

IN RE: PETITION FOR VARIANCE  
NE/Corner Rehbaum Avenue and  
Potomac Avenue  
(4606 Rehbaum Avenue)  
13th Election District  
1st Councilmanic District

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-337-A

Helen E. Schaeffer, Legal Owner;  
Marguerite H. Boulden, Power of Attorney - Petitioners

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for the subject property known as 4606 Rehbaum Avenue, located on the northeast side of its intersection with Potomac Avenue in Halethorpe. The Petition was filed by the owner of the property, Helen E. Schaeffer, through Marguerite H. Boulden, Power of Attorney, and the Contract Purchasers, McKenzie Contracting, Inc. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and the Zoning Commissioner's Policy Manual, Page 1-1.3A, thereof, to permit a street side setback of 19 feet in lieu of the required 25 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Marguerite H. Boulden, John F. Boulden, Harvey Bull, and Robert A. Liggett. Appearing as Protestants in the matter were Larry W. and Rhona L. Durst, adjoining property owners, who were represented by James McFaul, Esquire, Joseph R. Kinsey, President of the Halethorpe Improvement Association, and Rosemary Taylor.

Testimony and evidence offered revealed that the subject property, also known as Lot 31 of Halethorpe, consists of 6,859 sq.ft., more or less,

ORDER RECEIVED FOR FILING  
Date 3/24/97  
By [Signature]

MICROFILM

zoned D.R. 5.5 and is presently unimproved. Helen Schaeffer purchased the subject property in 1949. She also owned the adjoining property, known as 4604 Rehbaum Avenue, on which she had resided since 1928. Ms. Schaeffer, who is in her 90s now and resides in a nursing home, sold her property at 4604 Rehbaum Avenue, in 1996 to Mr. and Mrs. Larry Durst, who appeared as Protestants in the instant case. Ms. Schaeffer, through her representatives, would like to sell the subject property for the additional income needed to support her nursing home care. However, due to its location on a corner, a portion of the east side of the proposed dwelling will be located within the required setback from Potomac Avenue. Thus, the requested variance is necessary in order to proceed as proposed.

Testimony offered by Mr. and Mrs. Durst indicated that when they purchased their property at 4604 Rehbaum Avenue, they thought their purchase included the vacant lot on the corner. Testimony indicated that when they settled on their property, they discovered that the vacant lot was not included in their purchase. The Dursts attempted to buy the vacant lot at that time, but were unable to reach a purchase price agreement with the owner. The Dursts are therefore opposed to any development on Lot 31 and would like to see that property remain unimproved.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser

OTHER RECORDS OR FILMS  
Date \_\_\_\_\_  
By \_\_\_\_\_

relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28  
(1974).

In order to develop the lot as proposed, with a house that would be in character and keeping with the surrounding homes in this community, the requested variance is necessary. The neighbors who attended the hearing, are opposed to the granting of any variance, hoping that the lot will remain undeveloped. The lot in its unimproved state, has no value to Ms. Schaeffer, who is in need of additional funding for her nursing home care. Representatives for the Petitioner hoped that the lot would be sold for development with a house thereon, or to Mr. & Mrs. Durst, who would incorporate the lot as a side yard to their property.


There is no question that a house can be constructed on Lot 31. The building envelope on this lot is large enough to accommodate a dwelling, however, a more narrow dwelling will be necessary in order to satisfy all setback requirements. A different style house than that proposed may be less aesthetically pleasing and may be out of character with other homes in the community. However, given the opposition shown by the citizens who attended the hearing, it is clear that the relief requested must be denied and that the Builder will have to design a home that will fit within the building envelope provided for this lot.

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

ORDER RECEIVED FOR FILING  
Date 3/21/74  
By [Signature]

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26<sup>th</sup> day of March, 1997 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and the Zoning Commissioner's Policy Manual, Page 1-1.3A, thereof, to permit a street side setback of 19 feet in lieu of the required 25 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 3/26/97  
BY [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

March 26, 1997

Ms. Marguerite H. Boulden  
5556 Ashbourne Road  
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE  
NE/Corner Rehbaum Avenue and Potomac Avenue  
(4606 Rehbaum Avenue)  
13th Election District - 1st Councilmanic District  
Helen E. Schaeffer, Legal Owner; and  
Marguerite H. Boulden, Power of Attorney - Petitioners  
Case No. 97-337-A

Dear Ms. Boulden:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Robert A. Liggett, 1311 Birch Avenue, Baltimore, Md. 21227  
McKenzie Contr., Inc., 7933 Bright Light Pl., Ellicott City, Md. 21043

Mr. & Mrs. Larry W. Durst, 4604 Rehbaum Avenue, Baltimore, Md. 21227  
Mr. Joseph Kinsey, 1519 Woodside Avenue, Baltimore, Md. 21227  
Ms. Rosemary Taylor, 1204 Canberwell Road, Baltimore, Md. 21228  
James McFaul, Esquire, 614 Bosley Avenue, Towson, Md. 21204

People's Counsel; Case *File*

RECEIVED



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

97-337-A

<sup>4606</sup>  
Lot 4606 Rehbaum Ave  
which is presently zoned DR55

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) 1B02.3.C.1; BC2R AND ZOPM, PG-1-1.3a, TO PERMIT A STREETSIDE SETBACK OF 19' IN LIEU OF THE REQUIRED 25' FOR A DWELLING.

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

Lot # 31 was created by the Subdivision entitled "Plat of Halethorpe" and recorded in Plat Book J.W.S. 1, folio 60. Mrs Helen Schaeffer and her husband acquired the buildable lot on November 22, 1949 by deed T.B.S. 1796, folio 308. Compliance with the existing sideyard setback requirements would limit the building envelope size to a point too small for a dwelling to be built on this lot and be compatible with other dwellings in the neighborhood.

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.

(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.

Contract Purchaser/Lessee:

McKenzie Contracting INC  
(Type or Print Name)  
Thomas Michael McElhenny  
Signature  
7933 Bright Light Pl  
Address  
Ellicott City Maryland 21028  
City State Zipcode

Legal Owner(s):

HELEN E. SCHAEFFER  
(Type or Print Name)  
Marguerite H. Boulden P.O.A.  
Signature  
\_\_\_\_\_  
(Type or Print Name)  
\_\_\_\_\_  
Signature

Attorney for Petitioner:

(Type or Print Name)

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Address Phone No.  
\_\_\_\_\_  
City State Zipcode

5556 Ashbourne Rd 242-2371  
Address Phone No.  
Baltimore Maryland 21227  
City State Zipcode  
Name, Address and phone number of representative to be contacted.

ROBERT A. LIGGETT  
Name 242-2294  
1311 Birch Ave. 667-5251  
Address BAL. MD. 21227 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_  
unavailable for Hearing \_\_\_\_\_  
the following dates \_\_\_\_\_ Next Two Months  
ALL \_\_\_\_\_ OTHER \_\_\_\_\_  
REVIEWED BY: Jaw DATE 2-11-97



Printed with Soybean Ink on Recycled Paper

ORDER RECEIVED FOR FILING  
Date 3/26/97  
By [Signature]

111 111 111

337

**RAPHEL & ASSOC. INC.**

*Registered Land Surveyor*  
205 Courtland Avenue  
Towson, Maryland 21204

Phone: (410) 825-3908

Fax: (410) 825-1331

97-337-A

DESCRIPTION TO ACCOMPANY VARIANCE  
LOT NO. 31  
"HALETHORPE"

BEGINNING FOR THE SAME at a point at the intersection formed by the East Right-of-Way of Potomac Avenue, 60 feet wide, and the North Right-of-Way line of Rehbaum Avenue, 50 feet wide, and being all of Lot #31 in the Subdivision of "Halethorpe" and recorded among the Land Records of Baltimore County in Plat Book J.W.S. 1, folio 60, and containing 6,859 square feet of land more or less and located in the 13th. Election District and the 1st. Councilmanic District of Baltimore County.

337

10/2/97

**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 in Towson, Maryland on the property identified herein as follows:

Case: #97-337-A  
4606 Rehbaum Avenue  
NEC Rehbaum And Potomac Avenues  
13th Election District  
1st Councilmanic  
Legal Owner(s):  
Helen E. Schaeffer  
Contract Purchaser:  
McKenzie Contracting, Inc.

Variance: to permit a street side setback of 19 feet in lieu of the required 25 feet for a dwelling.

Hearing: Tuesday, March 18, 1997 at 11:00 a.m. in Rm. 118, Old Courthouse.

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.

2/376 Feb. 27 C122506

**CERTIFICATE OF PUBLICATION**

TOWSON, MD.,

Feb 27, 1997

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 Feb 27, 1997.

**THE JEFFERSONIAN,**

*A. Henrichson*

**LEGAL AD. - TOWSON**



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

DATE: 2-11-97 ACCOUNT: R001-6150

AMOUNT \$ 50.00

RECEIVED BY: HELEN E. SCHAEFFER FROM: REBAHANA

FOR: UNR. (010)

VALIDATION ON SIGNATURE OF CASHIER: JCM

DISTRIBUTION  
 WHITE - CASHIER  
 PINK - AGENCY  
 YELLOW - CUSTOMER

357  
 No. 032322

**CERTIFICATE OF POSTING**

RE: Case No.: 97-337-A

Petitioner/Developer: HELEN B. SCHAEFFER, ETAL  
% ROBERT LIGGETT - 744-4100  
242-2294

Date of Hearing/Closing: 3/18/97

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 # 4606 REHBAUM AVE.  
@ CORNER OF POTOMAC AVE.

The sign(s) were posted on 3/4/97  
(Month, Day, Year)

Sincerely,

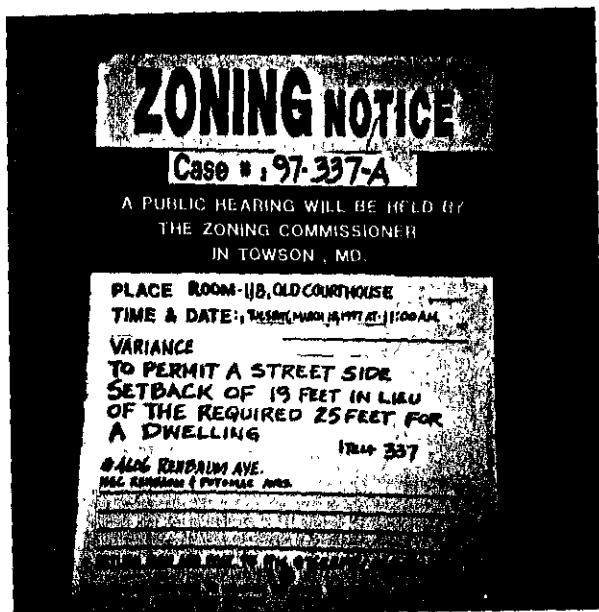
Patrick M. O'Keefe 3/5/97  
(Signature of Sign Poster and Date)

Patrick M. O'Keefe  
(Printed Name)

523 Penny Lane  
(Address)

Hunt Valley, MD 21030  
(City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354  
(Telephone Number)



CATCH THE  
CREDIT UNION SPIRIT

*1 day late*

*MARCH 14 1997*

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_

Format for Sign Printing, Black Letters on White Background:

# ZONING NOTICE

Case No.: 97-337-A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: TO PERMIT A STREETSIDE SETBACK OF  
19' IN LIEU OF THE REQUIRED 25' FOR  
A DWELLING.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

**DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**

**HANDICAPPED ACCESSIBLE**



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/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.

\_\_\_\_\_  
 ARNOLD JABLON, DIRECTOR

-----  
 For newspaper advertising:

Item No.: 337 Petitioner: McKenzie Contracting  
 Location: Location Lot 31<sup>4606</sup> Rehbaum Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert A. LIGGETT  
 ADDRESS: 1311 Birch Ave  
111 Eastmore Maryland 21227  
 PHONE NUMBER: 242-2294

TO: PUTIXENT PUBLISHING COMPANY  
February 27, 1997 Issue - Jeffersonian

Please forward billing to:

Robert A. Liggett  
1311 Birch Avenue  
Baltimore, MD 21227  
242-2294

---

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-337-A  
4606 Rehbaum Avenue  
NEC Rehbaum and Potomac Avenues  
13th Election District - 1st Councilmanic  
Legal Owner(s): Helen E. Schaeffer  
Contract Purchaser: McKenzie Contracting, Inc.

Variance to permit a street side setback of 19 feet in lieu of the required 25 feet for a dwelling.

HEARING: TUESDAY, MARCH 18, 1997 at 11:00 a.m. in Room 118, Old Courthouse.

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

February 21, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-337-A  
4606 Rehbaum Avenue  
NEC Rehbaum and Potomac Avenues  
13th Election District - 1st Councilmanic  
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Variance to permit a street side setback of 19 feet in lieu of the required 25 feet for a dwelling.

HEARING: TUESDAY, MARCH 18, 1997 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Helen E. Schaeffer/Marguerite H. Boulden  
Robert A. Liggett  
McKenzie Contracting, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 3, 1997.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MAR 23 1997



RE: PETITION FOR VARIANCE  
4606 Rehbaum Avenue, NEC Rehbaum and  
Potomac Avenues, 13th Election District,  
1st Councilmanic

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\*  
\* CASE NO. 97-337-A

Legal Owner(s): Helen E. Schaeffer  
Contract Purchaser: McKenzie Contracting, Inc.  
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 18<sup>th</sup> day of March, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert A. Liggett, 1311 Birch Avenue, Baltimore, MD 21227, representative for Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

MAR 19 1997

# PETITION PROBLEMS

## **#336 --- CAM**

1. No review information on bottom of variance petition.
2. Sign form incomplete.

## **#337 --- JCM**

1. Need authorization for person signing for legal owner.
2. Need printed name of person signing for contract purchaser.
3. Sign form incomplete.

## **#338 --- RT**

1. No section number or request wording on petition form.

## **#339 --- MJK**

1. Sign form incomplete.

## **#340 --- MJK**

1. No telephone number for legal owner.
2. Notary section is incomplete.

## **#341 --- JRF**

1. Notary section is incomplete - doesn't have notary seal, among other things.

## **#342 --- JCM**

1. Sign form incomplete.

## **#343 --- JRF**

1. Sign form incomplete.



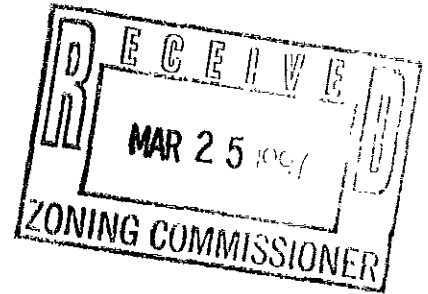
**HALETHORPE IMPROVEMENT ASSOCIATION, INC.**

P. O. Box 7306  
Halethorpe, MD 21227

*"DEDICATED TO SERVING THE COMMUNITY"*

March 19, 1997

Timothy M. Kotroco  
Deputy Zoning Commissioner for Baltimore County  
Room 112 - Old Courthouse  
400 Washington Avenue  
Towson, MD 21204



RE: Case No. 97-337-A - Item 337  
Variance: To permit a street side set back of 19 feet  
in lieu of the required 25 foot for a dwelling  
4606 Rehbaum Avenue  
NEC Rehbaum and Potomac Avenues

Dear Deputy Zoning Commissioner Kotroco:

The Halethorpe Improvement Association, Inc. at its meeting of March 18, 1997 unanimously voted to go on record in support of the following concerns relative to the granting of this variance:

- The obstruction of the view of Potomac Avenue traffic when turning from Rehbaum Avenue. Potomac Avenue is a heavily traveled artery into and out of the community. This concern would be accentuated even more by any potential landscaping. Presently, whenever there is inclement weather drivers must prematurely brake their cars otherwise they will slide onto Potomac Avenue. This is due to fact that Rehbaum Avenue inclines downward at this point. This corner is designated as a school bus stop further compounding the safety concern.
- There are no sewers on Rehbaum Avenue. It is 258 ft. from the corner of Rehbaum Avenue and Potomac Avenue to the sewer on Potomac Avenue. There is already a pre-existing drainage problem on the Potomac Avenue sidewalk of this property, which creates a pedestrian hazard both in summer and winter. As stated above, this corner is designated as a school bus stop and this condition presents a potential safety hazard for students and pedestrians alike.
- Additionally the house behind this lot is built on springs and there is a continual drainage problem onto Potomac Avenue which also freezes over in the winter.

In closing, let me reiterate that the association's primary concern is driver and pedestrian safety. We ask your careful consideration of these concerns as you make your site inspection and final decision. We feel it is important to additionally note that the plat as drawn shows a 24 foot setback at the front of the property, but this setback shrinks as the configuration of the lot narrows to the rear.

The Halethorpe Improvement Association appreciated the opportunity to appear before the Commission and to have its concerns entered into the record as part of the adjudication process. The association, representing 186 households with a total membership of 325 individuals, is dedicated to the preservation of a good quality of life for our residents and would like to have these issues satisfactorily addressed before proceeding with any further consideration of a zoning variance.

Again, thank you for your consideration of our concerns.

Sincerely,



Joseph P. Kinsey  
President

Joseph Keech  
Zoning Chairman

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Robert A. Luppets

1311 Birch Run

Harvey Bull

~~180~~ 205 Court

Marguerite H. Boulden P.O.A.

5556 Ashbourne Rd,

John F. Boulden

" " "





MLS# (BC)234419  
4604 REHBAUM AVE  
HALETHORPE

--- Active ---  
Zip: 21227 Map: BC42A09  
Gr. Cap: \$0

-1- Residential  
List: \$110,000  
Ground Rent: \$

-----  
Desc. :Colonial 2 Levels Detached 5 Bedrooms 2/0 Baths  
:70 Yrs Old Frame Home Alum Siding Al/Vnyl Trim Metal Roof  
-----  
Rooms :LR: 20x14/1 DR: 12x11/1 KT: 11x06/1  
:MB: 14x11/2 B2: 12x11/2 B3: 11x10/2 B4: 12x11/1  
Floor :Formal LRoom Formal Dr Effic Kitch  
Appl. :Gas Range Washer Gas Dryer  
Ament. :Wood Floors WW Carpet Curtn Rod Shades Blinds  
:Some Drapes Lgt Fixtures  
Lwr Lvl :Full,Unimprv Laundry Full Bath Workshop Utility Rm  
:Outside Entr Walkout  
Heat :Fuel-Gas Heat-Fha Window A/C Wdw Screens Storm Windws  
:Storm Doors  
-----  
Site :Porch Storage Shed Outbldgs Garage 2+Det Driveway  
:Off-St Park Corner Lot Level Lot Landscaped  
Lot :.2 Acres 75 X 120  
Utils. :Public Water Public Sewer Public Gas 220v Service  
-----  
\* Deed :Lib: 658 Fol: 253  
Ann.Fees:TX: \$1,238  
-----  
Show :Call Office \*\* Poss: 30-60  
-----

Dir. :POTOMAC AVE TO REHBAUM AVE  
Remarks :LG COLONIAL POSSIBLE 2APTS LG COVERED FRONT PORCH WITH  
:COLIMNS 3 CAR GARAGE OUTBUILDINGS,NEW HOT WATER HEATER, NEW  
:COPPER PIPING, SUMMER KITCHEN, MANY POSSIBILITIES....

SV) Seller Incentive:

DU: N BB: Y BB1: 3.0 SU: Y SU1: 3.0  
LA: Robert A Liggett PH: (410)242-2294 CO: TL: E  
B#: 6903 O'Conor, Piper & Flynn PH: (410)744-4100 MLS# (BC)23441

All information is deemed reliable but not guaranteed by the Broker or MARIT  
-- Copyright (C) 1996 By Mid-Atlantic Real Estate Information Technologies --  
===== Run Date: 07/14/96 =====

*Vang Blue Ribbon  
Properties 788-3311*

NO. 1

*of 0.00000*

Address 4604 Rehbaum Road City Baltimore State MD Zip Code 21227  
 Description Map 108 Grid 12 Parcel 594 County Baltimore  
 Assessor's Parcel No. 1319070340 Tax Year 96 R.E. Taxes \$ 1439e Special Assessments \$ None  
 Borrower Durst Current Owner Seller Occupant  Owner  Tenant  Vacant   
 Property rights appraised  Fee Simple  Leasehold  Project Type  PUD  Condominium (HUD/VA only) HOA \$ N/A /Mo. /Mo.  
 Neighborhood or Project Name Halethorpe Map Reference BC42A09 Census Tract 4307  
 Sales Price \$ 112,000 Date of Sale 7/96 Description and \$ amount of loan charges/concessions to be paid by seller None  
 Lender/Client Wyman Park Federal S&L Address Borrower: Durst  
 Appraiser M.J. Mekulski Address 4800 Roland Avenue, Baltimore, MD 21210

Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Predominant occupancy	Single family housing	Present land use %	Land use change	
Built up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%		PRICE \$ (000)	AGE (yrs)	One family	<input checked="" type="checkbox"/> Not likely <input type="checkbox"/> Likely
Growth rate	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow	<input checked="" type="checkbox"/> Owner	40 Low	15	2-4 family	<input type="checkbox"/> In process
Property values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	<input type="checkbox"/> Tenant	145 High	75	Multi-family	To:
Demand/supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In balance	<input type="checkbox"/> Over supply	<input checked="" type="checkbox"/> Vacant (0-5%)	Predominant		Commercial	2
Marketing time	<input type="checkbox"/> Under 3 mos.	<input checked="" type="checkbox"/> 3-6 mos.	<input type="checkbox"/> Over 6 mos.	<input type="checkbox"/> Vacant (Over 5%)	115	50		

Note: Race and the racial composition of the neighborhood are not appraisal factors.  
 Neighborhood boundaries and characteristics: See Attached Addenda.

Factors that affect the marketability of the properties in the neighborhood (proximity to employment and amenities, employment stability, appeal to market, etc.):  
See Attached Addenda.

Market conditions in the subject neighborhood (including support for the above conclusions related to the trend of property values, demand/supply, and marketing time - - such as data on competitive properties for sale in the neighborhood, description of the prevalence of sales and financing concessions, etc.):  
Market research indicates property values stable and demand & supply in balance; no adverse conditions noted. Conventional, FHA & VA financing is readily available at the market rates. Any points paid in the financing of the subject or comparables represent typical market conditions; no adjustments were required.

Project Information for PUDs (if applicable) - - Is the developer/builder in control of the Home Owners' Association (HOA)?  Yes  No  
 Approximate total number of units in the subject project N/A. Approximate total number of units for sale in the subject project N/A  
 Describe common elements and recreational facilities: N/A

Dimensions Per assessment records  
 Site area .20 Acres Corner Lot  Yes  No  
 Specific zoning classification and description D.R. 5.5/Residential  
 Zoning compliance  Legal  Legal nonconforming (Grandfathered use)  Illegal  No zoning  
 Highest & best use as improved  Present use  Other use (explain)

Utilities	Public	Other	Off-site Improvements	Type	Public	Private	Topography	<u>Level</u>
Electricity	<input checked="" type="checkbox"/>		Street	<u>Asphalt</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Size	<u>Average</u>
Gas	<input checked="" type="checkbox"/>		Curb/Gutter	<u>Concrete</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shape	<u>Basically Rectangular</u>
Water	<input checked="" type="checkbox"/>		Sidewalk	<u>Concrete</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Drainage	<u>Appears Adequate</u>
Sanitary Sewer	<input checked="" type="checkbox"/>		Street Lights	<u>Yes</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	View	<u>Residential</u>
Storm Sewer	<input checked="" type="checkbox"/>		Alley	<u>None</u>	<input type="checkbox"/>	<input type="checkbox"/>	Landscaping	<u>Typical</u>
							Driveway Surface	<u>Macadam</u>
							Apparent Easements	<u>Typical Utility</u>
							FEMA Special Flood Hazard Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
							FEMA Zone	<u>Zone C</u> Map Date <u>3/2/81</u>
							FEMA Map No.	<u>240010 0505B</u>

Comments (apparent adverse easements, encroachments, special assessments, slide areas, illegal or legal nonconforming zoning use, etc.): No apparent adverse conditions were noted at the time of this appraisers inspection.

GENERAL DESCRIPTION		EXTERIOR DESCRIPTION			FOUNDATION			BASEMENT			INSULATION		
No. of Units	<u>1</u>	Foundation	<u>Block</u>	Slab	<u>None</u>	Area Sq. Ft.	<u>673</u>	Roof	<input type="checkbox"/>				
No. of Stories	<u>2</u>	Exterior Walls	<u>Alum/Wd</u>	Crawl Space	<u>None</u>	% Finished	<u>0</u>	Ceiling	<input type="checkbox"/>				
Type (Det./Att.)	<u>Detach</u>	Roof Surface	<u>Asphalt</u>	Basement	<u>Full</u>	Ceiling	<u>Exposed</u>	Walls	<input type="checkbox"/>				
Design (Style)	<u>Trad</u>	Gutters & Dwnspts.	<u>Aluminum</u>	Sump Pump	<u>None Obsrv</u>	Walls	<u>Block</u>	Floor	<input type="checkbox"/>				
Existing/Proposed	<u>Exist.</u>	Window Type	<u>DH</u>	Dampness	<u>None Obsrv</u>	Floor	<u>Concret</u>	Unknown	<input checked="" type="checkbox"/>				
Age (Yrs.)	<u>70</u>	Storm/Screens	<u>Storms</u>	Settlement	<u>None Obsrv</u>	Outside Entry	<u>Yes</u>	Assumed Avg.					
Effective Age (Yrs.)	<u>22-25</u>	Manufactured House	<u>No</u>	Infestation	<u>None Obsrv</u>								

ROOMS	Foyer	Living	Dining	Kitchen	Den	Family Rm.	Rec. Rm.	Bedrooms	# Baths	Laundry	Other	Area Sq. Ft.
Basement									<u>1</u>	<u>X</u>	<u>WkShp</u>	<u>673</u>
Level 1		<u>1</u>	<u>1</u>	<u>1</u>				<u>2</u>				<u>960</u>
Level 2								<u>3</u>	<u>1</u>			<u>673</u>

Finished area above grade contains: 8 Rooms; 5 Bedroom(s); 1 Bath(s); 1,633 Square Feet of Gross Living Area

INTERIOR		HEATING		KITCHEN EQUIP.		ATTIC		AMENITIES		CAR STORAGE:	
Floors	<u>HW/Vinyl</u>	Type	<u>FWA</u>	Refrigerator	<u>1</u>	None	<input type="checkbox"/>	Fireplace(s) #	<u>1</u>	<input checked="" type="checkbox"/>	None <input type="checkbox"/>
Walls	<u>Plaster</u>	Fuel	<u>Gas</u>	Range/Oven	<u>1</u>	Stairs	<input checked="" type="checkbox"/>	Patio	<input type="checkbox"/>	<input type="checkbox"/>	Garage # of cars
Trim/Finish	<u>Good</u>	Condition	<u>Average</u>	Disposal	<input type="checkbox"/>	Drop Stair	<input type="checkbox"/>	Deck	<input type="checkbox"/>	<input type="checkbox"/>	Attached
Bath Floor	<u>Tile</u>	COOLING		Dishwasher	<input type="checkbox"/>	Scuttle	<input type="checkbox"/>	Porch	<u>Covered</u>	<input checked="" type="checkbox"/>	Detached <u>3-Car</u>
Bath Wainscot	<u>Fiberglass</u>	Central	<u>None</u>	Fan/Hood	<input type="checkbox"/>	Floor	<input checked="" type="checkbox"/>	Fence	<input type="checkbox"/>	<input type="checkbox"/>	Built-In
Doors	<u>2-Panel</u>	Other	<u>N/A</u>	Microwave	<input type="checkbox"/>	Heated	<input type="checkbox"/>	Pool	<input type="checkbox"/>	<input type="checkbox"/>	Carport
		Condition	<u>N/A</u>	Washer/Dryer	<input type="checkbox"/>	Finished	<input type="checkbox"/>				Driveway

Additional features (special energy efficient items, etc.): None noted.

Condition of the improvements, depreciation (physical, functional, and external), repairs needed, quality of construction, remodeling/additions, etc.: Subject property is in average physical condition with no deferred maintenance noted. No functional or external obsolescence was observed. All physical depreciation represents normal wear and tear.

Adverse environmental conditions (such as, but not limited to, hazardous wastes, toxic substances, etc.) present in the improvements, on the site, or in the immediate vicinity of the subject property: See attached Limiting Conditions and Appraiser's Certification and Appraisal Addendum B.

**HALETHORPE IMPROVEMENT ASSOCIATION, INC.**

P. O. Box 7306  
Halethorpe, MD 21227

**"DEDICATED TO SERVING THE COMMUNITY"**

March 17, 1997

**PROTECTIVE  
EXHIBIT NO. 4**

Baltimore County Zoning Commissioner  
Room 112 - Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

RE: Case No. 97-337-A - Item 337  
Variance: To permit a street side set back of 19 feet  
in lieu of the required 25 foot for a dwelling  
4606 Rehbaum Avenue  
NEC Rehbaum and Potomac Avenues

Dear Zoning Commissioner:

The Halethorpe Improvement Association, Inc. would like to go on record with the following concerns relative to the granting of this variance:

- Does the 30 month continuation of the Construction Moratorium impact this property?
- The obstruction of the view of Potomac Avenue traffic when turning from Rehbaum Avenue. Potomac Avenue is a heavily traveled artery into and out of the community. This concern would be accentuated even more by any potential landscaping. Presently, whenever there is inclement weather drivers must prematurely brake their cars otherwise they will slide onto Potomac Avenue. This is due to fact that Rehbaum Avenue inclines downward at this point. This consideration would additionally be exacerbated by the fact there does not seem to be a provision, or room for, a driveway at this proposed dwelling, thereby necessitating resident parking on Rehbaum Avenue further impacting this safety consideration. This corner is designated as a school bus stop further compounding the safety concern.
- There are no sewers on Rehbaum Avenue. It is 258 ft. from the corner of Rehbaum Avenue and Potomac Avenue to the sewer on Potomac Avenue. There is already a pre-existing drainage problem on the Potomac Avenue sidewalk of this property, which creates a pedestrian hazard both in summer and winter. As stated above, this corner is designated as a school bus stop

and this condition presents a potential safety hazard for students and pedestrians alike.

- Additionally the house behind this lot is built on springs and there is a continual drainage problem onto Potomac Avenue which also freezes over in the winter.

The Halethorpe Improvement Association appreciates the opportunity to go on record and bring its concerns before the Commission. We are dedicated to the preservation of a good quality of life for our residents and would like to have these issues satisfactorily addressed before proceeding with any further consideration of a zoning variance.

Again, thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Joseph P. Kinsey". The signature is written in black ink and is positioned above the printed name and title.

Joseph P. Kinsey  
President

Joseph Keech  
Zoning Chairman



PETITION

EXHIBIT NO. 5

WE, THE UNDERSIGNED CITIZENS OF THE HALETHORPE COMMUNITY, ARE OPPOSED TO THE PETITION FOR A VARIANCE FROM THE STREET SIDE SETBACK REQUIREMENTS FOR THE LOT AT THE CORNER OF REHBAUM AND POTOMAC AVENUES (CASE NO. 97-337-A). WE BELIEVE THAT GRANTING THE PETITION AND ALLOWING A BUILDING TO BE CONSTRUCTED ON THE LOT WILL BE HARMFUL TO THE CHARACTER AND APPEARANCE OF THE NEIGHBORHOOD, WOULD ADD TO THE OVERCROWDING PROBLEMS, WOULD INCREASE PROBLEMS WITH DRAINAGE, AND IN GENERAL WOULD BE DETRIMENTAL TO THE NEIGHBORHOOD.

NAME:

ADDRESS:

Henry a. Piekarski	4607 Rehbaum Ave. Balto. Md. 21227-4834
Ron Carlson	4602 Rehbaum Ave Balto Md 21227
Jean Stungis	4510 Poplar Ave Balto Md 21227
Leonard C Stungis	4510 Poplar Ave Balto Md 21227
Joseph Basca	4600 poplar ave BALTO md 21227
Nelen Allen	4511 Rehbaum Ave <sup>apt 1</sup> Balto. md. 21227
Joseph Allen	4511 Rehbaum Ave <sup>apt 2</sup> Balto md. 21227
Timothy Allen	4511 Rehbaum Ave <sup>apt 2</sup> Balto. md 21227
Donald P. Scholz	4507 Rehbaum Ave. " " "
Joseph P. Kersley	1519 Woodside Ave. " " "
Nelen E. Kersley	1519 Woodside Ave. " " "
Cedric L. Hadfield	4504 Rehbaum Ave " " "
Norman D. Tyler	1512 WOODSIDE AVE
Kyle & Don Merson	1517 Woodside Ave Balto. Md. 21227
Patrick D. Milnor	1511 Arbutus Ave. Balto. Md. 21227
Thomas J. Sullivan	1513 Arbutus Ave. Balto, Md. 21227
Mary Sullivan	1513 Arbutus ave Baltimore, Md. 21227
Cindy Papp	1516 Arbutus Ave. Balto., md. 21227

PETITION

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NAME:

ADDRESS:

Edgar J. Lippman	1515 Arbutus Ave. Balto. Md. 21227
Sam L. M.	4601 REHBAUM AVE
Mary Ellen Pugh	1605 Woodside ave. 21227
Daniell L Lee	4500 Rehbaum Ave. 21227
C. G. Watson	4612 Poplar Ave 21227
Sharon Hausmond	4608 Poplar Ave 21227
Pamela Hutchinson	4506 Poplar ave 21227
Kathy Sell	4512 Poplar ave 21227
Deane J. J.	4421 Poplar Ave 21227
Pauline O'Mullin	4511 Poplar Ave 21227
Leo Miller	4511 Poplar Ave. 21227
Pandra J. Charlton	4601 Rehbaum Ave 21227
William F. Johnson	4510 Maple Ave 21227
Begonia Floyd	4507 Maple Ave 21227
Bruce Ugal	4507 Maple Ave 21227
Catherine L. Koskovic	4504 Maple Ave. 21227
John Polster	1708 Summit Ave 21227

PETITION

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NAME:

ADDRESS:

Teresa Breivogel  
Kirk Milnor  
Marlene Milnor  
Manuel L. Roman

4501 Linden Ave Balto. MD 21227

4604 MAPLE AVE. BALTO. 21227

4604 MAPLE AVE. BALTO., MD 21227

4603 POPLAR AVE., BALTO. 21227

4601 Poplar Ave. " 21227

4607 Maple Ave " 21227

Ada Burjel

4609 Maple Ave. Balto 21227

Lisa Kupatuck

4613 Maple Av. Balto 21227

Rebecca Silvia

4505 Maple Ave Balto 21227

Frederick Schaefer

1511 Arbutus Ave. Balto 21227

Lawrence T. Gary

1511 Arbutus Ave. Balto 21227

Linda Milnor

1519 Arbutus Ave. Balto 21227

Francis M. Milnor

4500 Rehbaum Ave Balto. 21227

Mary Wallace

1516 Woodside Ave

Kenneth Lee

Salvo G. Mickey

1514 Woodside Avenue

Felicitas C.R. Aldan

1517 Arbutus Ave Balto, MD 21227

Joanne Elaherty

PETITION

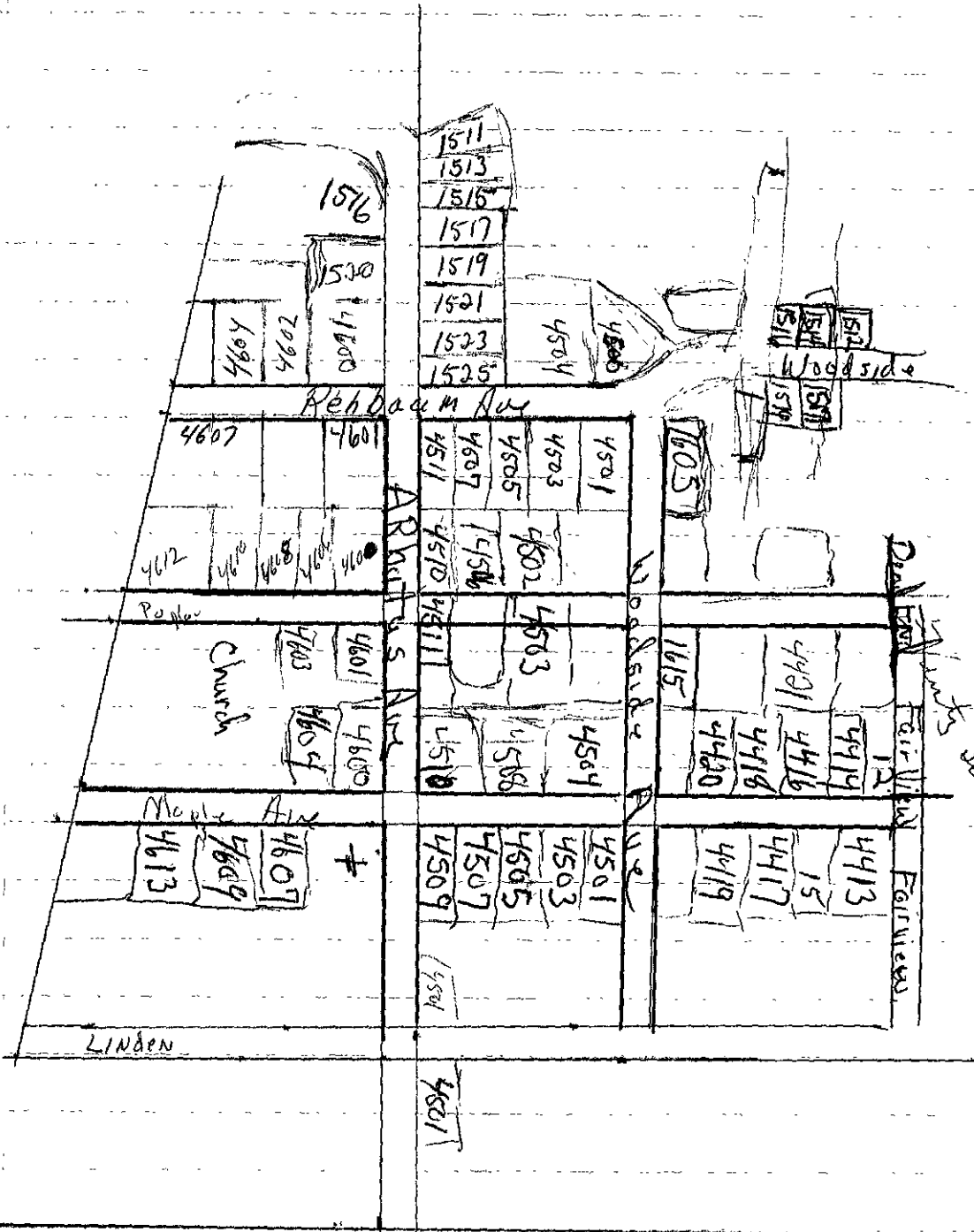
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NAME:

Betsy Green  
Kenneth Kidd  
Rhonda D. D...  
Larry W. D...

ADDRESS:

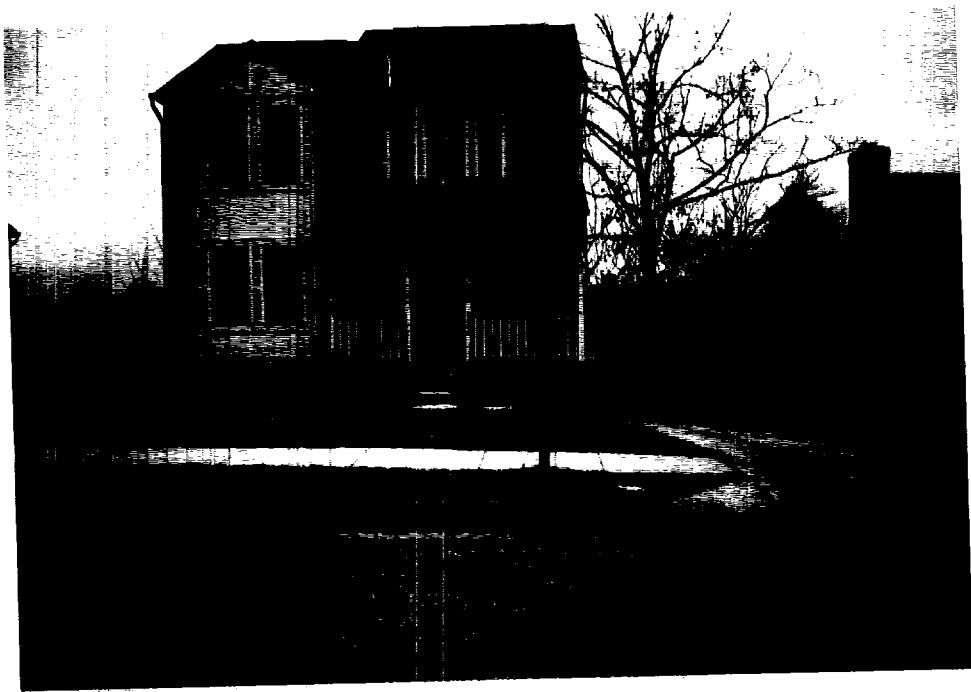
4503 Maple Ave  
4600 Rehbaum Ave  
4604 Rehbaum Ave Balt, Md 21229  
4604 Rehbaum Ave Balt, md 21225



Summit

15006

Petitioner's  
Exhibit  
2A-2E  
photographs  
97-337-A



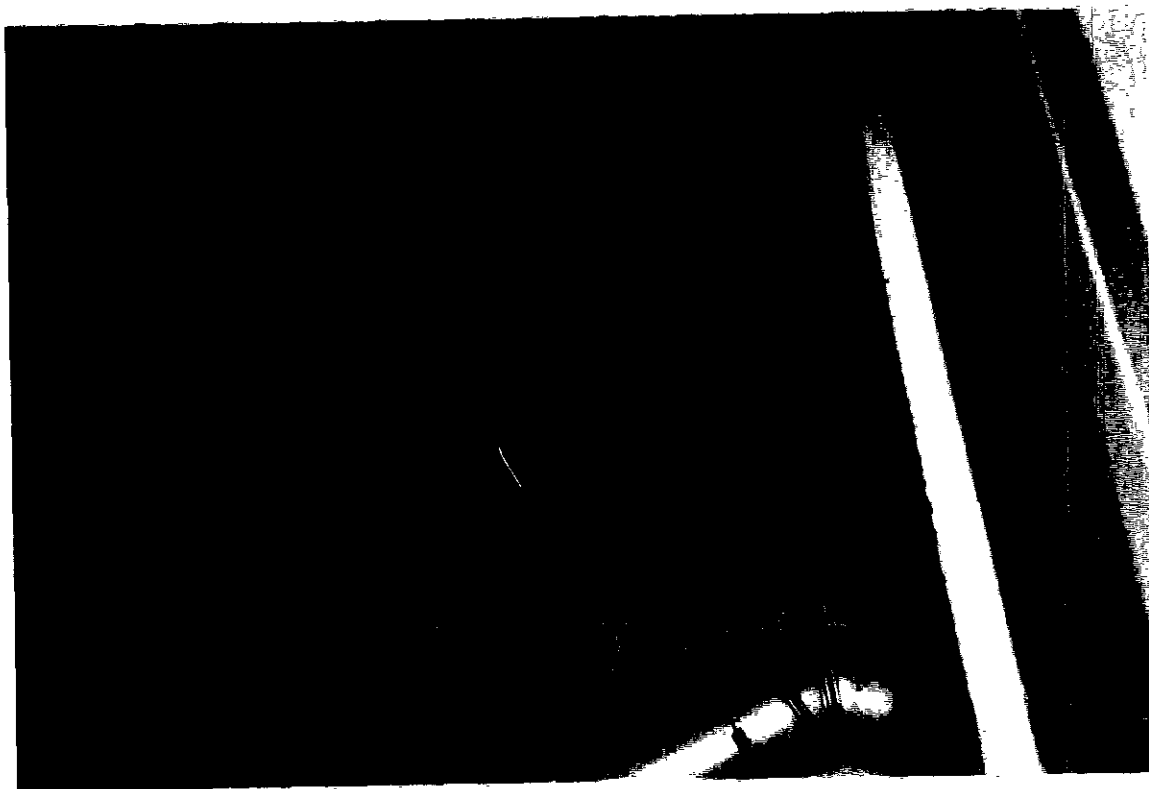
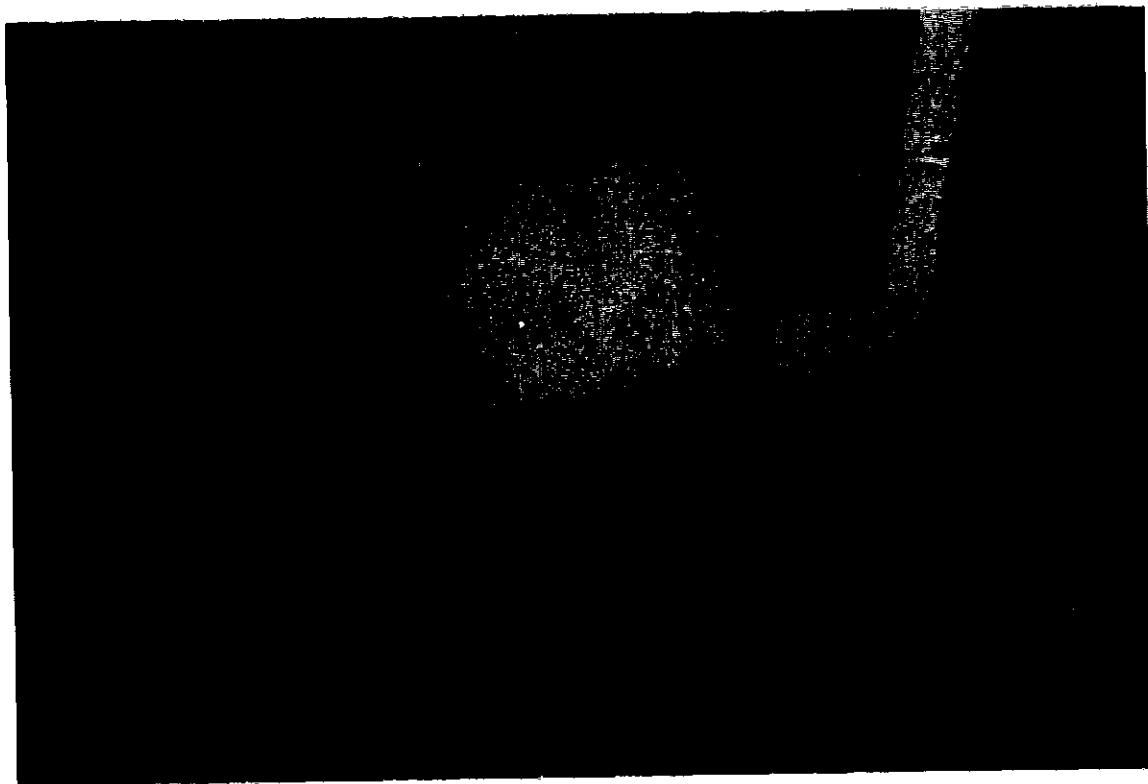


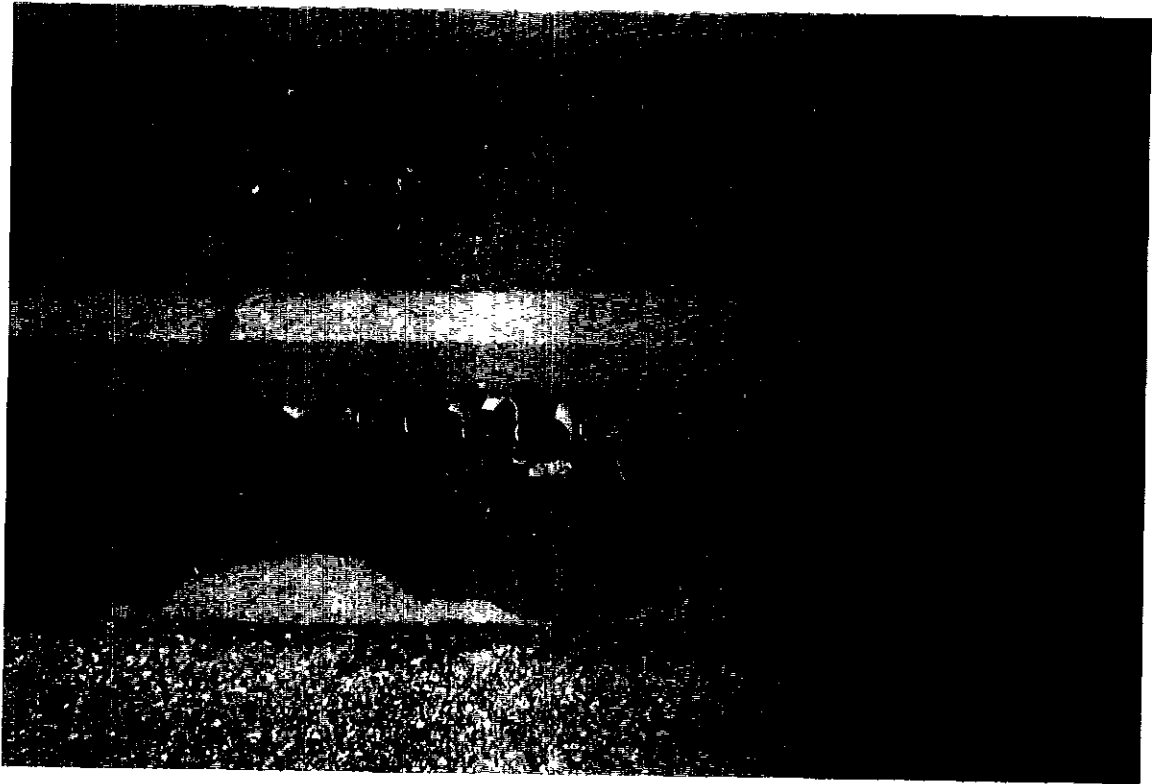


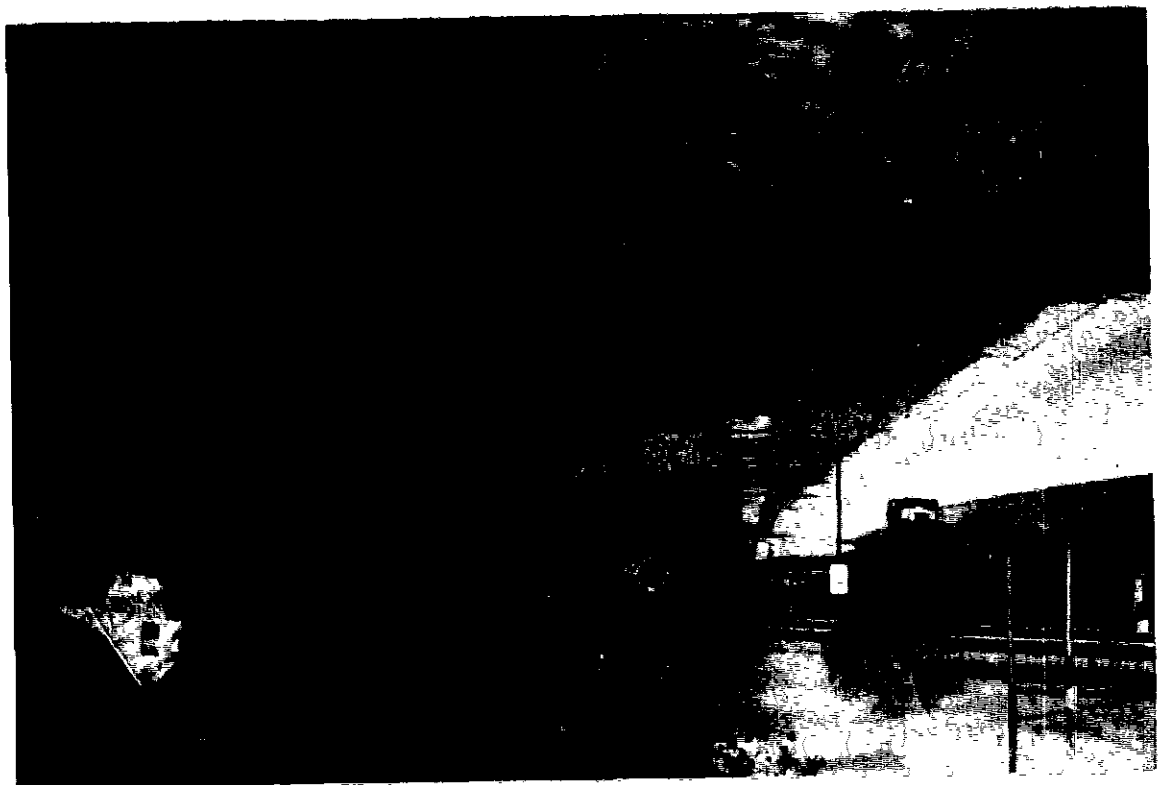
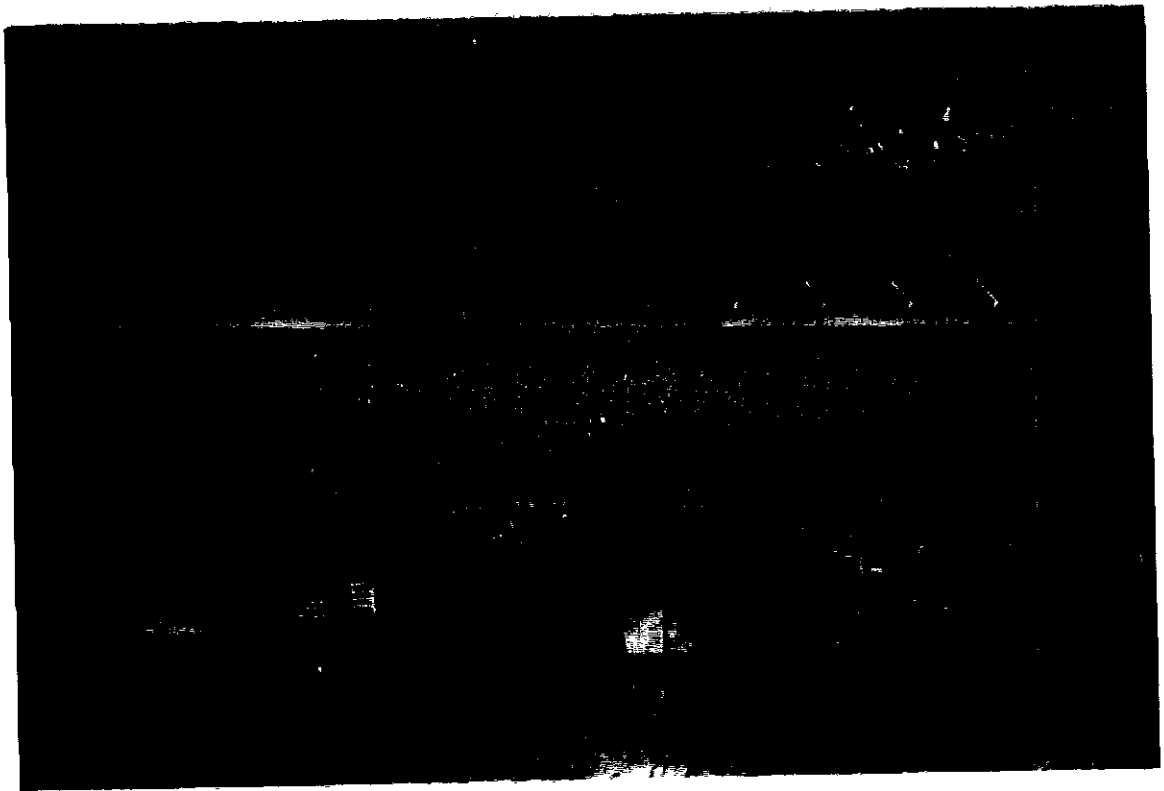


Protestant's  
Exhibits 3A -  
3F  
photograph  
97-337-A

1... 11/11/13.



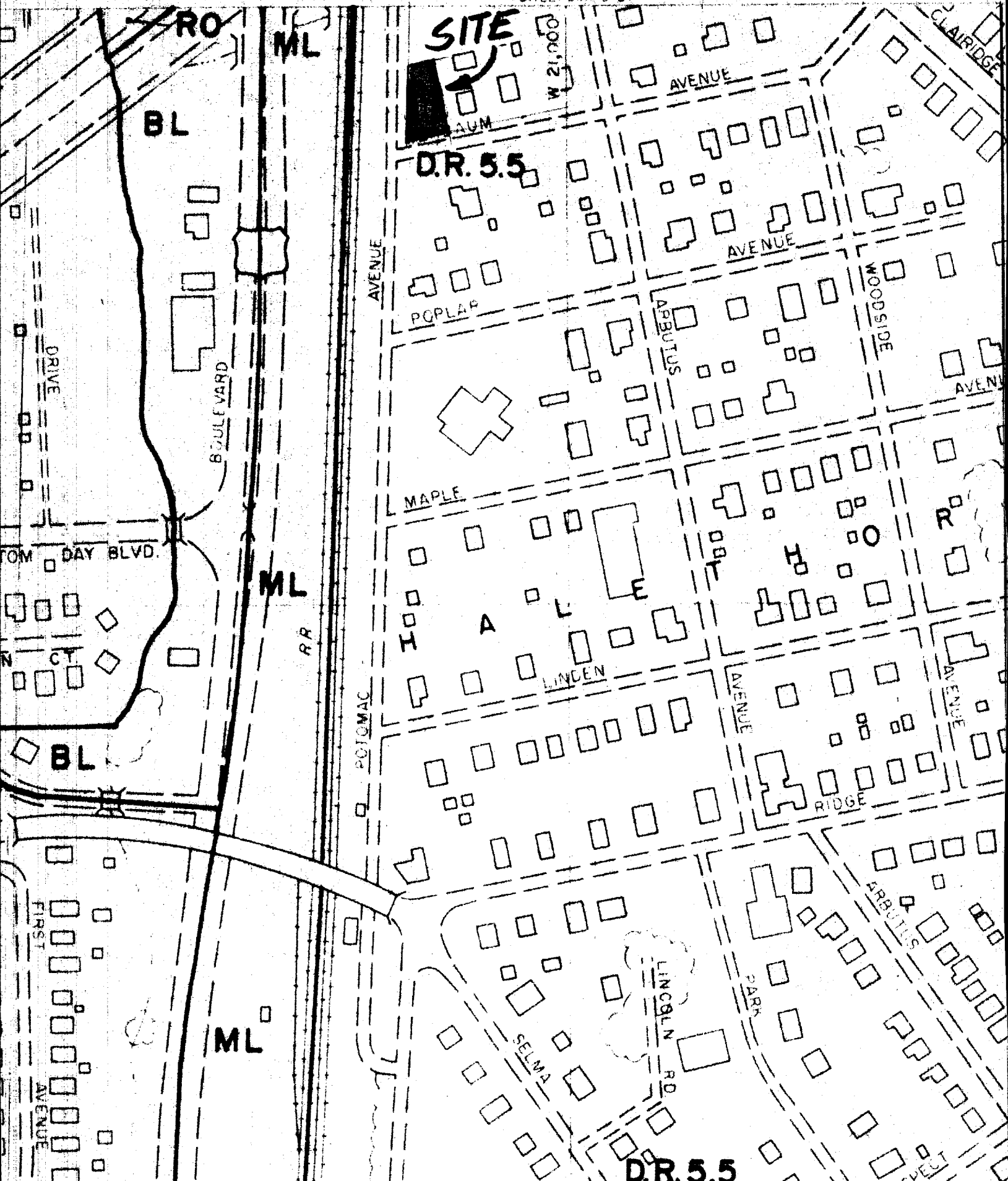






# 97-337-A

(SHEETS W. 5-D)



HALETHORPE

JWS 11/60

41.08'

LOT 31  
59'

MAGUIERITE BOULDED  
LARRY W. DUBEST  
S.M. 11774/308

LOT 32

HELEN HORRINE  
11395/513

LOT 34

PROPOSED  
2 STORY  
FRAME

EXIST.  
2 STY FRAME  
#4604  
FRONT

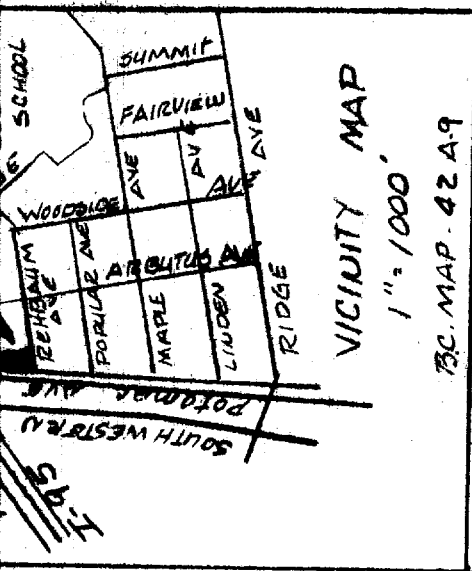
EXIST.  
DWELL.  
#4602  
FRONT

EXIST. CURB & GUTTER  
EXIST. 6" WATER DWG. 72.0593  
EXIST. 8" SAND. 8" DWG # 29.408  
EXIST. CURB & GUTTER

PAVING

EHBAUM AVE

50' R/W



VICINITY MAP

1" = 1000'

B.C. MAP. 42 A 9

EXISTING ZONE DR 5.5  
AREA OF PROPERTY = 6,859 <sup>sq</sup> / 0.1575 AC  
PUBLIC SEWER & WATER IN ROADS  
THIS SITE IS NOT IN A FLOOD PLAIN  
NO PRIOR ZONING HEARINGS OR SITE  
1<sup>ST</sup> COUNCILMANIC DISTRICT  
ZONING MAP SW 6 D

97.337-A

337

PLAT TO ACCOMPANY  
APPLICATION FOR ZONING VARIANCE  
PETITIONERS LOT # 31

HALL & SMITH FARMS  
"HALETHORPE"

EXHIBIT 1

\*31

CHAEFFER