3/1/72

IN THE MATTER OF \* BEFORE THE

THE APPLICATION OF

H. EMSLIE PARKS -OWNER; MARLIN\* COUN

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

& MARY PLUMMER -C.P.

FOR ZONING VARIANCE ON \*

PROPERTY LOCATED ON THE NE/COR CALVERTON STREET AND KENT AVE \*

(5740 CALVERTON STREET)

1ST ELECTION DISTRICT \* CASE NO. 97-567-A

1ST COUNCILMANIC DISTRICT

## ORDER OF DISMISSAL

OF

This case comes to this Board on the appeal of Charles Kennedy from a decision of the Deputy Zoning Commissioner in which the subject variance request was granted.

This matter was scheduled for public hearing on Thursday, July 23, 1998 at 10:00 a.m., due notice having been given to all interested parties. On the morning of July 23, 1998, a telephone call was received by the Board's Administrator from the office of Michael Smith, Esquire, counsel for Charles Kennedy, Appellant, indicating that the matter had been resolved between the parties, and that the Appellant was withdrawing his appeal; and, further, that neither the Petitioner nor the Appellant would appear at today's hearing.

The Board convened at 10:30 a.m., noting for the record that there was no one in attendance for the scheduled hearing, and, on the record, dismissed the subject appeal, with prejudice.

ORDERED that said appeal be and the same is hereby DISMISSED with prejudice.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Charles L. Marks, Panel Chairman

Donna M. Felling

Margaret Worrall



# County Board of Appeals of Baltimore County

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

August 7, 1998

Michael Paul Smith, Esquire BODIE, NAGLE, DOLINA, SMITH & HOBBS, P.A. 21 W. Susquehanna Avenue Towson, MD 21204

RE: Case No. 97-567-A

H. Emslie Parks -Owner;

Marlin & Mary Plummer -C.P.

Dear Mr. Smith:

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

Very truly yours,

Charlotte & Reddiffe to r Kathleen C. Bianco

Administrator

encl

cc: Mr. Charles Kennedy

Mr. H. Emslie Parks

Mr. and Mrs. Marlin Plummer Ms. Michelle Jeffries

Heritage Construction Company

Mr. Steve Cumby

Mr. Philip Warfield

People's Counsel for Baltimore County

Pat Keller, Planning Director

Lawrence E. Schmidt /Zoning Commissioner

Arnold Jablon, Director / PDM

Virginia W. Barnhart, County Attorney

PETITION FOR VARIANCE IN RE:

NE/Corner Calverton Street and

Kent Avenue

(5740 Calverton Street) 1st Election District

1st Councilmanic District

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* BEFORE THE

Case No. 97-567-A

H. Emslie Parks, Owner; Marlin & Mary Plummer,

Contract Purchasers - Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, H. Emslie Parks, and the Contract Purchasers, Marlin and Mary The Petitioners seek relief from Sections 1B02.3.C.1 and 304.1 Plummer. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 8 feet in lieu of the required 25 feet (Page 1-3-A of the Zoning Commissioner's Policy Manual), a side yard setback of 8 feet in lieu of the minimum required 10 feet, a lot width of 40 feet in lieu of the minimum required 55 feet, and a lot area of 4,300 sq.ft. in lieu of the required 6,000 sq.ft. 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 H. Emslie Parks, legal owner of the property, and Kim Mucaldo, a Real Estate agent with O'Connor, Piper & Flynn, who appeared on behalf of the Contract Purchasers. Appearing as Protestants in the matter were Charles and Marian Kennedy, adjoining property owners, Steven Cumby, a nearby resident of Calverton Street, and Philip Warfield who owns commercial property near the subject site.

Testimony and evidence offered revealed that the subject property

ONDER FILE OF WEIGHT BY BY STATE OF THE STAT

is located within an older subdivision known as Catonsville Heights, which was laid out many years ago (1919) with 40-foot wide lots. The subject property, also known as Lots 19 and 20 of Catonsville Heights, consists of a combined area of 4,300 sq.ft., zoned D.R. 5.5, and is unimproved. The Petitioner has contracted to sell the property to Mr. & Mrs. Marlin Plummer who wish to construct a single family dwelling thereon; however, due to the overall size of the property and its narrow width, the relief requested is necessary in order to proceed.

that he and his father acquired the subject property approximately 20 years ago and that this property was the only parcel they have ever owned in this subdivision. The property has remained unimproved for all these years and the Petitioner now wishes to sell the property. Further testimony revealed that elevation drawings of the proposed dwelling were submitted to the Office of Planning for review and approval to insure compatibility with the surrounding neighborhood and that the Office of Planning has approved same, as evidenced by the comments dated July 9, 1997. Testimony indicated that if the Petitioners are denied the relief requested, the subject property will remain in its unimproved state in perpetuity.

Appearing in opposition to the Petitioners' request were several citizens from the surrounding community, including the adjoining property owners, Mr. & Mrs. Charles Kennedy. All of these Protestants are concerned about the proposed development of this lot. They cited the dangerous intersection of Calverton Street and Kent Avenues, which are narrow paved macadam streets. The Protestants are concerned that the construction of a residence as proposed and the additional traffic that will be generated as a result, will exacerbate an already dangerous situation at this intersec-

ORDER RECEIVED FOR FILING

By

and shrubs that will result from the proposed construction. Mr. & Mrs. Kennedy are particularly concerned in that this property has provided a great deal of privacy for them through the years as it acts as a nice buffer between their property and the commercial uses located on the west side of Kent Avenue. They believe the loss of this screening will reduce the privacy they now enjoy and further, reduce the value of their property. All of these Protestants prefer that the 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:

- 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 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).

After due consideration of the testimony and evidence presented, both for and against the requested variance relief, I am persuaded to grant same. The Petitioners have owned the subject property and paid taxes on this land for the past 20 years. The Petitioners have never owned property adjacent to the subject site, nor have they subdivided the

to others in the Catonsville Heights community, as well as Lansdowne and the Baltimore Highlands area. At the time these neighborhoods were developed, houses were located on 40-foot wide lots. Thus, I believe that strict compliance with the current zoning regulations would be unfair and inappropriate. In my view, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

property, creating its deficient lot width and area. The lot is similar

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of September, 1997 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 304.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 8 feet in lieu of the required 25 feet (Pg. 1-3-A) Zoning Commissioner's Policy Manual), a side yard setback of 8 feet in lieu of the minimum required 10 feet, a lot width of 40 feet in lieu of the required 55 feet, and a lot area of 4,300 sq.ft. in lieu of the required 6,000 sq.ft. for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

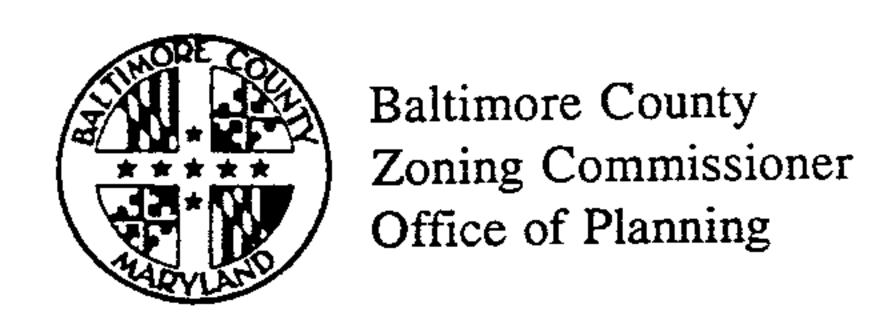
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

R FILING



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

September 8, 1997

Mr. H. Emslie Parks 102 W. Pennsylvania Avenue, Suite 600 Towson, Maryland 21204

RE: PETITION FOR VARIANCE

NE/Corner Calverton Street and Kent Avenue

(5740 Calverton Street)

1st Election District - 1st Councilmanic District

H. Emslie Parks, Owner;

Marlin & Mary Plummer, Contract Purchasers - Petitioners

Case No. 97-567-A

Dear Mr. Parks:

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

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

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

Muthy lotrors

for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Marlin Plummer 255 Rupert Circle, Baltimore, Md. 21225

Ms. Michelle Jeffries, Heritage Construction Co. 3346 Kump Station Road, Taneytown, Md. 21787

Mr./Mrs. Charles Kennedy, 5736 Calverton St., Catonsville, Md. 21228 Mr. Steve Cumby, 5717 Calverton Street, Catonsville, Md. 21228 Mr. Philip Warfield, 82/1 Kent Avenue, Catonsville, Md. 21228

People's Counsel; Case Files



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Lot 19/20 Calteriol

which is presently zoned ness 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) | BC2.3.C.1 & 304,1-800-20, 10 permit a side street setback of 8 ft in lieu of the required 25 ft (PG-1-3.2) 20 Pm), a side yard setting 8FT in lieu of the required 10', a minimum let width of HUFT in lieu of the required 55 th and the 10t area of 4800 eq. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) This Subdivision, was created PRIOR TO 1949, hence different Set backs estib. IN 1919 do NOT WORK FOR CHRRENT SCHLACKS. The lot based on current ZONING SetbACKS, IS NON-buildable. The bALANCE OF This LARGE SUBD. did NOT FALL UNDER NEW ZONING GUIDELINES. WE ARE SEEKING A VARIANCE TO BRING THIS LOT BACK IN LINE WITH ALL OTHERS

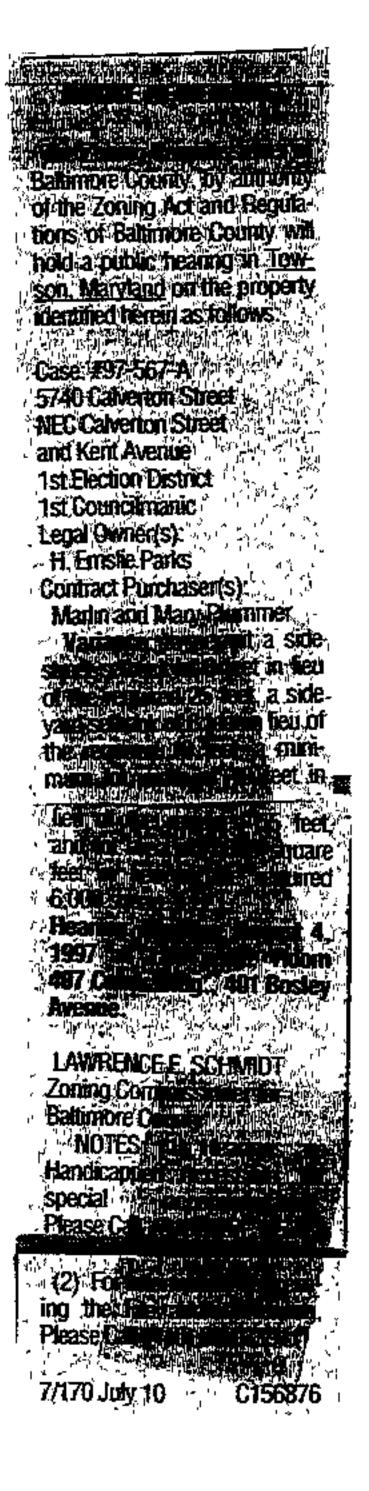
Property is to be posted and advertised as prescribed by Zoning Regulations. i, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

VWe do solomnly decists and affirm, under the penalties of penuty, that I/we are the legal owner(s) of the property which is the subject of this Patition. Contract Purchaser/Lasseet Lagai Owner(s): + MARY PLUMMER (Type or Print Name) Signature Attorney for Petitioner, (Type or Print Name) Acciess rowso N Signature Zapcode Name, Address and phone number of representative to be contacted. Address Phone No. 20.410-876-State Zpcode Address Phone No. OFFICE USE ONLY ESTIMATED LENGTH OF HEARING strevelleble for Hearing the following dute: Next Two Mouths OTHER REVIEWED BY:



Being that property located on the N.E. corner of Calverton Street and Kent Ave, Plat Book WPC 6, Folio 178, known as "Catonsville Heights", Lots 19 and 20. 4800 sq. ft. +/Election District - 1 st Council District - 1 st

M



# CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

のないないないない	PALTIMORE COUNTY, MAR ICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	AND No.	044255	PAID RECEIPT PROCESS ACTUAL TIME 10/08/1997 10/08/1997 09:45:43
Contract of the Contract of th		OUNT \$ 210.00	<u></u>	REG WSO1 CASHIER CLUM CML DRAWER  5 MISCELLANOUS CASH RECEIPT  Receipt # 025122 (Fig. )  CR NO. 04423E
· 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.		Associates, Inc		Baltimore County Maryland
	FOR: Appeal - Case	‡97-567-A		
	L. ABUTION WHITE - CASHIER PINK - AGENCY Y	PELOW - CUSTOMER	RYE	CASHIER'S VALIDATION

#### **CERTIFICATE OF POSTING**

RE: Case # 97-567-A

Petitioner/Developer:

(Marlin Plummar)

Date of Hearing/Glasting:

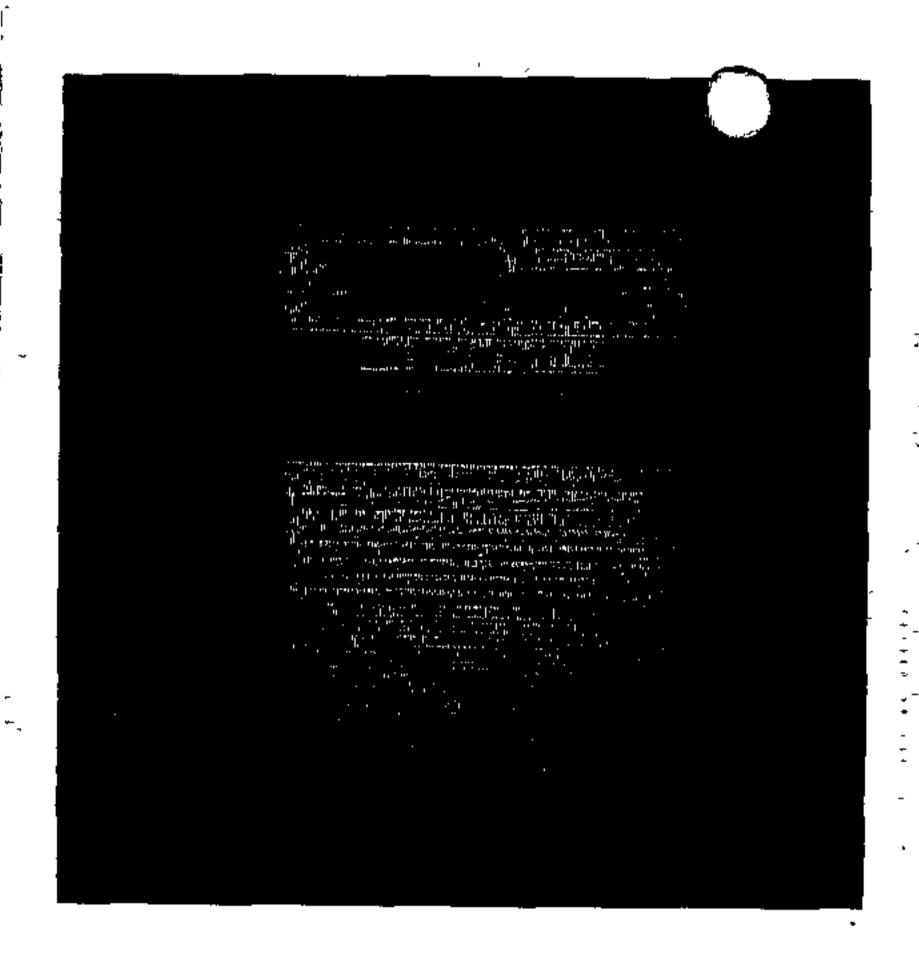
(August 4, 1997)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

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 p	property located at			
5740 Calverton Baltimore, Marylan	d 21228			
The sign(s) were posted on	July 18, 1997(Month, Day, Year)			



97-561-A

# CEKTIFICATE OF POSTING

	RE: Case No.: 97-567 A
	Petitioner/Developer:
	PARKS, PLUMMER
•	Date of Hearing/Closing:
Baltimore County Department of Permits and Development Managemen County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
The sign(s) were posted on	10/22/97 (Month, Day, Year)
	Sincerely,
	Hay Free 2 10/22
	(Signature of Sign Poster and Date)
	GARY FREUND (Printed Name)
	<u></u>
	(Address)
•	(City, State, Zip Code)
	(Teiephone Number)

· 9/96 cert.doc



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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 567	
Petitioner: MARLin PLum	n = 2
ocation: 6740 CALUE	Fron SZ.
PLEASE FORWARD ADVERTISING BILL TO	<b>D:</b>
NAME: ATHERITAGE CONST	MUCTION
ADDRESS: 3346 Kump Statio	N Rd
TANEYTOWN, Md 21	787
PHONE NUMBER: 4/0876-0005	

AJ:ggs

Request for Zoning: Variable, 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.: 97-567-A

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

PLACE: *
DATE AND TIME: *
REQUEST: A VARIANCE HAS BEEN PEQUESTED TO
PERMIT A DWELLING ON AN UNDERSIZED LOT
REGISTER WITH DEFICIENT SIDEYARD SETBACKS
DEFICIENT LOT WIDTH AND LOT AREA; AND
, and the same of
COMPATIBILITY REWIEW PURSUANT TO SECTION 3044 OF THE BALTIMORE GUNTY ZOWING REGULATIONS 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

9/96 post.4.doc

\*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.



# Baltimore County Department of Permits and Development Management

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

July 2, 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 <u>Towson, Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-567-A
5740 Calverton Street
NEC Calverton Street and Kent Avenue
1st Election District - 1st Councilmanic
Legal Owner(s): H. Emslie Parks
Contract Purchaser(s): Marlin and Mary Plummer

Variance to permit a side street setback of 8 feet in lieu of the required 25 feet, a side yard setback of 8 feet in lieu of the required 10 feet, a minimum lot width of 40 feet in lieu of the required 55 feet, and lot area of 4,800 square feet in lieu of the required 6,000 square feet.

HEARING: MONDAY, AUGUST 4, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

Arnold Jablon

Director

cc: H. Emile Parks

Michelle Jeffries

Marlin and Mary Plummer

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 20, 1997.

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

FO: PUTUXENT PUBLISHING COMPANY
July 10, 1997 Issue - Jeffersonian

Please foward billing to:

Heritage Construction 3346 Kump Station Road Taneytown, MD 21787 410-876-0005

#### 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 <u>Towson, Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-567-A
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HEARING: MONDAY, AUGUST 4, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

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.



# 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

April 15, 1998

#### NOTICE OF REASSIGNMENT

CASE #: 97-567-A

IN THE MATTER OF: E. EMSLIE PARKS -Owner; MARLIN & MARY PLUMMER -Contract Purchasers /Petitioners 5740 Calverton Street 1st E; 1st C

(Petition for Variance GRANTED /D.Z.C.)

which was scheduled to be heard on April 15, 1998 was POSTPONED on the record by agreement of parties, for reasons as stated; and has been

#### REASSIGNED FOR:

# THURSDAY, JULY 23, 1998 at 10:00 a.m.

NOTICE:

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C. Baltimore County Code.

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).

> Kathleen C. Bianco Administrator

Counsel for Appellant /Protestant : Jay L. Lenrow, Esquire cc: Appellant /Protestant

: Charles Kennedy / Kennedy & Assoc.

Petitioner /Legal Owner Counsel for Contract Purchasers Petitioners /Contract Purchasers : Mr. & Mrs. Marlin Plummer Heritage Construction Company : Michelle Jeffries

: H. Emslie Parks

: Michael Paul Smith, Esquire

Steve Cumby Philip Warfield

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. 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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 21, 1997

### NOTICE OF ASSIGNMENT

CASE #: 97-567-A

IN THE MATTER OF: E. EMSLIE PARKS -Owner; MARLIN &
MARY PLUMMER -Contract Purchasers /Petitioners
5740 Calverton Street 1st E; 1st C

(Petition for Variance GRANTED /D.Z.C.)

#### ASSIGNED FOR:

WEDNESDAY, APRIL 15, 1998 at 10:00 a.m.

NOTICE:

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco Administrator

cc: Counsel for Appellant /Protestant
Appellant /Protestant

Appellant /Protestant

Petitioner /Legal Owner Petitioners /Contract Purchasers Heritage Construction Company : Jay L. Lenrow, Esquire Charles Kennedy /Kennedy & Assoc.

:\H. Emslie Parks

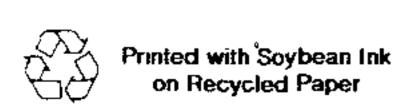
: Wr. & Mrs. Marlin Plummer

: Michelle Jeffries

Steve Cumby Philip Warfield

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney

per production of the second



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

July 29, 1997

Mr. H. Emslie Parks 102 W. Pennsylvania, #600 Towson, MD 21204

> RE: Item No.: 567

> > Case No.: 97-567-A

Petitioner: H. Elmslie Parks

Dear Mr. Parks:

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 May 17, 1997.

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 (410-887-3391).

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor ...

WCR/re · Attachment(s)



# BALTIMORE COUNTY, MARYLAND

5/4/97

## INTER-OFFICE CORRESPONDENCE

77-567-A

TO: Arnold Jablon, Director

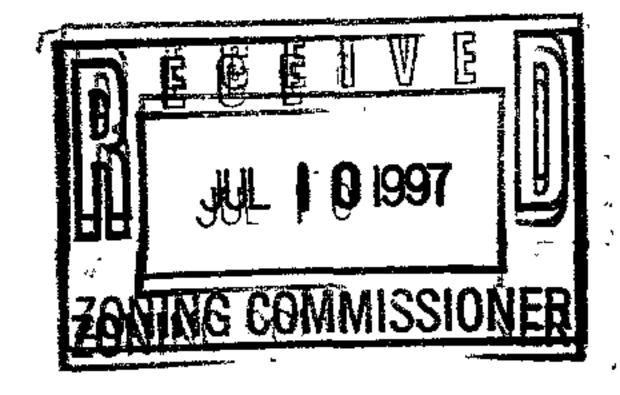
Department of Permits

and Development Management

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Lots 19/20 Calverton Street



Date: July 9, 1997

## <u>INFORMATION</u>

Item Number:

567

Petitioner:

H. Emslie Parks

Zoning:

DR 5.5

Requested Action:

Variance

# Summary of Recommendations:

The subject property was previously reviewed as an undersized lot pursuant to Section 304.1 of the Baltimore County Zoning Regulations. The same comments apply which indicated that the color of the siding be provided on the architectural drawings. Most importantly, architectural details should be provided for the front elevation in the form of either an open porch, vestibule or overhang to be more compatible with the neighboring houses. The photograph of 5723 Calverton was attached as an example of the detail that would contribute to compatibility.

Prepared by:

Division Chief:

AFK/JL

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 9, 1997

SIGNED: ROSERT W. BOWLING

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for July 7, 1997 Item No. 567

The Development Plans Review Division has reviewed the subject zoning item. Calverton Street is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

Kent Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

Developer will be responsible for extension of the public sewer to the frontage of the proposed lot.

RWB:HJO:jrb

cc: File



David L. Winstead Secretary Parker F. Williams Administrator

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

RE: Baltimore County 7.1.57

Item No. 567 JCM

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

In Ronald Burns, Chief

Engineering Access Permits

Division

LG

# Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

Arnord Jablon, Einector

Inning Administration and Devilopment Finingment

Baltimore County Office Publishing

Towson, MD 21204

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Jen Lienen

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354, 365. 746, **567**- 712, 769. 370. 3 271 274. 375, 371,

REVIEWER: LT. ROBERT R. BAUERWARL!

Fire Marshar D. F. 19. Y-CNE .. "-Vell, "I-Livel"

to: File



Printed on Recycled Page

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

# INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley Rossyll Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date: 940 91

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

577

578

Item #'s: 56

567

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RE: PETITION FOR VARIANCE \* BEFORE THE

5740 Calverton Street, NEC Calverton

Street and Kent Avenue \* ZONING COMMISSIONER

1st Election District, 1st Councilmanic

OF BALTIMORE COUNTY

Legal Owner(s): H. Emslie Parks

Contract Purchaser(s): Marlin and Mary Plummer

Petitioners \* CASE NO. 97-567-A

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\* \* \* \* \* \* \* \* \* \* \*

#### ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

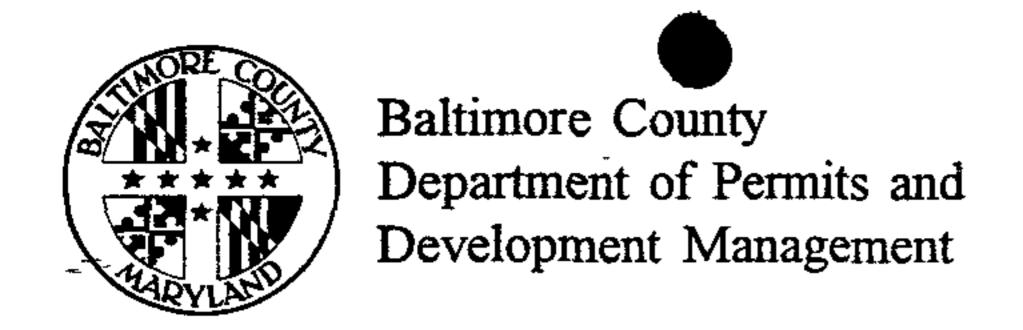
Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this \_\_\_\_\_\_ day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Michelle Jeffries, 3346 Kump Station Road, Reisterstown, MD 21136, Petitioners.

PETER MAX ZIMMERMAN



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

October 8, 1997

Mr. H. Emslie Parks 102 W. Pennsylvania Avenue Suite 600 Towson, MD 21204

RE: Petition for Zoning
Variance
NE corner Calverton St.
and Kent Ave.
(5740 Calverton Street)
1st Election District
1st Councilmanic District
H. Emslie Parks - Owner
Marlin & Mary Plummer,
Contract Purchasers Petitioners
Case No. 97-567-A

Dear Mr. Parks:

Please be advised that an appeal of the above-referenced case was filed in this office on October 7, 1997 by Jay L. Lenrow, Esquire on behalf of Charles Kennedy. 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 410-887-3180.

Sincerely,

ARNOLD JABLON

Director

AJ:rye

c: Mr. Steve Cumby Mr. Philip Warfield People's Counsel

Printed with Soybean Ink
on Recycled Paper

97 OCT -8 PM 2:

Petition for Zoning Variance NE corner Calverton Street and Kent Avenue (5740 Calverton Street) 1st Election District - 1st Councilmanic District H. Emslie Parks - Owner Marlin & Mary Plummer, Contract Purchasers - Petitioners Case No. 97~567-A

Petition for Variance

Description of Property

√Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners, Protestants, and Citizens Sign-In Sheets

"Petitioners' Exhibit: 1 - Recommendation Form for Undersized Lots and a Site Plan

Eleven Photographs not Marked as Exhibits

Deputy Zoning Commissioner's Order dated September 8, 1997 (Granted)

Notice of Appeal received on October 7, 1997 from Jay L. Lenrow, Esquire on behalf of Charles Kennedy

c: \*Jay L. Lenrow, Esquire, Lenrow, Kohn, Howard & Oliver, 9th Floor, Signet Tower, Seven St. Paul Street, Baltimore, MD 21202-1626 Mr. Charles Kennedy, Kennedy & Associates, Inc., 3601 Commerce Drive, Suite 102, Baltimore, MD 21227

Mr. H. Emslie Parks, 102 W. Pennsylvania Avenue, Suite 600, Towson, Maryland 21204 411 AUDREY AUR.

Mr. and Mrs. Marlin Plummer, 255 Rupert Circle, Baltimore, MD 21225 Ms. Michelle Jeffries, Heritage Construction Company, 3346 Kump

Station Road, Taneytown, MD 21787 Mr. Steve Cumby, 5717 Calverton Street, Catonsville, MD 21228 Mr. Philip Warfield, 821 Kent Avenue, Catonsville, MD 21228 People's Counsel of Baltimore County, M.S. 2010 Timothy Kotroco, Deputy Zoning Commissioner

Arnold Jablon, Director of PDM

Counsel for M/M Plummer, CP:

Michael Paul Smith, Esquire BODIE, NAGLE, DOLINA, SMITH & HOBBS, P.A. 21 W. Susquehanna Avenue Towson, MD 21204

Shirley our Swith.

COUNTY BOARD OF APPEALT 21.2 8

Case No. 97-567-A

VAR -To permit side street setback of 8' ilo required 25'; side yard setback of 8' ilo minimum required 10'; lot width of 40' ilo required 55'; and lot area of 4,300 sq. ft. ilo required 6,000 sq. ft. for proposed dwelling.

8/05/97 -D.Z.C.'s Order in which Petition for Variance was GRANTED.

11/21/97 - Notice of Assignment for hearing scheduled for Wednesday, April 15, 1998 at 10:00 a.m. sent to following:

Jay L. Lenrow, Esquire
Charles Kennedy /Kennedy & Assoc.
H. Emslie Parks
Mr. & Mrs. Marlin Plummer
Heritage Construction Company /Michelle Jeffries
Steve Cumby
Philip Warfield
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney

- 4/14/98 -T/C from E. Parks; parties have resolved the matter; however, they are requesting that the case be continued until the paperwork for same has been finalized; will appear on 4/15/98 at 10 a.m. to put same on record; also, Michael Smith now represents Mr. and Mrs. Plummer, contract purchasers noted on Petition for Variance.
- 4/15/98 -Case postponed on the record; to be assigned a hearing date at least 60 days hence; entered Michael Paul Smith, Esquire, BODIE, NAGLE ET AL, as counsel for Mr. & Mrs. Plummer.

   Notice of Reassignment sent to parties; case rescheduled to Thursday, July 23, 1998 at 10:00 a.m.
- 7/23/98 -T/C from Shirley Shiflett, secretary to Michael Smith, Esq.
  Indicated that Charles Kennedy, Appellant to this matter, was withdrawing his appeal. She also indicated that Mr. Smith represented Mr. Kennedy (rather than the Plummers as indicated on the Notice and in the file), and was therefore calling on behalf of Mr. Kennedy. The matter has been resolved between the parties and the matter should now be dismissed (Mr. Kennedy was the sole appellant to this matter).
  - Advised Ms. Shiflett that, due to the lateness of the call, the Board would convene at 10:00 a.m. and read into the record the fact that she had telephoned indicating that the matter was settled and Mr. Kennedy was withdrawing his appeal.
  - Board convened at 10:30 a.m., providing time for anyone who would be attending. There was no one in attendance at that time; above notice read into the record; the appeal was dismissed. Order of Dismissal to be issued. (C.F.W.)

#### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** August 16, 1999

Permits & Development Management

FROM:

Charlotte E. Radcliffe

County Board of Appeals

SUBJECT: Closed File:

97-567-A /H. Emslie Parks -Owner;

Marlin & Mary Plummer, C.P. - Petitioners

Since no further appeal was taken in the above captioned case, which was dismissed by Order dated August 7, 1998, we are hereby closing the file and returning same herewith.

Attachment (File No. 97-567-A)

# LENROW, KOHN, HOWARD & OLIVER

A PROFESSIONAL CORPORATION

TELEPHONE (410) 962-0550 Writer's Direct Dial (410) 962-0551 9th FLOOR - SIGNET TOWER SEVEN ST. PAUL STREET BALTIMORE, MARYLAND 21202-1626

FACSIMILE (410) 962-0558

October 6, 1997

BY TELECOPIER: (410) 247-9744
Mr. Charles Kennedy
Kennedy & Associates, Inc.
3601 Commerce Drive
Suite 102
Baltimore, Maryland 21227

Re: Zoning Appeal

Dear Charles:

Please send a letter to the Baltimore County Office of Zoning Administration and Development Management (410-887-3391) with two checks, one for \$175.00 for an Appeal Fee and one for \$35.00 for a signage fee as follows:

Dear Sir or Madam:

I am hereby appealing the decision in Petition for Variance, N/E
Corner Calverton Street and Kent Avenue (5740 Calverton Street), 1st
Election District - 1st Councilmanic District, H. Emslie Parks, Owner;
Marlin & Mary Plummer, Contract Purchasers - Petitioners, Case No.

20NING COMMISSIONER
Appeal Fee and \$35.00 for a Signage Fee for this Appeal.

4 Appeal Plummer

Please inform me as to the steps I must take in order to further effect this Appeal.

Sincerely Yours,

Charles Kennedy

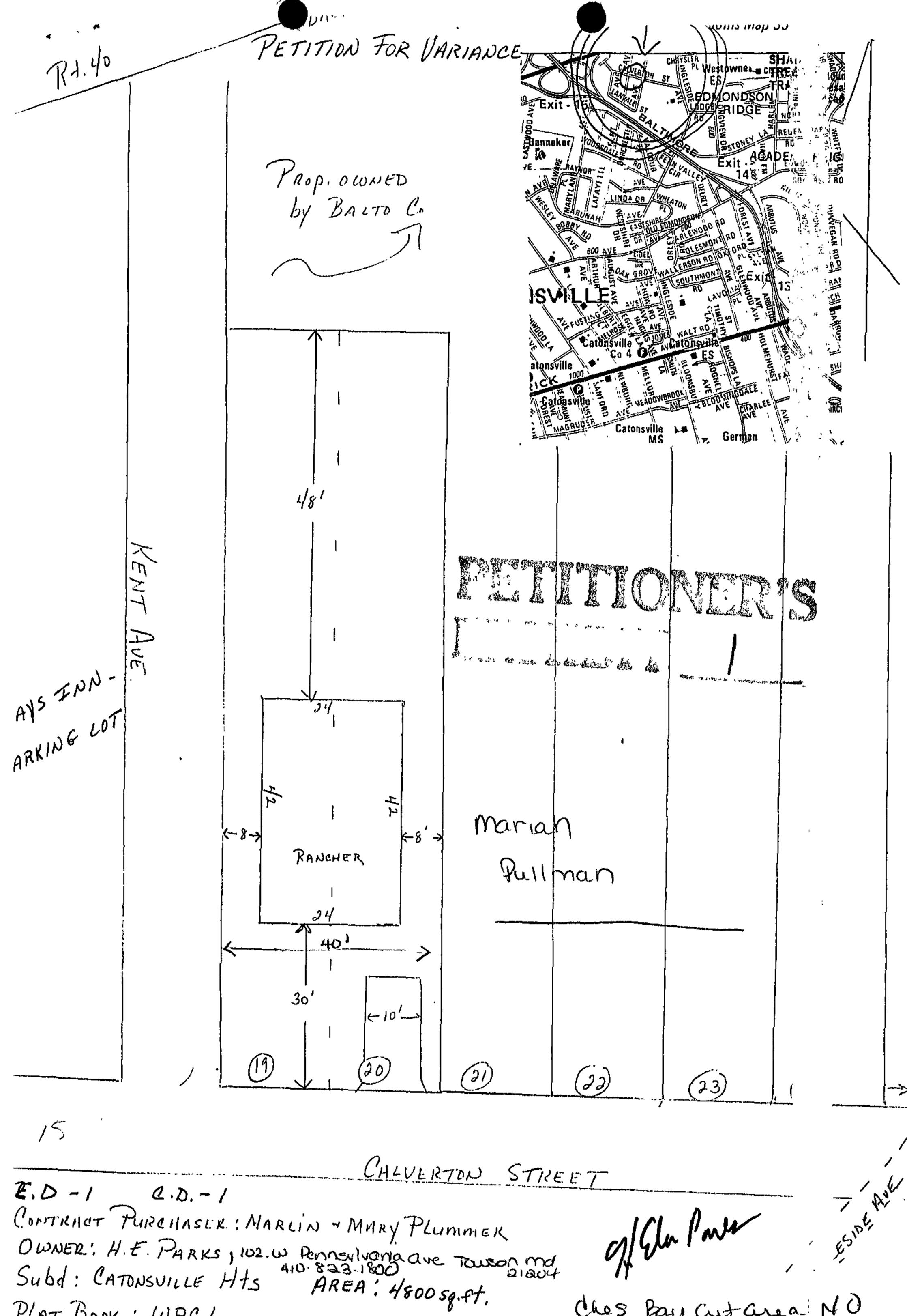
Please do not hesitate to get in contact with me should you have any questions or concerns.

Sincerely yours,

y I. Lenrow

JLL/gaw

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PLAT BOOK: WPC6

FOLIO: 178

BLOCK: 2

OTS: 19 & 20

Submitted by: HERITAGE CONSTRUCTION INC. - PRIOR HEARING! NONE

FUNITO, NORE - SEWER - Public water. Public

Ches Bay Cutarea NO SCALE: 1 = 20'

30 FRONT VARD SETBAC FOR PROPERTY DWELL! HOWN MEETS C:303,1 BCZR

PLEASE PRINT CLEARLY

# CITIZEN SIGN-IN SHEET

NAME	ADDRESS						
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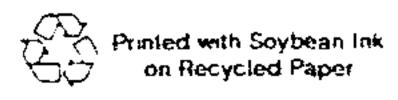
# PLEASE PRINT CLEARLY

# PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS					
Steve Cumby	5717 CALVERTON St. Catursville, HD					
Steve Cumby Charles & MARIAN KENNEDY	5736 CALVERTON ST CATENSVII					
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# PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Hele Parks	102 W. Penn ave To
zom Mucaldo	3314 Paper Mile Rd.
	Phoenux ma. 21131
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CORNER OF Kent | K Calverton Goking at by from left side



left side across street Days Inn motel



Mala this property is caddy corner to subject prop.
The belongs to 720 Kent and

14



opposite side of street vacant lot 5731

64





5721 Calverton.



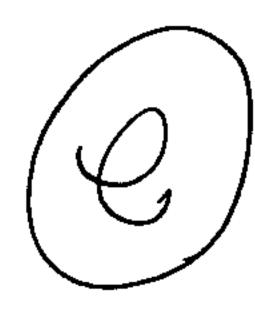
Gen. ZGANI ZGDIN

looking at house right neighbor.

5736 Calverton.



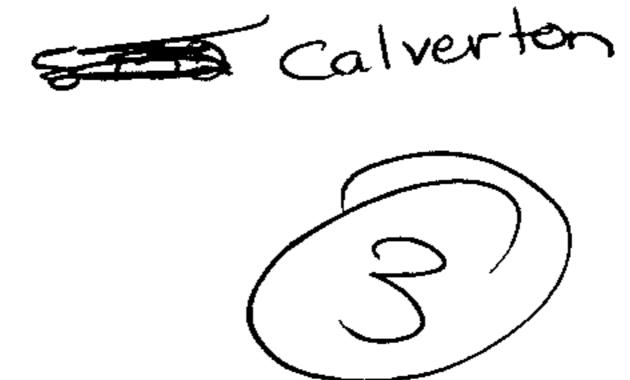




1.4 Geo. ZPRACTED 4

5732 Calvertor








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



Calverton & Dorchester.

5723 Calverton

Altograph 97-567-A







5719 Calverton