paul N. and Darlene
A. Glaudemans

c: Mr. and Mrs. Paul N. Glaudemans, 809 Regester Avenue, Baltimore,
Maryland 21239
Mr. James T. Hewes, 6523 Banbury Road, Baltimore, Maryland 21239
Mr. William Meyers, II, 1400 W. Joppa Road, Baltimore, MD 21204
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

ZONING CASE ITEM # 126

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

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

B _____
Permit Number

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

RE: **Undersized Lots**

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

MINIMUM APPLICANT SUPPLIED INFORMATION:

W-363-2600-Ext 3007

☐ Paul N. and Darlene A. Glaudemans 809 Regester Ave. Balt. MD 21239 H-377-3723
Print Name of Applicant Address Telephone Number

☐ Lot Address 811 Regester Ave. Election District 09 Council District 04 Square Feet 12000±

Lot Location: 5 corner of Regester Avenue, 110 feet from W corner of Sherwood Road
(street) (street)

Land Owner Paul N. and Darlene A. Glaudemans Tax Account Number 0904500391 and 0904500392

Address 809 Regester Avenue Telephone Number H-377-3723 W-363-2600-Ext 3007
Baltimore, MD 21239

☐ **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)	<u>X</u>	_____
2. Permit Application	_____	<u>X</u>
3. Site Plan	<u>X</u>	_____
Property (3 copies)	<u>X</u>	_____
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	<u>X</u>	_____
4. Building Elevation Drawings	<u>X</u>	_____
5. Photographs (please label all photos clearly)	<u>X</u>	_____
Adjoining Buildings	<u>X</u>	_____
Surrounding Neighborhood	<u>X</u>	_____

Residential Processing Fee Paid
Codes 030 & 080 (200)

Accepted by [Signature]

Date 9/19/96

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: _____



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 14, 1997

Charles L. Marks, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

RECEIVED
COUNTY BOARD OF APPEALS
97 APR 14 PM 3:58

Re: PETITIONS FOR VARIANCE
809 and 811 Regester Avenue,
S/S Regester Avenue, 160'/110'
NW of Sherwood Road, 9th Election
District, 3rd Councilmanic
PAUL GLAUDEMANS, ET UX., Petitioners
Case Nos.: 97-125-A and 97-126-A
CBA Hearing Date: 4/15/97

Dear Chairman Marks:

We are interested in the aforementioned case but will not attend the hearing on Tuesday, April 15. It is our understanding the Protestant is represented by Covahey & Boozer and Anthony DiPaula, Esq.

Our office has participated in several cases in which the County Board of Appeals (CBA) has denied requests to create an undersized lot (Blasy - CBA Case No. 95-355-A, Johnson - No. 95-42-SPHA, Grill - No. CBA-94-163).

The CBA's decision in In The Matter of Grill was upheld in an unreported decision of the Court of Special Appeals (Warren Grill, et ux. v. People's Counsel for Baltimore County, No. 268, Sept. Term 1996, opinion filed 11/1/96). The Petitioner did not prevail on appeal in the Circuit Court for Baltimore County in In the Matter of Robert Johnson (Case No. 3-C-96-5779). In the Matter of John Blasy is currently on appeal to the Circuit Court (Case No. 3-C-96-5248).

It appears that the Petition in the instant case must be denied because the property owner cannot satisfy Baltimore County

Charles L. Marks, Chairman
Board of Appeals of Baltimore County
April 14, 1997
Page Two

Zoning Regulations (BCZR) Section 304(c) as the owner of the subject site and the contiguous adjoining site. The subject site has had a use with the existing house on the adjacent site.

Also, Section 304(b) requires denial if the Petitioner requests a variance under Section 307. It is established that a desire to increase profits and revenue is not a "hardship" or "practical difficulty" under the BCZR.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

CSD/caf

cc: Mr. and Mrs. Paul N. Glaudemans, Petitioners

Anthony J. DiPaula, Esq.
Attorney for Protestant Mr. James T. Hewes

CBA.LTR/PZONE/TXTCAF



County Board of Appeals of Baltimore County

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

April 17, 1997

NOTICE OF DELIBERATION

Having concluded this case on April 15, 1997, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

PAUL N. GLAUDEMANS, ET UX -Petitioner
CASE NO. 97-126-A

DATE AND TIME : Thursday, April 24, 1997 at 11:00 a.m.
LOCATION : Room 48, Basement, Old Courthouse

Kathleen C. Bianco
Legal Administrator

cc: Appellants /Petitioners: Paul N. and Darlene A. Glaudemans
Protestant : James T. Hewes
William Meyers II
People's Counsel for Baltimore County
Pat Keller
Arnold Jablon, Director /PDM
Lawrence E. Schmidt
Virginia W. Barnhart, Co Atty

Newton A. Williams, Esquire

Copied: C.M.W.



Printed with Soybean Ink
on Recycled Paper

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Paul N. Glaudemans, et ux -Petitioners
Case No. 97-126-A

DATE : April 24, 1997

BOARD /PANEL : Charles L. Marks, Acting Chairman (CLM)
S. Diane Levero (SDL)
Margaret Worrall (MW)

SECRETARY : Kathleen C. Bianco
Legal Administrator

The Board convened for public deliberation of the subject matter; testimony and evidence received at hearing of April 15, 1997. People's Counsel did not participate in these proceedings.

CLM: Let the record show that the County Board of Appeals for Baltimore County is in its regularly scheduled session to deliberate Case No. 97-126-A, Paul N. Glaudemans and wife, Petitioners, relative to a lot size and variances requested in connection therewith. Under State law, we are mandated to openly deliberate any matters relative to zoning and variances so each Board member having reviewed notes and testimony and the file, we are proceeding accordingly.

That having been said, I normally prefer to go last when I chair these sessions. I will ask one of my associates to go first.

SDL: The Appellant is appealing a denial of variance by the Zoning Commissioner to build a home on an undersized lot under 304.1 of the zoning regulations. The Appellant, Mr. Glaudemans, lives at 809 Regester Avenue, next door to the subject property. He and his wife bought 809 and 811 Regester Avenue in 1989. He testified that 809 Regester is 52 feet wide; the subject property, 811 Regester Avenue, measures 50 feet and does not meet the 55-foot requirement.

Regarding the provisions of 304.1, the Appellant meets 304.1a and b. The subject lot was recorded by deed and in subdivision prior to 1955; meets all height and setback requirements but does not meet 304.1c, namely owner owns sufficient adjoining land to comply; 304.1 is not for owners with adjacent lots that could be combined to meet requirements. In the instant case, Petitioners own two adjacent undersized lots on one of which is a home in which they live. On the other is a garage and driveway. They are deriving reasonable use of their property; does not qualify for variance under 304.1.

He also, in my opinion, does not meet the requirements under 307.1. Appellant argues that property is unique because it is deep and twice the size of others in the area. However, Cromwell v. Ward requires a finding that the property is unique or unusual in a manner that causes zoning law to impact disproportionately on that property. I don't think that deepness or largeness meets requirement. Even if it did, I do not believe that the second prong has been met. Appellant has a reasonable use of two adjacent undersized lots; only practical difficulty is that he cannot build a second house. Economic hardship has been found not to be a valid consideration under 307.1.

Appellant has not satisfied the requirements of 304.1 or 307.1 and I would deny Petitions for Variance.

MW: To make it simple, essentially I agree completely with what Diane has said. I only point out that we are dealing here with 811 Regester Avenue only; 809 is not involved in this matter. Does not change issue that in section 304c the owners in this case do indeed own and have adjoining property to conform to the requirements. My reasoning is same as Diane's regarding variance and 307 and Cromwell v. Ward. I don't believe that 811 Regester meets the special circumstances which are further described as unique prong. In my opinion, Petitioner has not shown anything peculiar to the land at 811 that sets this land apart, and by their own testimony many of the old lots are indeed 50 feet wide. Although this lot is longer than others, does not have relevance to variance.

I agree on practical difficulty prong. No necessity to go any further, but if we could grant unique quality, the practical difficulty, as Diane said, is set out - only economic issue and not one denying use of the property.

And I'm also interested in the basic comments relative to the reason this undersized lot regulation was formulated and in this case, one of the other issues is the effect on neighborhood, and even though I don't believe that the runoff for the entire neighborhood is the Glaudemans' responsibility, I do believe that development on this lot could have an adverse effect.

CLM: This case comes to the Board based on the denial of variances by the Zoning Commissioner and also the Zoning Commissioner's denial of undersized lot. Jay Smith testified on behalf of Petitioners; licensed civil engineer. Visited the site on April 6, 1996 and noted drainage problems. Mr. Smith stated that if new proposed home were constructed, would have less impervious surface than existing garage and driveway.

Petitioner testified on behalf of variance and undersized lots as to history of the property and proposed plans.

Only after Petitioner applied for building permit that he uncovered need for undersized lot consideration; impressed with Mr. Glaudemans and his testimony and his plans relative to unimproved lot. Was recorded prior to 1955 and on original plat going back to 1920; separate entities.

Mr. Meyer, registered architect testified to architectural features of the property. Mr. Mackel testified and was accepted as expert on storm water management and control; Mr. Hughes testified in opposition; also very convincing as to negative effects proposed new home would have if constructed, as did two other neighbors.

This Board needs to consider if it meets 304; no doubt that County Council wanted to give relief to lot owners of record prior to 1955 if they elected to build in the future. Also obvious that lots in question are separate and distinct parcels recorded prior to 1955 and taxed separately; 52 feet on 809; 50 feet on 811; total of 102 feet. Petitioner does not have sufficient property.

Petitioners do not qualify for relief under 304. Under 307, the Zoning Commissioner and this Board are empowered to grant height and area variances subject to conditions of that section. However, zoning regulations cite that only in cases where special circumstances or conditions exist peculiar to the land or structure that is the subject of the request and where strict compliance would result in practical difficulty or unreasonable hardship can variance be granted. We also have the infamous Cromwell v. Ward which construes these regulations that it must be different from surrounding properties so that uniqueness causes the zoning provisions to impact disproportionately upon the property.

Second step requires a finding that denial would result in practical difficulty or unreasonable hardship. We have two experts in their respective fields commenting on the property and effect of allowing a dwelling to be built.

Based on the testimony and evidence submitted, I cannot find that it meets the uniqueness standard of Cromwell v. Ward in that it must have inherent characteristic not shared by others in the area. The 55' requirement affects all other such properties in the neighborhood. Additionally, we have water problem which I firmly believe would be exacerbated; will be outlined more fully in the opinion.

Deliberation /Paul N. Glaudemans, et ux /Case No. 97-126-A

For these reasons, I would deny approval of the undersized lot under 304 and would deny variance requested for 811 Regester Avenue referenced in Case No. 97-126-A

It would seem that the opinion of the Board is unanimous in that the variance in question should be denied. The Board will issue a formal written Opinion and Order. Any party may appeal to the Circuit Court within 30 days from the date of that Order.

There being no further business before the Board, this meeting is adjourned.

Thank you.

* * * * *

Respectfully submitted,


Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Case No. 97-126-A

VAR -To permit a lot width of 50' in lieu of required 55'; to approve undersized lot pursuant to BCZR 304

12/16/96 -Zoning Commissioner's Order in which Petition for Variance as to 811 Regester Avenue was DENIED.

1/30/97 -Letter from Mr. Glaudemans requesting consideration of hearing in March if possible.

2/25/97 -Notice of Assignment for hearing scheduled for Tuesday, April 15, 1997 at 1:00 p.m. sent to following:

Paul N. and Darlene A. Glaudemans
James T. Hewes
William Meyers II
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

4/14/97 -Letter from People's Counsel in opposition of the instant variance request; copies had been provided by PC to Petitioners and Counsels for Protestant Hewes.

4/15/97 -Hearing concluded before the Board; to be deliberated on Thursday, April 24, 1997 at 11:00 a.m. (C.M.W.)
-Notice of Deliberation sent this date.

4/18/97 -Entry of Appearance filed by Newton A. Williams as counsel for M/M Glaudemans (as requested at 4/15/97 hearing).

4/21/97 -Copy of Notice of Deliberation forwarded to Mr. Williams.

4/24/97 -Public deliberation; unanimous that Petition for Variance is DENIED; written opinion/order to be issued. Appellate period to run from date of written Order. (C.M.W.)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 3, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

SUBJECT: Closed File: Case No. 97-126-A
PAUL N. GLAUDEMANS, ET UX
2nd E; 3rd C

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-126-A)

RECEIVED
NOV 10 1997

Paul N. Glaudemans
809 Regester Avenue
Baltimore, MD 21239

January 30, 1997

Ms. Kathleen Bianco
Baltimore County Board of Appeals
Old Courthouse, Room 49
Towson, MD 21204

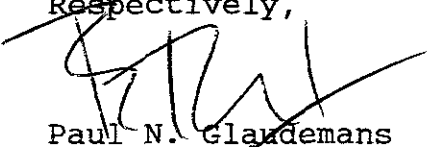
Dear Ms. Bianco:

This letter to follow up on our conversation of this morning
relative to to case #97-126-A.

I would appreciate if this case could be heard between March 1 to
14, 1997. Anything your office could do to schedule this hearing
by then would be appreciated.

Thank you.

Respectively,



Paul N. Glaudemans

Paul N. and Darlene A. Glaudemans
809 Reester Avenue
Baltimore, MD 21239

January 3, 1997

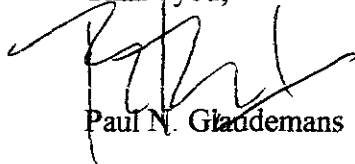
Mr. Arnold Jablon
Baltimore County Zoning
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Jablon:

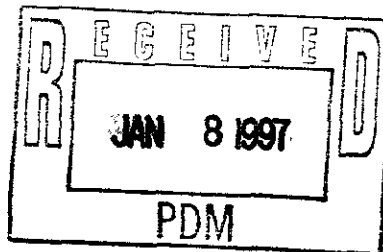
Please accept this letter as indicating our appeal on case #97-126-A, for 811 Regester Avenue, which was initially heard on October 23, 1996 and whose order was dated December 10, 1996.

Accordingly, enclosed are the appropriate fees for said appeal.

Thank you,



Paul N. Glaudemans



97-126-A

ADJACENT PROPERTY OWNERS
(All on Tax Map 80, Parcel 128)

809 Regester (811)	Paul N. Glaudemans Darlene A. Glaudemans Lot 368A, Deed Reference /8342/546 Tax Account #0904500391	50' x 243'
809 Regester	Paul N. Glaudemans Darlene A. Glaudemans Lot 368B, Deed Reference /8342/546 Tax Account #0904500392	55' x 182'
807 Regester	George L. Sisson, Jr. Dorothy M. Sisson Lot 366A, Deed Reference /5169/398 Tax Account #0904500390	50' x 206'
805 Regester	There is no such address	
803 Regester	Charlotte Haile Smyth, Trustee 1439 Providence Road 21286-1521 Lot 366B, Deed Reference /8701/754	50' x 129'
801 Regester	Barry J. Schech Kathleen L. Schech Lot 365, Deed Reference /5548/327 Tax Account #0916000590	58' x 158'
6518 Sherwood	Robert S. Schmelz, Jr. Ethel Mae Schmelz Lot 1, Deed Reference /9027/584 Tax Account #1700010465	68' x 133'
6516 Sherwood	Cornelius Y. Veenis Susan D. Veenis Lot 2, Deed Reference /5862/113 Tax Account #1700010466	65' x 100'
6514 Sherwood	Marie J. Gallatin Wayne N. Gallatin Lot 3, Deed Reference /5848/49	67' x 95'
6428 Sherwood	Andrew M. McConnell Doris I. McConnell Lot 372B, Deed Reference /3210/69 Tax Account #0913008020	50' x 195'
6426 Sherwood	Bobby D. Scruggs Trula Scruggs Lot 372A, Deed Reference /4853/399 Tax Account #0919078250	50' x 185'

App-97 # 4

FILE#: 97-126-A
NAME: Glaudemans, Paul N., et ux
STREET: Regester Avenue, S/s, 110' NW of Sherwood Road
TYPE: VAR -to permit lot width of 50' ilo 55'
DISTRICT: 9;3
DATE APPEALED: 1/08/97
HRG. DATE: 4/15/97
ORDER DATE:
DECISION:
CLOSED:
UP:

97426 -
Mr. Hugner

377-4727

Glaudemans

MICROFILMED

NEWTON A WILLIAMS
THOMAS J RENNER
WILLIAM P ENGLEHART, JR
STEPHEN J NOLAN*
ROBERT L HANLEY, JR
ROBERT S. GLUSHAKOW
STEPHEN M SCHENNING
DOUGLAS L BURGESS
ROBERT E CAHILL, JR
C WILLIAM CLARK
E BRUCE JONES**
STUART A SCHADT

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX (410) 296-2765

JAMES D NOLAN
(RETIRED 1980)
J EARLE PLUMHOFF
(1940-1988)

RALPH E DEITZ
(1918-1990)

WRITER 5 DIRECT DIAL
823-7856

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

April 17, 1997

Mr. Charles R. Marks, Acting Chairman
County Board of Appeals
Court House
Towson, Maryland 21204

Re: The Glaudemans - Case No.: 97-126-A

Dear Chairman Marks:

As you requested at the Board hearing on April 15, 1997, please enter the appearance of myself, Newton A. Williams, and our firm, Nolan, Plumhoff & Williams, Chartered, on behalf of the appellants, Mr. and Mrs. Paul Glaudemans.

We appreciated the Board staying fairly late on the 15th, and look forward to the deliberation at 11:00 a.m. on April 24.

Thanking you and your staff for your attention to this entry of appearance letter, I am

Respectfully,



Newton A. Williams

NAW:mao

cc: Peter M. Zimmerman, Esquire
People's Counsel
Anthony J. DiPaula, Esquire
Mr. and Mrs. Paul Glaudemans

Read
4-18-97
Jim

The Glaudemans Property
811 Regester Avenue
Case No.: 97-126-A

Mr. and Mrs. Paul Glaudemans, by Newton A. Williams and Nolan, Plumhoff & Williams, Chartered, their attorneys, submit that the requested variance from Section 1B02.3.C.1. of the Regulations and approval of an undersized lot under Section 304.1 of the Regulations should be granted. The requested relief is to allow Mr. and Mrs. Glaudemans to utilize an "in-fill lot" at 811 Regester Avenue. Such use of this in-fill lot will be of benefit to the community of Idlewylde and to the Glaudemans and their neighbors.

As to section 304.1, relating to use of undersized single family lots, please note all conditions are met.

- a. The deed was recorded prior to 1955. Specifically, the lot, Lot "B" has a deed reference 8342/546, tax account #0904500391. Also, both Lots 368A at 809 Regester Avenue and Lot 368B at 809 Regester are on the original plat of Idlewylde, recorded in the 1920's, and are still on separate tax bills.
- b. All other height, area and set back regulations and requirements are met by the proposed in-fill dwelling.
- c. The owners of this lot do not own sufficient adjoining property to conform to the width and area requirements. The owners do own the adjoining property, but this adjoining property is insufficient in width. A changing of this property line would cause adjoining property to be less then 52' wide, as well as contrary to the existing Baltimore Gas Electric Right of Way which dictates that their power lines are to run on the property lines (See agreement as recorded in Liber WPC, No. 607, folio 101 - 104 of the land records of Baltimore County.) The lot at 809 Regester has only 52 feet of width available, while the lot at 811, has only 50 feet available. A combined width of 110 feet would be required to provide 55 feet for each and there is only 102 feet available in total.

307.1 Variances

1. Special Circumstances:
 - a. The land is peculiar to the area because of the depth of property (250' east side, 237.5' west side). Area of land is 12,200 square feet +/- (up to twice the size of many other lots in area).
 - b. Location of overhead power lines on west side of property serves as a recognized line of demarcation. This power line right of way was established in 1924, at which time this lot was recognized as a separate lot and the location of the power lines was recognized as a property line (see Baltimore Gas and Electric Right of Way as noted above).
 - c. Other "in-fill" properties in area (see listing). This in-fill lot is in line with the community development guidelines for revitalization areas.
2. Strict Compliance would result in practical difficulty, or unreasonable hardship to the owners:
 - a. Owners are unable to utilize land from adjoining property because adjoining property is insufficient, and would result in adjoining property to be undersized. There is only 102 feet available.
3. Strict Harmony Without Injury:

- a. Most other houses in area built on 50 foot width lots.
- b. Other lots in immediate area are 6450 square feet +/-, to 10,300 square feet +/- . Subject property is 12,200 square feet +/-, therefore area lot is consistent with neighborhood.
- c. Drainage:
 - 1. Previous rulings by Baltimore County Bureau of Engineering, Storm Drain Management that drainage problems experienced by James Hewes of 6523 Banbury Road are "owners responsibility". These rulings were dated 3/22/88 and 4/11/92.
 - 2. Letter from Mr. Jay Smith, Civil Engineer specializing in Hydrology and Storm Water management shows less run off from the proposed new home at 811, the new home and driveway having less impermeable surface than the old driveway and garage.
- d. Letter from Mr. John Keenan, President, Idlewyde Community Association.
- e. Letters from various county and state agencies indicating "no objection" or "no comment" in the Zoning Advisory Comments.
 - 1. Fire Marshall - no comment
 - 2. State Highway Administration - no objection
 - 3. Department of Environmental Protection and Resource Management - no comment
 - 4. Development Plans Review Division - no comments
 - 5. It is particularly noteworthy that neither DEPRM or DPW had any adverse comments of any kind, much less related to drainage or storm water run-off.

CONCLUSION

For all of these reasons, the Glaudemans respectfully submit that the width variance and the undersized lot relief should be granted, thereby using another "in-fill" lot in the Regester Avenue area..

Respectfully submitted



Newton A. Williams
Nolan, Plumhoff & Williams, Chtd.
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 823-7800

IDLEWYLDE COMMUNITY ASSOCIATION
BALTIMORE COUNTY, MARYLAND

Baltimore County Office of
Zoning and Planning
401 bosley avenue
Towson, Maryland 21204

October 16, 1996

Re: 811 Regester Ave.
Case No. 97-126-A
Item No. 126

Gentlemen:

The Idlewylde Community Association has no objection to the variance for the property at 811 Regester Ave. Mr. Paul Glaudemans is a member in good standing with our association and has kept us up to date with this issue. We hope that you will grant Mr. Glaudemans request for variance.

Thank you for your consideration.

Sincerely,



John P. Keenan, President ICA

Ret No 2

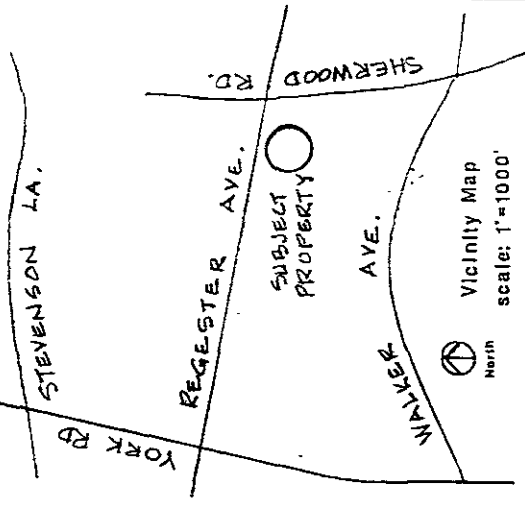
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 811 REGESETER AVE see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: IDLEWYLDE
 plat book # 7-140, folio # 546, lot # 368A, section # N/A

97-126-A

OWNER: PAUL N. AND DARLENE A. GLAUDEMANTS



LOCATION INFORMATION

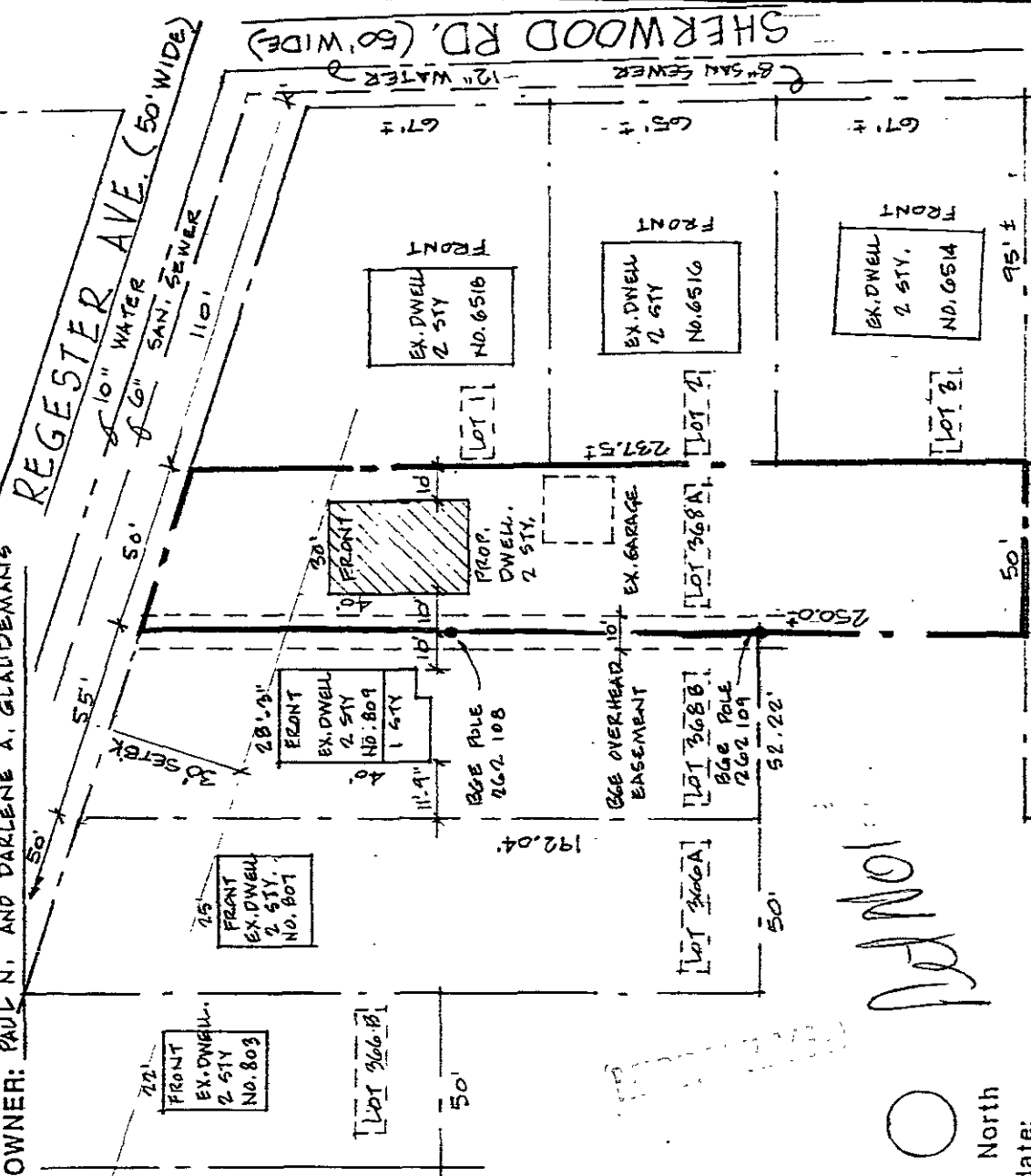
Election District: 09
 Councilmanic District: 04
 1"=200' scale map#: NE 8A
 Zoning: DE 5.5
 Lot size: 2.27 acreage
 Lot size: 12000 ± square feet

public private
 SEWER: ☒ ☐
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐ ☒
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

126



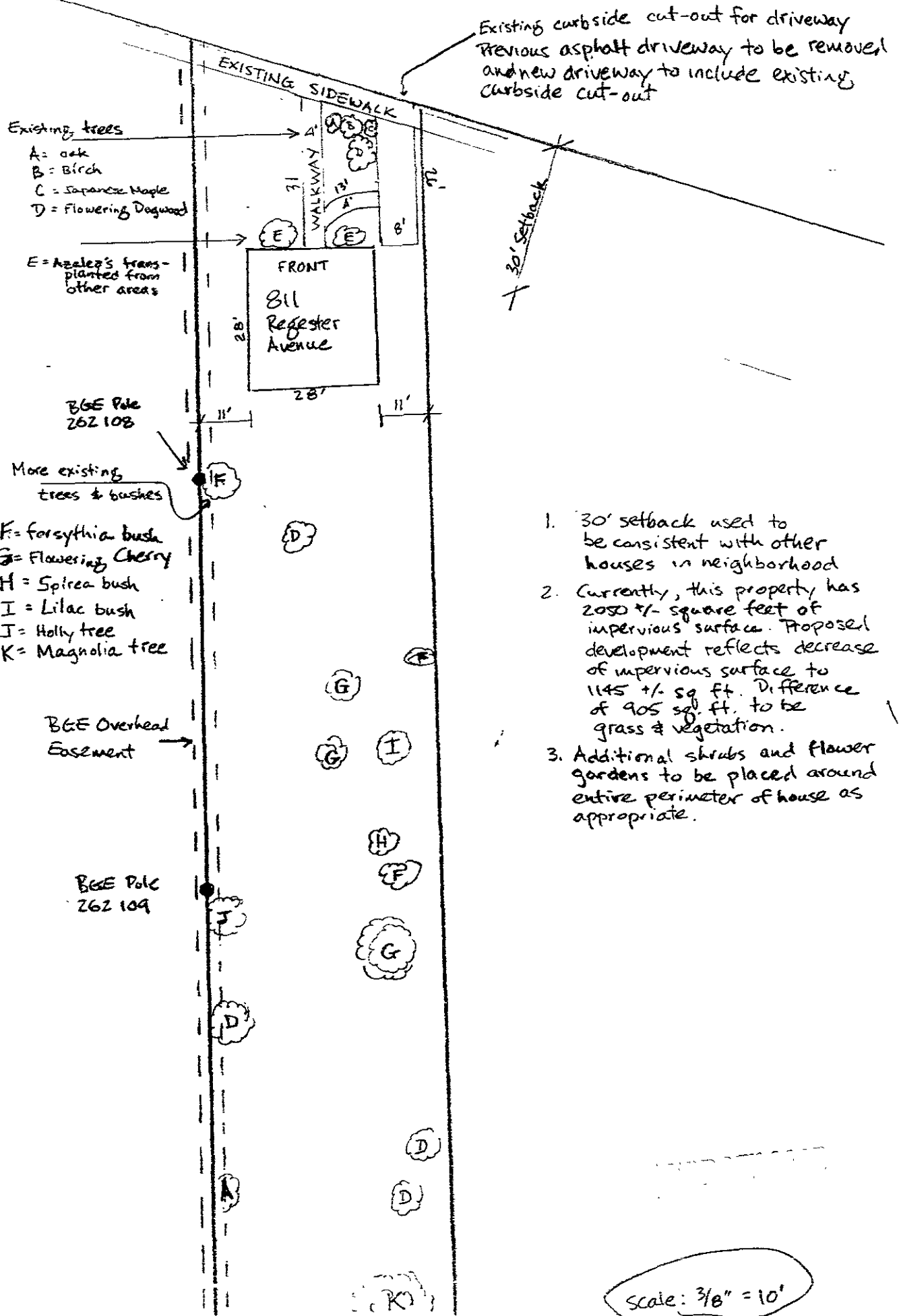
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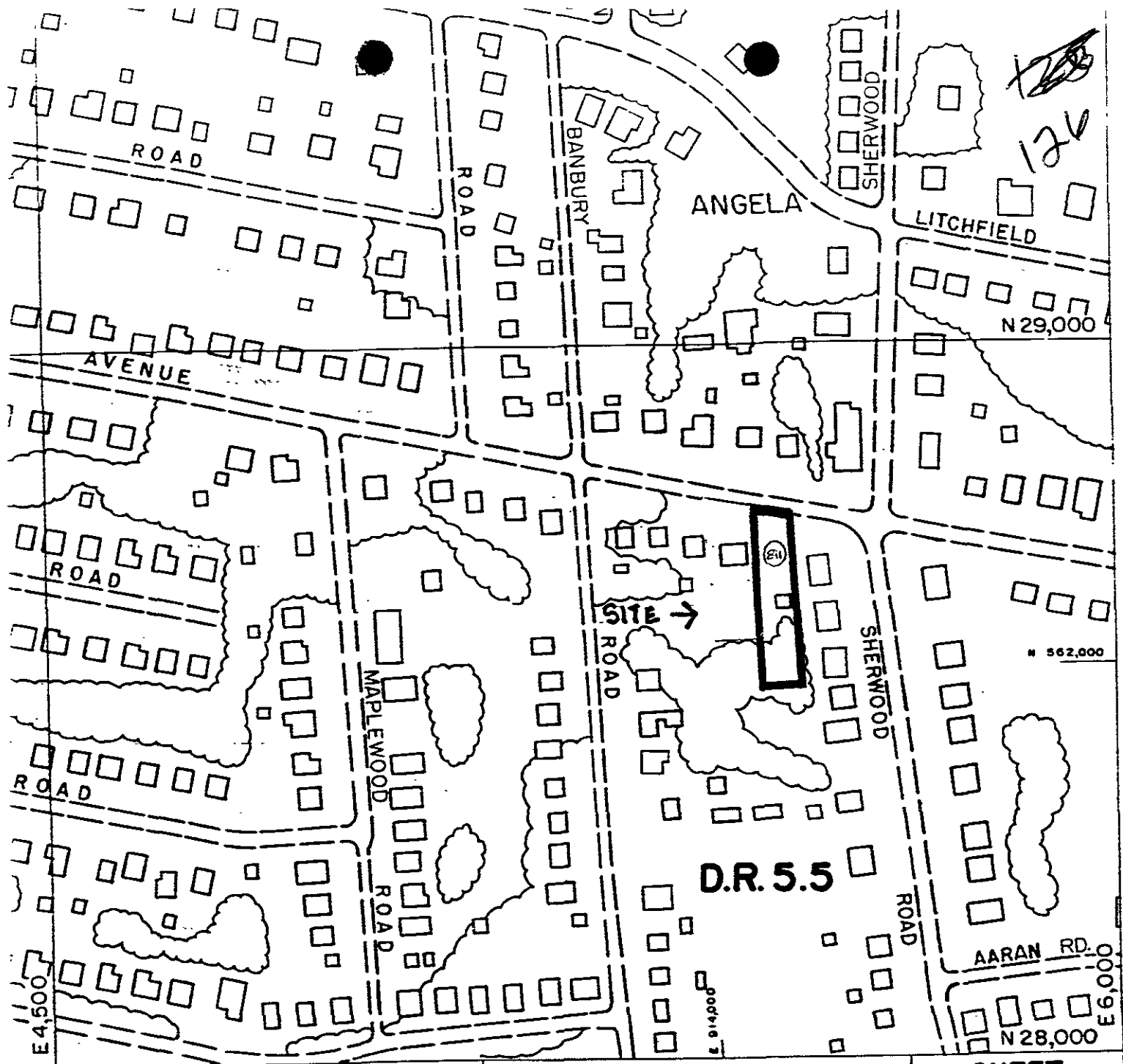
North

date:

prepared by: WM. MEYERS 2ND

Prot. Ex. 1





E ZONING MAP
e County Council

2

-92,187-92,188-92,189-92

Howard IV
Council

SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

STONELEIGH

ANNESLIE

ROGERS FORGE

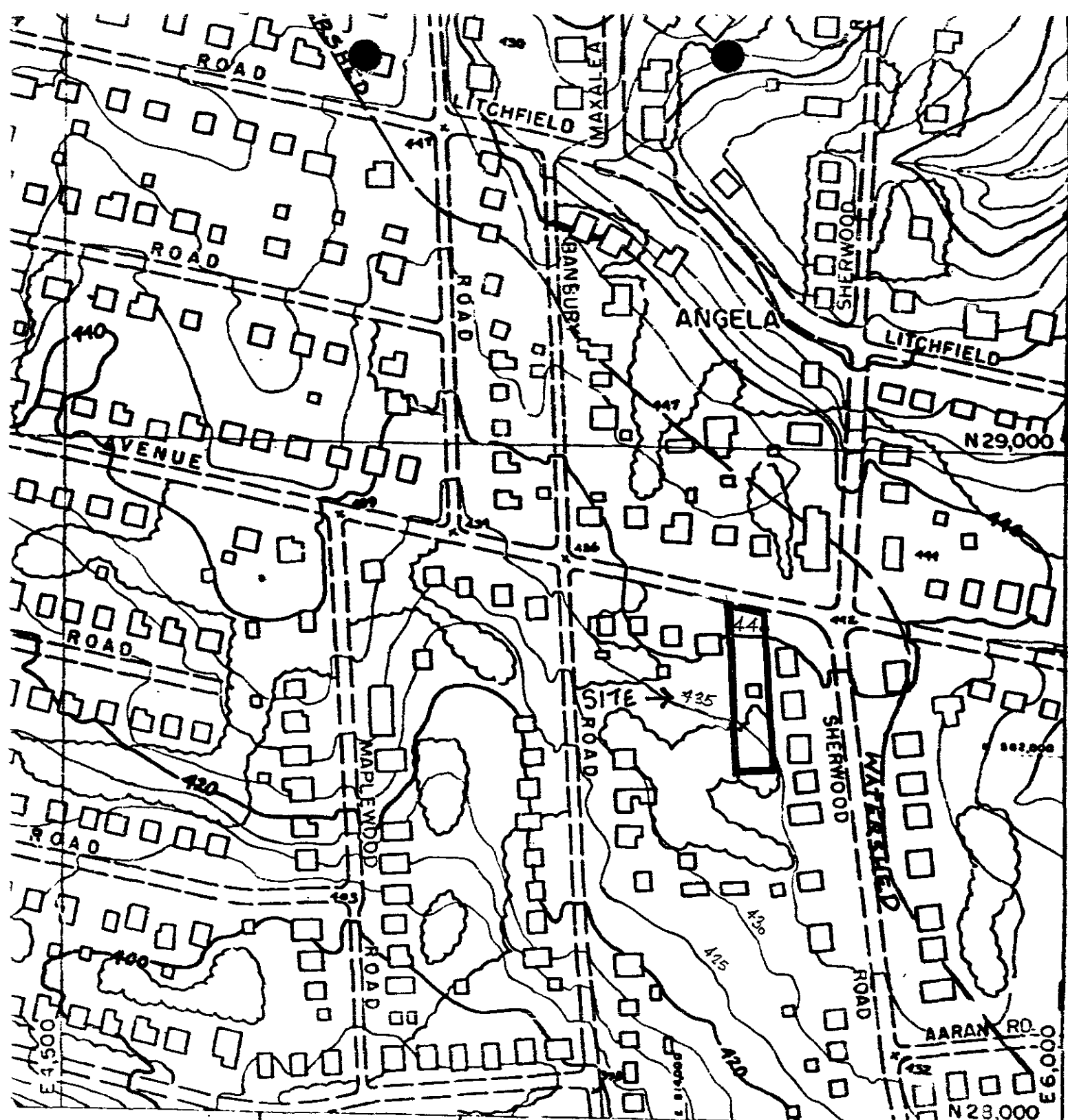
SHEET

N.E.

8-A

97-126-A

RECORDED



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

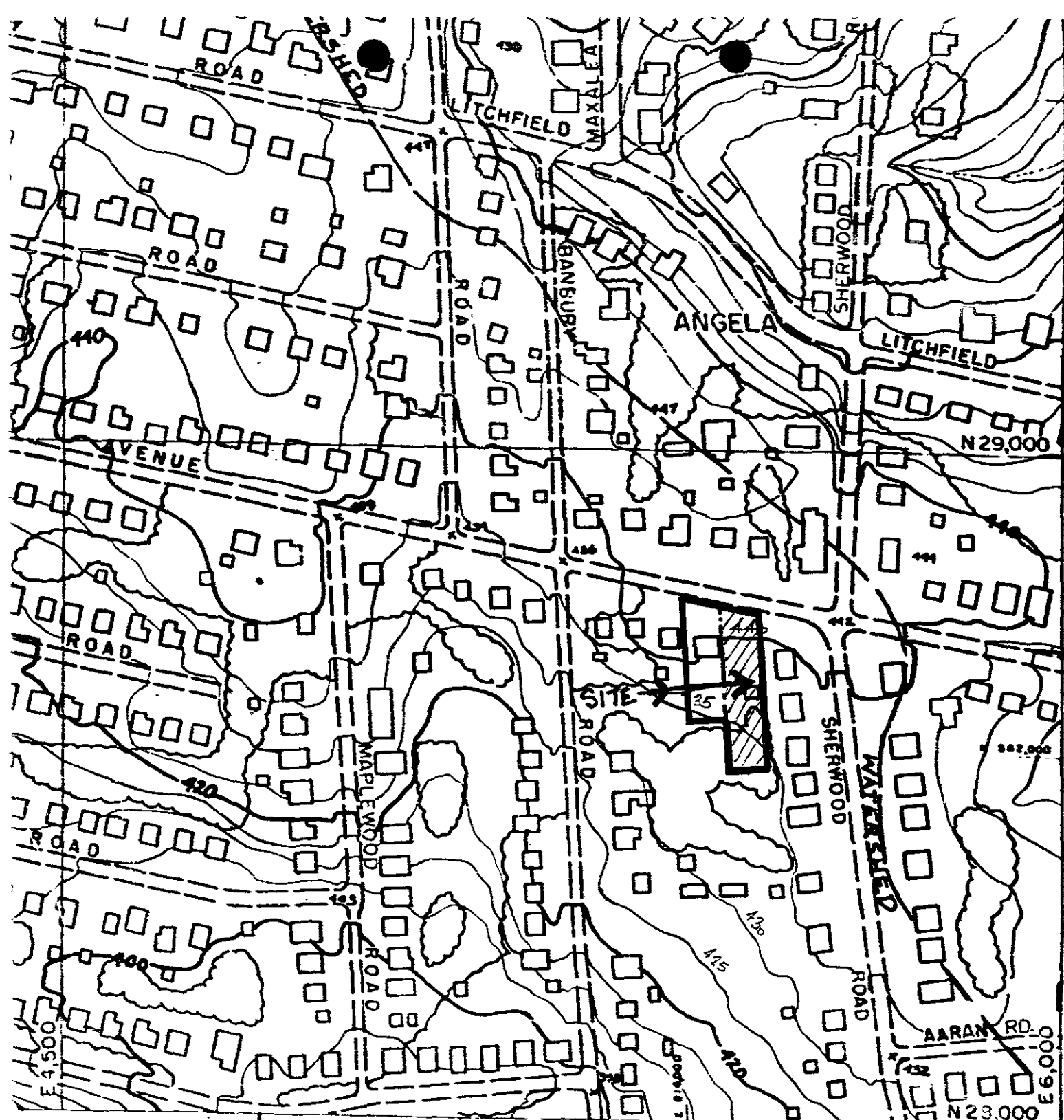
LOCATION

STONELEIGH
ANNESLIE
ROGER, FORGE

SHEET

N.E.

2-A



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

STONELEIGH
ANNESLIE
ROGER, FORGE

SHEET

N.E.

8-A



SCALE

1" = 200' ±

LOCATION

STONELEIGH

ANNESLIE

ROGERS FORGE

SHEET

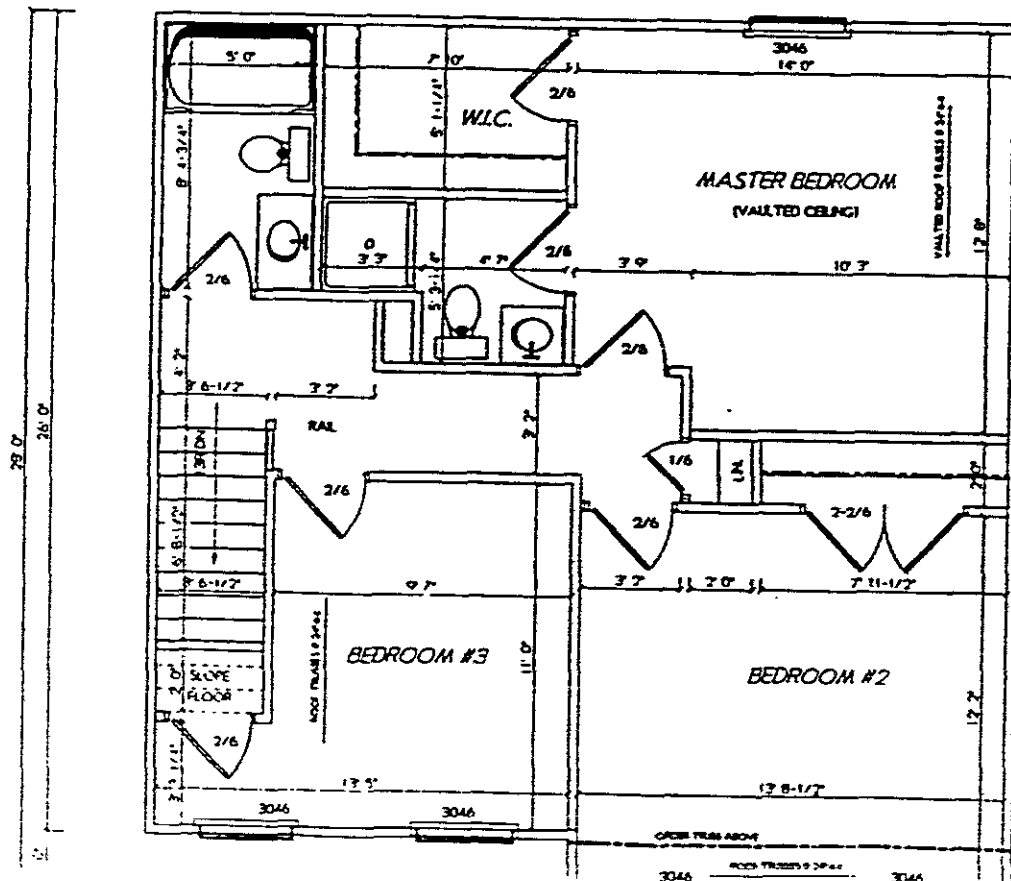
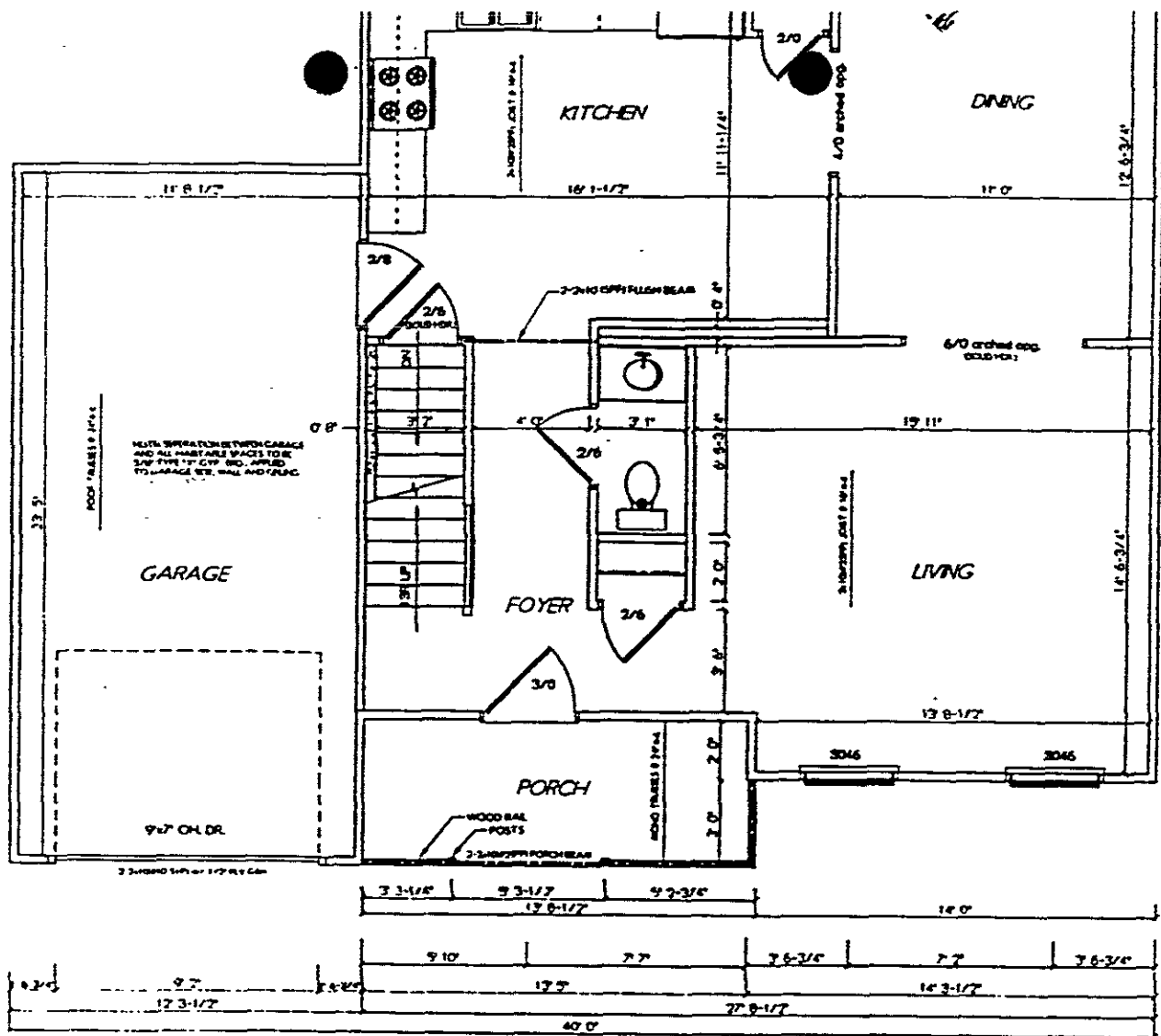
N. E.

8-A

DATE
OF
PHOTOGRAPHY
JANUARY
1986

RECORDED

A line drawing of a two-story house. The house features a gabled roof with a small circular window in the peak. The front facade includes a large garage door on the left, a central entrance door with a small porch, and several large multi-paned windows on both floors. The house is surrounded by a lawn and a sidewalk leads to the front door.



The Liberty



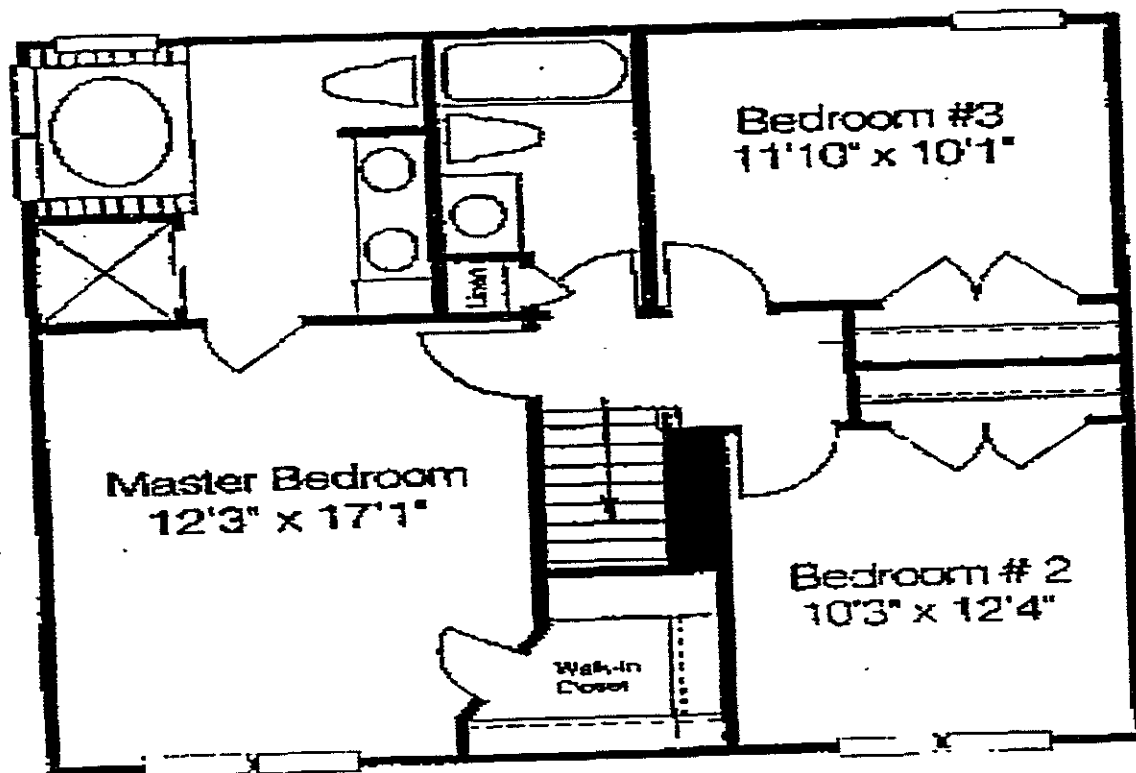
ELEVATION 1

28x28 1,568 Sq. Ft.



ELEVATION 2





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Pet. Ex. 2

TO: Arnold Jablon, Director,
Permits and Development Management

DATE: October 18, 1996

FROM: Arnold F. "Pat" Keller, III, Director,
Office of Planning

SUBJECT: 809 & 811 Regester Avenue

INFORMATION:

Item Numbers: 125 and 126

Petitioner: Glaudemans Property

Property Size: _____

Zoning: DR 5.5

Requested Action: _____

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This is a combined comment for an undersized lot at 809 Regester Avenue and a lot width variance for a 52 foot wide lot at 811 Regester Avenue in lieu of the required 55 feet.

As for the undersized lot request, pursuant to Section 304 of the Baltimore County Zoning Regulations, use of undersized lot, a one family dwelling may be erected on a lot having an area or width less than that required if three (3) conditions are met:

- A. The lot must be recorded by deed or in a validity approved subdivision prior to March 30, 1995;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and acres requirements.

It appears that the first two criterion have been met, but the third cannot be met since the property owners own two adjacent lots. Therefore, the undersized lot approval should not be granted.

ITEM. 125/PZONE/ZAC1

Post-It® Fax Note 7671		Date <u>4-11-97</u>	# of pages <u>1</u>
To <u>PAUL GLAUDEMANUS</u>		From <u>BOB HEWITT</u>	
Co./Dept. _____		Co. _____	
Phone # _____		Phone # <u>887-3480</u>	
Fax # <u>363-1659</u>		Fax # <u>887-5862</u>	

Res. #3

DRAINAGE AREA MAP

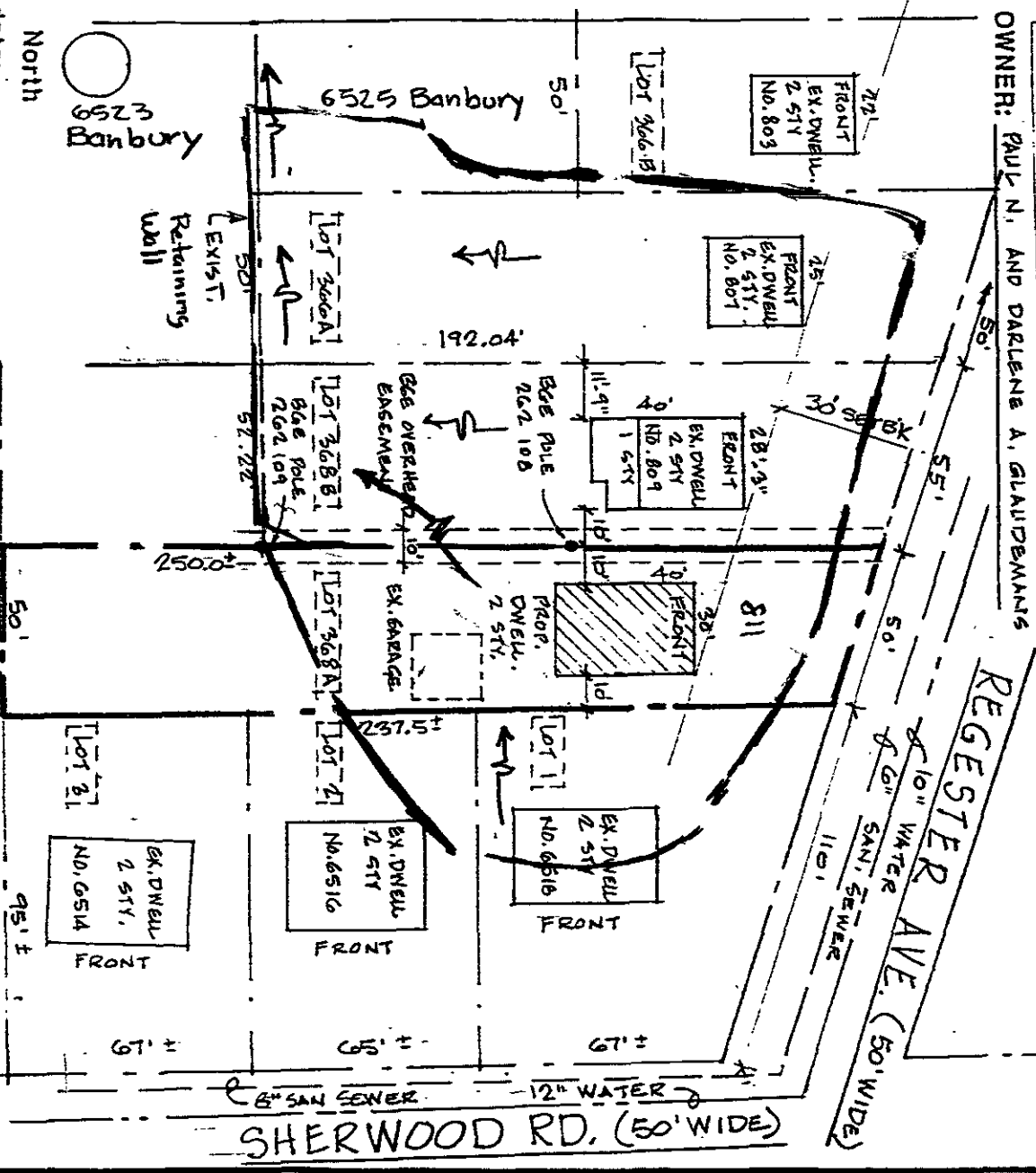
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 811 REGISTER AVE see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: IDLE WYLD E

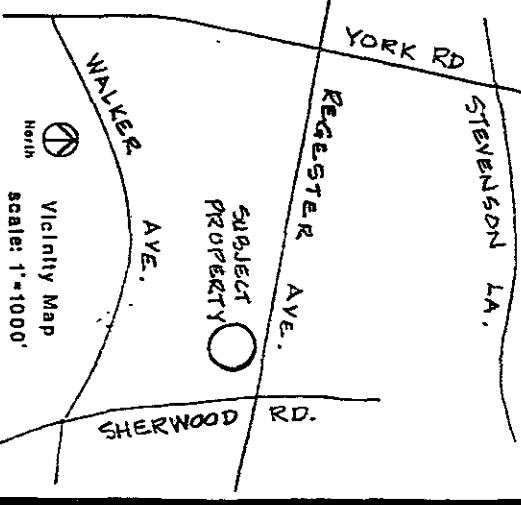
plat book # 7-140, folio # 546, lot # 368 A, section # N/A

OWNER: PAUL N. AND DARLENE A. GLAUBEMAN'S



date: prepared by: WA. MEYERS 2ND

Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District: 04

Councilmanic District: 03

1"=200' scale map: NE 8A

Zoning: DC 5.5

Lot size: .27 acreage 12000± square feet

SEWER: ☒ public ☐ private
WATER: ☒ ☐
Cheapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

Exhibit A

Runoff Direction
Drainage Area Boundary

MICROFILMED

Pet. # 4 use only portions relative to testimony by Smith

James W. Smith, PE
13544 Jarrettsville Pike
Phoenix, Maryland 21131
(410) 628-1004

April 14, 1997

Mr. Paul Glaudemans
809 Register Avenue
Baltimore, Maryland 21239

RE: Drainage Investigation for 811 Register Avenue Lot #368A

Dear Mr. Glaudemans:

In accordance with your request, I have investigated the drainage patterns and runoff conditions on the subject property, as well as the adjacent properties to determine if the construction of the proposed dwelling on Lot #368A will exacerbate reported drainage problems along the property line of 6523 Banbury Road. I have summarized the results of my investigation in this letter report, but my conclusion is that drainage flows will actually decrease, and will certainly not be increased.

QUALIFICATIONS

Please note that I am a registered professional engineer (Registration No. MD 17314), licensed to practice engineering in the State of Maryland. I have over twenty years of experience in the civil engineering field. My specialty is hydrologic and hydraulic engineering as related to surface water runoff, stormwater management, flood mitigation, drainage design and flood plain modeling. I have worked on many projects related to drainage design during my career.

FIELD INVESTIGATION

On Sunday, April 6, 1997, I performed a field investigation of the site. The site is in a residential area along Register Avenue approximately 150 feet west of Sherwood Road. The subject lot, recorded in the land records of Baltimore County as Liber 8342, Folio 546, contains approximately 12,000± sf. of land area. Land use on the site is predominantly lawn area with a broken, bituminous material driveway extending to Register Avenue from a wood frame garage measuring approximately 21' by 21'. Based on my field observation and sketches provided by Mr. Glaudemans, I have calculated that there is approximately 2000 sf. of impervious area on the site at present.

I investigated the drainage patterns for the area draining toward the property of 6523 Banbury Road, the property complaining of the drainage problems. It appears that portions of the subject lot as well as portions of the properties at 803, 807 and 809 Register Avenue, 6516 and 6518 Sherwood Road and 6525 Banbury road drain toward the retaining wall along the property line of 6523 Banbury Road.

RECEIVED

The runoff drains toward the southwest along the backs of the properties along Regester Avenue and then runs along a concrete retaining wall which exists along the north property line of 6523 Banbury Road, and then drains along the retaining wall until the wall ends adjacent to the existing residence at 6523 Banbury Road. At that point, the runoff would appear to drain toward Banbury Road. A sketch of the approximate drainage area which drains toward the retaining wall along the 6523 Banbury Road property line is attached as Exhibit "A". It appears that the natural drainage patterns, that were present before the construction of the dwelling and retaining wall at 6523 Banbury Road, were interrupted by the retaining wall. Evidence of any damage from improper drainage was not observed.

PROPOSED CONDITIONS

According to a sketch provided by Mr. Glaudemans, a residential structure measuring approximately 28' by 28' will be constructed toward the north side of Lot #368A along with sidewalks and a driveway. The existing garage and driveway are scheduled to be removed prior to the construction of the proposed improvements. I have calculated, based on Mr. Glaudemans sketch, that the proposed impervious area resulting from the proposed improvements will be approximately 1,170 sf. This is substantially less impermeable area than the present 2,000 sf. noted above.

HYDROLOGIC CHARACTERISTICS - EXISTING & PROPOSED CONDITIONS

For measuring runoff, hydrologic engineers quantify the effects of different land uses by defining a runoff coefficient or runoff curve number (RCN) for each land use based on the empirical data. These industry standard RCN's measure the relative difference of different land uses to produce runoff. For example, impervious areas have a RCN of 98 while lawn areas generally have a RCN in the range of 39 to 80, substantially less.

As previously noted, Lot #368A currently has approximately 2,000 sf. of impervious area, while after the lot is developed approximately 1,170 sf. of impervious area will be present. This represents an approximate 40% reduction in impervious area. It is assumed that the area where existing impervious surface is to be removed will be converted to lawn area which has a lower RCN.

CONCLUSIONS

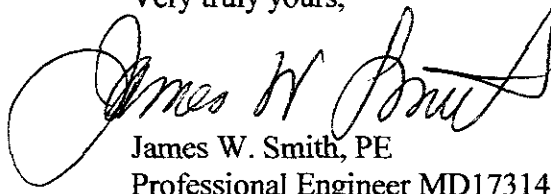
Based on the field observations and hydrologic analysis presented herein, the following conclusions are presented:

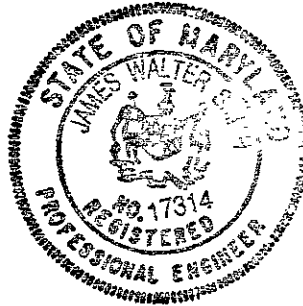
1. The drainage problems claimed to exist by the owner of 6523 Banbury Road were investigated in the field. It appears that runoff from adjacent lots drains along a retaining wall on the north property line of that property. The construction of the retaining wall and other improvements on the property of 6523 Banbury Road appears to have interrupted the natural drainage patterns that were present before the improvements. Damage caused by drainage along the retaining wall was not observed.

2. Based on the industry standards for measuring runoff (RCN) and the reduction in impervious area resulting from the construction of the improvements on Lot #368A, it can be concluded that the improvements will result in reducing the runoff draining from Lot #368A. It can therefore be concluded that the improvements will reduce the runoff draining toward the retaining wall along the 6523 Banbury Road property and will not contribute to any drainage problems that are perceived by the owner of the property at 6523 Banbury Road.

If I can answer any questions or provide further information, please do not hesitate to contact me.

Very truly yours,


James W. Smith, PE
Professional Engineer MD17314



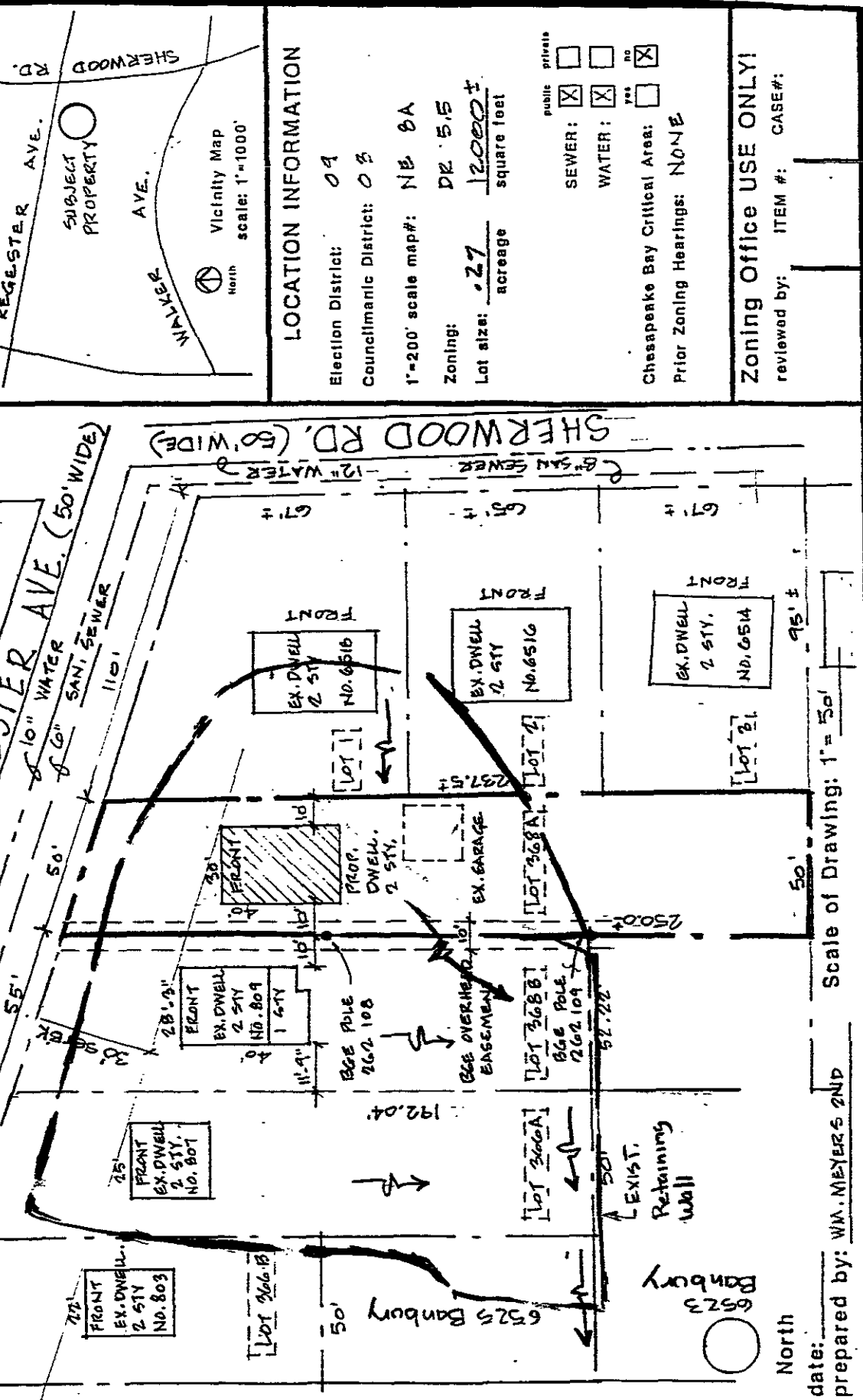
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 811 REGESETER AVE

Subdivision name: 1 DLEWYLDE

plat book# 7-140, folio# 546, lot# 368A, section# N/A

OWNER: PAUL N. AND DARLENE A. GLAUDEMANS



LOCATION INFORMATION

Election District: 09
Councilmanic District: 03
1"=200' scale map#: NE 8A
Zoning: DE 5.5
Lot size: .27 acreage
square foot

public ☒ private ☐
SEWER: ☒ WATER: ☒
Chesapeake Bay Critical Area: ☐
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:

date: prepared by: WM. MEYERS 2ND Scale of Drawing: 1"= 50'

Pet. Ex. 6

For Ident. Only

**PARTIAL LISTING OF
IN-FILL PROPERTIES WITHIN THE NEIGHBORHOOD**

11 cases noted

A. 6404 Sherwood Road Robert Shoul and Marlene Shoul 50' x 195'
Deed Reference: 6346/209 9750 square feet
Tax Account #: 907585650
Date of in-fill: 1983

Allowed with 50' width.

B. 6416 Sherwood Road James A. Duswalt and Terri Beth Wilson
Deed Reference: 8914/214 10,870 sf
Tax Account #: 2200000222
Date of in-fill: 1991

until 1991 owned by 6418 Sherwood Road as single lot of
2/5 acre +/- In 1991 undeveloped lot sold to builder who
developed property and then sold to above mentioned owners.

C. 6511 Crestwood Road House currently under construction by Double R, Inc
Date of in-fill: 1997

this parcel originally owned by Charles E. Harward Jr. and Ellen
T. Harward (of 6507 Crestwood Road) who sub-divided into
building lot. Currently, house under construction on this lot.

D. 6903 Banbury Road Paul Romney and Sharon Kingsland 50' x 200'
Deed Reference: 11362/541 10,000 sf
Tax Account #: 0908302741
Date of in-fill: 1961

E. 6905 Banbury Road Raymond Spitznas 50' x 200'
Deed Reference: 4476/419 10,000 sf
Tax Account #: 0919641330
Date of in-fill: 1961

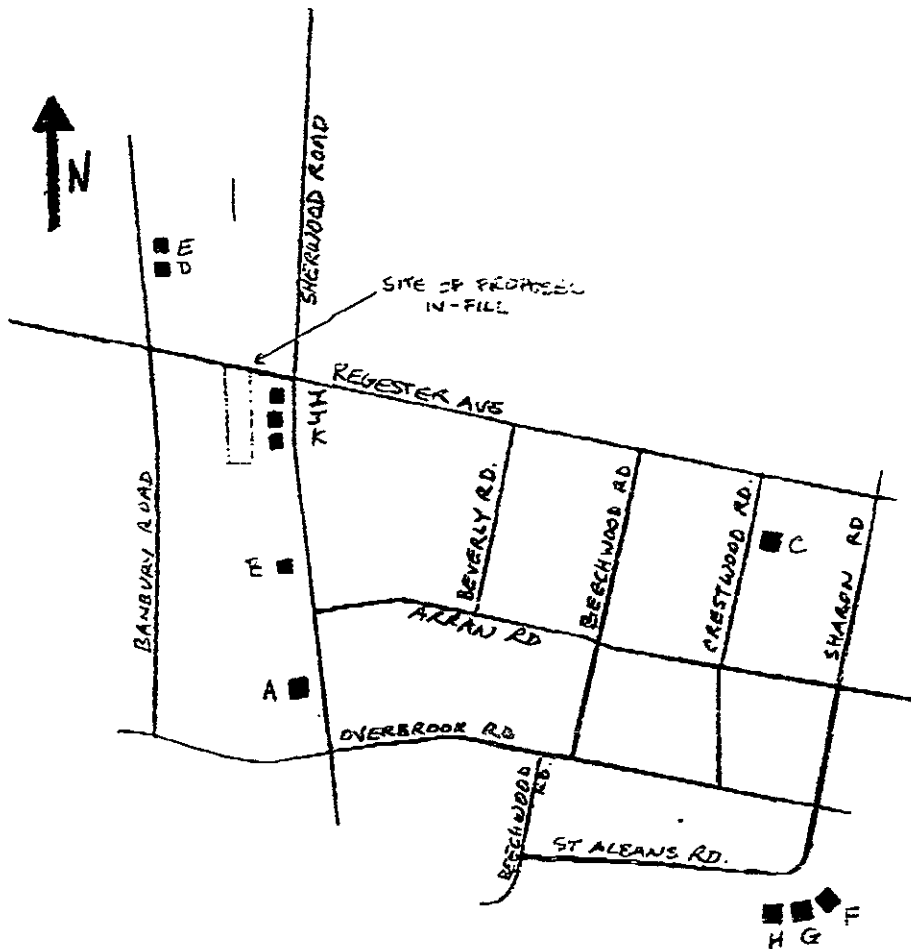
History: Both of these houses (D and E) are built on adjoining properties.
The lots were initially owned by Angela, Inc. who developed these
properties in 1961. Although Angela, Inc. owned sufficient adjoining
property to form one lot 55' wide, they were allowed to construct two (2)
dwellings, ea. with 50' wide lot (both of these lots measure 50' x 200').

F. 1027 St. Albans	Susan L. Fetter Deed Reference: 9286/621 Tax Account #: 2200011944 Date of in-fill: 1992	see plat 7962 s.f.
G. 1029 St. Albans	Shirley Jean Mancini Deed Reference: 9207/236 Tax Account#: 2200011945 Date of in-fill: 1992	see plat 8669 s.f.
H. 1101 St. Albans	Victor Hou and Irene Hou Deed Reference: 9663/193 Tax Account #: 2200011943 Date of in-fill: 1992	see plat 13000 s.f.
lots F, G, and H as stated above are odd-shaped lots (see Liber 8837, folio 554 and Liber 8837, folio 555, subdivision plat attached) They were all developed in 1991 by Acquest Homes and sold to owners of record in 1992, 1992 and 1993 respectively. Boundaries were drawn which allowed less than 35' frontage in some cases.		
I. 6518 Sherwood Road	Robert S. Schmelz and Ethyl Mae Schmelz Deed Reference#: 9027/584, Lot #1 Date of in-fill: 1977	68' x 133' 9000 sq ft
J. 6516 Sherwood Avenue	Cornelius Y. and Susan D. Veenis Deed Reference#: 5862/113, Lot #2 Date of in-fill: 1977	65' x 100' 6500 s.f.
K. 6514 Sherwood Avenue	Marie J. and Wayne N. Gallatin Deed Reference #: 5848/49, Lot #3 Date of in-fill: 1977	67' x 95' 6350 s.f.

History: Until 1976 properties I, J, and K, were considered 2 lots running parallel to 811 Regester Avenue, each lot being 220' +/- in depth and 50' +/- in width (see liber 5678, folio 766) In 1976, boundaries were relocated as shown on Plat entitled "Resubdivision of the plat of Idlewylde", Section "A" which plat is recorded among the land records of Baltimore County in Plat book E. H. K. Jr. No. 40, folio 136.

AREA MAP SHOWING LOCATIONS OF IN-FILL DEVELOPMENTS

Letter codes correspond to in-fill codes
stated on pages 1 and 2



Supporting Documentation on In-Fill Properties

including Maryland State Department of Assessments and
Taxation printouts of all properties stated and
copies of deeds and plats relative to 1027, 1029,
and 1101 St. Albans Road and 6518, 6516, and
6514 Sherwood Avenue

*All records are assigned letter codes to correspond to
in-fill code stated on pages 1 and 2*

TAMMEL, RICHARD P JR

(X) *Filming Date*
Jan 2, 1945

Acetate Co

4/42
429
62
1874
48
2/12

105 137 124C

01954

Pet. Ex. 7

Stephen
Nolan

ADOPTED BY THE COUNTY COMMISSIONERS
OF BALTIMORE COUNTY,
Enabling Acts of the General Assembly of Maryland:

Session of 1941, Chapter 247

Session of 1943, Chapter 877

Session of 1945, Chapter 502

Session of 1947, Chapter 915

CHRISTIAN H. KAHL,
President

JOHN R. HAUT

BREMEN A. TRAIL
County Commissioners
of Baltimore County

Codified Sept. 1, 1948 by

CHAS. H. DOING
Zoning Commissioner of Baltimore County.

32. Trailer: A vehicle used, or intended for use as a conveyance upon the public street or highway, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place.

33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer or house cars, when detached from its automobile, or means of locomotion, or a combined car and house trailer, are placed or located, and whether or not used for occupancy as dwelling or otherwise, and shall include any structure or building used as a service building for such camp or intended for use as a part of the equipment of such camp.

34. Wayside Stand: A temporary structure including tables, or other method for display and sale of farm products or commodities.

35. Yard: An open space on the same lot as the building and unoccupied and unobstructed from the ground up (except such accessory buildings, or projections as are expressly permitted in these regulations) and not including a court.

36. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation wall of the building.

37. Yard, Rear: A yard extending across the full width of the lot measured between the rear lot line and the main building.

38. Yard, Side: A yard extending from the front yard to the rear yard and measured from the side lot line to the building.

39. Zone: An area for which the regulations governing the use of buildings and land are identical.

SECTION II—ZONES

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

- "A" Residence Zone - - - (Cottage)
- "B" Residence Zone - (Semi-detached)
- "C" Residence Zone - - (Apartment)
- "D" Residence Zone - - - (Group)
- "E" Commercial Zone.
- "F" Light Industrial Zone.
- "G" Heavy Industrial Zone.

SECTION III—"A" RESIDENCE ZONE

A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Church, parochial school, convent or monastery.
2. Dwelling, single family.
3. Dwelling, two-family.
4. Farming and buildings incidental thereto.
5. Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.

6. Professional office when situated in the building used by practitioner as his or her private dwelling, provided that no name plate shall be displayed exceeding two square feet in area.
7. Public park or playground.
8. Public building.
9. Public water works or reservoir.
10. Trailer, one unoccupied, for storage only.
11. Tourist home.
12. Truck garden.
13. Accessory building and uses incident to any of the above uses when located on the same lot and in the rear yard and not involving the conduct of a retail business, and which may include:
 - (a) Any accessory building when located not less than 60 feet from a front lot line and in case of a corner lot where rear lot line abuts on side line of lot adjoining on rear, no accessory building shall be less than 25 feet from the side street line except when built as a part of the main building, provided, however, that any accessory building which is erected within 60 feet of any side street line shall not be less than 10 feet from the rear lot line. In case of a corner lot where rear line of lot abuts on rear line of lot adjoining on rear, no accessory building shall be less than 15 feet from the side street line and in no case shall an accessory building be located within two feet of any lot line.
 - (b) Poultry house, provided use is of a private nature only and no poultry or eggs are sold, provided, however, that any poultry yard, run or enclosure, shall be, in its entirety, within the rear yard of such lot.
14. Telephone and telegraph lines, electric light and power lines on public highways or carrying less than 5,000 volts on poles, underground conduits, cables and gas, sewer and water mains and pipes, provided that no building or structure except such poles shall be erected, altered, repaired or used in connection therewith without the issuance of a special permit as provided in Section XIII—Sub-section I.
- B. Height Regulations: No building shall exceed a height of forty feet or three stories.
- C. Area Regulations: The minimum dimensions of yards, and the minimum lot area, except as provided in Section IX, shall be as follows:
 1. Lot Area: Each dwelling hereafter erected shall be located on a lot having an area of not less than five thousand square feet and a width of not less than fifty feet at the front building line. No yard space or minimum area required for a building or use by these regulations shall be considered as any part of the yard space or minimum area for another building or use.
 2. Front Yard: The building line shall set back from the front lot line to provide for a front yard not less than twenty-five feet in depth, provided that when the majority of residential buildings on one side of a street between two intersecting streets, have been lawfully built with different front yard depths than the aforesaid twenty-five feet, then no building hereafter erected or altered shall have a less front yard than the average depth of said actual front yards of buildings immediately to either side of said building; and, provided, further that no building shall be required by the regulations to set back more than fifty feet in any case, and provided further that these regulations shall not be construed as to reduce to less than 22 feet the buildable width of a corner lot.
 3. Side Yard: There shall be a side yard not less than seven feet in width along each side lot line, except in case of a corner lot the side yard along the side street shall not be less than fifteen feet.
 4. Rear Yard: There shall be a rear yard, having a minimum average depth of twenty feet but in no case less than fifteen feet in depth at any one point.

BALTIMORE COUNTY

ZONING REGULATIONS

1955

BOOK N^o 231

This is the property of:

Name

Hugh L. Seltzer
2014

Address

231 N. Pennsylvania Ave.

Phone

Towson 4 MD
wa 8-8747

R. 10 ZONE

per cent of the lots may have an area less than 10,000 square feet (see Section 304).

208.2—Front Yard—For dwellings, the front building line shall be not less than 30 feet from the front lot line and not less than 55 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—50 feet from the front lot line and not less than 75 feet from the center line of the street, except as specified in Section 303.1.

208.3—Side Yards—For dwellings, 10 feet wide for one side yard and not less than 25 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 30 feet from the side lot line and not less than 55 feet from the center line of the street; for other principal buildings—20 feet wide, except that for a corner lot the building line along the side street shall be not less than 35 feet from the side lot line and not less than 60 feet from the center line of the street.

208.4—Rear Yard—30 feet deep.

R. 6 Zone—Residence, One and Two-Family

Section 209—USE REGULATIONS

The following uses only are permitted:

209.1—Uses permitted and as limited in R. 40 Zone;

209.2—Two family dwellings, as defined in Section 101;

209.3—Special Exceptions—Same as R. 10 Zone, except sanitary landfills and trailer parks which are not permitted (see Sections 270 and 502).

Section 210—HEIGHT REGULATIONS:

Same as R. 40 Zone.

Section 211—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

211.1—Lot Area and Width—Each one-family dwelling and each other principal non-residential building hereafter erected shall be located on a lot having an area of not less than 6,000 square feet and a width at the front building line of not less than 55 feet; each two-family dwelling hereafter erected shall be located on a lot(s) having an area of not less than

R. 6 ZONE

10,000 square feet and a width at the front building line of not less than 80 feet for a duplex dwelling and 90 feet for the pair of lots occupied by a semi-detached dwelling (see Section 304).

211.2—Front Yard—For dwellings, the front building line shall be not less than 25 feet from the front lot line and not less than 50 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—40 feet from the front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1.

211.3—Side Yards—For one-family dwellings, 8 feet wide for one side yard and not less than 20 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 25 feet from the side lot line and not less than 50 feet from the center line of the side street; for two-family dwellings, side yards shall be as provided in Sections 214.1 and 214.3; for other principal buildings, same as in Section 208.3.

211.4—Rear Yard—30 feet deep.

Section 303—FRONT YARD DEPTHS IN RESIDENCE AND BUSINESS ZONES

303.1—In R. 20, R. 10, and R. 6 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in R. 20 Zones, 50 feet in R. 10 Zones and 40 feet in R. 6 Zones, in no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for R. 20, R. 10, and R. 6 zones, respectively.

303.2—In B. L., B. M. and B. R. Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with permanent commercial buildings constructed of fire-resisting materials situate within 100 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above.

Section 304—USE OF UNDERSIZED SINGLE-FAMILY LOTS

A one-family dwelling may be erected on a lot having an area or width at the building line less than that required by the height and area regulations, provided:

- a. That such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to adoption of these Regulations; and
- b. That all other requirements of the height and area regulations are complied with; and
- c. That the owner of the lot does not own sufficient adjoining land to conform substantially to the width and area requirements.

Section 305—REPLACEMENT OF DESTROYED OR DAMAGED DWELLINGS

In case of complete or partial casualty loss by fire, windstorm, flood, or otherwise of an existing dwelling that does not comply with height and/or area requirements of the zone in which it is located, such dwelling may be restored provided area and/or height deficiencies of the dwellings before the casualty are not increased in any respect.

Section 306—MINOR PUBLIC UTILITY STRUCTURES

Minimum lot area regulations in any zone shall not apply to repeater, booster, or transformer stations, or small community dial offices.

Section 307—VARIANCES

The Zoning Commissioner of Baltimore County and the Board of Zoning Appeals, upon appeal, shall have and they are hereby given the power to grant variances from area and height regulations in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. However, any such variance shall be granted only if in strict harmony with the spirit and intent of said regulations, and only in such manner as to grant relief without substantial injury to the public health, safety, and general welfare. Before granting any such variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance, subject, however, to the right of appeal to the Board of Zoning Appeals as provided by the Zoning Regulations.

ORIGINAL

Pet. Ex. 8

Petition of Support

**plus accompanying map showing location
of some of those in support**

Petition in Support of Zoning Appeal Case #97-126-A

We, the undersigned, do hereby support the granting of the zoning variance exemption as requested under case #97-126-A. We confirm that we have seen the three (3) drawings labeled "Plat to Accompany Petition for Zoning Variance", "Existing", and "Proposed" (as attached) and are in support of these plans.

Date	Name	Address	Signature	Phone
3-27-97	807 Regester ave	Georged L. Sissen Jr	3775804	
3-27-97	807 Regester Ave.	Dorothy m. Sissen	377-5804	
3-27-97	^{Robert S. Schmelz Jr.} 6518 SHERWOOD RD.	Robert Schmelz Jr.	377-6518	
3-27-97	^{Ethel Mae Schmelz} 6518 Sherwood Rd	Ethel Mae Schmelz	377-6518	
3/31/97	PATRICIA H WILLIAMS 806 REGESTER AVE	Patricia H Williams	410-377 4923	
3/31/97	ROBERT E WILLIAMS JR 806 REGESTER AVE 21239	R. E Williams Jr	377-4923	
3/31/97	VICTORIA VANIK 278 RELESTER AVE 21234	Victoria A. Vanik	377-0906	
4/1/97	DENNA HARRIS 737 Regester Ave. 21212	Denna Harris	377-2621	
4/1/97	Robert D. Harris 737 Regester Ave 21212	R. Harris	377-2621	
4/1/97	CHIRANTAN MUKHOPADHYAY 739 REGESTER AVE 21212	Chirantan Mukhopadhyay	377-0807	
4/1/97	ROSEMARY MUKHOPADHYAY 739 REGESTER AVE 21212	Rosemary Mukhopadhyay	377-0807	
4/2/97	JOHN P. KEENAN 1129 OVERBROOK Rd.	John P. Keenan	377-0563	
4/03/97	Susan Gowley 6412 Sherwood Rd.	Susan V. Gowley	377-3371	
4/11/97	^{VALERIE KEENAN} 6402 SHARON RD 21234	Valerie Keenan	377-2541	
4/11/97	Irma Cotton 6400 Sharon Rd	Irma M Cotton	377-9749	
4/14/97	WARREN L. DORFLER 6410 SHERWOOD RD	Warren L Dorfler	377-6752	
4-14-97	Evelyn N. Dorfler 6410 Sherwood Rd	Evelyn N. Dorfler	377-6752	
4-14-97	Ann Mooney 6607 Parkway Rd.	Ann Mooney	377-4462	
4-14-97	PAUL N. GLADEMANS 809 Regester Ave	Paul N. Glandemans	377-2723	
4-14-97	Darlene A. Glandemans 809 Regester Ave	Darlene A. Glandemans	377-2723	

Petition in Support of Zoning Appeal Case #97-126A

We, the undersigned, do hereby support the granting of the zoning variance as requested under case #97-126A. We confirm that we have seen the three (3) drawings labeled "Plat to Accompany Petition for Zoning Variance", "Existing", and "Proposed" (see attached) and are in support of these plans.

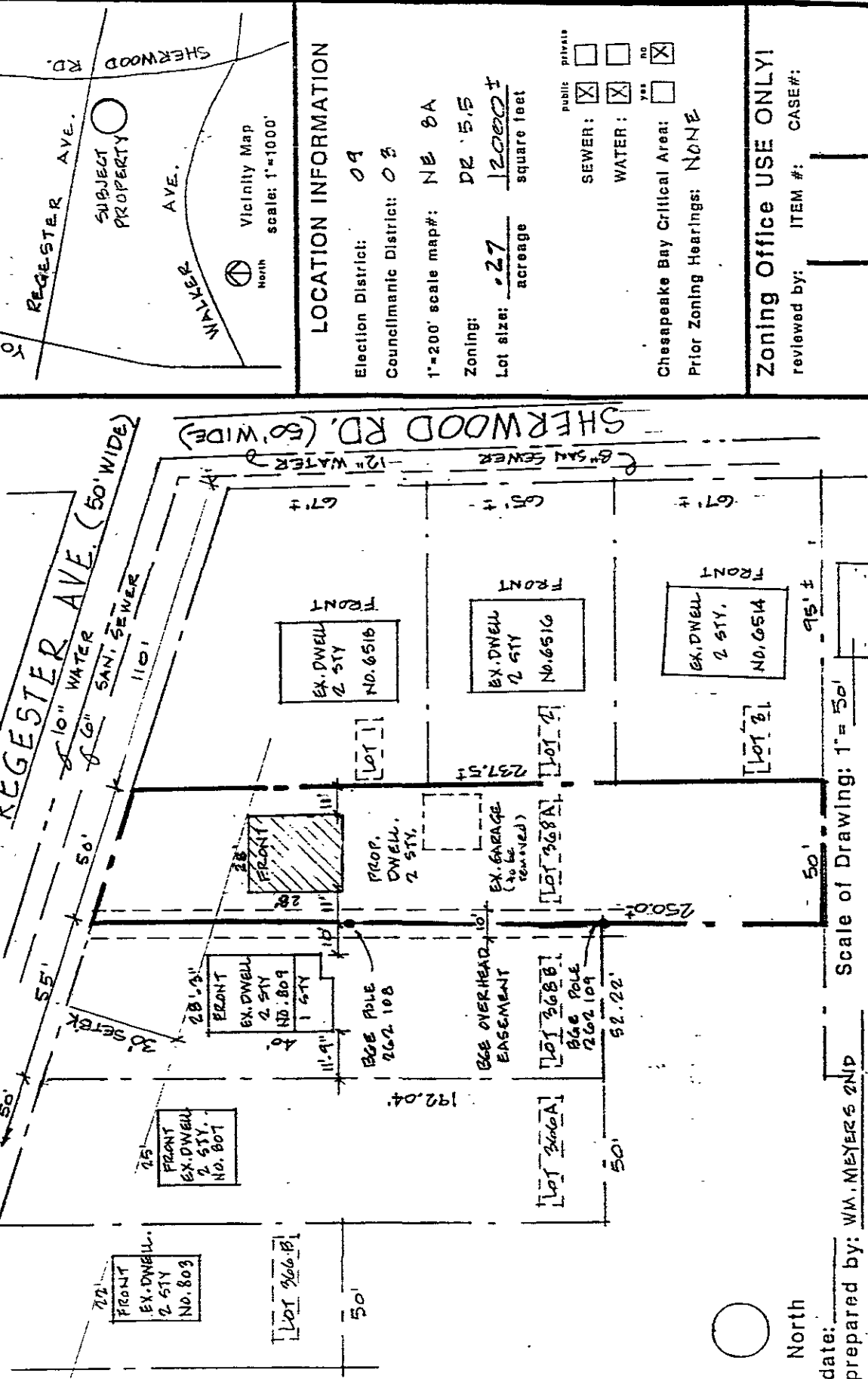
Date	Name	Address	Signature	Phone
4-14-97	PAUL W DONELSON	749 ANNESLEE RD	<i>Paul W Donelson</i>	410-377-0099
4-14-97	H. P. Squitieri	1215 Overbrook Rd.	<i>H. P. Squitieri</i>	377-5722
4-14-97	Dorothy P. Bise, Esq.	1100 Overbrook Rd.		377-2502
I am highly in favor of the proposed Petition for Variance. The disapproval of the above petition will allow the land at issue to lay fallow. If the variance is permitted it would lead to an increase in property values in the community which is in the best interest of the residents of Idlewyld.				
4-14-97	Timothy J. Moorey	6607 Parkway Rd 21239	<i>Timothy J. Moorey</i>	410-377-4462
4-14-97	MICHAEL THOMAS MUSAR	1005 LITCHFIELD RD 21239	<i>Michael Thomas Musar</i>	410-377-5320

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 811 REGESETER AVE see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: IDLEWYLDE
 plat book # 7-140, folio # 546, lot # 368A, section # N/A

OWNER: PAUL N. AND DARLENE A. GLAUDEMANS



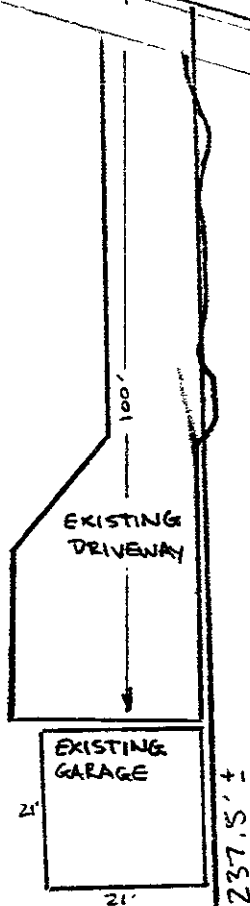
North
 date: prepared by: WM. MEYERS 2ND Scale of Drawing: 1"= 50'

EXISTING

BGE Pole
262 108 →

BGE
Overhead
Easement →

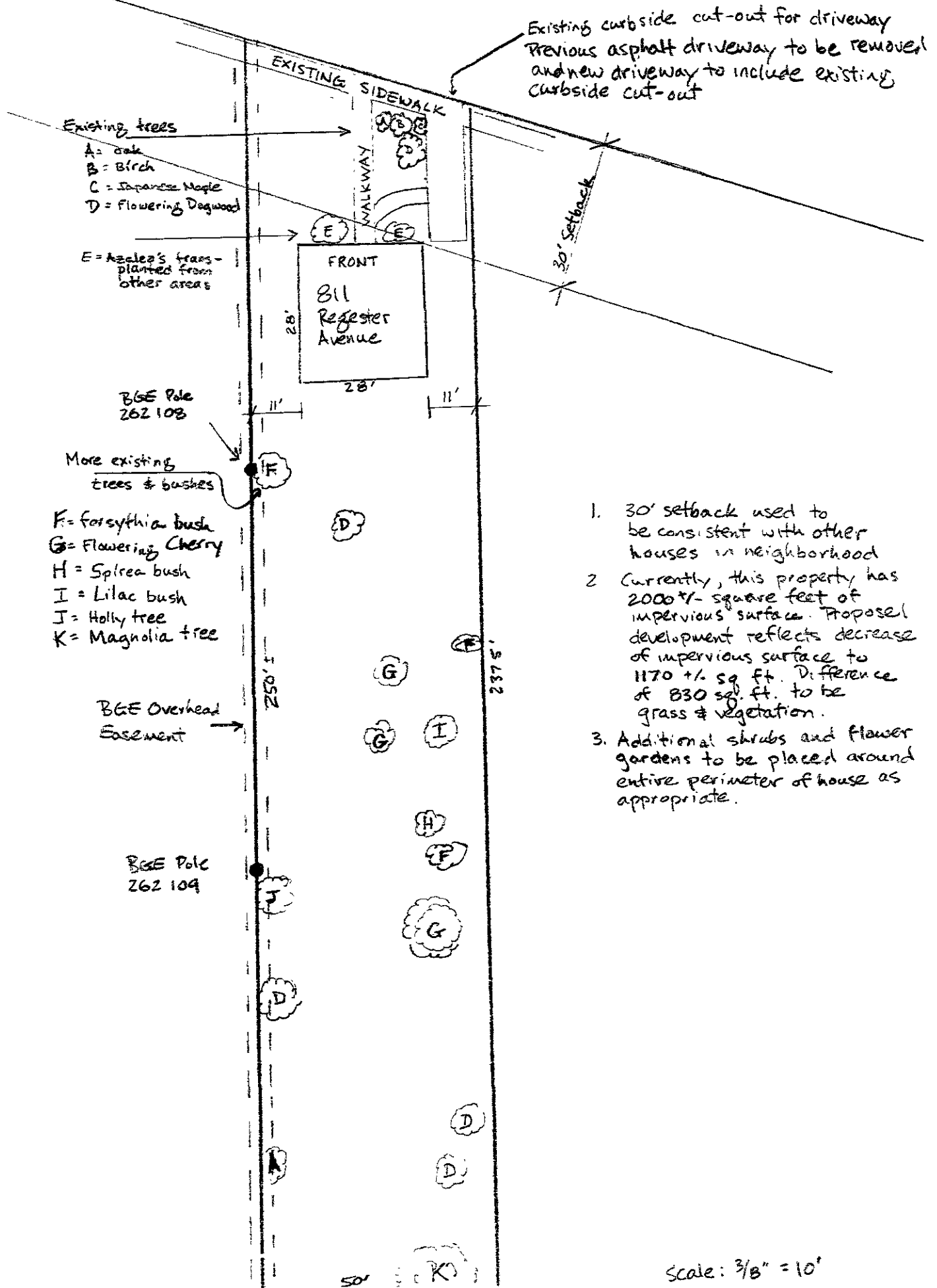
BGE Pole
262 109 →

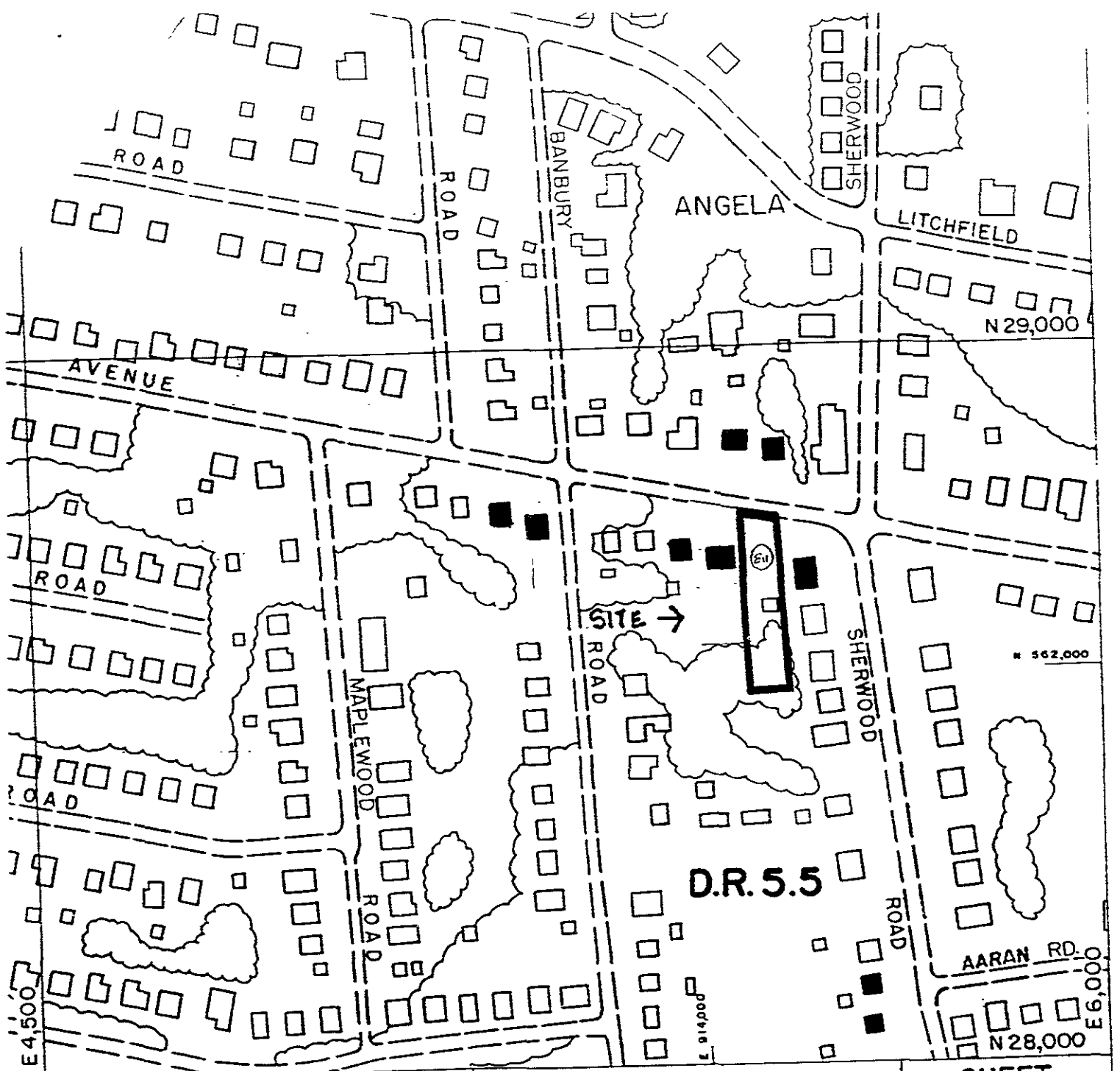


1. Existing asphalt driveway to be removed and new driveway to include existing curbside cut-out.
2. Existing, garage to be removed
3. Current trees and bushes to remain as indicated on "Proposed" drawing

Scale: $\frac{3}{8}" = 10'$

PROPOSED





E ZONING MAP
e County Council
2

-92,187-92,188-92,189-92

Howard IV
Council

SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

STONELEIGH
ANNESLIE
ROGERS FORGE

SHEET

N.E.

8-A



= Supporters by petition

97-126-A

WATERISHED

ROAD

SHERWOOD

PROP.
NEW
HOME

ROAD

6523

320-

314000

To: *Mr. Williams* page 2 of 5Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 811 REGISTER AVE

see pages 5 & 6 of the CHECKLIST for additional required information

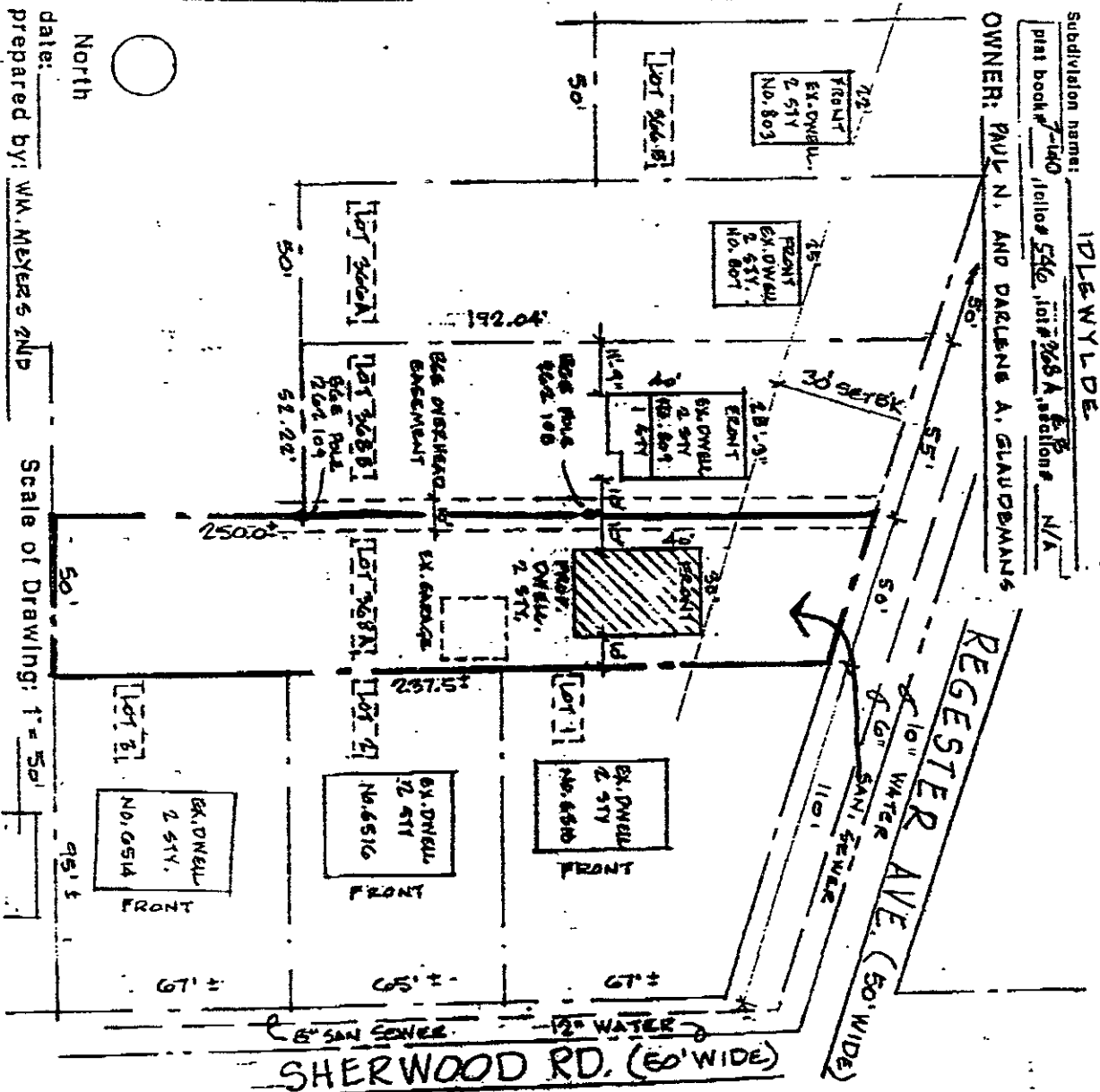
Subdivision name:

IDLE WYLD

plat book:

7-140, folios 546, lot 268A, section N/A

OWNER: PAUL N. AND DARLENE A. CLAUDMAN

date: _____
prepared by: WM. MEYER & SONS

Scale of Drawing: 1" = 50'

LOCATION INFORMATION

Election District: 09

Census Tract: 09

T-200' scale map: NE 8A

Zoning: DE-5.5

Lot size: .27 acreage 12000 sq. feet

SEWER: ☒ WATER: ☒Chesapeake Bay Critical Area: ☐

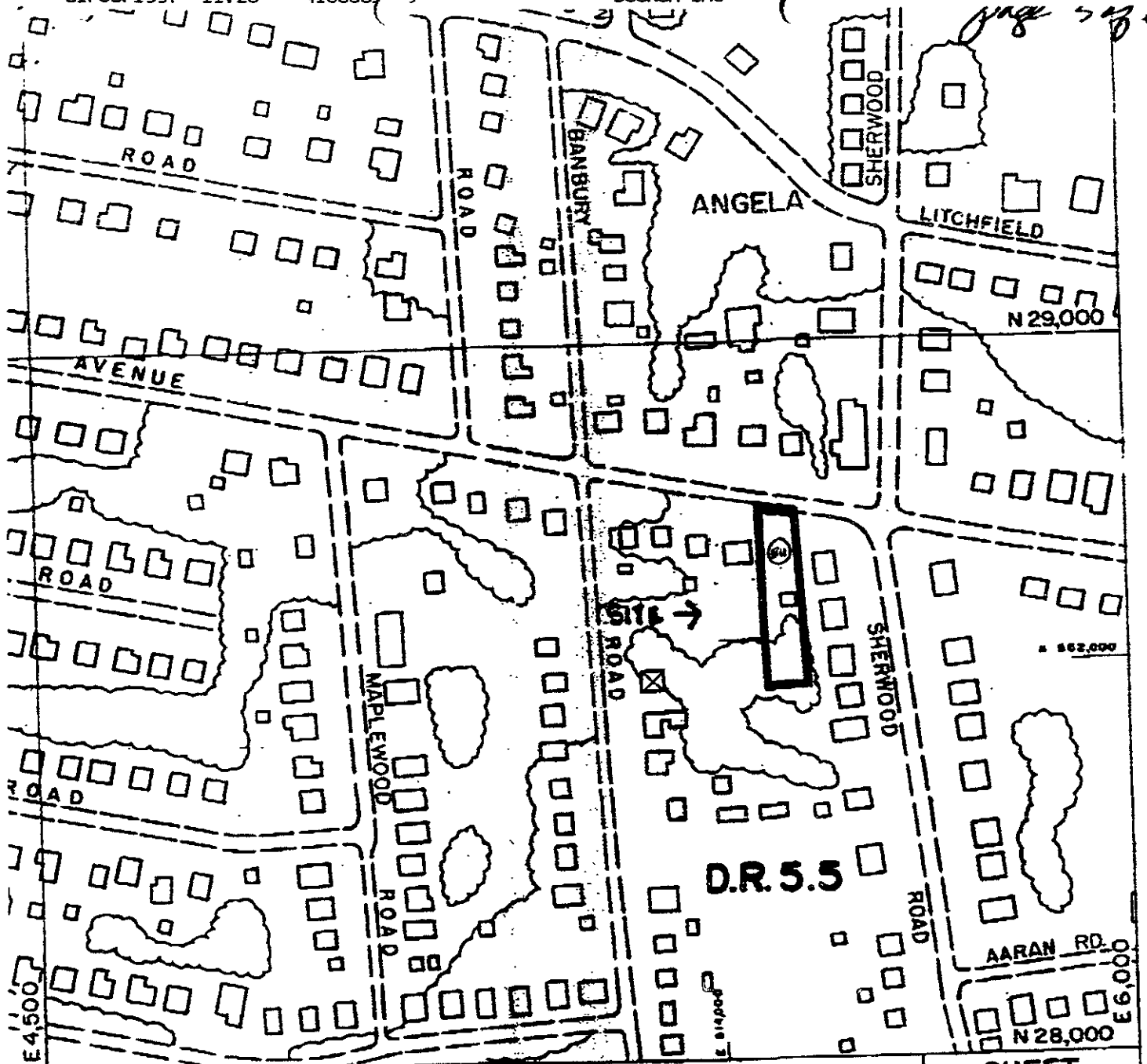
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

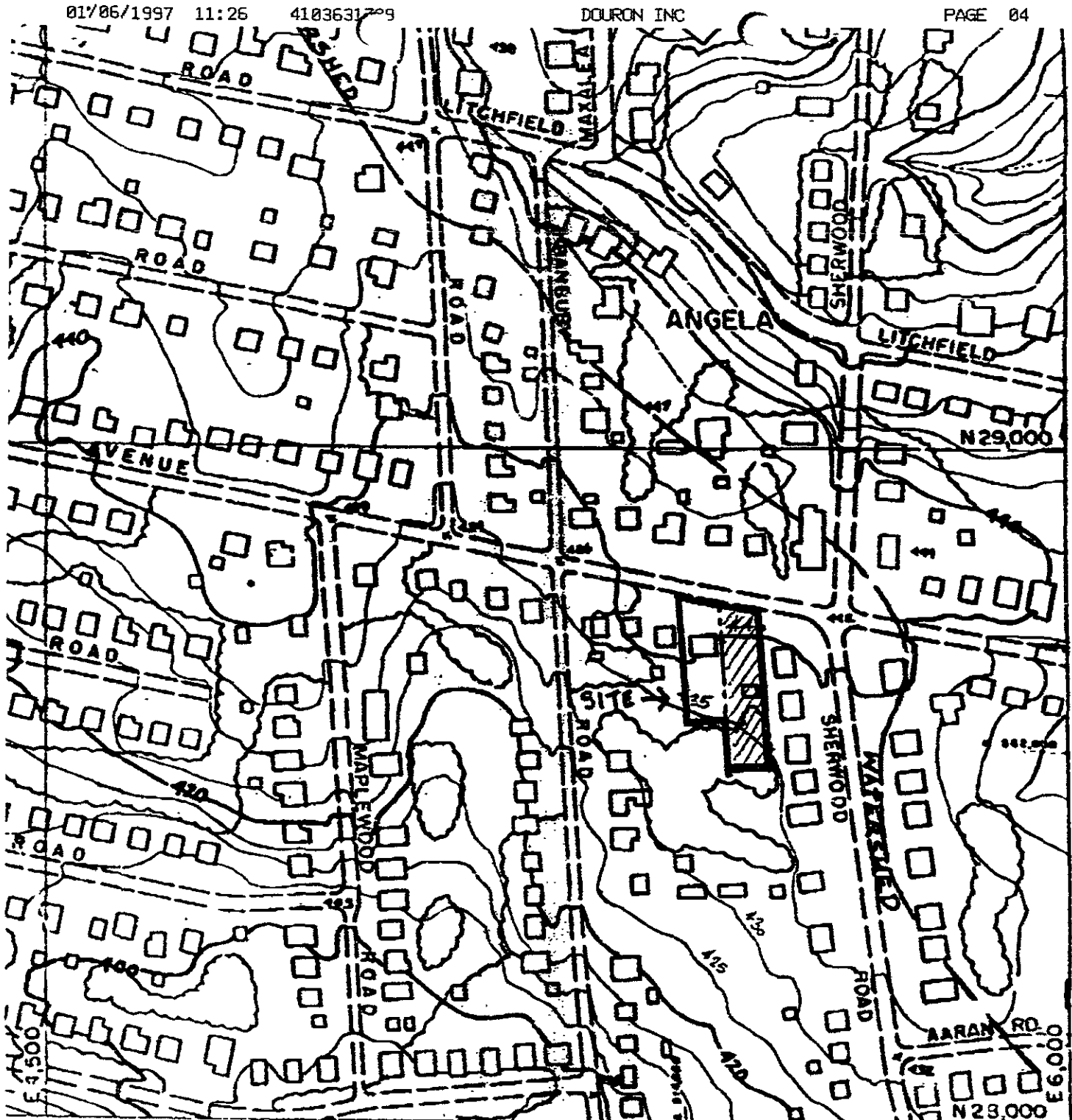
Pet. Ex. 1

page 5 of 6



E ZONING MAP e County Council 2	SCALE 1" = 200' ±	LOCATION STONELEIGH ANNESLIE ROGERS FORGE	SHEET N.E.
-92,187-92,188-92,189-92 <i>Howard IV</i> Council	DATE OF PHOTOGRAPHY JANUARY 1986		8-A

Attn: Newt Williams



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1996

LOCATION

STONELEIGH
ANNESLIE
ROGER'S FORGE

SHEET

N.E.

3-A

Page 4 of 6
Newt
Williams



A. 6518

Sheward Rd.

One of 3 lots

6514, 6516 and

6518 Sheward Rd.

Recombined

Lot 368A.

811 Regester Ave.

50 ft. wide

Lot 368B

809 Regester Ave.

52.2 ft. wide

The Maudement Property

811 and 809 Regester Avenue

Looking South from Regester Ave.

PET. EX. 5

MOBILE



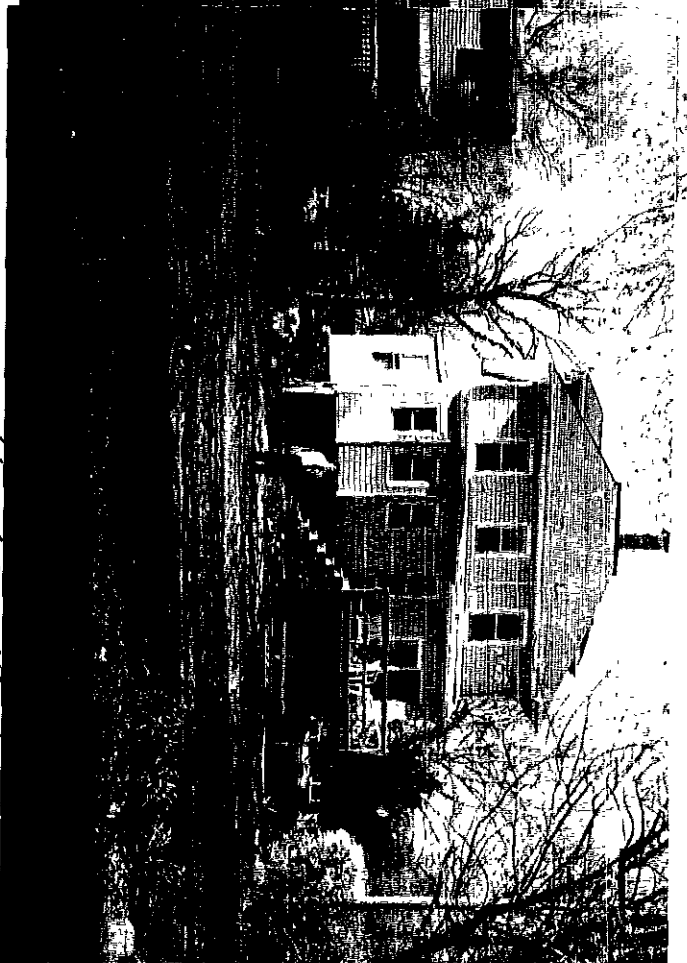
B, Rear of 6518 Sheppard Rd. - Looking SE across 811 Regatta Ave., subject & reply.
Note driveway and garage.



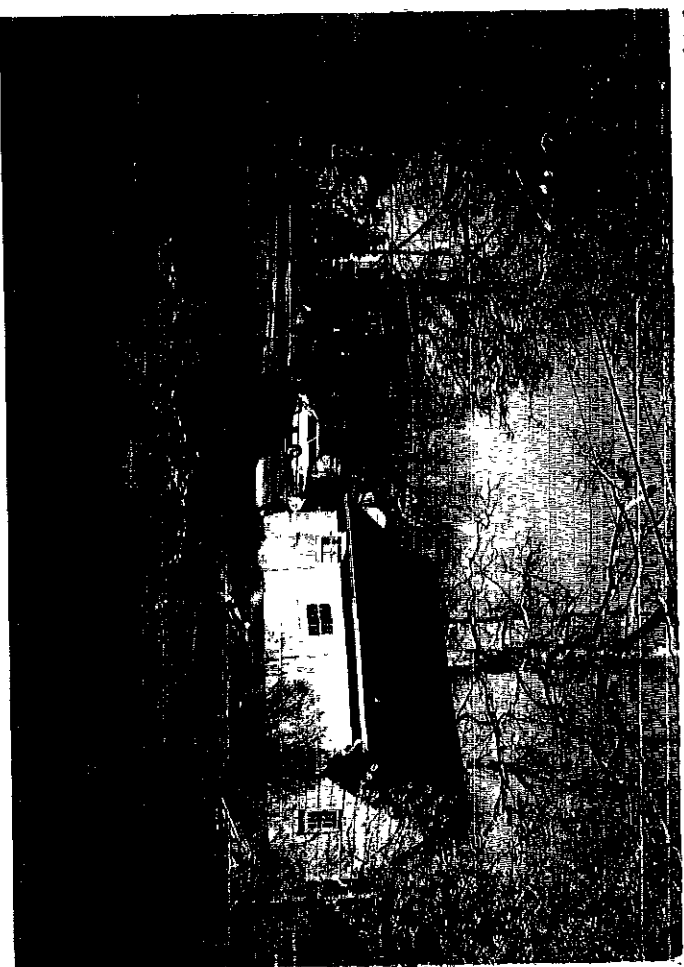
C, Looking East from 809 Regatta toward across 811, toward rear of 6518, 6516 and 6514 Sheppard Rd.



807 Regester

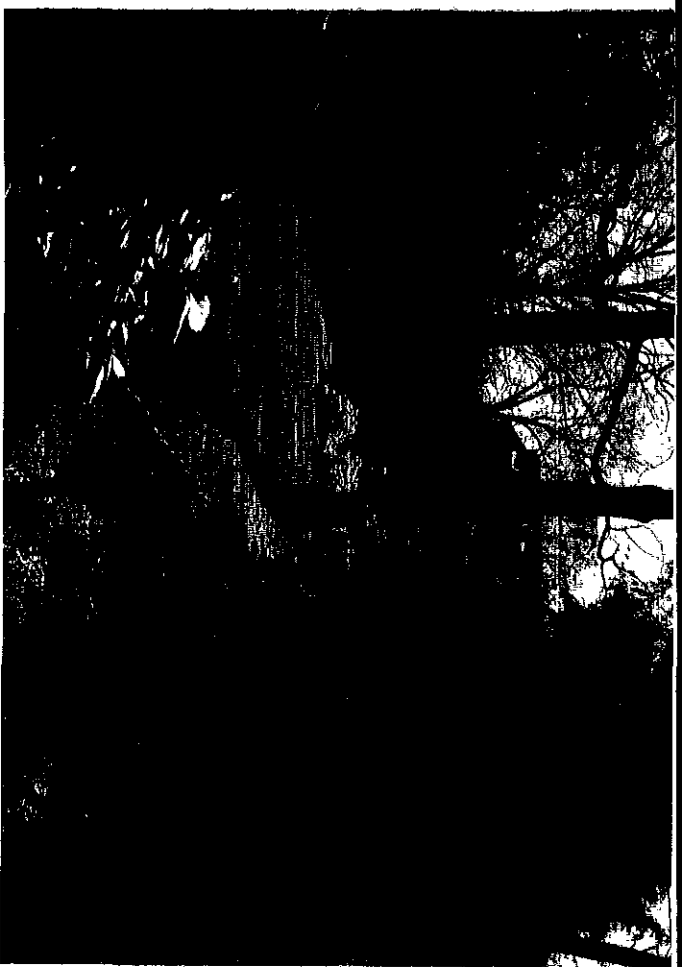


809 Regester
Xmas morning

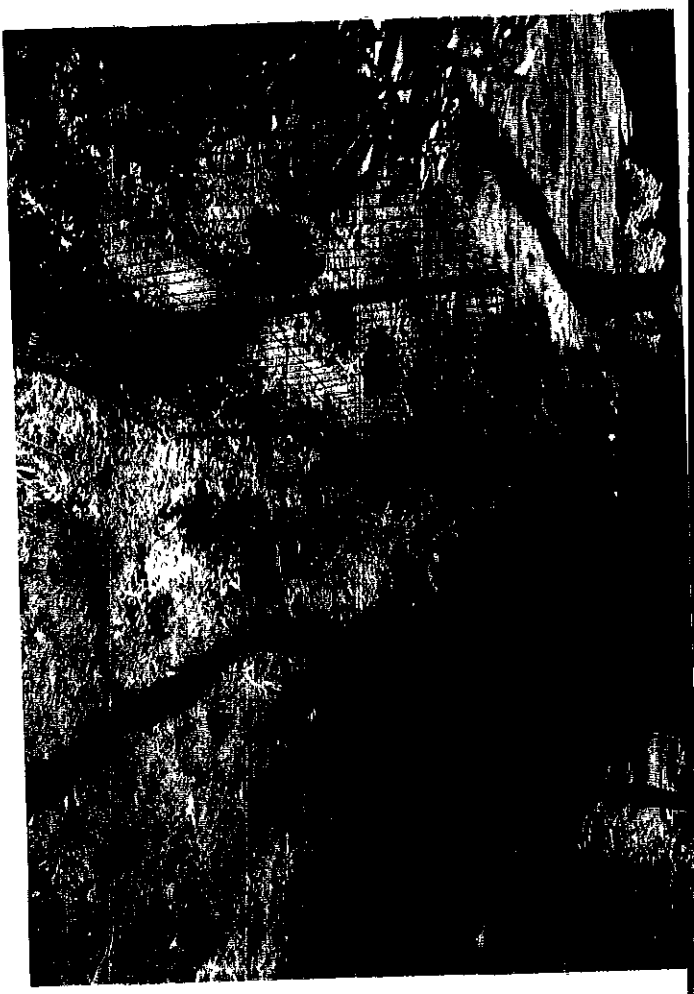


811 Regester - Xmas morning
removed.

Copyright 1911



D. Looking SW from near of 809
 E. Repeater Howard House
 Property on Danbury Rd.

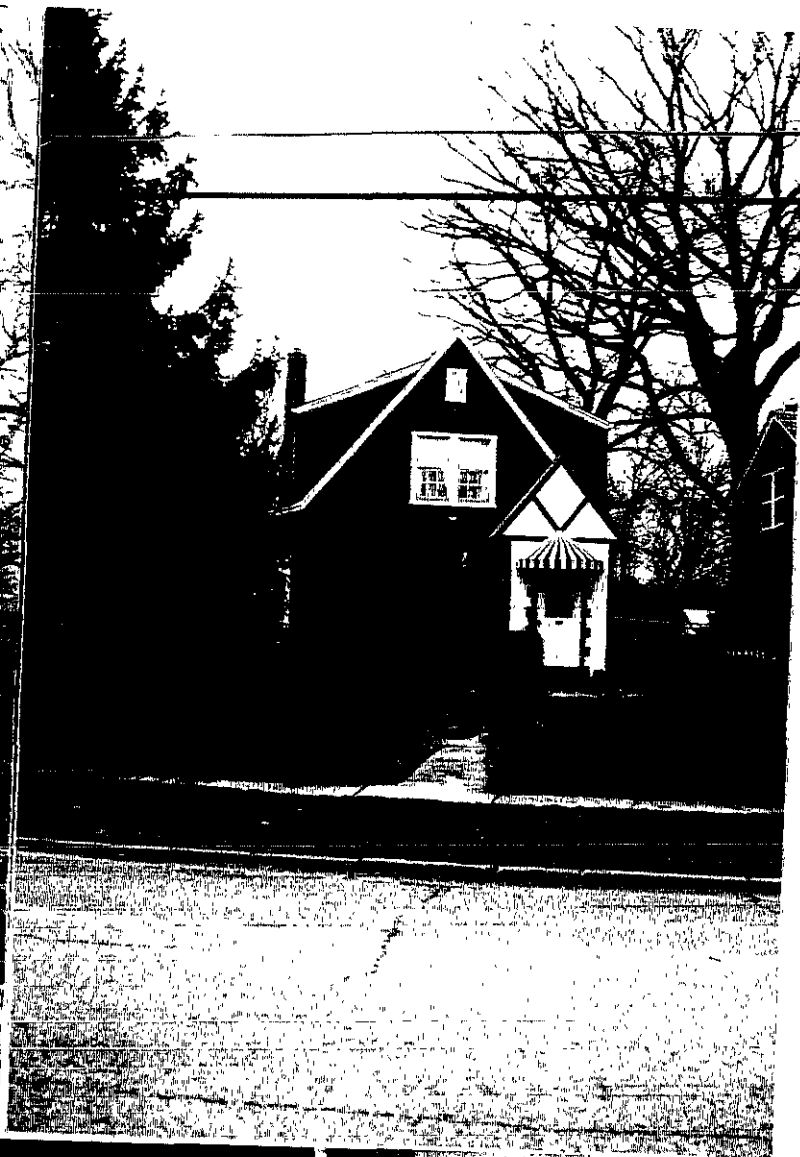


E. Black retaining wall at near of
 F. 809 and 80 Repeater on Route 94.

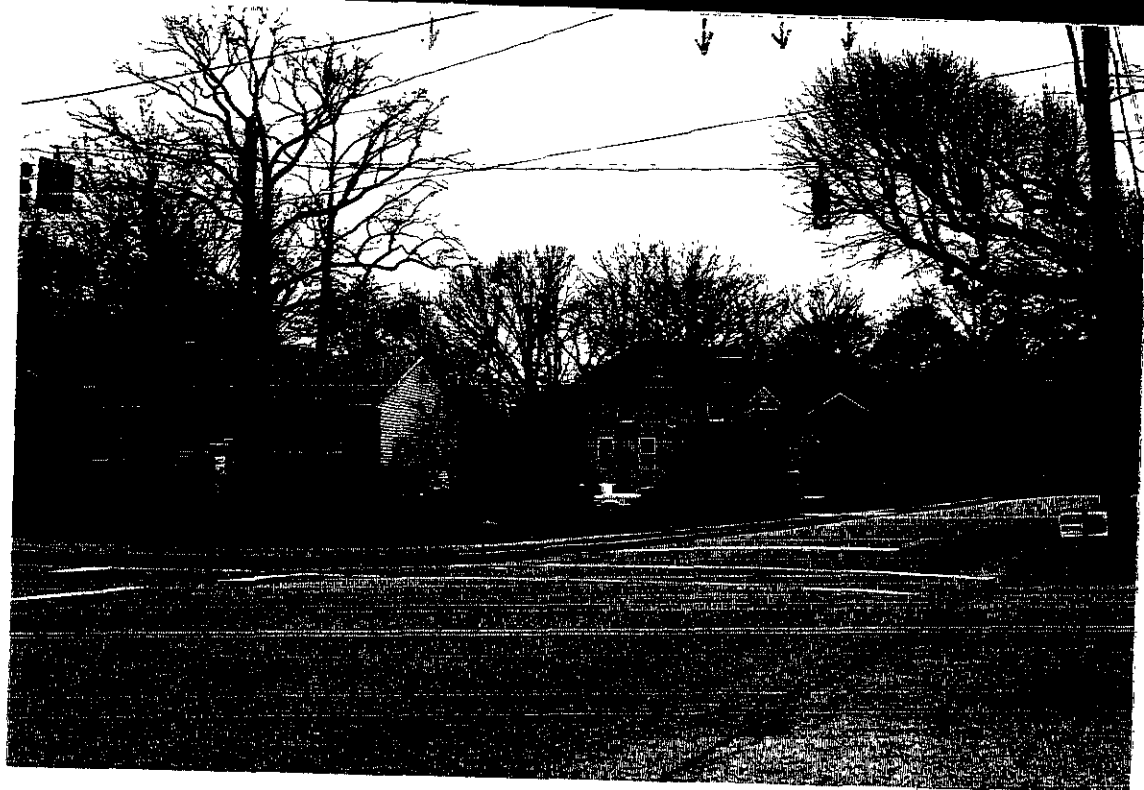
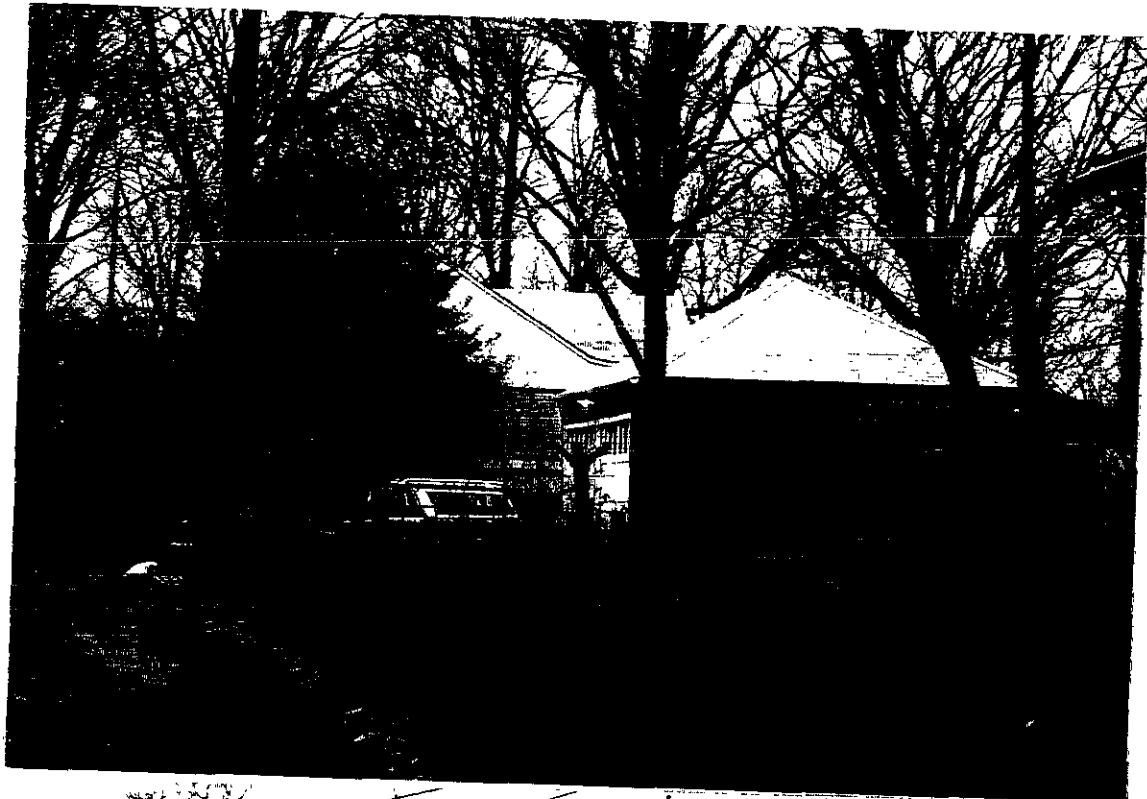
Photographs

97-125 + 97-126-A

97-126-A







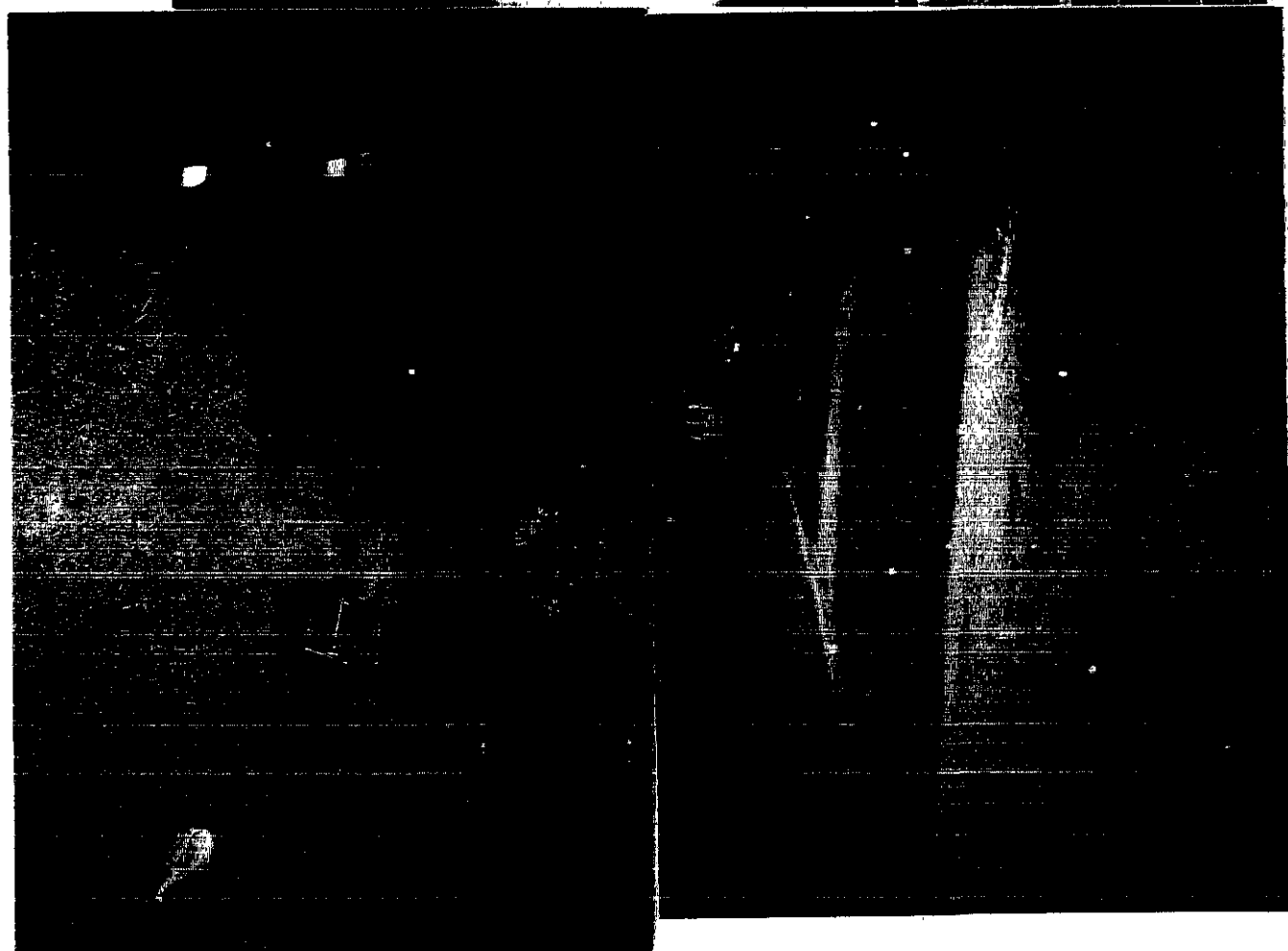
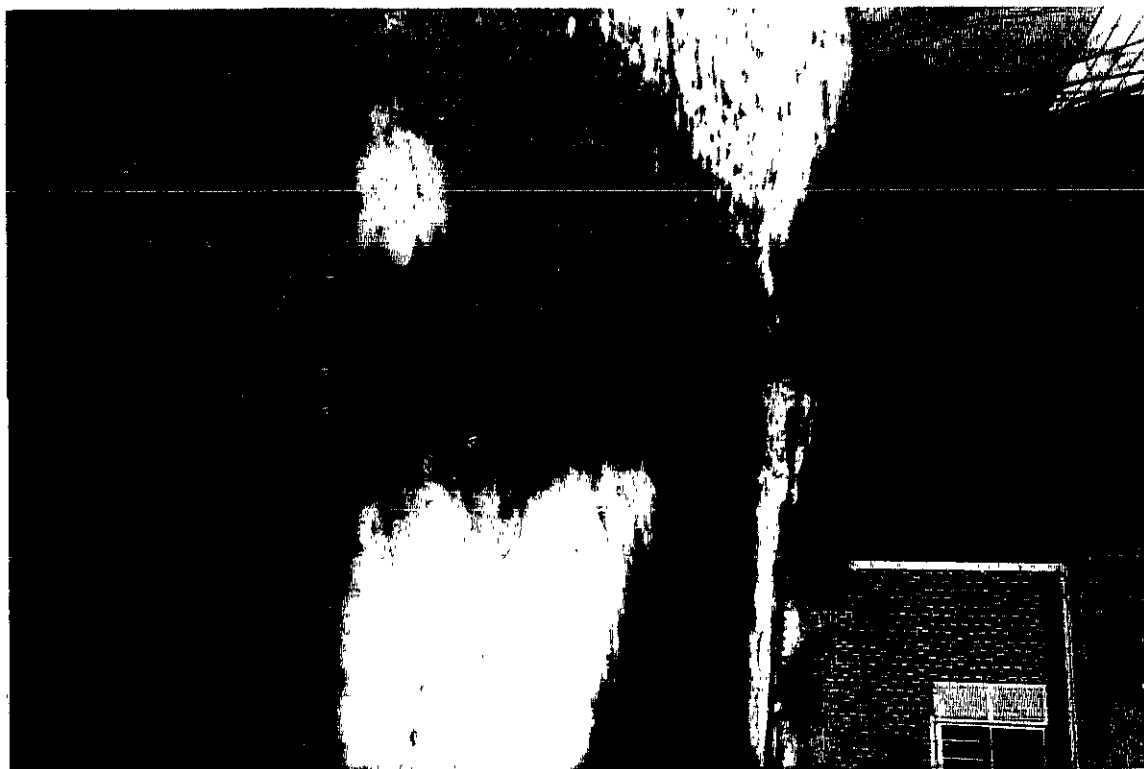














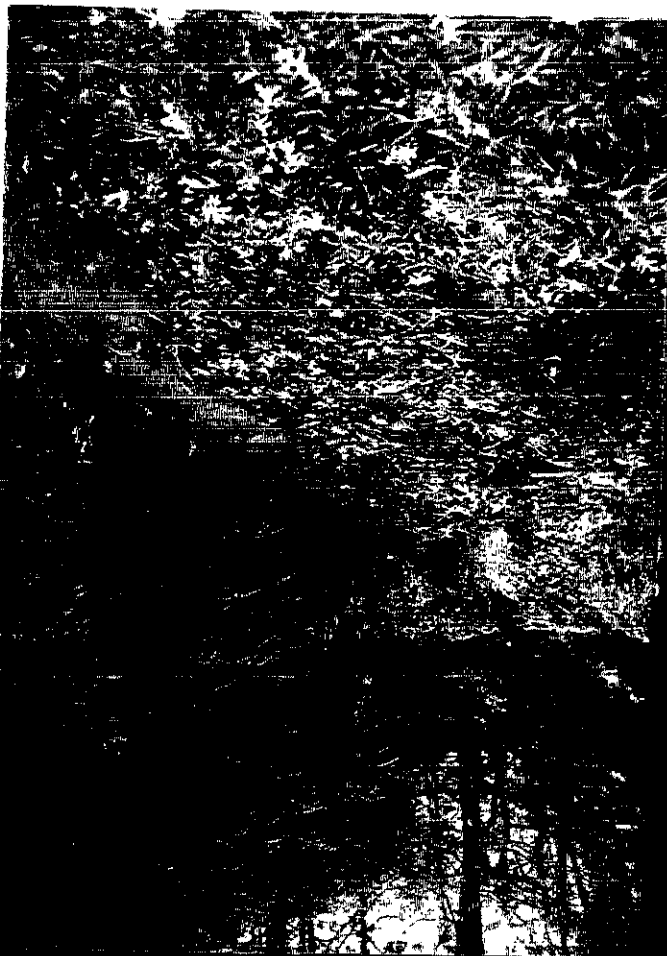
Gladewans

97-126-A

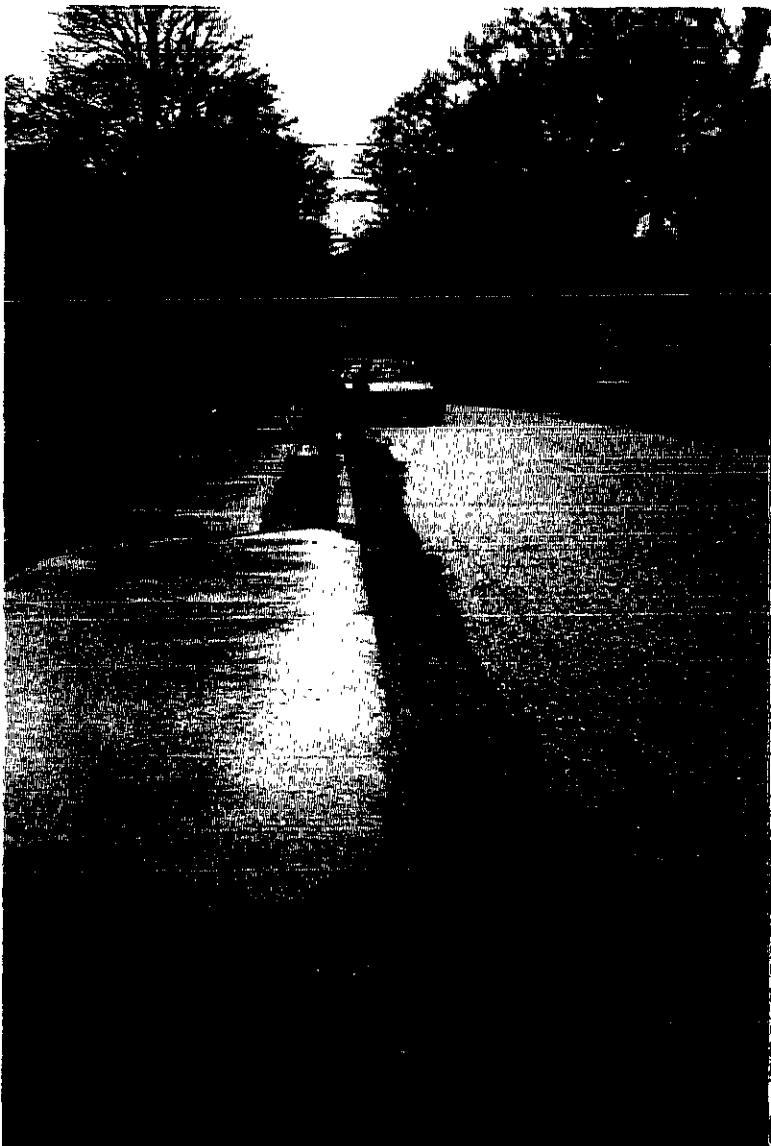
Photos 3A-3M

(no I)

(12 photos)







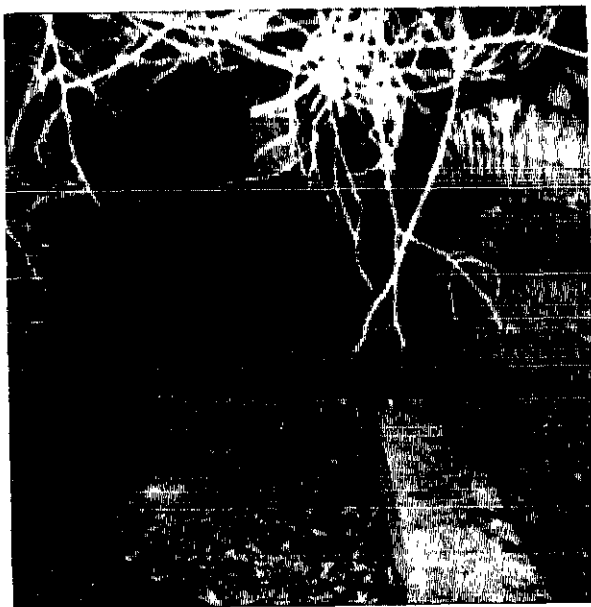




Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Return Service Requested

Photos
97-126-A



1



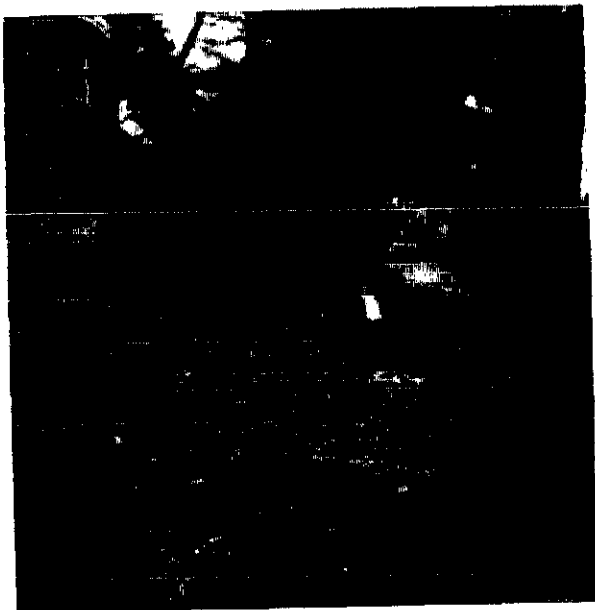
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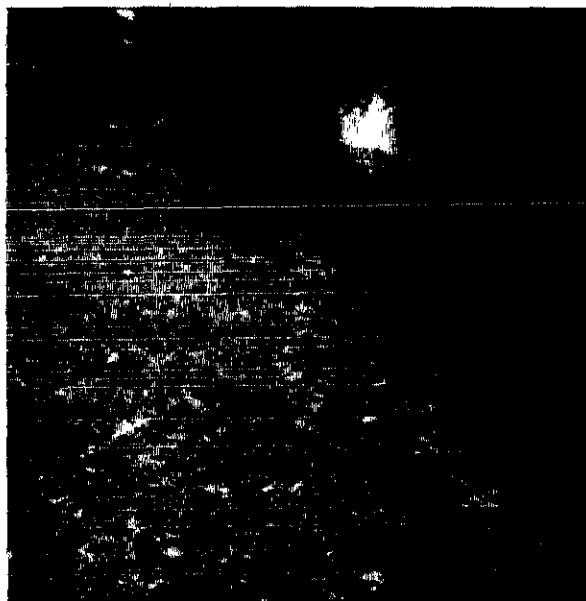
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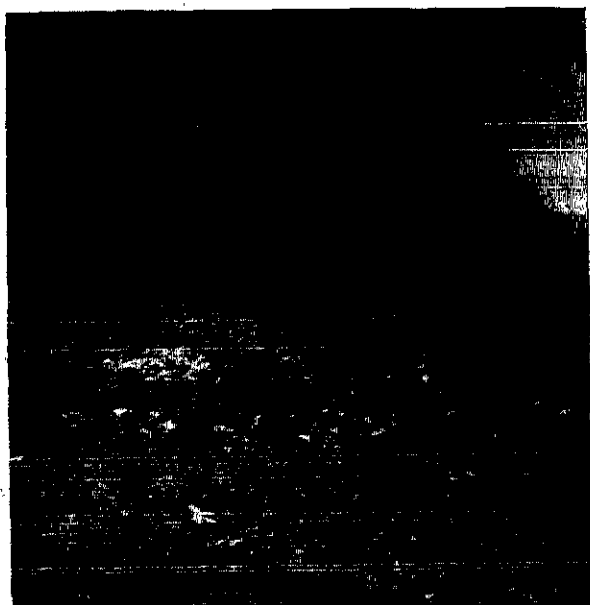
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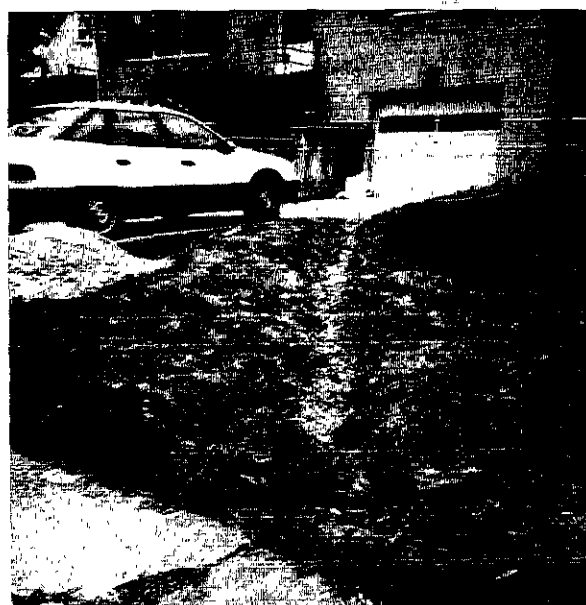
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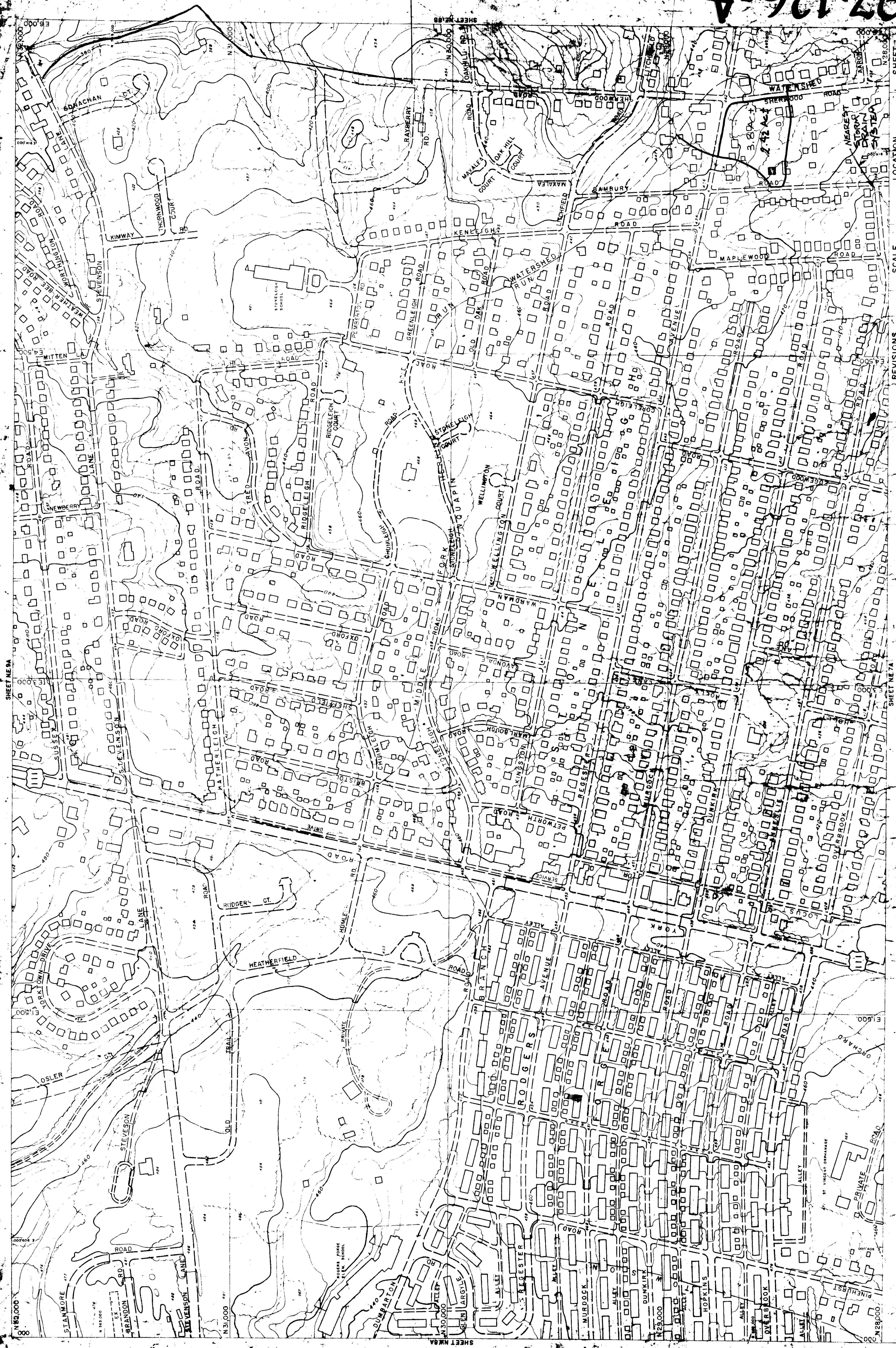
O-SE N-SW
O-NE N-NW

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA



97-126-A

97-126-A



LOCATION
STONELEIGH
ANNESLE
ROGERS FORGE

SCALE
1" = 200'

DATE OF PHOTOGRAPHY
APRIL 1953

REVISIONS
BY DATE

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

0-SE N-SW
0-NE N-NW

Photography compiled by Photogrammetric Methods
and Surveying Corporation - PHILADELPHIA, PA.

IN THE MATTER OF * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
PAUL N. GLAUEMANS, ET UX * OF
FOR A VARIANCE ON PROPERTY * BALTIMORE COUNTY
LOCATED ON THE SOUTH SIDE *
REGESTER AVENUE, 110' NORTH-
WEST OF SHERWOOD ROAD * CASE NO. 97-126-A
(902 WINDSOR ROAD)
2ND ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

OPINION

This case comes to County Board of Appeals of Baltimore County based on a denial of a variance in connection with a lot width on an undersized lot. The request for a variance relative to the lot width size on the undersized lot was denied by the Zoning Commissioner for Baltimore County on December 16, 1996. The Petitioner/Appellant (hereinafter "Petitioner") was represented by Newton A. Williams, Esquire, NOLAN, PLUMHOFF AND WILLIAMS, CHTD.; and Protestant was represented by Anthony J. DiPaula, Esquire, COVAHEY AND BOOZER, P.A.

Mr. James Smith testified on behalf of the Petitioner. He is a licensed Civil Engineer in the State of Maryland, having experience in this field for 20 years, and was licensed by the State of Maryland in 1989. While he works for the firm of Johnson & Thompson, he appeared in this case as an individual. His specialty is water hydraulics, and he stated he had worked for the Department of Environmental Protection and Resource Management, Permits & Development Management Department of Baltimore County, and had prepared stormwater management plans for the County. He was accepted after voir dire as an expert in civil engineering matters and water hydraulics. Petitioner had requested that he

Case No. 97-126-A Paul N. Glaudemans, et ux -Petitioner 2
investigate the drainage situation relative to the unimproved lot, and on April 6, 1997, had visited the site. He stated that the front drained toward the street (Regester Avenue), and the back toward Banberry. He opined that the present unimproved lot had a garage and a driveway and, with the proposed improvements and a runoff curve, the improvements would reduce the impervious runoff. Petitioner's Exhibit No. 1, "Plat to Accompany Zoning Variance," was introduced into evidence and discussed by Mr. Smith at length, along with a 200-scale 1986 Zoning Map attachment, accompanied by Petitioner's Exhibit No. 2, which was an interoffice memo to Arnold Jablon (Director of Permits and Development Management) from Pat Keller (Office of Planning -Baltimore County) in which the provisions of Section 304 of the Baltimore County Zoning Regulations (BCZR) are recited. It was noted that "the owners of the lot do not own sufficient adjacent lot to conform to the width and area requirements" of Section 304.

Mr. Smith testified that Petitioner's Exhibit No. 3 represented the drainage area due to topography; and that the house on Banberry, with a retaining wall, intercepted the natural water flow. He opined that the Banberry homes were built after those on Regester Avenue. It was his opinion that the building of the proposed structure on the unimproved lot would lessen the water flow to Banberry. Petitioner's Exhibit No. 4 was admitted into evidence to which Mr. DiPaula objected. The Chairman allowed the exhibit into evidence, cautioning the Board members to consider only that portion on which Mr. Smith had actually testified and was

Case No. 97-126-A Paul N. Glaudemans, et ux -Petitioner 3
subject to cross-examination by Protestant's counsel. During cross-examination by Mr. DiPaula, Mr. Smith stated that he had not visited the site during heavy rain, and restated the proposed size and area of the proposed structure.

Mr. Paul Glaudemans testified on his own behalf. He stated that he had lived at 809 Regester Avenue; and originally had moved there in 1985. He purchased the two properties in 1989 from the Estate of Blanche Dorflier, his wife's grandmother, and at the time of the purchase, 809 Regester Avenue was used as two apartments. He stated that the two lots had always had separate tax bills and were always considered as separate parcels of land. He opined that there was a power line between the two properties, and that they were recognized as separate lots by Baltimore Gas & Electric as far back as 1924. Petitioner's Exhibit No. 5 consisted of photographs (A through F) which were described by the Petitioner to the Board members. He stated that he had always perceived 811 Regester Avenue as an available building lot; and that there were many such homes in the Idlewyld community that were similar in width; and that many other homes in the area consisted of "in-fill" houses. He testified that it was only when he applied for a building permit that he discovered the actual need for a zoning variance. Petitioner's Exhibit No. 6 (admitted for identification purposes only) represented a number of other "fill-in" properties in the immediate neighborhood. Mr. Glaudemans stated that it was his intention to remove the garage on 811 Regester Avenue and a large portion of the driveway which currently was not in very good

Case No. 97-126-A Paul N. Glaudemans, et ux -Petitioner 4
condition. In so doing, the driveway would be shortened and he would construct a new home.

Mr. Glaudemans stated that he and his wife and children would remain at 809 Regester Avenue for many future years; and he saw in the lot an excellent opportunity to utilize the unimproved lot to its highest and best use, and in so doing improve the quality of the neighborhood. He stated that the proposed dwelling was going to be of good quality and that he was going to oversee its building, although not doing the actual construction work. He stated that, since he would have to look at it for a considerable number of years, he was going to make sure that it blended with both his house and others located in the area. He opined that the lot was unique due to its depth (250 feet deep on the west and 237 feet deep on the east) and appeared, at least to him, to be one of the largest such lots in the area, most of which were only 100 to 150 feet deep. Additionally, it was usual to have only three lots backing up to it, stating that 811 has six adjoining lots. He indicated that Idlewyld was laid out in the early 1920s, when no zoning was in place, and that from 1945 to 1955, 50-foot lots were permitted by Baltimore County. He indicated that his practical difficulty and unreasonable hardship was his inability to move any additional land from the improved to the unimproved lot, that is approximately a 5-foot differential, and also the presence of the BGE easements with poles. He stated that he cannot create additional land to accommodate the Baltimore County regulations where there is none to give, and that when the lot was created, it

Case No. 97-126-A Paul N. Glaudemans, et ux -Petitioner 5
was an acceptable building size lot in Baltimore County.

Mr. William Meyers, 1400 W. Joppa Road, Baltimore County, 21204, also testified on behalf of the Petitioners. He has been a Registered Architect since 1962 and has been licensed by the State of Maryland since 1966. He was accepted by both counsel as an expert architect. He stated that in 1996 the Petitioner had requested that he assist him on the zoning variance that was being requested and that he visited the neighborhood, and that the area consisted of rather small homes built on 50-foot lots. Most of these homes were constructed during the period from 1920 to 1940 and that the newest ones in the 1970s or 1980s were on "in-fill lots." He stated that in his opinion as an architect the lot could be used without adversely affecting the neighbors, and that in his opinion it would conform with the other lots in the community, and would fit in well with the general character of the area. He stated that the depth of the lot was quite unusual, being one of the largest lots in the area, and more than double that which is normally required under current zoning regulations, and also the fact that it was bounded by six properties.

He indicated that, if the request were not granted by the Board, he felt that the Petitioner would suffer economic hardship, and that the Petitioner was entitled to build by precedence being established by other "fill-in" homes in the area, and that there was no reason for Mr. Glaudemans to be deprived of the use of the lot with the proposed building meeting the character of the neighborhood. That ended Petitioner's case-in-chief.

Case No. 97-126-A Paul N. Glaudemans, et ux -Petitioner 6
Protestant's case consisted of testimony from Mr. James Markle, Jr., a member of the firm of G. W. Stephens and Associates, Civil Engineers. He indicated that he had worked for Baltimore County in the Department of Public Works and was responsible for a number of Public Works Agreements, reviewing developers' construction plans, and also was heavily involved in the CRG process.

He has been a licensed civil engineer since 1979. Mr. Markle was accepted by both counsel as an expert in civil engineering and stormwater management areas. He indicated that he had been retained by the Protestant, Mr. James Hewes. In that connection, his firm asked him to examine the drainage patterns and develop an analysis of how much of an increase in water runoff would occur if 811 were developed. He stated that most of the drainage came down through 6023 Banberry, and that the water concentrates and runs along the retaining wall between the Hewes property and next door. He opined that the water from the front yards of Regester Avenue runs down the 811 driveway toward the Hewes' house, and that the immediate area is generally devoid of any County storm drain system. He stated that the present County standards for a new subdivision would not allow more than 2 cubic feet and would assume that a 30-foot by 40-foot house with no driveway would raise a significant increase in water discharge. He related in detail what his opinion was concerning construction of the proposed dwelling and that the additional impervious area would have an incremental impact on what was already a drainage problem. In connection with

Case No. 97-126-A Paul N. Glaudemans, et ux -Petitioner 7
Mr. Markle's testimony, Protestant's Exhibit No. 1, which is a drawing of the proposed 28-foot by 28-foot house, walkway and driveway, was reviewed along with Protestant's Exhibit No. 2, which consisted of a large board with 16 mounted photographs with a blow-up of a topography map on one side, with a map on the other. These were also reviewed in depth by Mr. Markle.

Ms. Susie Sayre, 6523 Banberry Road, testified in opposition to Petitioner's request. She has lived at this address since July 1995 and rents the property. Mr. Hewes is her next-door neighbor. She related to the Board a number of problems relative to her flooded basement, that water collects in the back corner of the lot after heavy rain, and drains between her house and Mr. Hewes'. Protestant's Exhibits No. 3(a) through (m) were admitted into evidence representing a substantial number of photographs indicating the alleged water problems currently existing in the immediate area. Ms. Sayre indicated she was opposed to the granting of the variance because of the water problems and that the approval would simply exacerbate the situation.

Mr. James Hewes, 6523 Banberry Road, has resided in the area for 10 years, and during that entire period, he has had substantial water problems. He indicated he had taken the Protestant's Exhibit No. 3 photographs over several years and that he had to maintain three sump pumps in order to control the water flow from draining back into his Banberry property, and that he lives in constant fear of being flooded out. He stated that the problem had been related to the County a number of items, but that the County did not appear

Case No. 97-126-A Paul N. Glaudemans, et ux -Petitioner 8
interested in fixing the situation, and that any building would most assuredly again exacerbate the situation.

Mr. Erwin Cerveny appeared on his own behalf and made a brief statement indicating that he was the landlord for Ms. Sayre, that he was concerned about the water problem, that he was aware of the situation currently existing as to the Hewes property, and that he was opposed to the building of any structure on the unimproved lot by the Petitioner.

Mr. Warren Dorflier also testified and indicated he had been born and raised in the community, and that the area in question had always been marshy and that there was a substantial number of springs in the area which caused water problems even before the houses were built.

Section 304.1 of the Baltimore County Zoning Regulations, which became law in 1995, provides that:

"A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- All other requirements of the height and area regulations are complied with; and
- The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations."

There is no doubt but that the subject lot was recorded by deed as well as in a subdivision before 1955. It meets all other height and area and setback regulations. However, it does not meet the



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 14, 1997

Charles L. Marks, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: PETITIONS FOR VARIANCE
809 and 811 Regester Avenue,
S/S Regester Avenue, 160'/110'
NW of Sherwood Road, 9th Election
District, 3rd Councilmanic
PAUL GLAUEMANS, ET UX, Petitioners
Case Nos.: 97-125-A and 97-126-A
CBA Hearing Date: 4/15/97

Dear Chairman Marks:

We are interested in the aforementioned case but will not attend the hearing on Tuesday, April 15. It is our understanding the Protestant is represented by Covahay & Boozer and Anthony DiPaula, Esq.

Our office has participated in several cases in which the County Board of Appeals (CBA) has denied requests to create an undersized lot (Blasy - CBA Case No. 95-355-A, Johnson - No. 95-42-SPHA, Grill - No. CBA-94-163).

The CBA's decision in In The Matter of Grill was upheld in an unreported decision of the Court of Special Appeals (Warren, Grill, et ux v. People's Counsel for Baltimore County, No. 768, Sept. Term 1996, opinion filed 11/7/96). The Petitioner did not prevail on appeal in the Circuit Court for Baltimore County in In the Matter of Robert Johnson (Case No. 3-C-96-5779). In the Matter of John Blasy is currently on appeal to the Circuit Court (Case No. 3-C-96-5248).

It appears that the Petition in the instant case must be denied because the property owner cannot satisfy Baltimore County

Charles L. Marks, Chairman
Board of Appeals of Baltimore County
April 14, 1997
Page Two

Zoning Regulations (BC2R) Section 304(c) as the owner of the subject site and the contiguous adjoining site. The subject site has had a use with the existing house on the adjacent site.

Also, Section 304(b) requires denial if the Petitioner requests a variance under Section 307. It is established that a desire to increase profits and revenue is not a "hardship" or "practical difficulty" under the BC2R.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County
Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel

CSD/caf

cc: Mr. and Mrs. Paul N. Glaudemans, Petitioners

Anthony J. DiPaula, Esq.
Attorney for Protestant Mr. James T. Hewes

CBA-LTR/PZONE/TKTCAF



County Board of Appeals of Baltimore County

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

April 17, 1997

NOTICE OF DELIBERATION

Having concluded this case on April 15, 1997, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

PAUL N. GLAUEMANS, ET UX -Petitioner
CASE NO. 97-126-A

DATE AND TIME : Thursday, April 24, 1997 at 11:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

Kathleen C. Bianco
Legal Administrator

cc: Appellants /Petitioners: Paul N. and Darlene A. Glaudemans

Protestant : James T. Hewes

William Meyers II

People's Counsel for Baltimore County
Pat Keller
Arnold Jablon, Director /PDM
Lawrence E. Schmidt
Virginia W. Barnhart, Co Atty

Newton A. Williams, Esquire

Copied: C.M.W.

Printed with Duplicator 148
on Recycled Paper

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Paul N. Glaudemans, et ux -Petitioners
Case No. 97-126-A

DATE : April 24, 1997

BOARD /PANEL : Charles L. Marks, Acting Chairman (CLM)
S. Diane Levero (SDL)
Margaret Worrall (MW)

SECRETARY : Kathleen C. Bianco
Legal Administrator

The Board convened for public deliberation of the subject matter; testimony and evidence received at hearing of April 15, 1997. People's Counsel did not participate in these proceedings.

CLM: Let the record show that the County Board of Appeals for Baltimore County is in its regularly scheduled session to deliberate Case No. 97-126-A, Paul N. Glaudemans and wife, Petitioners, relative to a lot size and variances requested in connection therewith. Under State law, we are mandated to openly deliberate any matters relative to zoning and variances so each Board member having reviewed notes and testimony and the file, we are proceeding accordingly.

That having been said, I normally prefer to go last when I chair these sessions. I will ask one of my associates to go first.

SDL: The Appellant is appealing a denial of variance by the Zoning Commissioner to build a home on an undersized lot under 304.1 of the zoning regulations. The Appellant, Mr. Glaudemans, lives at 809 Regester Avenue, next door to the subject property. He and his wife bought 809 and 811 Regester Avenue in 1983. He testified that 809 Regester is 52 feet wide; the subject property, 811 Regester Avenue, measures 50 feet and does not meet the 55-foot requirement.

Regarding the provisions of 304.1, the Appellant meets 304.1a and b. The subject lot was recorded by deed and in subdivision prior to 1955; meets all height and setback requirements but does not meet 304.1c, namely owner owns sufficient adjoining land to comply; 304.1 is not for owners with adjacent lots that could be combined to meet requirements. In the instant case, Petitioners own two adjacent undersized lots on one of which is a home in which they live. On the other is a garage and driveway. They are deriving reasonable use of their property; does not qualify for variance under 304.1.

Deliberation /Paul N. Glaudemans, et ux /Case No. 97-126-A

He also, in my opinion, does not meet the requirements under 307.1. Appellant argues that property is unique because it is deep and twice the size of others in the area. However, Cromwell v. Ward requires a finding that the property is unique or unusual in a manner that causes zoning law to impact disproportionately on that property. I don't think that deepness or largeness meets requirement. Even if it did, I do not believe that the second prong has been met. Appellant has a reasonable use of two adjacent undersized lots; only practical difficulty is that he cannot build a second house. Economic hardship has been found not to be a valid consideration under 307.1.

Appellant has not satisfied the requirements of 304.1 or 307.1 and I would deny Petitions for Variance.

MW: To make it simple, essentially I agree completely with what Diane has said. I only point out that we are dealing here with 811 Regester Avenue only; 809 is not involved in this matter. Does not change issue that in section 304c the owners in this case do indeed own and have adjoining property to conform to the requirements. My reasoning is same as Diane's believe that 811 Regester meets the special circumstances which are further described as unique prong. In my opinion, Petitioner has not shown anything peculiar to the land at 811 that sets this land apart, and by their own testimony many of the old lots are indeed 50 feet wide. Although this lot is longer than others, does not have relevance to variance.

I agree on practical difficulty prong. No necessity to go any further, but if we could grant unique quality, the practical difficulty, as Diane said, is set out - only economic issue and not one denying use of the property.

And I'm also interested in the basic comments relative to the reason this undersized lot regulation was formulated and in this case, one of the other issues is the effect on the neighborhood, and even though I don't believe that the runoff for the entire neighborhood is the Glaudemans' responsibility, I do believe that development on this lot could have an adverse effect.

CLM: This case comes to the Board based on the denial of variances by the Zoning Commissioner and also the Zoning Commissioner's denial of undersized lot. Jay Smith testified on behalf of Petitioners; licensed civil engineer. Visited the site on April 6, 1996 and noted drainage problems. Mr. Smith stated that if new proposed home were constructed, would have less impervious surface than existing garage and driveway.

2

Deliberation /Paul N. Glaudemans, et ux /Case No. 97-126-A

Petitioner testified on behalf of variance and undersized lots as to history of the property and proposed plans.

Only after Petitioner applied for building permit that he uncovered need for undersized lot consideration; impressed with Mr. Glaudemans and his testimony and his plans relative to unimproved lot. Was recorded prior to 1955 and on original plat going back to 1920; separate entities.

Mr. Meyer, registered architect testified to architectural features of the property. Mr. Mackel testified and was accepted as expert on storm water management and control; Mr. Hughes testified in opposition; also very convincing as to negative effects proposed new home would have if constructed, as did two other neighbors.

This Board needs to consider if it meets 304; no doubt that County Council wanted to give relief to lot owners of record prior to 1955 if they elected to build in the future. Also obvious that lots in question are separate and distinct parcels recorded prior to 1955 and taxed separately; 52 feet on 809; 50 feet on 811; total of 102 feet. Petitioner does not have sufficient property.

Petitioners do not qualify for relief under 304. Under 307, the Zoning Commissioner and this Board are empowered to grant height and area variances subject to conditions of that section. However, zoning regulations cite that only in cases where special circumstances or conditions exist peculiar to the land or structure that is the subject of the request and where strict compliance would result in practical difficulty or unreasonable hardship can variance be granted. We also have the infamous Cromwell v. Ward which construes these regulations that it must be different from surrounding properties so that uniqueness causes the zoning provisions to impact disproportionately upon the property.

Second step requires a finding that denial would result in practical difficulty or unreasonable hardship. We have two experts in their respective fields commenting on the property and effect of allowing a dwelling to be built.

Based on the testimony and evidence submitted, I cannot find that it meets the uniqueness standard of Cromwell v. Ward in that it must have inherent characteristic not shared by others in the area. The 55' requirement affects all other such properties in the neighborhood. Additionally, we have water problem which I firmly believe would be exacerbated; will be outlined more fully in the opinion.

3

Deliberation /Paul N. Glaudemans, et ux /Case No. 97-126-A

For these reasons, I would deny approval of the undersized lot under 304 and would deny variance requested for 811 Regester Avenue referenced in Case No. 97-126-A

It would seem that the opinion of the Board is unanimous in that the variance in question should be denied. The Board will issue a formal written Opinion and Order. Any party may appeal to the Circuit Court within 30 days from the date of that Order.

There being no further business before the Board, this meeting is adjourned.

Thank you.

Respectfully submitted,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Case No. 97-126-A

VAR -To permit a lot width of 50' in lieu of required 55'; to approve undersized lot pursuant to BC2R 304

12/16/96 -Zoning Commissioner's Order in which Petition for Variance as to 811 Regester Avenue was DENIED.

1/30/97 -Letter from Mr. Glaudemans requesting consideration of hearing in March if possible.

2/25/97 -Notice of Assignment for hearing scheduled for Tuesday, April 15, 1997 at 1:00 p.m. sent to following:

Paul N. and Darlene A. Glaudemans
James T. Hewes
William Meyers II
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

4/14/97 -Letter from People's Counsel in opposition of the instant variance request; copies had been provided by PC to Petitioners and Counsels for Protestant Hewes.

4/15/97 -Hearing concluded before the Board; to be deliberated on Thursday, April 24, 1997 at 11:00 a.m. (C.M.W.)
-Notice of Deliberation sent this date.

4/18/97 -Entry of Appearance filed by Newton A. Williams as counsel for M/M Glaudemans (as requested at 4/15/97 hearing).

4/21/97 -Copy of Notice of Deliberation forwarded to Mr. Williams.

4/24/97 -Public deliberation; unanimous that Petition for Variance is DENIED; written opinion/order to be issued. Appellate period to run from date of written Order. (C.M.W.)

4

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 3, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 97-126-A
PAUL N. GLAUEMANS, ET UX
2nd E; 3rd C

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-126-A)

Paul N. Glaudemans
809 Regester Avenue
Baltimore, MD 21239

January 30, 1997

Ms. Kathleen Bianco
Baltimore County Board of Appeals
Old Courthouse, Room 49
Towson, MD 21204

Dear Ms. Bianco:

This letter to follow up on our conversation of this morning relative to to case #97-126-A.

I would appreciate if this case could be heard between March 1 to 14, 1997. Anything your office could do to schedule this hearing by then would be appreciated.

Thank you.

Respectfully,

Paul N. Glaudemans
Paul N. Glaudemans

Paul N. and Darlene A. Glaudemans
809 Regester Avenue
Baltimore, MD 21239

January 3, 1997

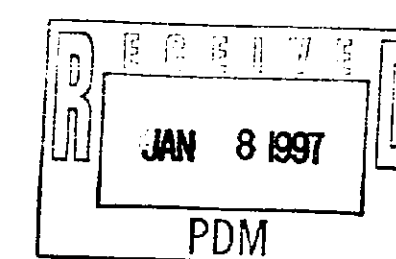
Mr. Arnold Jablon
Baltimore County Zoning
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Jablon:

Please accept this letter as indicating our appeal on case #97-126-A, for 811 Regester Avenue, which was initially heard on October 23, 1996 and whose order was dated December 10, 1996.

Accordingly, enclosed are the appropriate fees for said appeal.

Thank you,
Paul N. Glaudemans
Paul N. Glaudemans



ADJACENT PROPERTY OWNERS
(All on Tax Map 80, Parcel 128)

97-126-A

809 Regester (811)	Paul N. Glaudemans Darlene A. Glaudemans Lot 368A, Deed Reference /8342/546 Tax Account #0904500391	50' x 243'
809 Regester	Paul N. Glaudemans Darlene A. Glaudemans Lot 368B, Deed Reference /8342/546 Tax Account #0904500392	55' x 182'
807 Regester	George L. Sisson, Jr. Dorothy M. Sisson Lot 366A, Deed Reference /5169/398 Tax Account #0904500390	50' x 206'
805 Regester	There is no such address	
803 Regester	Charlotte Haile Smyth, Trustee 1439 Providence Road 21286-1521 Lot 366B, Deed Reference /8701/754	50' x 129'
801 Regester	Barry J. Schech Kathleen L. Schech Lot 365, Deed Reference /5548/327 Tax Account #0916000590	58' x 158'
6518 Sherwood	Robert S. Schmeltz, Jr. Ethel Mae Schmeltz Lot 1, Deed Reference /9027/584 Tax Account #1700010465	68' x 133'
6516 Sherwood	Cornelius Y. Veenis Susan D. Veenis Lot 2, Deed Reference /5862/113 Tax Account #1700010466	65' x 100'
6514 Sherwood	Marie J. Gallatin Wayne N. Gallatin Lot 3, Deed Reference /5848/49	67' x 95'
6428 Sherwood	Andrew M. McConnell Doris J. McConnell Lot 372B, Deed Reference /3210/69 Tax Account #0913008020	50' x 195'
6426 Sherwood	Bobby D. Scruggs Trula Scruggs Lot 372A, Deed Reference /4853/399 Tax Account #0919078250	50' x 185'

Editing App-97 table with Form F: Record 4 of 23

Edit =

App-97 # 4

FILE#: 97-126-A
NAME: Glaudemans, Paul N., et ux
STREET: Regester Avenue, S/S, 110' NW of Sherwood Road
TYPE: VAR -to permit lot width of 50' ilo 55'
DISTRICT: 9:3
DATE APPEALED: 1/08/97
ERG. DATE: 4/15/97
ORDER DATE:
DECISION:
CLOSED:
UP:

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLISH, JR.
STEPHEN J. NOLAN
ROBERT S. HANLEY, JR.
ROBERT S. GUSHAKOW
STEPHEN S. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAVILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES
STUART A. SCHATZ

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 823-7855

JAMES D. NOLAN
RETIRED 1980
J. EARLE PLUMHOFF
1940-1980
RALPH E. DEIT
1988-1990
WRITER'S DIRECT DIAL
823-7855

April 17, 1997

Mr. Charles R. Marks, Acting Chairman
County Board of Appeals
Court House
Towson, Maryland 21204

Re: The Glaudemans - Case No. 97-126-A

Dear Chairman Marks:

As you requested at the Board hearing on April 15, 1997, please enter the appearance of myself, Newton A. Williams, and our firm, Nolan, Plumhoff & Williams, Chartered, on behalf of the appellants, Mr. and Mrs. Paul Glaudemans.

We appreciated the Board staying fairly late on the 15th, and look forward to the deliberation at 11:00 a.m. on April 24.

Thanking you and your staff for your attention to this entry of appearance letter, I am

Respectfully,

Newton

Newton A. Williams

NAW:mao

cc: Peter M. Zimmerman, Esquire
People's Counsel
Anthony J. DiPaula, Esquire
Mr. and Mrs. Paul Glaudemans

The Glaudemans Property
811 Regester Avenue
Case No. 97-126-A

Mr. and Mrs. Paul Glaudemans, by Newton A. Williams and Nolan, Plumhoff & Williams, Chartered, their attorneys, submit that the requested variance from Section 1802.3.C.1. of the Regulations and approval of an undersized lot under Section 304.1 of the Regulations should be granted. The requested relief is to allow Mr. and Mrs. Glaudemans to utilize an "in-fill lot" at 811 Regester Avenue. Such use of this in-fill lot will be of benefit to the community of Idlewyde and to the Glaudemans and their neighbors.

As to section 304.1, relating to use of undersized single family lots, please note all conditions are met.

- The deed was recorded prior to 1955. Specifically, the lot, Lot "B" has a deed reference 8342/546, tax account #0904500391. Also, both Lot 368A at 809 Regester Avenue and Lot 368B at 809 Regester are on the original plat of Idlewyde, recorded in the 1920's, and are still on separate tax bills.
- All other height, area and set back regulations and requirements are met by the proposed in-fill dwelling.
- The owners of this lot do not own sufficient adjoining property to conform to the width and area requirements. The owners do own the adjoining property, but this adjoining property is insufficient in width. A changing of this property line would cause adjoining property to be less than 52' wide, as well as contrary to the existing Baltimore Gas Electric Right of Way which dictates that their power lines are to run on the property lines (See agreement as recorded in Liber WPC, No. 607, folio 101 - 104 of the land records of Baltimore County.) The lot at 809 Regester has only 32 feet of width available, while the lot at 811, has only 50 feet available. A combined width of 110 feet would be required to provide 53 feet for each and there is only 102 feet available in total.

307.1 Variances

- Special Circumstances:
 - The land is peculiar to the area because of the depth of property (250' east side, 237.5' west side). Area of land is 12,200 square feet +/- (up to twice the size of many other lots in area).
 - Location of overhead power lines on west side of property serves as a recognized line of demarcation. This power line right of way was established in 1924, at which time this lot was recognized as a separate lot and the location of the power lines was recognized as a property line (see Baltimore Gas and Electric Right of Way as noted above).
 - Other "in-fill" properties in area (see listing). This in-fill lot is in line with the community development guidelines for revitalization areas.
- Strict Compliance would result in practical difficulty, or unreasonable hardship to the owners:
 - Owners are unable to utilize land from adjoining property because adjoining property is insufficient, and would result in adjoining property to be undersized. There is only 102 feet available.
- Strict Harmony Without Injury:

- Most other houses in area built on 50 foot width lots.
- Other lots in immediate area are 6450 square feet +/-, to 10,300 square feet +/- Subject property is 12,200 square feet +/-, therefore area lot is consistent with neighborhood.
- Drainage:
 - Previous rulings by Baltimore County Bureau of Engineering, Storm Drain Management that drainage problems experienced by James Hewes of 6523 Banbury Road are "owners responsibility". These rulings were dated 3/22/88 and 4/11/92.
 - Letter from Mr. Jay Smith, Civil Engineer specializing in Hydrology and Storm Water management shows less run off from the proposed new home at 811, the new home and driveway having less impermeable surface than the old driveway and garage.
- Letter from Mr. John Keenan, President, Idlewyde Community Association.
- Letters from various county and state agencies indicating "no objection" or "no comment" in the Zoning Advisory Comments.
 - Fire Marshall - no comment
 - State Highway Administration - no objection
 - Department of Environmental Protection and Resource Management - no comment
 - Development Plans Review Division - no comments
 - It is particularly noteworthy that neither DEPRM or DPW had any adverse comments of any kind, much less related to drainage or storm water run-off.

CONCLUSION

For all of these reasons, the Glaudemans respectfully submit that the width variance and the undersized lot relief should be granted, thereby using another "in-fill" lot in the Regester Avenue area.

Respectfully submitted

Newton A. Williams
Newton A. Williams
Nolan, Plumhoff & Williams, Chtd.
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 823-7800

IDLEWYLDE COMMUNITY ASSOCIATION
BALTIMORE COUNTY, MARYLAND

Baltimore County Office of
Zoning and Planning
401 Bosley Avenue
Towson, Maryland 21204

October 16, 1996

Re: 811 Register Ave.
Case No. 97-126-A
Item No. 126

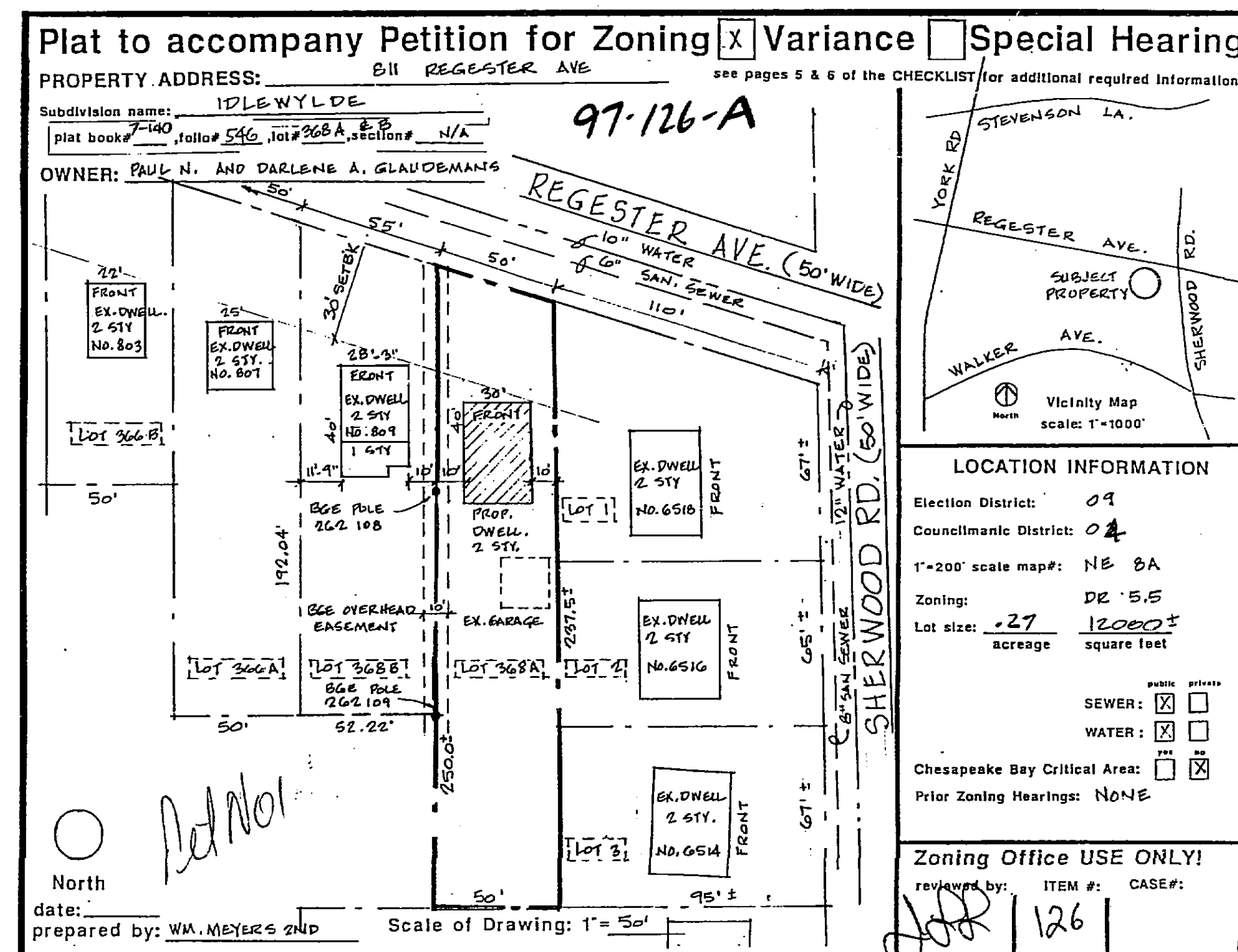
Gentlemen:

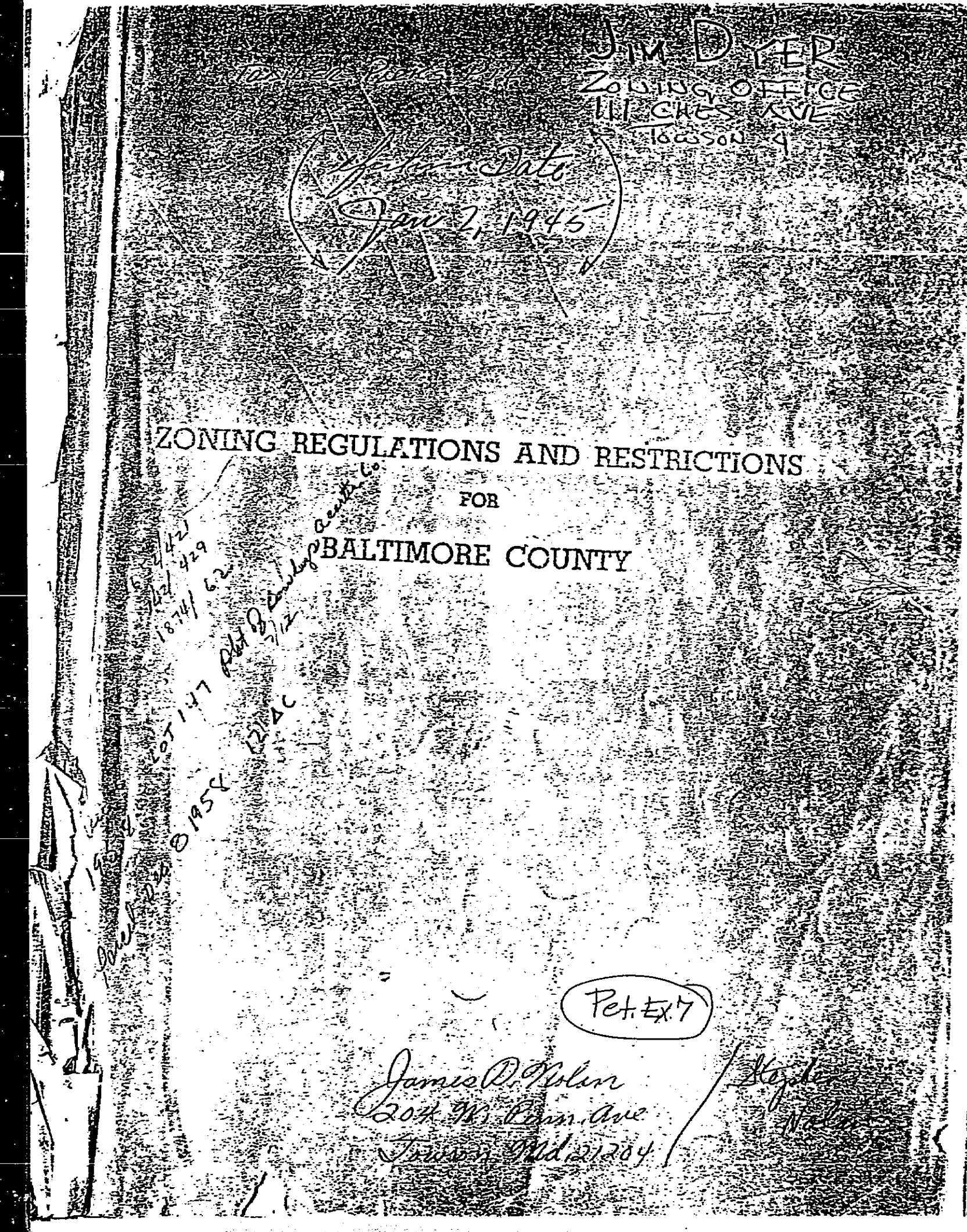
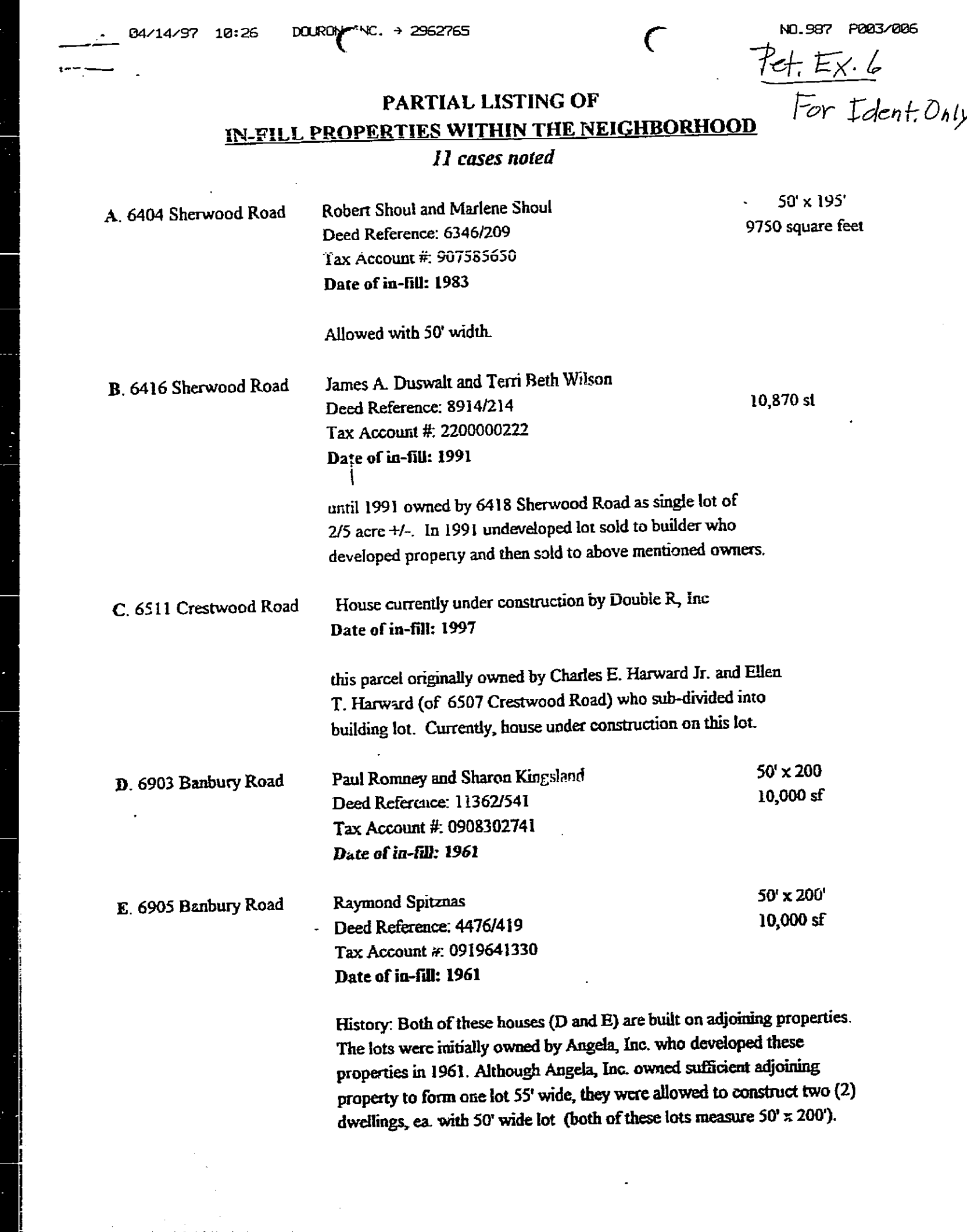
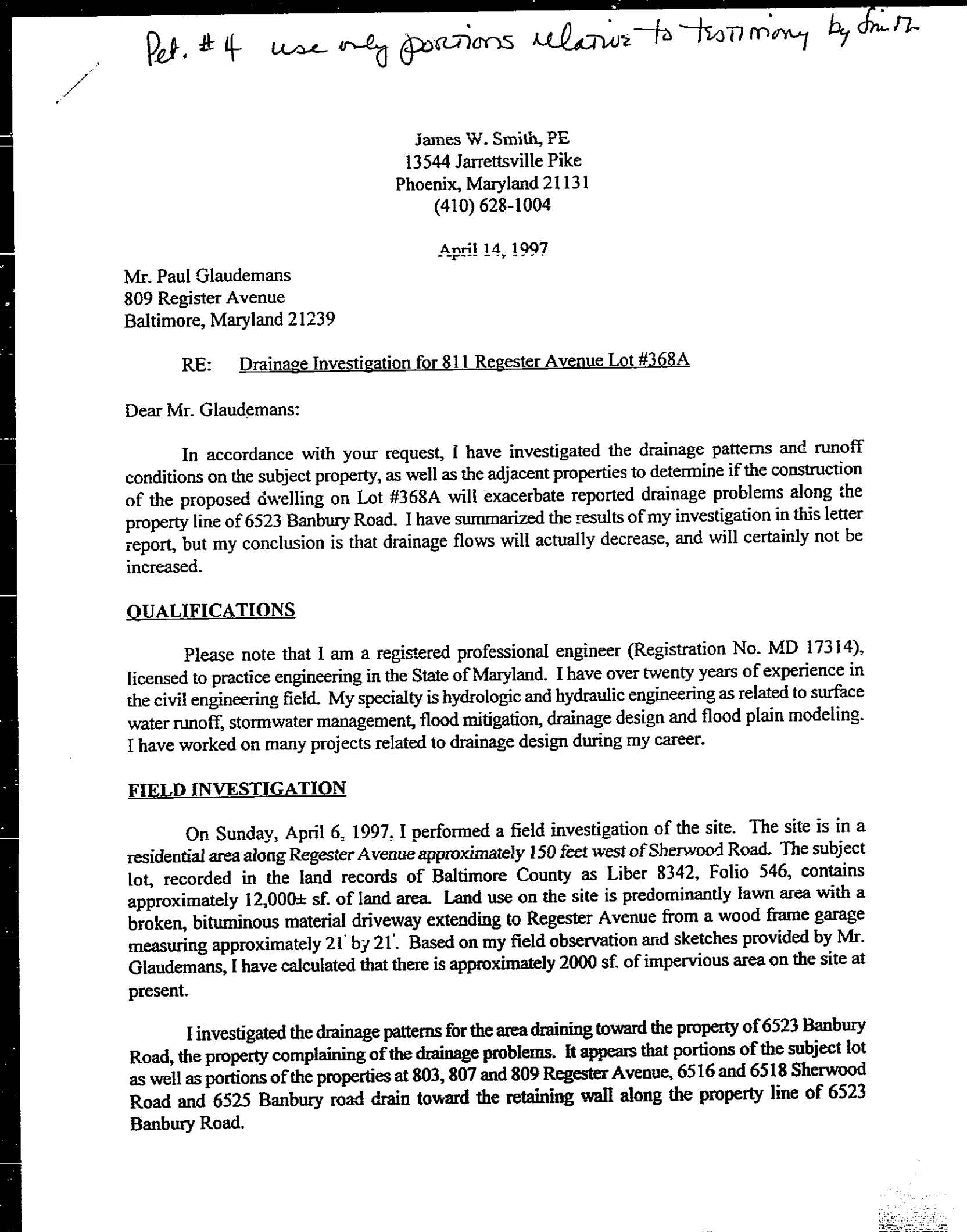
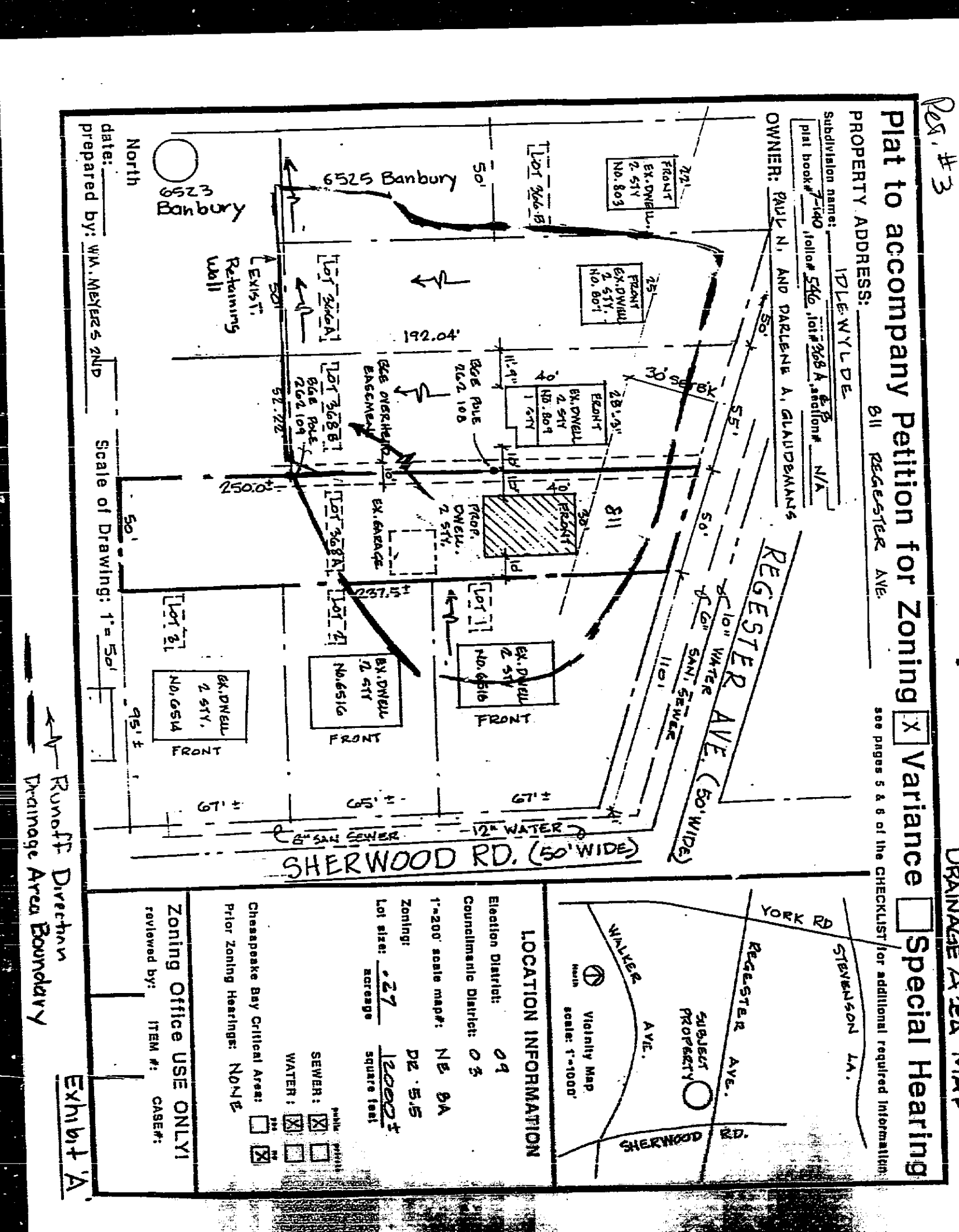
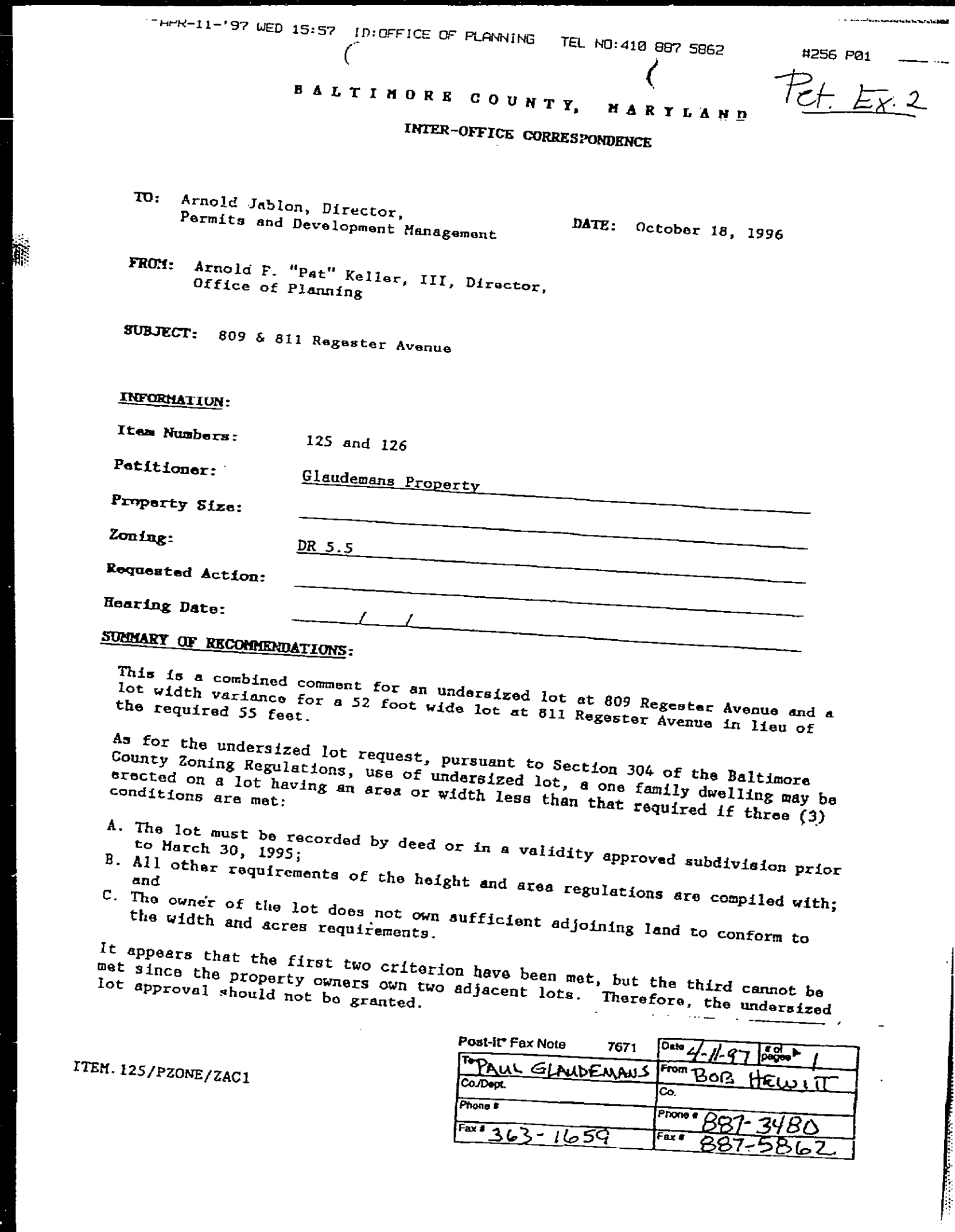
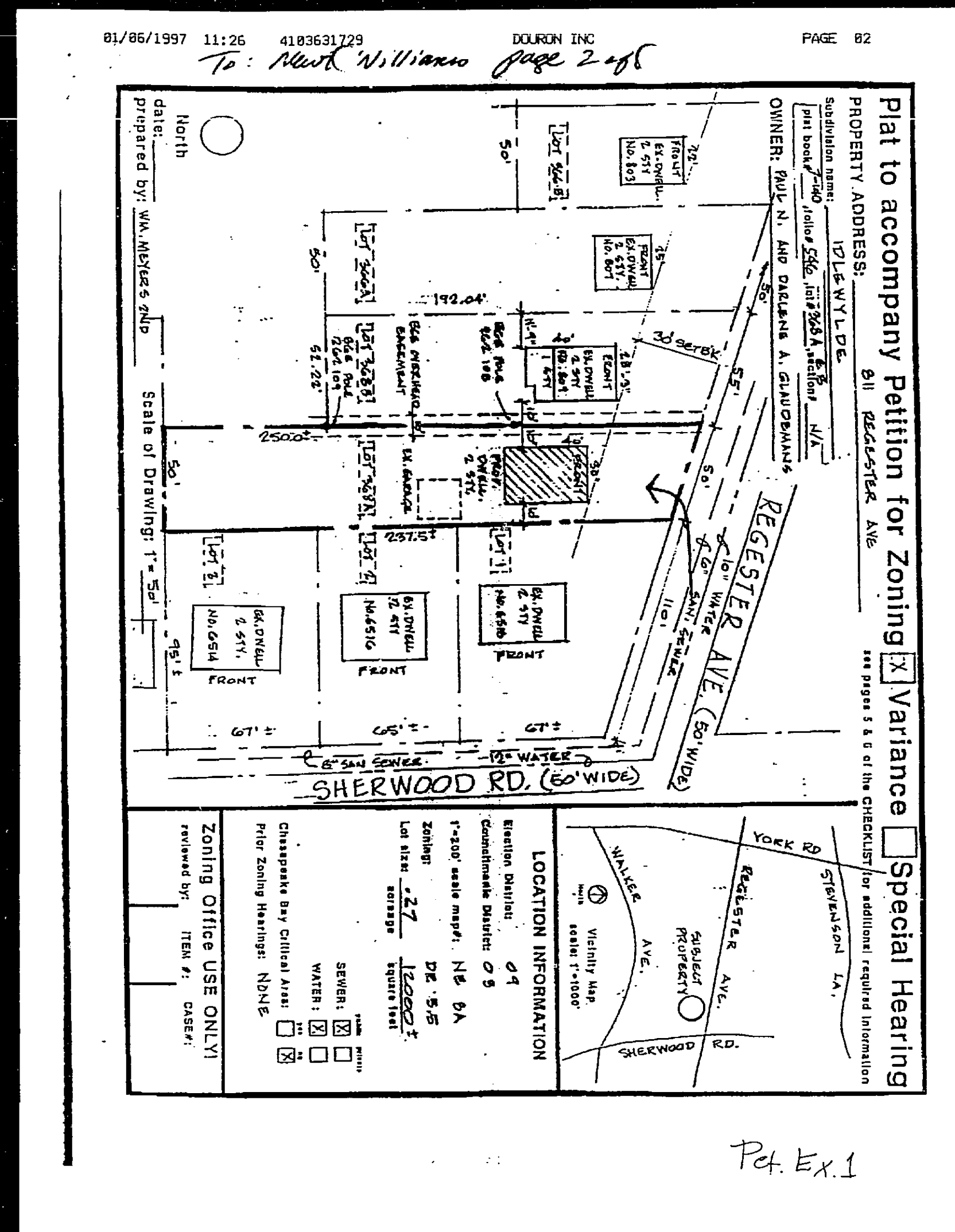
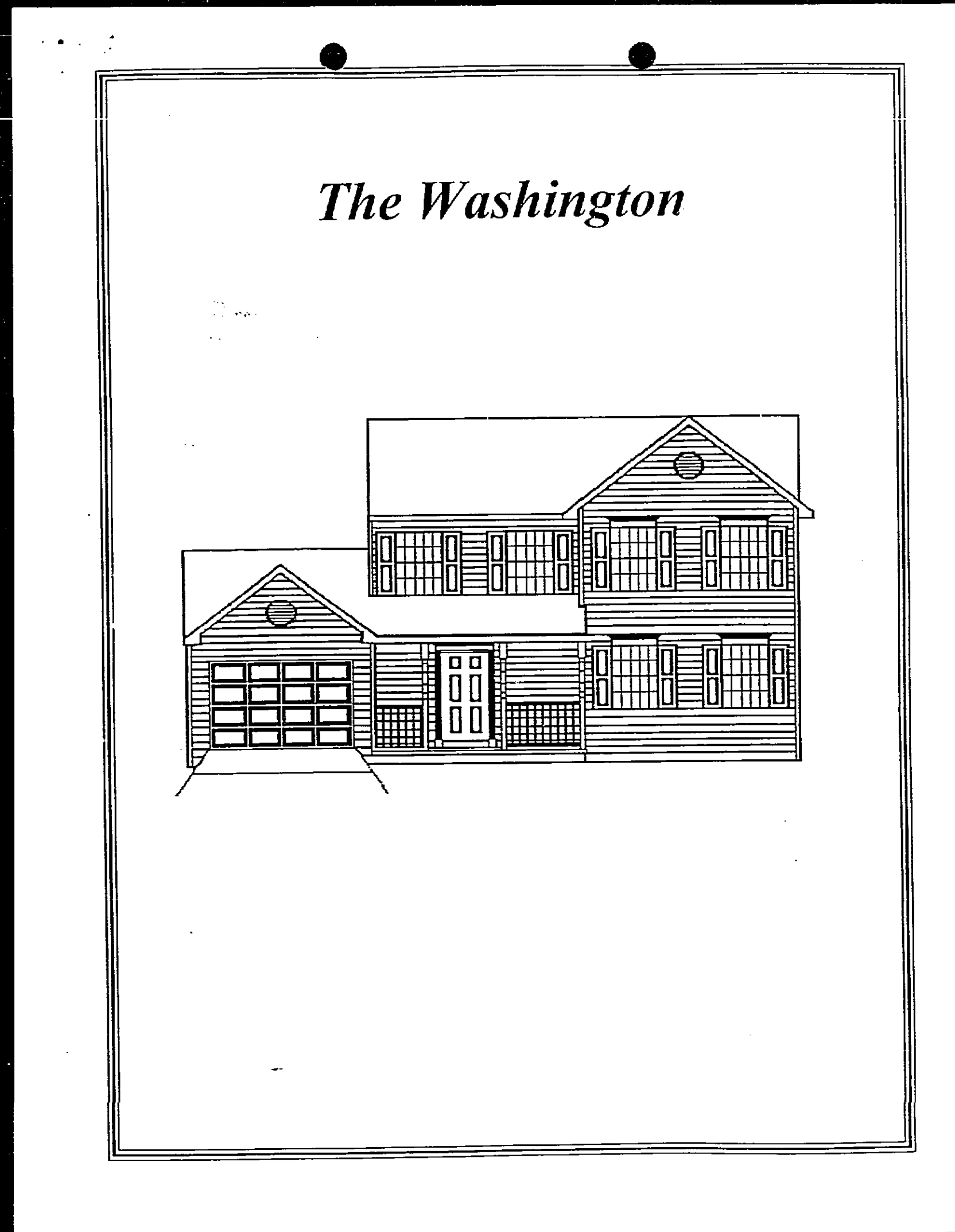
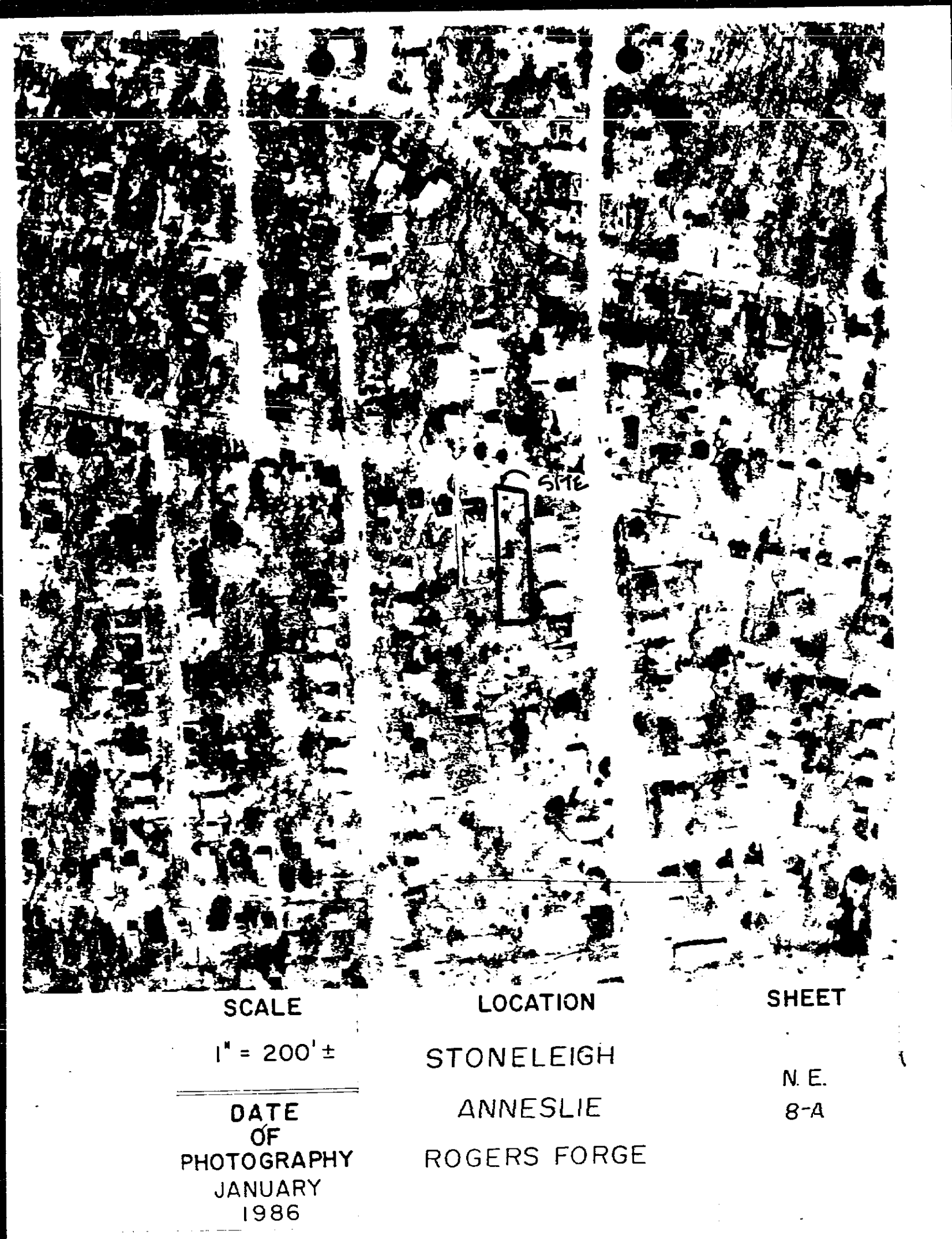
The Idlewylde Community Association has no objection to the variance for the property at 811 Register Ave. Mr. Paul Glaudemans is a member in good standing with our association and has kept us up to date with this issue. We hope that you will grant Mr. Glaudemans request for variance.

Thank you for your consideration.

Sincerely,
John P. Keenan
John P. Keenan, President ICA

Red No 2

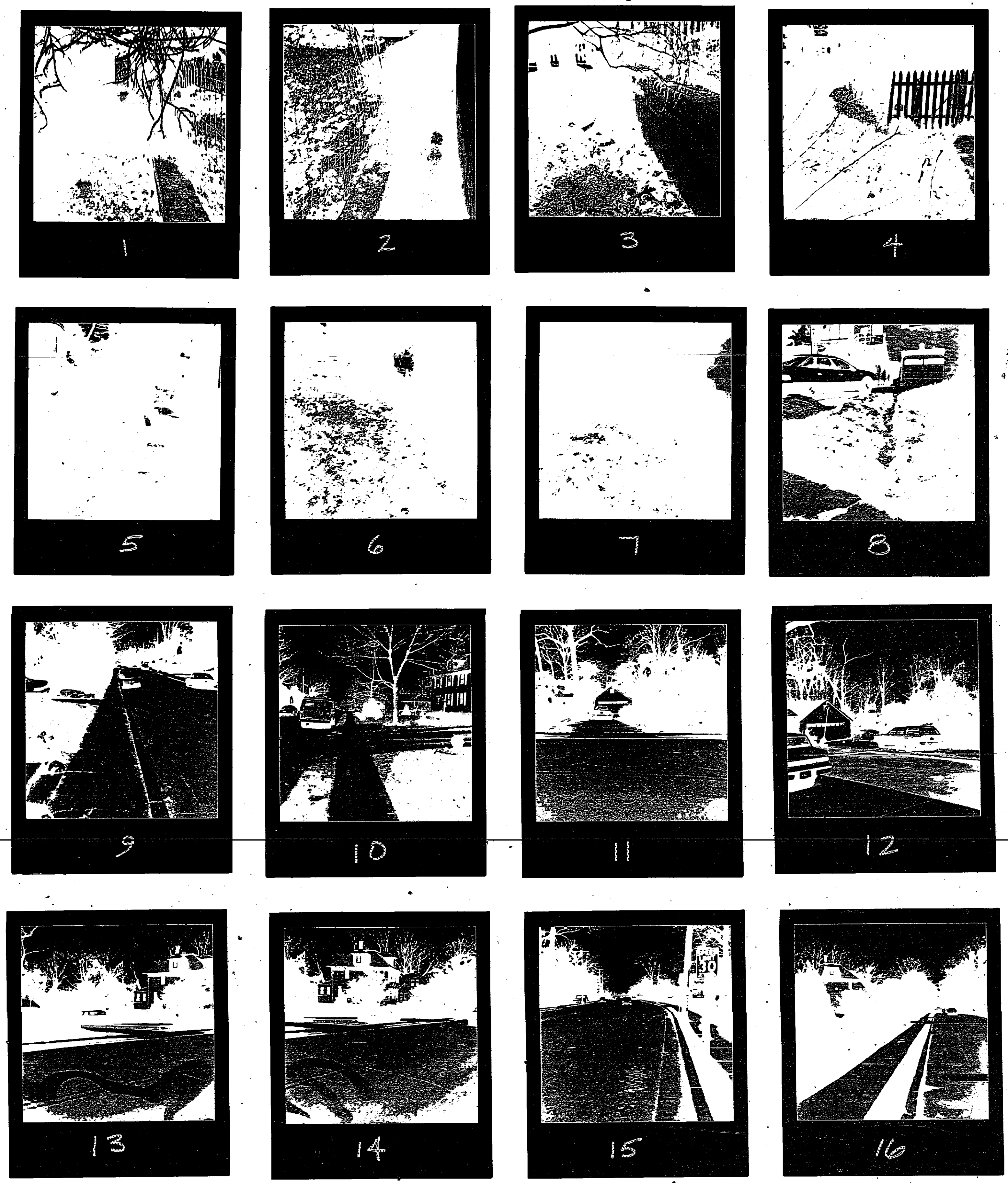




ORIGINAL
Pet. Ex. 8

Petition of Support

plus accompanying map showing location
of some of those in support





A. 6518
Sherwood Rd.
One of 3 lots
6514, 6512 and
6518 Sherwood Rd.
Recombined

Lot 368A
811 Register Ave.
50 ft. wide

Lot 368B
809 Register Ave.
52.2 ft. wide

The Gludemans Property
811 and 809 Register Avenue
Looking South from Register Ave.

PET. EX. 5



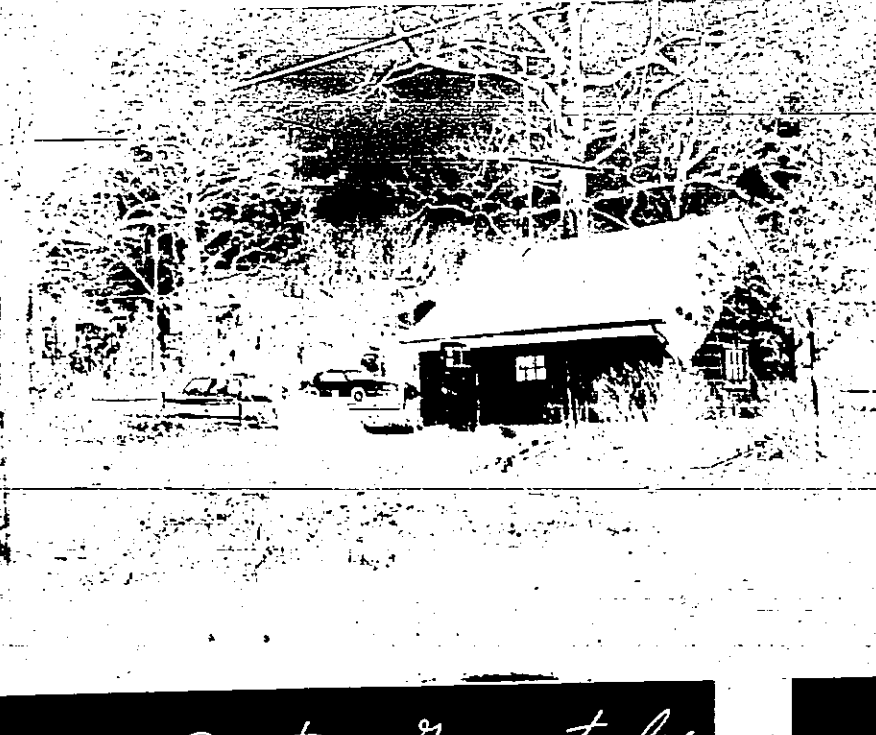
B. Rear of 6518 Sherwood Rd. - Looking SE across 811 Register Ave., Subject Property.
Note driveway and garage



C. Looking East from
809 Register near yard
across 811, toward
rear of 6518, 6516 and
6514 Sherwood Rd.

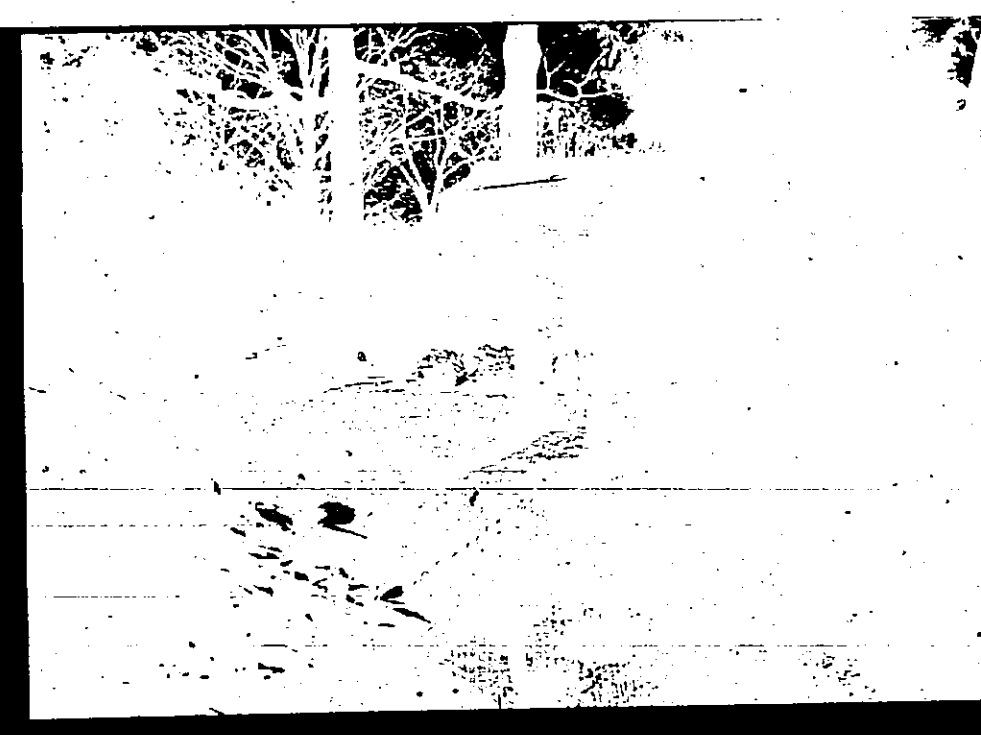


D. Rear of 807 Register



809 Register - Gludemans Home

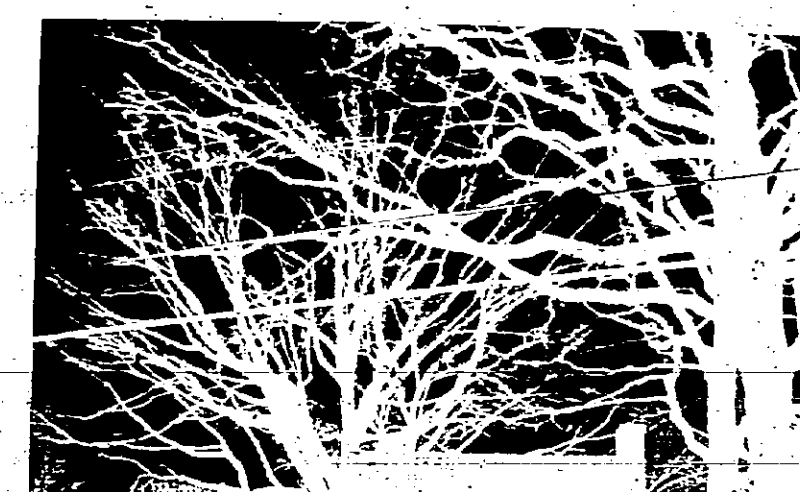
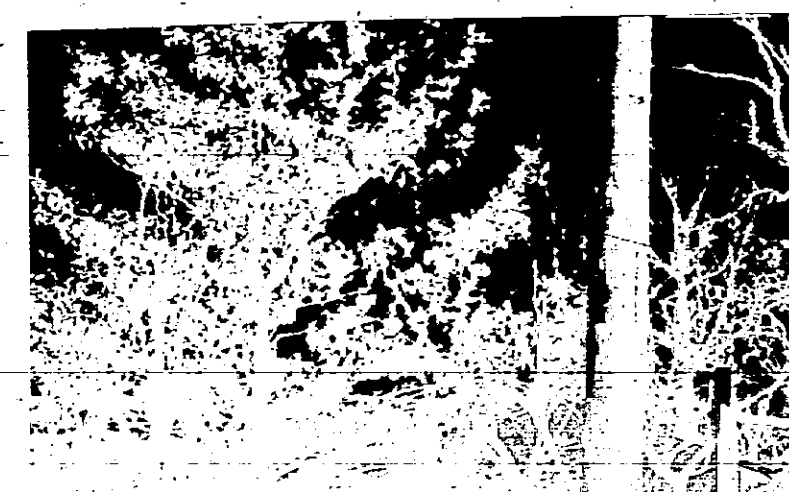
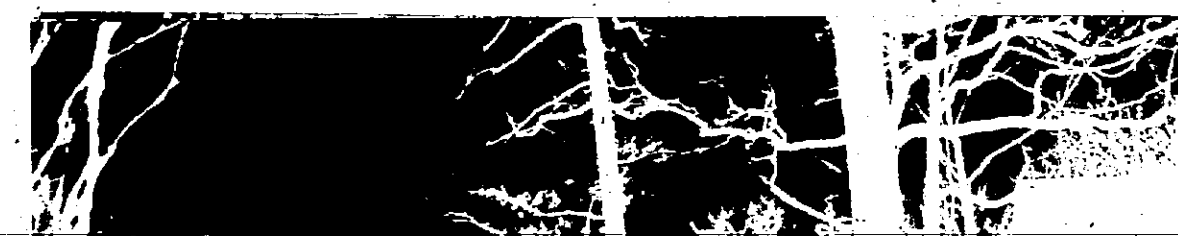
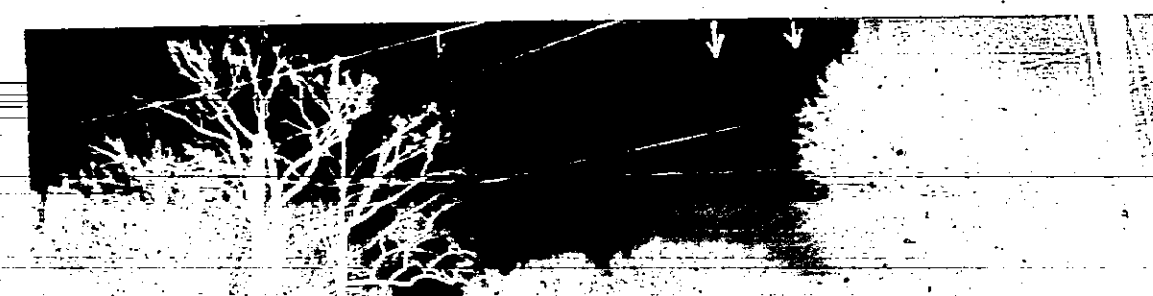
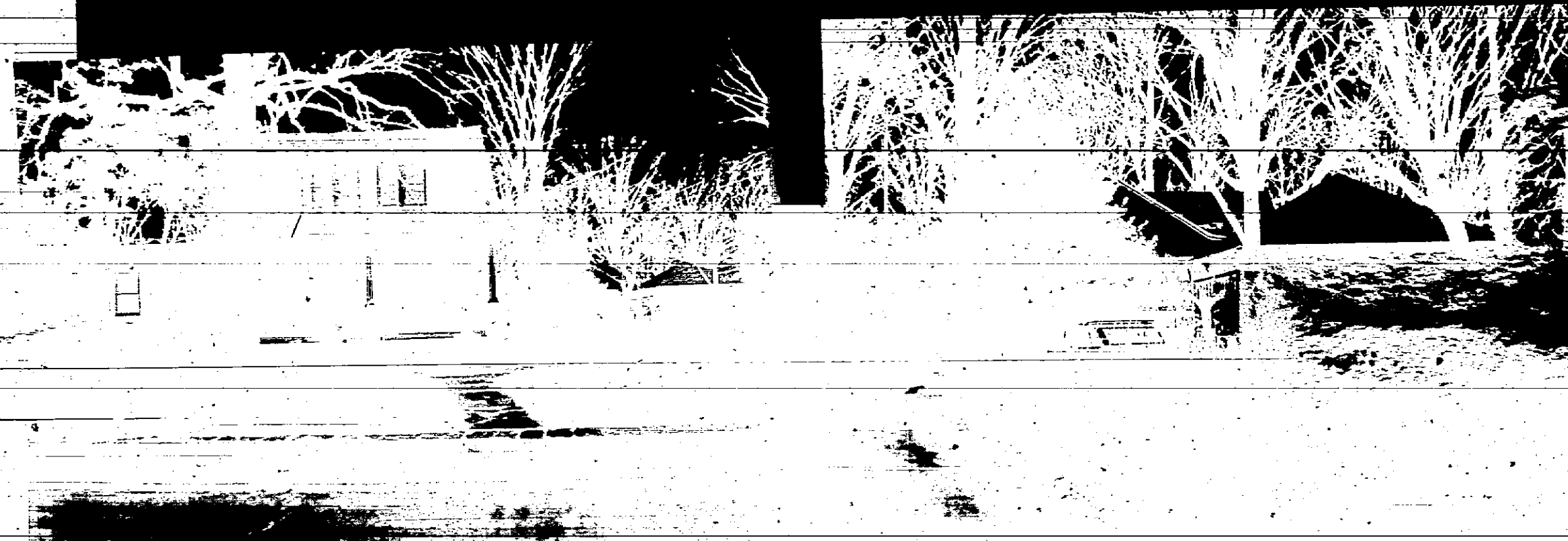
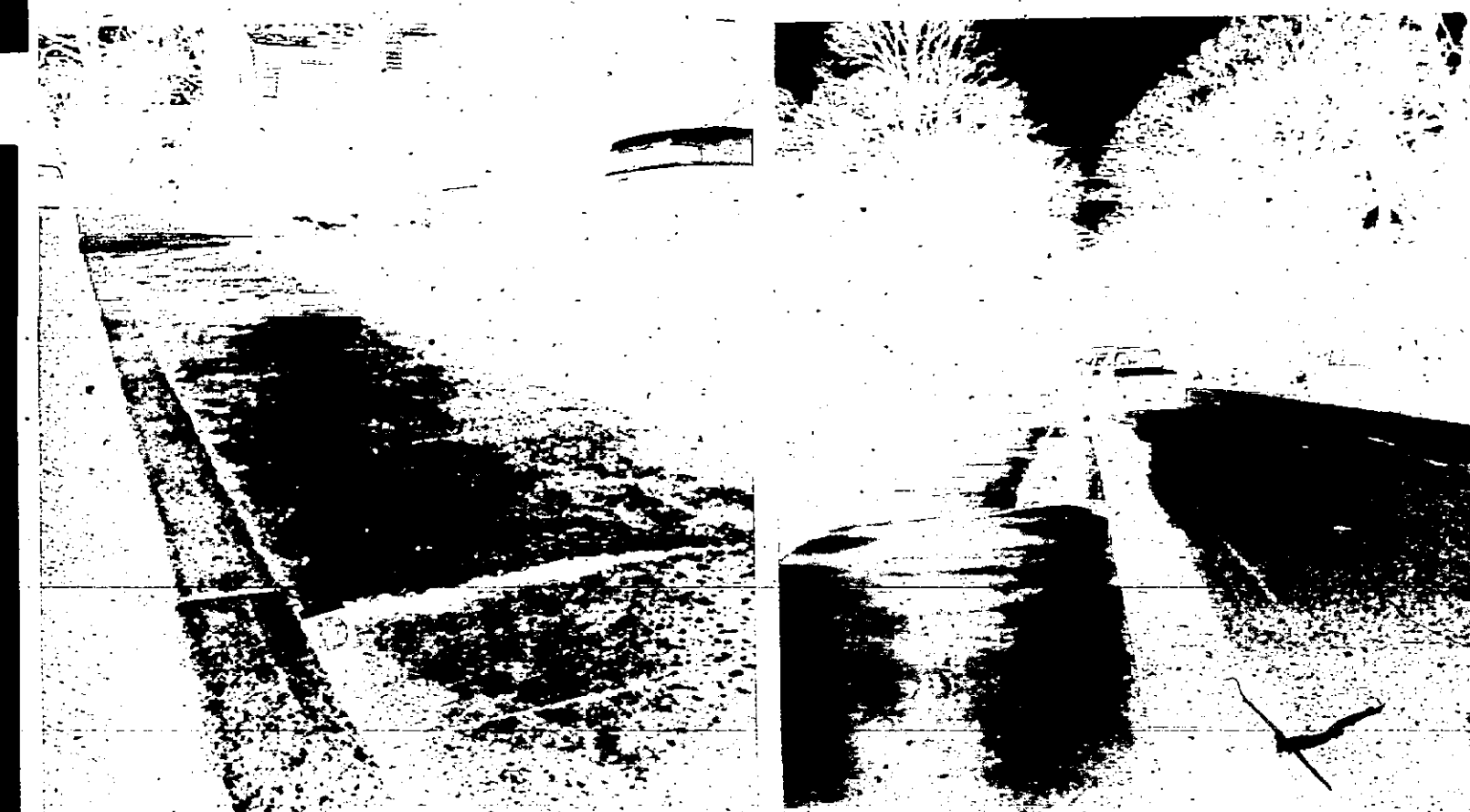
811 Register - Driveway to be removed.



E. Looking SW from rear of 809 Register toward Gludemans Property on Bensbury Rd.



F. Block Retaining wall at rear of 809 and 807 Register on Bensbury Rd.





PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

Map made by the
Aerial Service Corporation, Philadelphia, Pa.

STONELEIGH
ANNESLIE
ROGERS FORGE

8-A

97-126-A



0-SE N-SW

PHOTOGAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	STONELEIGH	8-A

ANNESLIE
ROGERS FORGE

97-126-A

Case No. 97-126-A Paul N. Glaudemans, et ux -Petitioner 9
requirement of 304.1(C); that is, the owner does own sufficient adjoining land to conform to the width requirement. While the first two criteria have been met, the third cannot be achieved, since the property owner does own two adjacent lots, and therefore the undersized lot approval cannot be granted in the absence of variance.

BCZR Section 304 contemplates that a landowner is protected against the changes in zoning laws if either, or both, of two events has occurred: (1) the lot was recorded by deed before 1955; or (2) the lot was recorded as part of a validly approved subdivision before 1955. It appears evident that only those who owned the parcels at the time they were recorded substandard by increased area requirements had the right to build on such parcels. The Petitioners here, having purchased the parcels in 1989 after they became substandard, are not benefitted by such clause. It is obvious that Section 304.1 was passed by the County Council in 1955 so that owners of separate undersized lots created before the passage of zoning regulations would not be left with small, single lots that they could not utilize. It was not meant to grant relief to owners who had one or more adjacent undersized lots that could be combined to meet the width and area requirements, and thus allow the owner a reasonable use of his property. In the instant case, the Glaudemans own two adjacent undersized lots, on one of which is the home in which they live; and on the other, a garage and driveway. The Petitioner is therefore deriving a reasonable use of his property.

Case No. 97-126-A Paul N. Glaudemans, et ux -Petitioner 10
Additionally, the Board having reviewed the testimony and evidence produced at the hearing, concludes that the Petitioner does not meet the requirements for a variance under Section 307.1.

The Petitioner has argued that his property is unique or peculiar because it is unusually deep and is up to twice the size of many other lots in the area. However, Cromwell v. Ward requires a finding that a property must first be unique or unusual in a manner that the uniqueness or peculiarity causes the zoning provision to impact disproportionately on that property. The Board concludes that the deepness or large area of the subject property does not meet the requirement; and while not necessary to examine the second prong of Section 307.1, that of practical difficulty or unreasonable hardship, the Board also concludes that that factor has not been met by the Petitioner. Petitioner has a reasonable use of his two adjacent undersized lots which he bought together in 1989, and the only practical difficulty is that he is not allowed to build a second house, but he does have available use of the unimproved lot. The Petitioner, therefore, has not satisfied the requirements of either Section 304.1 or Section 307.1 and for the reasons specified, the Board is required to deny Petitioner's request for approval of an undersized lot; and the variance request made in connection therewith relative to Case No. 97-126-A.

ORDER

THEREFORE, IT IS THIS _____ day of _____, 1997
by the County Board of Appeals of Baltimore County
ORDERED that the request for variance from Section 1802.3.C.1

Case No. 97-126-A Paul N. Glaudemans, et ux -Petitioner 11
of the BCZR, or in the alternative, pursuant to Section 304, so as to permit a lot width of 50 feet, in lieu of the required 55 feet, in Case No. 97-126-A (811 Regester Avenue) be and is hereby DENIED.

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**

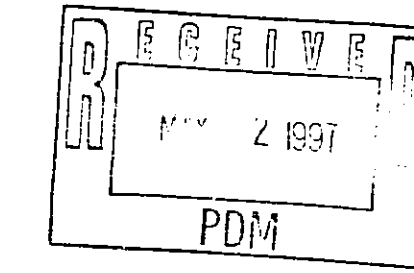
Charles L. Marks
Charles L. Marks, Acting Chairman
Margaret Worrall
Margaret Worrall
S. Diane Levero
S. Diane Levero



County Board of Appeals of Baltimore County

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

April 30, 1997



Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suits 700, Nottingham Centre
520 Washington Avenue
Towson, MD 21204

RE: Case No. 97-126-A
Paul N. Glaudemans, et ux

Dear Mr. Williams:

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

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 and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charles E. Radcliffe
Kathleen C. Bianco, Administrator
County Board of Appeals

encl.

cc: Paul N. and Darlene A. Glaudemans
Anthony J. DiPaula, Esquire
Mr. James T. Hewes
Mr. William Meyers II
People's Counsel for Baltimore County
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Regester Ave., 160 ft. NW * ZONING COMMISSIONER
of Sherwood Road *
809 Regester Avenue * OF BALTIMORE COUNTY
9th Election District *
3rd Councilmanic District * Case No. 97-125-A
Paul N. Glaudemans, et ux *
Petitioners *

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Regester Ave., 110 ft. NW * ZONING COMMISSIONER
of Sherwood Road *
811 Regester Avenue * OF BALTIMORE COUNTY
9th Election District *
3rd Councilmanic District * Case No. 97-126-A
Paul N. Glaudemans, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters came before the Zoning Commissioner as a combined hearing for adjacent properties located at 809 Regester Avenue and 811 Regester Avenue in the Idylwyde community. As to case No. 97-125-A, variance relief is requested for the property known as 809 Regester Avenue. Specifically, a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) is sought to permit a lot width of 52 ft. in lieu of the required 55 ft. As to case No. 97-126-A, for the property known as 811 Regester Avenue, variance relief is requested also from Section 1802.3.C.1 of the BCZR so as to permit a lot width of 50 ft. in lieu of the required 55 ft. Relief is also requested in case No. 97-126-A to approve an undersized lot pursuant to Section 304 of the BCZR. The subject properties and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were the property owners, Paul N. Glaudemans and Darlene A. Glaudemans. Appearing in opposition to the request was James T. Hewes, who owns and resides on the

property located at 6523 Banbury Road.

The facts germane to these cases are not in dispute. As noted above, Mr. and Mrs. Glaudemans own the adjacent lots at issue, known as 809 and 811 Regester Avenue. Apparently, these properties have been in Mrs. Glaudemans' family for many years. The properties were formerly part of a large tract which has been subdivided over the years. In fact, other members of Mrs. Glaudemans' family live nearby, on properties which were created following these subdivisions.

In any event, the property known as 809 Regester Avenue is roughly rectangular in shape and is zoned D.R.5.5. The lot is 52 ft. in width and ranges to a maximum depth of 192 ft. on the west side to 180 ft. on the east side. The property is improved with an existing two story single family dwelling in which Mr. and Mrs. Glaudemans reside. The house is quite old, having been constructed in approximately 1908.

Mr. and Mrs. Glaudemans also own the adjoining lot known as 811 Regester Avenue. That lot is 50 ft. wide but is significantly deeper than 809 Regester Avenue. The depth of the lot known as 811 Regester Avenue ranges from 237 ft. on the east side to 250 ft. on the west side. Presently, the lot is unimproved but for an existing garage. It is clear that the long term use of the lot at 811 Regester Avenue has been to serve as a large side and rear yard for the house on 809 Regester Avenue.

The Petitioners propose constructing a 30 ft. wide by a 40 ft. wide single family dwelling on the lot at 811 Regester Avenue. Such construction would allow a 10 ft. side yard setback on both sides and a sufficient front and rear yard setback. The existing garage would remain, subject to the desires of the new property owner.

Mr. and Mrs. Glaudemans testified that upon the granting of the variance and approval of the building plans, the lot at 811 Regester

Avenue would be sold for the proposed construction. They indicated that they would remain in their existing home at 809 Regester Avenue.

In an answer to a question presented at the hearing as to why the subdivision was proposed, the Petitioners stated that the proposal was to protect the community. They indicated that they intend on remaining in their existing house and felt that the subdivision was permissible and an enhancement to the community. Frankly it is difficult to accept the credibility of these statements. Certainly, the property owners are free to request the variances at issue and use their property in whatever means lawful. However, the area and the construction of a house 20 ft. from their dwelling does not appear to be designed to protect and enhance the community. To the contrary, it is obvious that the plans are designed for financial gain, so that the Petitioners can sell off a viable building lot.

In any event, testimony was also received from Mr. Hewes who lives behind the properties at 809 Regester Avenue. His address is 6523 Banbury Road. Mr. Hewes testified in opposition to the request. He produced a number of photographs which show severe flooding condition on his property during periods of heavy rain and melting snow. Specifically, he testified that water flows from the subject properties into his rear yard. From that location, the water flows through his side yard and into Banbury Road.

The pictures make clear that this is a problem. However, the source of the water is unclear. I conducted a site visit in order to investigate Mr. Hewes' claim. I was on site when the weather was dry but did observe the topography. Also, I examined the character of the houses in the neighborhood. It is not certain if Mr. Hewes' problems are entirely due to drainage from the subject properties. However, it is certain that additional construction in the immediate vicinity (e.g., the proposed dwell-

ing) will add more impervious surface and could exacerbate an already difficult situation.

A portion of the relief requested by the Petitioners is sought pursuant to Section 304 of the BCZR. That section provides relief for property owners who own undersized lots or lots of insufficient width in certain circumstances. Section 304 of the BCZR allows the owner of an undersized or insufficient width lot owner to utilize the lot if three conditions are met. They are:

1. That the lot at issue be part of a duly recorded subdivision contained within the Land Records of Baltimore County prior to 1955;
2. That no other variances are required; and,
3. That the owner of the lot does not own sufficient adjoining land to conform to the width or area requirement.

Clearly, the Petitioners do not qualify for relief under Section 304. The fact of the matter is that they own adjoining lots and that, when combined, the width and acreage of same are sufficient to meet the requirements. If the property owner of lot 811 Regester Avenue was not Mr. and Mrs. Glaudemans, relief may well be available, pursuant to Section 304. However, it is clearly not available under the current ownership.

As to the variance relief pursuant to Section 307 for the property known as 811 Regester Avenue, I am persuaded to grant same. The grant of that variance is based upon the fact that same is necessary to legitimize existing conditions; i.e., the 52 ft. lot width of this improved property. As noted above, the subject dwelling was constructed well prior to the adoption of any zoning ordinance in Baltimore County. In my judgment, the Petitioners satisfied the tests set forth in Section 307 of the BCZR, as construed by the case law. Thus, the variance shall be granted for the lot known as 809 Regester Avenue.

Variance relief for 811 Regester Avenue, pursuant to Section 307, is more problematic. The Petitioner must demonstrate that a practical difficulty would result if relief were denied. Moreover, the Petitioner must show that the relief can be granted without detriment to adjacent or nearby properties. The Petitioners correctly point out that the area requirements for the lot located at 811 Regester Avenue are more than satisfied. The property contains more than sufficient amount of acreage to support a single family dwelling. They also note that the front, side and rear yard setbacks will all be maintained. A comparison of nearby lots was also submitted in support of the Petitioners' contention that undersized lots are routine in the neighborhood.

Nonetheless, Mr. Hewes' testimony cannot be ignored. Admittedly, no expert testimony was presented by either side regarding drainage patterns in the area and the impact of the proposed single family dwelling on Mr. Hewes' existing problem. However, the photographs and my site inspection make clear that the water generally flows towards the Hewes property from the subject lots. The Petitioners offered no testimony as to how storm water management would be directed or managed after construction of a single family dwelling.

For this reason, I am persuaded to deny the variance as it relates to the property at 811 Regester Avenue. In my judgment, the Petitioners have failed to demonstrate the house can be constructed without detriment to adjacent properties. Thus, the requested relief will be granted in part and denied in part.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of December, 1996 that a variance from Section 1802.3.C.1 of the BCZR for approval of a lot width of 52 ft., in lieu of the required 55 ft., in case No. 97-125-A, (809 Regester Avenue) be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1802.3.C.1 of the BCZR, or in the alternative, pursuant to Section 304, so as to permit a lot width of 50 ft., in lieu of the required 55 ft., in case No. 97-126 (811 Regester Avenue) be and is hereby DENIED.

Any appeal from this decision must be taken in accordance with the applicable provisions set forth in Section 26-132 of the Baltimore County Code.

LES/mm

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



County Board of Appeals of Baltimore County

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

April 30, 1997

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
520 Washington Avenue
Towson, MD 21204

RE: Case No. 97-126-A
Paul N. Glaudemans, et ux

Dear Mr. Williams:

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

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 and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco, Administrator
County Board of Appeals

encl.

cc: Paul N. and Darlene A. Glaudemans
Anthony J. DiPaula, Esquire
Mr. James P. Hewes
Mr. William Meyers II
People's Counsel for Baltimore County
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

UNDERSIZE LOT APPLICABLE FILED AT PET FILING- SEND PKG TO W.T.R. O.P.C. KEEP THIS COPY IN FILE
#126
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 811 Regester Ave. Balt. MD 21239
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, submit(s) in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 TO PERMIT A LOT WITH A 50 FT WIDTH IN LIEU OF THE REQUIRED 55 FT (AND ANY OTHER VARIANCES DEEMED NECESSARY) AND TO APPROVE AN UNDERSIZED LOT PER SECTION 304 (BCZR) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Hardship and Practical Difficulty TO BE DETERMINED AT HEARING

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

Correct Petitioner/Developer:

(Type or Print Name)

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

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

Legal Owner(s):

(Type or Print Name)

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

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CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/3, 1996.

THE JEFFERSONIAN,

A. Henricson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance from Section 1802.3.C.1 of the BCZR for approval of a lot width of 52 ft., in lieu of the required 55 ft., in case No. 97-125-A, (809 Regester Avenue) be and is hereby GRANTED; and, IT IS FURTHER ORDERED that a variance from Section 1802.3.C.1 of the BCZR, or in the alternative, pursuant to Section 304, so as to permit a lot width of 50 ft., in lieu of the required 55 ft., in case No. 97-126 (811 Regester Avenue) be and is hereby DENIED.

Case #97-125-A
Item 125
811 Regester Avenue
Baltimore, MD 21239
809 Regester Avenue
Baltimore, MD 21239
4th Council District
Legal Owner(s):
Paul N. Glaudemans and
Darlene A. Glaudemans
Petitioner/Developer:
Paul N. Glaudemans, et ux
Date of Hearing/Closing:
Hearing: Wednesday, October 23, 1996 at 5:00 p.m. in Room 110, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: 1) Hearings are
handicapped accessible for
persons with disabilities.
2) For the alternative (undersized lot) see the zoning maps.
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Attachment to Zoning Variance for 811 Regester Avenue:

Attached are two (2) typical drawings (labelled as "The Washington" and "The Liberty") of single dwelling units measuring 28' +/- wide (not including garage). Either of these designs will be selected, or some reasonable likeness thereof, including a possible family room or great room extension as shown. Siding material to be used is vinyl siding. Roof material to use is asphalt shingles

ZONING DESCRIPTION FOR 811 REGESTER AVENUE

Beginning at a point on the south side of Regester Avenue, fifty feet wide, at the distance of one hundred and ten feet westerly from the corner formed by the intersection of the southwest side of Regester Avenue and Sherwood Avenue, and running thence southerly parallel with Sherwood Avenue two hundred and thirty-seven and one-half feet, more or less, thence westerly at right angles to Sherwood Avenue fifty feet, thence northerly parallel with Sherwood Avenue two hundred and fifty feet, more or less, to the South side of Regester Avenue fifty feet to the place of beginning, said lot of ground being lot 368A in the subdivision of Idlewyde as recorded in deed reference # A & B 8342, folio #346, plat # 7-140, in the ninth Election district and Councilmanic District of Baltimore County, MD

97-126-A

CERTIFICATE OF POSTING

RE: Case No. 97-126-A

Petitioner/Developer:

Paul Glaudemans, ET UX

Date of Hearing/Closing:

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 811 Regester Ave., 110 FT. NW OF SHERWOOD

The sign(s) were posted on 1 29-97
(Month, Day, Year)

Sincerely,

Dennis Raux
(Signature of Sign Poster and Date)

DENNIS RAUX
(Printed Name)

(Address)

TOWSON MD 21204
(City, State, Zip Code)

887-8099
(Telephone Number)

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 024877
DATE 9/19/96 ACCOUNT R0016150
AMOUNT \$ 50.00
RECEIVED FROM GLAUDEMANS
FOR 1RV
NO SIGN SEE ITEM 125 USING SAME SIGN.
07491808/08/CHRC \$50.00
VALIDATION OR SIGNATURE OF CASHIER
9/19/96

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 028083
DATE 1-8-97 ACCOUNT R-CC1-6150
AMOUNT \$ 210.00
RECEIVED FROM PAUL GLAUDEMANS
FOR RES. ZONING VARIANCE APPROX 97-126-A
01A000034/SHICHC \$210.00
VALIDATION OR SIGNATURE OF CASHIER
1/8/97

97-126-A
USE SAME SIGN FOR
ITEM 125/126

See Item 125
file for
wording on
sign



Baltimore County
Department of Permits and
Development Management

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

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 assessed 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.

97-126-A
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 126 Petitioner: GLAUDEMANS
Location: 811 Regester Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul N. Glaudemans
ADDRESS: 809 Regester Ave.
Baltimore, Md 21239
PHONE NUMBER: (410) 377-2723

Printed with Soybean Ink
on Recycled Paper

12

TO: PUPPONY PUBLISHING COMPANY
October 3, 1996 Issue - Jeffersonian

Please forward billing to:

Paul N. Glaudemans
809 Regester Avenue
Baltimore, MD 21229
377-2723

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-126-A (Item 126)

111 Regester Avenue
S/S Regester Avenue, 110' NW of Sherwood Avenue
Legal Owner(s): Paul N. Glaudemans and Darlene A. Glaudemans

Variance to permit a lot with a 50 foot width in lieu of the required 55 feet (any other variances deemed necessary) and to approve an undersized lot.

HEARING: WEDNESDAY, OCTOBER 23, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

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

September 27, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-126-A (Item 126)

811 Regester Avenue
S/S Regester Avenue, 110' NW of Sherwood Avenue
Legal Owner(s): Paul N. Glaudemans and Darlene A. Glaudemans

Variance to permit a lot with a 50 foot width in lieu of the required 55 feet (any other variances deemed necessary) and to approve an undersized lot.

HEARING: WEDNESDAY, OCTOBER 23, 1996 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Paul and Darlene Glaudemans
William Meyers 2nd

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
February 25, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-126-A
IN THE MATTER OF: PAUL N. GLAUDEMANS, ET UX
S/S Regester Avenue, 110' NW of Sherwood Road
(811 Regester Avenue) 9th E; 3rd C Districts
(Denial of Variance /lot width /undersized lot.)

ASSIGNED FOR: TUESDAY, APRIL 15, 1997 at 1:00 p.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

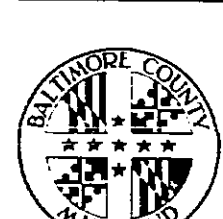
Kathleen C. Bianco
Legal Administrator

cc: Appellants /Petitioners: Paul N. and Darlene A. Glaudemans

Protestant : James T. Hewes

William Meyers II
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty



Baltimore County
Department of Permits and
Development Management

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

October 18, 1996

Mr. and Mrs. Paul Glaudemans
809 Regester Avenue
Baltimore, MD 21239

RE: Item No.: 126
Case No.: 97-126-A
Petitioner: Paul Glaudemans, et ux

Dear Mr. and Mrs. Glaudemans:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 19, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: October 7, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for October 7, 1996
Item Nos. 119, 121, 122, 124, 125,
126, 127, & 129

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE30

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

DATE: Sep 26, 96

SUBJECT: Zoning Advisory Committee
Meeting Date: Sep 30, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s:
119
122
124
125
126
127
129

RBS:sp

BRUCEZ/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1103

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 30, 1996.

Item No.: SEE BELOW Zoning Agenda:

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.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 119, 120, 121, 122, 124, 125, 126, 127 and 129.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Reelyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 124 (JLL)

9/27/96

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Michael Smith
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2238 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director,
Permits and Development Management

DATE: October 18, 1996

FROM: Arnold F. "Pat" Keller, III, Director,
Office of Planning

SUBJECT: 809 & 811 Regester Avenue

INFORMATION:

Item Numbers: 125 and 126

Petitioner: Glandemans Property

Property Size: _____

Zoning: DR 5.5

Requested Action: _____

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

This is a combined comment for an undersized lot at 809 Regester Avenue and a lot width variance for a 52 foot wide lot at 811 Regester Avenue in lieu of the required 55 feet.

As for the undersized lot request, pursuant to Section 304 of the Baltimore County Zoning Regulations, use of undersized lot, a one family dwelling may be erected on a lot having an area or width less than that required if three (3) conditions are met:

- The lot must be recorded by deed or in a validity approved subdivision prior to March 30, 1995;
- All other requirements of the height and area regulations are complied with; and
- The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements.

It appears that the first two criterion have been met, but the third cannot be met since the property owners own two adjacent lots. Therefore, the undersized lot approval should not be granted.

ITEM. 125/PZONE/ZAC1

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP
RE: ZAC Comment Item 125 and 126

As for the variance request, the neighborhood contains a mix of lot sizes with 5 of the 11 lots cited on a list of adjacent property owners as undersized lots. Provided the applicant meets the test of hardship/practical difficulty, this office recommends the granting of the lot width variances subject to the following restrictions:
1. The house type for 811 Regester Avenue should be in accordance with the Liberty Elevation One, without the attached garage.
2. The vinyl siding should be a neutral color and asphalt shingles.

Prepared by: *Jeffrey W. Long*

Division Chief: *Dennis West*

AFK/JL:rdn

ITEM. 125/PZONE/ZAC1

APPEAL

Petition for Zoning Variance
S/S Regester Avenue, 110 ft. NW of Sherwood Road
(811 Regester Avenue)
9th Election District - 3rd Councilmanic District
Paul N. Glandemans, et ux - Petitioners
Case No. 97-126-A

Petition for Zoning Variance

Description of Property

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners' Exhibits: 1 - Plat to Accompany Zoning Variance
2 - Letter to Baltimore County Office of Zoning and Planning from John P. Keenan, President of Idlewyde Community Association dated October 16, 1996

Twenty-nine Photographs not Marked as Exhibits

List of Adjacent Property Owners

Zoning Commissioner's Order dated December 16, 1996 (Denied)

Notice of Appeal received on January 8, 1997 from Paul N. and Darlene A. Glandemans

c: Mr. and Mrs. Paul N. Glandemans, 809 Regester Avenue, Baltimore, Maryland 21239
Mr. James T. Hewes, 6523 Banbury Road, Baltimore, Maryland 21239
Mr. William Meyers, II, 1400 W. Joppa Road, Baltimore, MD 21204
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM



Baltimore County
Department of Permits and
Development Management

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

January 15, 1997

Mr. James T. Hewes
6523 Banbury Road
Baltimore, MD 21239

RE: Petition for Zoning
Variance
S/S Regester Ave., 110
ft. NW of Sherwood Road
(811 Regester Avenue)
9th Election District
3rd Councilmanic District
Paul N. Glandemans, et ux
- Petitioner
Case No. 97-126-A

Dear Mr. Hewes:

Please be advised that an appeal of the above-referenced case was filed in this office on January 8, 1997 by Paul N. and Darlene A. Glandemans. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Director

AJ:rye

c: Mr. William Meyers, II
People's Counsel

Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR VARIANCE * BEFORE THE
811 Regester Avenue, S/S Regester Ave., * ZONING COMMISSIONER
110' NW of Sherwood Road * OF BALTIMORE COUNTY
9th Election District, 3rd Councilmanic *
Paul N. and Darlene A. Glandemans * CASE NO. 97-126-A
Petitioners *

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
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 21st day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to William Meyers, 2nd, 1400 W. Joppa Road, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

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

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

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

MINIMUM APPLICANT SUPPLIED INFORMATION: W-363-2600-Ext 3007
H-377-3723
Paul N. and Darlene A. Glandemans 809 Regester Ave. Balt. MD 21239
811 Regester Ave. Election District 09 Council District 04 Square Feet 12,000 #
Lot Location: S corner of Regester Avenue, 110 feet from W corner of Sherwood Road
Lot Owner: Paul N. and Darlene A. Glandemans Tax Account Number 0904500391 and 0904500392
Address: 809 Regester Avenue Telephone Number H-377-3723 W-363-2600-Ext 3007
Baltimore, MD 21239

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

Item	YES	NO
1. This Recommendation Form (2 copies)	X	
2. Permit Application		X
3. Site Plan		
Property (2 copies)	X	
Topo Map (available in the 204 C.B.R.) (2 copies)	X	
4. Building Elevation Drawings	X	
5. Photographs (owner label all photos clearly)	X	
Adjoining Buildings	X	
Surrounding Neighborhood	X	

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: _____