IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE

NEC Patapsco & Locust Avenues

ZONING COMMISSIONER

320 Patapsco Avenue
15th Election District \* OF BALTIMORE COUNTY
5th Councilmanic District

Stephen E. Peters, et al

Petitioners

Case No. 98-31-A

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

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the property known as 320 Patapsco Avenue in the Chesaco Park subdivision of Baltimore County. The Petition was filed by Mary C. Duncan and Betty Friedlander, property owners, and Stephen E. Peters, Contract Purchaser. Variance relief is requested from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a lot width of 50 ft. in lieu of the required 55 ft., and to permit a side street setback of 12 ft. in lieu of the required 25 ft. The variance Petition is filed to permit the building of a single family dwelling on a lot with insufficient width. The subject property 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 was Stephen Edward Peters, contract purchaser/Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is collectively comprised of four lots originally laid out in the Chesaco Park subdivision. These lots are shown on the original plat known as lots 125, 126, 156 and 157. In sum, the total lots create a single parcel 50 ft. wide and approximately 200 ft. deep. Moreover, a small portion of lot No. 156 towards the rear of the property is owned by the State Highway Administration.

OADER PROGRESS OF 12 No. 9/11/97

Presently, the property is vacant. The site is under sale of contract to Mr. Peters from Ms. Duncan and Ms. Friedlander. Mr. Peters proposes constructing a 28 ft. x 48 ft. single family dwelling on the property. Elevation drawings for the proposed dwelling have been submitted to the Office of Planning for review.

Mr. Peters also noted that the property is a corner lot, located at the intersection of Patapsco Avenue and Locust Avenue. The proposed dwelling will face Patapsco Avenue. Locust Avenue is a small deadend street which terminates near the rear property line of the subject property. Photographs were submitted which shows that Locust Avenue is a narrow street, thus, the subject property and street setback will appear greater in the field than on the site plan. Letters of support from neighbors surrounding the property were also submitted at the hearing.

Based upon the testimony and evidence presented, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. The proposed dwelling constitutes a reasonable and appropriate use for the property. In my judgment, the Petitioner has submitted testimony and evidence sufficient to satisfy the requirements of Section 307 of the BCZR. However, in order to protect the integrity of the neighborhood, I will require that the Office of Planning review and approve the elevation drawings for the proposed structure.

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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of September 1997 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a lot width of 50 ft., in lieu of the required 55 ft., and to permit a side

street setback of 12 ft., in lieu of the required 25 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner shall submit building elevation drawings to the Office of Planning for review. The grant of the variance relief is conditioned upon the review of those plans.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn



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

September 10, 1997

Mr. Stephen E. Peters 600 Patuxent Avenue Baltimore, Maryland 21237

RE: Case No. 98-31-A

Petition for Variance

Property: 320 Patapsco Avenue

Dear Mr. Peters:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn att.

Ms. Mary C. Duncan
Ms. Betty Friedlander
400 Patapsco Avenue
Baltimore, Maryland 21237

# ttion for Varia

## to the Zoning Commissioner of Baltimore County

320 PATAPSCO AVE

for the property located at BALTO MD 21237 which is presently zoned This Petition shall be filed with the Department of Permits & 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) 1802-3.C. A width of 50' : 1 ! en of the Regulard 55', A side street set back of 12' in lieu of the Regulard 25' and to permit building TO Allow a lot on an underozed lot (lot width only) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) BE DISCUSSED AT HEARING 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 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) (Type or Print Name) GATUXENT AVE (Type or Print Name) Signature Name, Address and phone number of representative to be contacted Address Phone No City State Zipcode Phone No

Printed with Soybean link on Recycled Paper Revised 9/5/95

the following dates **Next Two Months** OTHER REVIEWED BY:

ESTIMATED LENGTH OF HEARING

OFFICE USE ONLY

unavailable for Hearing

Phone: 687-6922

## FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

July 11, 1997

98.31-A

Beginning for the same at the northeast corner of Patapsco and Locust Avenues and being known as Lots 125, 126,157 and part of 156, Sheet 1, Plan "D", Chesaco Park, and recorded among the land records of Baltimore County in Plat Book 6 folio 164.

Containing 8875.00 square feet of land more or less.



#### 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 Toperty identified herein as follows.

Case #98-31-A

320 Patapisco Avenue NEC Patapisco and Locust Avenues

15th Election District 5th Councilmanic Legal Chyper(s):

Mary C. Duncan and Betty Friedlander

Contract Purchaser(s) Stephen Edward Peters

Variance: to allow a lot a width of 50 feet in lieu of the required 55 feet, a side street setback of 12 feet in lieu of the required 25 feet, and to permit building on an undersized lot (lot width only).

Hearing: Friday, September

Hearing: Friday, September 5, 1997 at 9:00 a.m., Room 106 County Office Building, 111 W. Chesapeake Avenue

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Calf (410) 887-3353.

(2) For information concerning, the File and/or Hearing, Please Call (410) 887-3391:

8/141 Aug 14

C165266

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

# CERTIFICATE OF POSTING

RE: Case No	: 98-31-A
Petitione	r/Developer:
STEP	HEN E. PETERS
Date of H	learing/Eliming: 9-5-97

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

320 PATAPACO AVE. BALTIMORE, MD. 21237

The sign(s) were posted on \_

Aug 20, 1997 (Month, Day, Year)

Sincerely,

(Signature of Sign Poster and Date)

(Printed Name)

325 Nicholson RD (Address)

BALTIMORE, MO 2/22/ (City, State, Zip Code)

(410) 687-8405

(Telephone Number)

98-31-A

BALTIMORE COUNTY, MARYLAND FICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  ACCOUNT  ACCOUNT  AMOUNT  RECEIVED FROM:  FOR:  320  ALANGE  ACCOUNT  AC	PAID RECEIPT PROCESS ACTUAL TIME 7/25/1997 7/25/1997 11:41:03 RES USO3 CASHIER WILL VLH DRAWER 1 HISCELLANDUS CASH RECEIPT RECRIPT # 010616 UPLN CR 40. 035936 50.00 CHECK Baltimere County, Maryland
	CASHIER'S VALIDATION

## CERTIFICATE OF POSTING

Baltimore County Department of

Towson, MD 21204

Ladies and Gentlemen:

The sign(s) were posted on

Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue

Attention: Ms. Gwendolyn Stephens

RE: Case No.: 98-33-5PH Petitioner/Developer: R. AZRAEL, ETAL % R.C. RODGERS Date of Hearing/Closing: 9/5/97
© 10 AM PM.106 COB 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 ES. FALLS ROAD INS (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) Patrick M. O'Keefe (Printed Name)

> 523 Penny Lane (Address) Hunt Valley, MD 21030 (City, State, Zip Code)

(Telephone Number)

(410) 666-5366

Pager (410) &

ZONING COMMINSTRATE!

R. AZRAEL - FALLS PARK ES. FALLS RD OLD LYME ROAD

Exhibit B

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.: 20-031-A
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE: *
DATE AND TIME: *
REQUEST: VARIANCE to ALLOW A LOT WIDTH OF
50' in lieu of the Required 55' And A SIDE York
Setbook of 12' in Fiew of the Required 25' AND
to promit building on an undersized lot (lot width
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

#### 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 newspape	r advertising:
Item No.:	31
Petitioner:_	STEPHEN E. PETERS
Location: 37	PATAPSCO AVE & LOCUST AVE BALTO MD ZIZ37
PLEASE FORWAI	BALTO MD ZIZ37  RD ADVERTISING BILL TO:
NAME: S	TEPHEN E. PETERS
ADDRESS: (	200 PATUXENT AVE
<u></u>	3ALTO MD 21237
PHONE NUMBER	: 410-574-4382
AJ:ggs	

Printed with Soybean Ink

(Revised 09/24/96)

Plat to	acco	mpa	ny Peti	tion f	or Z	Conin				<u> </u>		l Hearing
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TO: PUTUXENT PUBLISHING COMPANY
August 14, 1997 Issue - Jeffersonian

Please foward billing to:

Stephen E. Peters 600 Patuxent Avenue Baltimore, MD 21237 410-574-4382

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

CASE NUMBER: 98-31-A
320 Patapsco Avenue
NEC Patapsco and Locust Avenues
15th Election District - 5th Councilmanic
Legal Owner(s): Mary C. Duncan and Betty Friedlander
Contract Purchser(s): Stephen Edward Peters

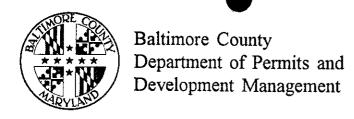
Variance to allow a lot a width of 50 feet in lieu of the required 55 feet, a side street setback of 12 feet in lieu of the required 25 feet, and to permit building on an undersized lot (lot width only).

HEARING: FRIDAY, SEPTEMBER 5, 1997 at 9:00 a.m., Room 106 County Office Building, 111 W. Chesapeake 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.



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

August 7, 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</u>, <u>Maryland</u> on the property identified herein as follows:

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320 Patapsco Avenue
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Contract Purchser(s): Stephen Edward Peters

Variance to allow a lot a width of 50 feet in lieu of the required 55 feet, a side yard setback of 12 feet in lieu of the required 25 feet, and to permit building on an undersized lot (lot width only).

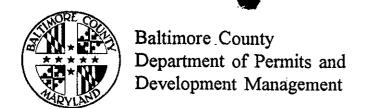
HEARING: FRIDAY, SEPTEMBER 5, 1997 at 9:00 a.m., Room 106 County Office Building, 111 W. Chesapeake Avenue.

Arnold Jablon Director

cc: Mary C. Duncan and Betty Friedlander Stephen Edward Peters

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 21, 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.



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

August 27, 1997

Mses. Mary Duncan & Betty Friedlander 400 Patapsco Avenue Baltimore, MD 21237

> RE: Item No.: 31

> > Case No.: 97-31-A

Petitioner: Mary Duncan, et al

Richardy Ja

Dear Mses. Duncan and Friedlander:

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 July 25, 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.

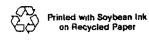
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Süpervisor

WCR/re Attachment(s)



BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 11, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division POSERT W. BOWLING

SUBJECT: Zoning Advisory Committee Meeting

for August 11, 1997

Item No. 031

The Development Plans Review Division has reviewed the subject zoning item. Patapsco Avenue is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

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 &

8-7.97

Item No.

031 CAM

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,

Ronald Burns, Chief

**Engineering Access Permits** 

1. J. Doedh

Division

LG

# BAL IMORE COUNTY, MARTLAND

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

## INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley . RBS/Permits and Development/Review

DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date:

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

Item #'s:

20

RBS:sp

BRUCE2/DEPRM/TXTSBP



19 ....

Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

DATE: 10/07/28

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

RL: Property Owner: See Below

Location: DISTRIBUTION MEETING OF August 4, 1997

Item No.: SME BELOW

Zomang Agenda:

laen clement

Pursuant to your request, the referenced property has seen surveyed by this bureau and the comments below are applicable and required to be corrected or incorporated into the final plant for the property.

2. The Fire Marchal's Diffice has no comments at this time, in PERSENCE TO THE FOLLOWING TIEM NUMBERS:

020, 021, 023, 025, 026, 027, 028, 029, 020, 001, and 033

REVIEWER: LT. ROBERT F. SAUERWALD

Fire Harshal Office, PHONE 887-4881, MS-1102F

do: File

figh

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

Date: September 2, 1997

TO: Arnold Jablon, Director

Department of Permits

and Development Management

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

Office of Planning

SUBJECT: 320 Patapsco Avenue

<u>INFORMATION</u>

Item Number:

31

Petitioner:

Duncan / Frielander Property

Zoning:

DR 5.5

Requested Action:

Variance

**Summary of Recommendations:** 

Staff does not oppose the subject request provided that all provisions of Section 304.1 of the Baltimore County Zoning Regulations are met. In addition, please note that further comments will be made at such time as the minor subdivision request is submitted for review and comment.

Jeffry W. Long Oary L. Kerns

Prepared by

Division Chief:

AFK/JL

RE: PETITION FOR VARIANCE \* BEFORE THE

320 Patapsco Ave, NEC Patapsco and Locust Aves, 15th Election Dist, 5th Councilmanic\*

5th Councilmanic\* ZONING COMMISSIONER

Legal Owner(s): Mary C. Duncan and \* OF

OF BALTIMORE COUNTY

Betty Friedlander Contract Purchaser(s): Stephen E. Peters

CASE NO. 98-31-A

Petitioners

#### ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

PETER MAY ZIMMERMAN

DATE: July 25, 1997

TO: Hearing Officer

FROM: Catherine A. Milton

Planner I

Zoning Review, PDM

SUBJECT: Item #31

320 Patapsco Avenue

Will submit undersized lot approval separately -- Appointment 8/4/97.

CAM:scj

### STEPHEN E. PETERS 600 PATUXENT AVENUE BALTIMORE, MARYLAND 21237

7 JULY 1997

TO: NEIGHBORS OF LOCUST AND PATAPSCO AVENUES

IT IS MY INTENTION TO PURCHASE AND BUILD ON THE PROPERTY LOCATED AT THE CORNER OF LOCUST AND PATAPSCO AVENUES, FOR MY OWN PERSONAL RESIDENCE.

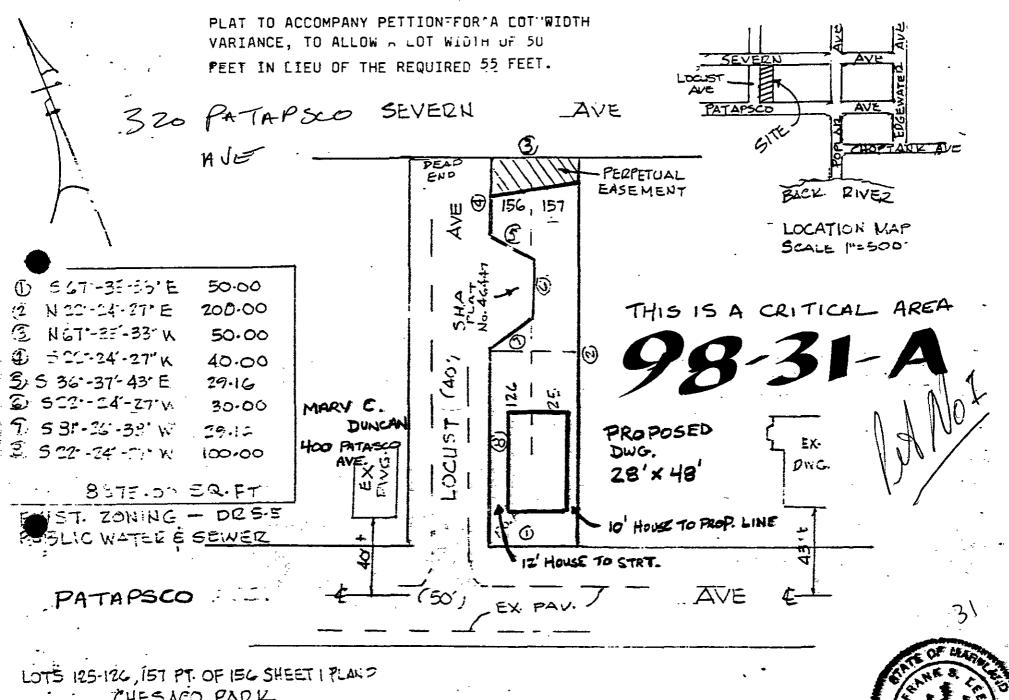
IN ORDER TO FACILITATE AND EXPIDITE THE PROCESS, I WILL ASK YOU TO PLEASE READ AND SIGN THE FOLLOWING STATEMENT:

I, THE UNDERSIGNED, WILLINGLY HAS NO OBJECTION AND COMPLETE UNDERSTANDING OF THE INTENDED CONSTRUCTION AT THE CORNER LOCATION OF LOCUST AND PATAPSCO AVENUES.

SIGNED:

YOUR ASSISTANCE IS APPRECIATED AND I LOOK FORWARD TO OUR FUTURE RELATIONSHIP AS NEIGHBORS.

BEST REGARDS,



LOTS 125-126, 157 PT. OF 156 SHEET I PLAND CHES ACO PARL PLAT BOOK 6-164 15TH DISTRICT BALTIHORE CO, MARYLAND SCALE 1" = 50" DATE 7-11-97

7 TH COUNCIL MATIC DISTA!

PRANK S. LHE 1277 NECHBORS AVE. MUTMORE MD: 21237



