

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Hughes Avenue, 262.5 ft. W
of c/l Murray Avenue * ZONING COMMISSIONER
Lot 162, Sec. B, Chesapeake Terrace
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District
Surveyor: J. Scott Dallas * Case No. 98-276-A
Legal Owners: Robert C. Smith
& Carol L. Smith, Petitioners *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property known as Lot 162, Section B, of the Chesapeake Terrace subdivision of eastern Baltimore County. The Petition was filed by Robert C. Smith and Carol Lynn Smith, his wife, property owners. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a lot width of 50 ft. in lieu of the required minimum of 55 ft. The Petition also indicates that relief is requested for any other variances that may be necessary in order to develop the property, in accordance with Petitioners' Exhibit No. 1.

Appearing at the requisite public hearing held for this case were Robert C. Smith and Carol Lynn Smith, property owners/Petitioners. Also present was J. Scott Dallas, the surveyor who prepared the site plan. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is 50 ft. wide and 200 ft. deep, for a gross area of 10,000 sq. ft. The property is known as lot 162, Section B, of the subdivision of Chesapeake Terrace. This subdivision is an old residential community located in eastern Baltimore County, near Jones' Creek. A subdivision was originally platted and recorded in the Land Records of Baltimore County in 1919.

The Petitioners presently own three lots 160, 161 and the subject lot, 162. They acquired lots 160 and 161 approximately 30 years ago and lot 162 five years thereafter. After their acquisition of lots 160 and

ORDER RECEIVED FOR FILING

Date

By

161, they constructed a single family dwelling on their property known as 7224 Hughes Avenue. The subject property, lot 162, is unimproved and has been used by the Petitioners over the years as a large side yard area adjacent to their dwelling.

The Petitioners testified that they intend on selling lot 162 to friends who have expressed an interest in acquiring and constructing a dwelling on the property. In order to consummate this sale and move forward with the proposed development, the requested relief is sought.

As noted above, there were no Protestants or other interested persons who appeared at the hearing. Additionally, there are no adverse Zoning Plans Advisory Committee comments. Further testimony offered was that the Chesapeake Terrace subdivision was laid out with 50 ft. lots and many of the existing dwellings in the community have been constructed on single lots. Although there are some double and triple lot residential parcels in the community, the development of the proposed lot would not be inconsistent with the theme of the community.

Based upon the testimony and evidence presented, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. It is to be noted that approval of the proposed development cannot be granted pursuant to Section 304, which requires that the property owner not own any adjacent land. In this regard, the Petitioners' ownership of lots 160 and 161 does not permit them to proceed with development on lot 162 pursuant to Section 304. However, variance relief can be granted pursuant to Section 307 of the BCZR. In this regard, I find the property is unique, that a practical difficulty would exist if the variance were denied and that there will be no detrimental impact on the surrounding neighborhood.

However, in granting the Petition for Variance, I shall impose two conditions upon the relief granted. First, the Petitioners shall comply

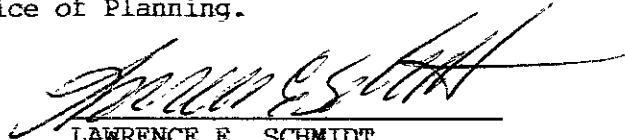
ORDER RECORDED FOR FILING
DATE 3/6/98
BY M. G. Grah

with the Chesapeake Bay Critical Area regulations, pursuant to the ZAC comment offered by the Dept. of Environmental Protection and Resource Management. Secondly, prior to the issuance of building permits, the Petitioners shall submit for review and approval elevation drawings of the proposed house to the Office of Planning.

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 6th day of March, 1998 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a lot width of 50 ft., in lieu of the required minimum of 55 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their 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. Compliance with the comment submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, DEPRM, dated January 29, 1998 is adopted in its entirety and made a part of this Order.
3. Prior to the issuance of building permits, the Petitioners shall submit, for review and approval, elevation drawings of the proposed dwelling to the Office of Planning.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm



Baltimore County
Zoning Commissioner
Office of Planning

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

March 5, 1998

Mr. and Mrs. Robert C. Smith
7224 Hughes Avenue
Baltimore, Maryland 21219

RE: Case No. 98-276-A
Petition for Variance
Property: lot 162 Section B, Chesapeake Terrace)

Dear Mr. and Mrs. Smith:

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,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: J. Scott Dallas, President
P.O. Box 26
13523 Long Green Pike
Baldwin, Maryland 21013





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

Lot 162 Section B Chesapeake Terrace
(adjacent to # 7224 Hughes Avenue)

which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B02.3.C.1 to allow a

lot width of 50 feet in lieu of the required minimum 55 feet. AND ANY

OTHER VARIANCES THAT THE COMMISSIONER DEEMS NECESSARY

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

Lot 162 owners also own Lot 160 and 161 where they reside at # 7224. Lot line adjustment to widen Lot 162 to 55 feet would require fence and driveway removal and reconstruction at their residence. Many neighborhood lots, as shown on OPZ S.E. 7-H and BCBE 64-828, are situated on 50 foot lots. Plat of Sec. B Chesapeake Terrace (5-36/37) is mostly comprised of 50 foot lots. Neighboring dwelling # 7230 is situated on 50 foot lot No. 163.

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.

~~County Executive/Commissioner~~ Surveyor

J. Scott Dallas, Pres.

(Type or Print Name)

Signature

P.O. Box 26

Address

13523 Long Green Pike

City

Baldwin

MD

21013

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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

Legal Owner(s):

Robert Cordell Smith

(Type or Print Name)

Signature

Carol Lynn Smith

(Type or Print Name)

Signature

7224 Hughes Ave. 410-477-2420

Address

Phone No.

Baltimore MD 21219

City State Zipcode

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

J. Scott Dallas, Pres.

J.S. Dallas, Inc.

Name P.O.Box 26 13523 Long Green Pike

Baldwin, Md. 21013 410-817-4600

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CAM

DATE 23 Jan 98

276



Printed with Soybean Ink
on Recycled Paper

98-276-A

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

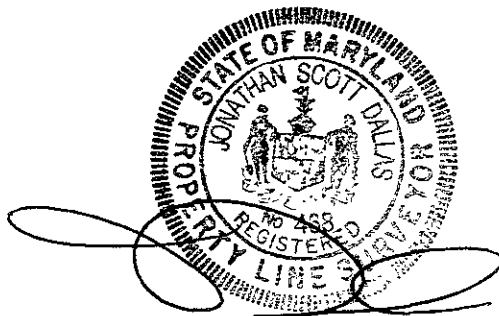
13523 LONG GREEN PIKE
P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

ZONING DESCRIPTION

SMITH PROPERTY - LOT 162 SEC. B - CHESAPEAKE TERRACE
(ADJACENT TO # 7224 HUGHES AVENUE)

BEGINNING at a point on the north side of Hughes Avenue, which is 30 feet wide at the distance of 262.5 feet $\pm$ west of the centerline of Murray Avenue which is 25 feet wide. Being Lot # 162, Section B in the subdivision of Chesapeake Terrace as recorded in Baltimore County Plat Book W.P.C. No. 5 folio 36 and 37 containing 10,000 square feet of land, more or less.

Adjacent to # 7224 Hughes Avenue. Located in the 15th Election District, 7th Councilmanic District.



98-276-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 048607

DATE 23 Jan 98 ACCOUNT R-001-6150

276 AMOUNT \$ 50.00

RECEIVED FROM: SMITH

FOR: 1st 162 Sealco 3 Chempk Trease

Validated & recorded 1/1/98

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

98-276-A

CASHIER'S VALIDATION

50.00 CASH
RECEIVED
1/23/98 11:25AM
JAN 23 1998
BALTIMORE COUNTY
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

**NOTICE OF
ZONING HEARING**

The Zoning Commission 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 #98-278-A

Lot 162, Section B, Chesapeake Terrace
W/S Hughes Avenue 262.5' W of Centerville Murray Avenue
15th Election District
7th Councilmanic District
Legal Owner(s):
Robert Cordell Smith & Carol Lynn Smith

Variance: to allow a lot width of 50 feet in lieu of the required minimum 55 feet and any other variances that the commissioner deems necessary.

Hearing: Tuesday, March 3, 1998 at 11:00 a.m. in Room 407, County Court Bldg., 407 Reister Avenue

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 887-8383. (2) For information concerning the filing of a hearing, Please Call (410) 887-8391.

2/14/4 Feb. 12 0206828

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-12, 1998

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 2-12, 1998

THE JEFFERSONIAN,

A. H. Erickson
LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No. 98-276-A

Petitioner/Developer SMITH, ETAL
% J.S. DALLAS

Date of Hearing/Closing: 3/3/98

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 LOT-162 (B)

CHESAPEAKE TERR. N/S HUGHES RD. 262' W. MURRAY.

The sign(s) were posted on

2/16/98

(Month, Day, Year)

ZONING NOTICE

Case #: 98-276-A

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

PLACE: ROOM 407, COUNTY COURTS BUILDING

TIME & DATE: TUESDAY, MARCH 3, 1998 AT 11:00 A.M.

VARIANCE:

TO ALLOW A LOT WIDTH OF 50 FEET IN LIEU OF
THE REQUIRED MINIMUM 55 FEET AND ANY OTHER
VARIANCES THAT THE COMMISSIONER DEEMS NECESSARY.
(LOT 162, SEC B - CHESAPEAKE TERR. N/S HUGHES RD. 262' W. MURRAY)

Sincerely,

Patrick M. O'Keefe 2/16/98
(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 ; CELL-410-905-8571

(Telephone Number)

98-276-A SMITH, ETAL
LOT-162 (B) H-3/3/98

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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 assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 276

Petitioner: Robert and Carol Smith

Location: Lot 162 Sec B Chesapeake Terr. (adjacent to # 7224 Hughes Ave.)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert Smith

ADDRESS: 7224 Hughes Avenue

Balt. Md. 21219

PHONE NUMBER: 410 477 2420

98-276-A

AJ:ggs

(Revised 04/09/93)

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.: 98-276-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 to approve
an undersize lot

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 387-3391.

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
February 12, 1998 Issue - Jeffersonian

Please forward billing to:

Robert Smith 410-477-2420
7224 Hughes Avenue
Baltimore, MD 21219

NOTICE OF ZONING 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: 98-276-A

Lot 162, Section B, Chesapeake Terrace

N/S Hughes Avenue, 262.5' W of centerline Murray Avenue

15th Election District - 7th Councilmanic District

Legal Owner: Robert Cordell Smith & Carol Lynn Smith

Variance to allow a lot width of 50 feet in lieu of the required minimum 55 feet and any other variances that the commissioner deems necessary.

HEARING: Tuesday, March 3, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

ss

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

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

January 29, 1998

NOTICE OF ZONING 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: 98-276-A

Lot 162, Section B, Chesapeake Terrace

N/S Hughes Avenue, 262.5' W of centerline Murray Avenue

15th Election District - 7th Councilmanic District

Legal Owner: Robert Cordell Smith & Carol Lynn Smith

Variance to allow a lot width of 50 feet in lieu of the required minimum 55 feet and any other variances that the commissioner deems necessary.

HEARING: Tuesday, March 3, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

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

Arnold Jablon
Director

c: J.S. Dallas, Inc.
Carol & Robert Smith

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 16, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

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

February 25, 1998

J. Scott Dallas
P. O. Box 26
1Baldwin, MD 21013

RE: Item No.: 276
Case No.: 98-276-A
Petitioner: Robert Cordell Smith

Dear Dallas:

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 January 23, 1998.

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,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 19, 1998

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 276

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

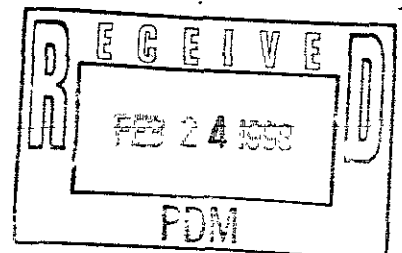
Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Keene

AFK/JL



RECEIVED FEB 25 1996

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: February 10, 1998

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for February 9, 1998
 Item No. 276

The Bureau of Developer's Plans Review has reviewed the subject zoning item. Hughes 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

ZONE0209.276

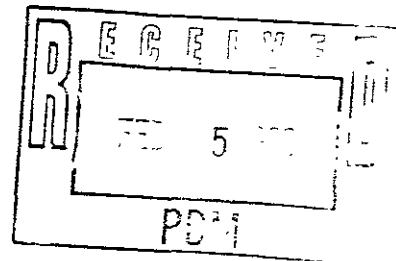


Baltimore County
Fire Department

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

February 4, 1998

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



RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 2, 1998

Item No.: See Below

Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

247, R-98-150, 270, 271, 276, 277, and 278

REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File



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

DATE: January 29, 1998

To: Arnold L. Jablon

From: Bruce Seeley *ms/yj*

Subject: Zoning Item #276

Smith Property, Hughes Avenue

Zoning Advisory Committee Meeting of February 2, 1998

----- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

----- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

 X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

----- Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code.)

----- Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code), if the property is being subdivided according to the Development Regulations.

 X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

GP:sp

*Leslie
3/3*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 19, 1998

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 276

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Keene

AFK/JL

RE: PETITION FOR VARIANCE	*	BEFORE THE
Lot 162, Sec. B, Chesapeake Terrace, N/S	*	ZONING COMMISSIONER
Hughes Ave, 262.5' W of c/l Murray Ave	*	OF BALTIMORE COUNTY
15th Election District, 7th Councilmanic	*	CASE NO. 98-276-A
Robert C. and Carol L. Smith		
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 26th day of February, 1998, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dalles, P.O. Box 26, 13523 Long Green Pike, Baldwin, MD 21013, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Maryland Department of Transportation
State Highway Administration

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 1/30/98
Item No. 276 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
Division

LG

My telephone number is _____

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

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

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, Md. 21204

(410) 887-3335

February 20, 1998

Colbert Matz Rosenfelt, Inc.
2835-G Smith Avenue
Baltimore, MD 21209

RE: Rib-Eye Grille
PDM # IV-261
DRC Number 01268K, Dist. 403

Dear Sir:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland and as provided in Section 602 (d) of the Baltimore County Charter and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on your request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives of each of those departments involved in land use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code, and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has in fact met in an open meeting on January 26, 1998, and the following recommendations.

The DRC has determined that your project meets the requirements of a reference to the development plan under Section 26-211. Please be advised that you must submit plans to the Department of Planning, Public Works, Zoning, and two copies to the Department of Environmental Protection Resource Management for further review.

Colbert Matz Rosenfelt, Inc.
Rib-Eye Grille
February 20, 1998
Page 2

After resolution of any outstanding issues, please submit ten copies of the plan to this office, Room 123, for signature, and a copy of this letter.

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 20th day of February 1998, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to permit approval. For further information, contact Larry Gredlein at 545-5581.

Sincerely,



Arnold Jablon
Director

AJ:DTR:dak

c: Bruce Seeley
Joyce Watson
File

Colbert Matz Rosenfelt, Inc.
Rib-Eye Grille
February 20, 1998
Page 2

After resolution of any outstanding issues, please submit ten copies of the plan to this office, Room 123, for signature, and a copy of this letter.

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 20th day of February 1998, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to permit approval. For further information, contact Larry Gredlein at 545-5581.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" being more prominent than the last name "Jablon".

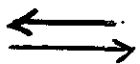
Arnold Jablon
Director

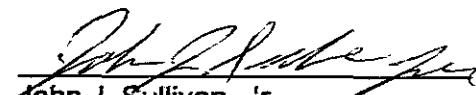
AJ:DTR:dak

c: Bruce Seeley
Joyce Watson
File

RIB-EYE GRILLE
1st Amended Development Plan
Previously Red Hot and Blue Restaurant
IV-261

B-9 Plan - DRC #01268K
Revised Zoning Comments
Plan Date: 2-27-98
Comments Date: 3-11-98
Comments Typed: 3-11-98

1. Add what was granted or denied, plus list any restrictions of zoning case #98-286-A.
2. A few building dimensions and the front setback are illegible.
3. Add entrance width and show traffic channelization, i.e., , throughout the site.
4. Add note, Features: Location of streams, storm water management systems, drainage, and pipe systems on or within 50 feet of the property and the 100-year floodplain, if any. If not in the floodplain, note this on the plan.
5. Correct general note #17 to read "** See Variance note #28 (not #12)".
6. Contact Avery Harden, Developers Engineering Section, at 410-887-3751 for landscape requirements.
7. Entrances on state roads are subject to approval of State Highway Administration (Larry Gredlein, Bureau of Access Permits, 410-545-5600).
8. Add note, Handicapped: Parking spaces shall be provided in accordance with the Maryland Building code for the Handicapped, contained in the Code of Maryland Regulations, 05.02.02.
9. On building permit site plan, have all information (building and lot/general notes) on one sheet.


John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:rye

(fka ZADM)

DATE: 2/27/98

887-3335

TO: // DPR

// PDM

// SCD

// PO

// DEPRM

C. RICHARDS

TO: JTS
1st Am. Comm.
Dev. PlanFR: gnw (Please initial.)Re: Project Name: R.B. FIVE BRILL // Project Not ManagedProject Manager: -PDM No. IT 261Type of Plan: REF/DEV. PLAN

// Preliminary // Final // Signature

Team Leader: -Engineer: C, M, RPhone # 653-2838

PHASE II ROUTING SLIP: (Manager required)

Scheduled submission date: (see Project Chart) -Scheduled completion date: (see Project Chart) -

// Approved

// Approved with comments

✓ // Returned for revision

// Disapproved

ACTION TAKEN

BY REVIEWER

Zoning Review

Agency

R. L. Leger
Reviewer's Name

Date

3-11-98

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

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

B _____
Permit Number

98-276-A

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

RE: Undersized Lots

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

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ JONATHAN SCOTT DALLAS P.O. BOX 26 BALDWIN MD. 21013 410 817-4600
Print Name of Applicant Address Telephone Number

☐ Lot Address (47228)? HUGHES AVE. Election District 15 Council District 7 Square Feet 10,000
Lot Location N E S W (side) corner of HUGHES AVENUE, 250' feet from N E S W corner of MURRAY AVENUE
(street) (street)

Land Owner ROBERT CORDELLSMITH & WIFE Tax Account Number 15-1519511712

Address 410 LIBBY EICHELDORFER Telephone Number 410-288-1700
1205 MERRITT BLVD.
BALT. MD.

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

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

Residential Processing Fee Paid
Codes 030 & 080 (\$25)
Accepted by CAM
ZADM
Date 23 JAN 98
See 98-276-A

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

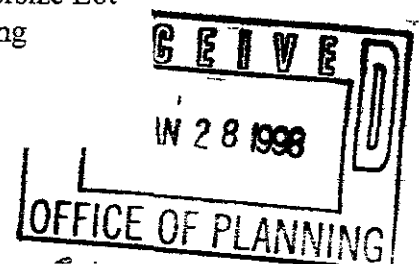
RECOMMENDATIONS/COMMENTS:

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

Staff recommends approval of the subject property contingent on the approval of the variance request. The Applicant did not submit building elevation with his Undersize Lot package. Elevations should be submitted to the Office of Planning before building permits are issued.

Signed by: Ervin McDaniel
for the Director, Office of Planning & Community Conservation

Date: 8/17/98



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

The application for your proposed Building Permit Application has been accepted
for filing by _____ on _____ Date (A)

A sign indicating the proposed Building must be posted on the property for
fifteen (15) days before a decision can be rendered. The cost of filing is
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,
a decision can be expected within approximately four weeks. However, if a valid
demand is received by the closing date, then the decision shall only be rendered
after the required public special hearing.

*SUGGESTED POSTING DATE _____ D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED-YES _____ NO _____-DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

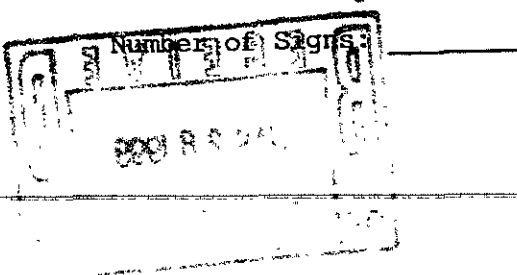
*Usually within 15 days of filing

CERTIFICATE OF POSTING

District _____

Location of property: _____

Posted by: _____ Date of Posting: _____
Signature



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert & Carol Smith Sr.

7224 Hughes Ave. Balto. Md 21214

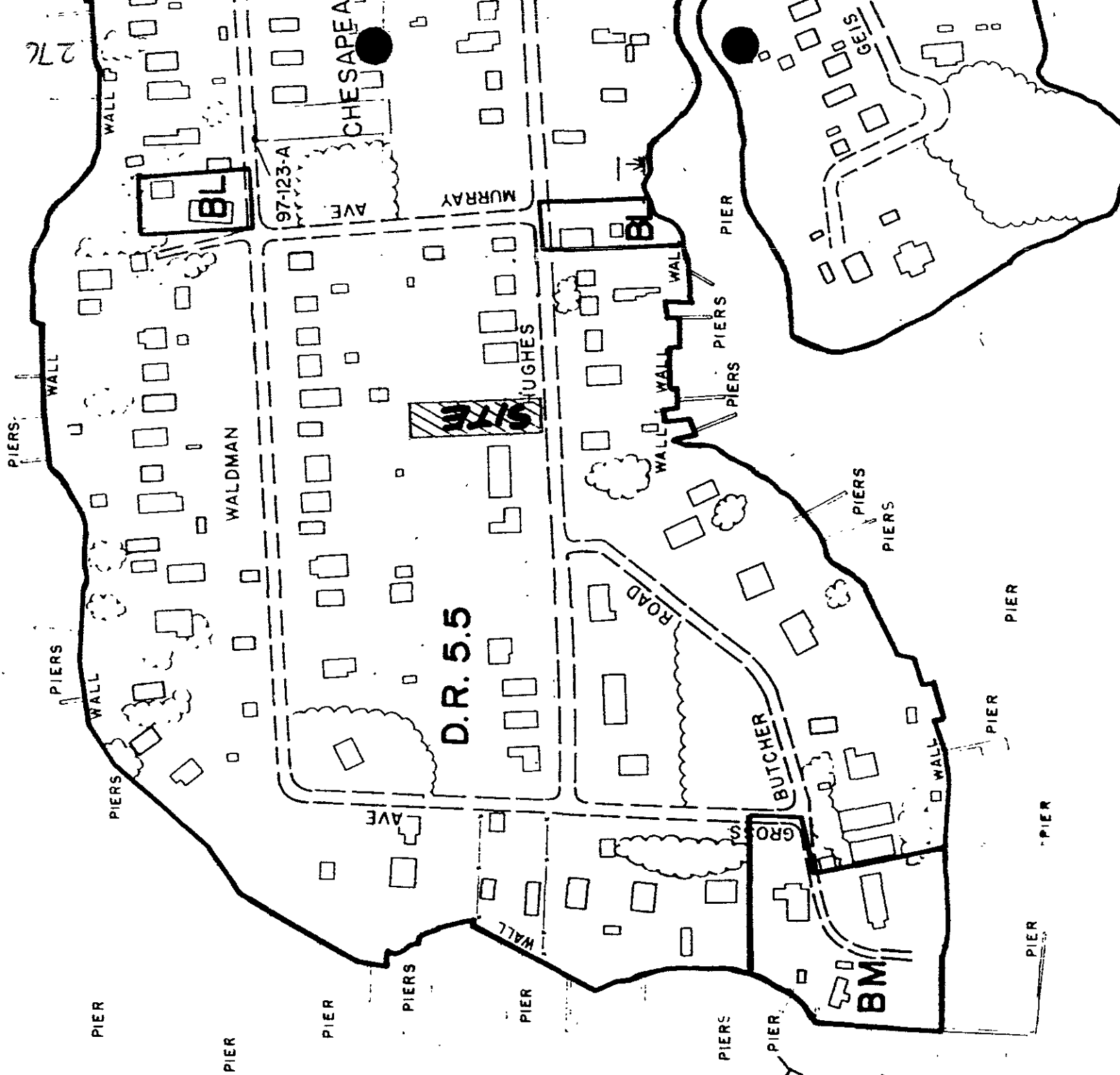
J. Scott Dallas

P.O. Box 26 Baldwin Md. 21013



98-276-A

SMITH PROPERTY
LOT 162
PART OF O.P.Z. SE 7-4
1" = 200' ±



VIC MAP 1"=2000'

REQUEST VARIANCE FROM SEC.
1802.3.C.1 TO ALLOW A LOT
WIDTH OF 50 FEET IN LIEU OF
THE REQUIRED MINIMUM
55 FEET.

WALDMAN AV.
HUGHES
AV.
MURRAY
AV.
SITE

20' ALLEY (PLAT)

IRON PIPE
FND

(60)

(61)

(62)

(63)

SITE

SMITH
9321-112

19,000
SF

NEECE
6896-255

EX. DWG.
#7224

PROPOSED
APPROX.
ENVELOPE

EX. DWG.
#7230

EX. EDGE
PAVING

HUGHES AVENUE (30' WIDE)

262.5'± TO THE E
OF MURRAY AVENUE

TAX ACCT. # 15-1519511712

EX. ZONING D.R. 5.5

C.B.C.A MAP III L.D.A.

P.I.R. M. NO 240010 0555B

ZONE B & C

PUBLIC WATER & SEWER

COUNC. DIST. 7

ELEC DIST. 15

CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE

AWAY FROM FOUNDATION AT ALL TIMES.

DEED REF: 8659-117

LOT 162

CHESAPEAKE TERR. (5-36/37)

SEC. B

ROBERT & CAROL SMITH

7224 HUGHES AVE.

BALT. MD. 21219

(OWNERS)

TO ACCOMPANY PETITION
FOR ZONING VARIANCE

SITE PLAN

SMITH PROPERTY LOT 162

J.S. DALLAS, INC.

Surveying & Engineering

13523 Long Green Pike

Baldwin, MD. 21013

(410) 817-4600

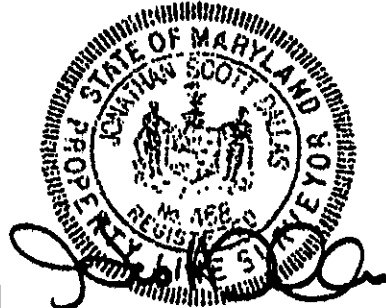
Date: 1-19-98

Scale: 1"=30'

Job Number: 97-750

Drawn By: JSD

Checked By: JSD



98-276-A

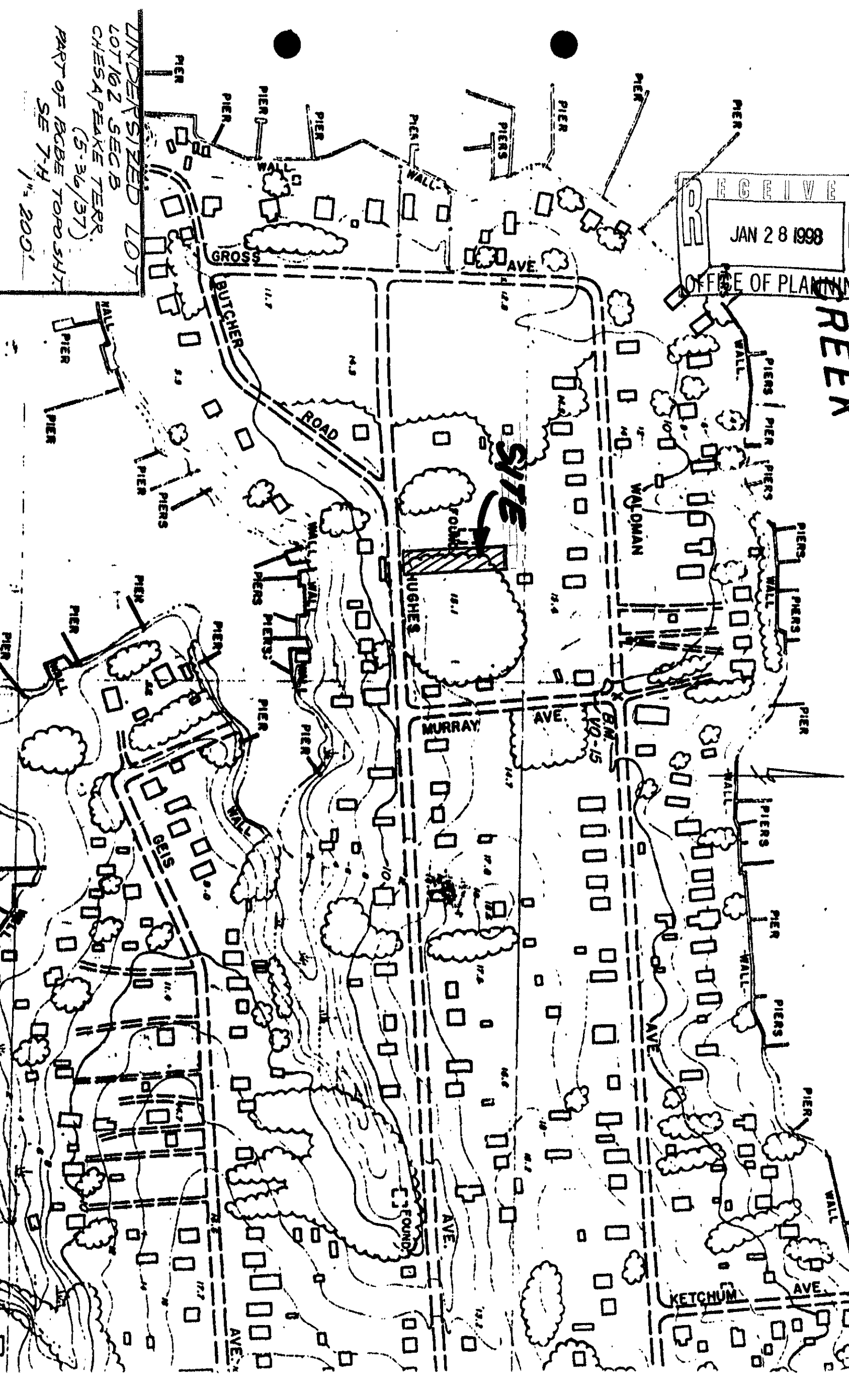
FORM #JSD155

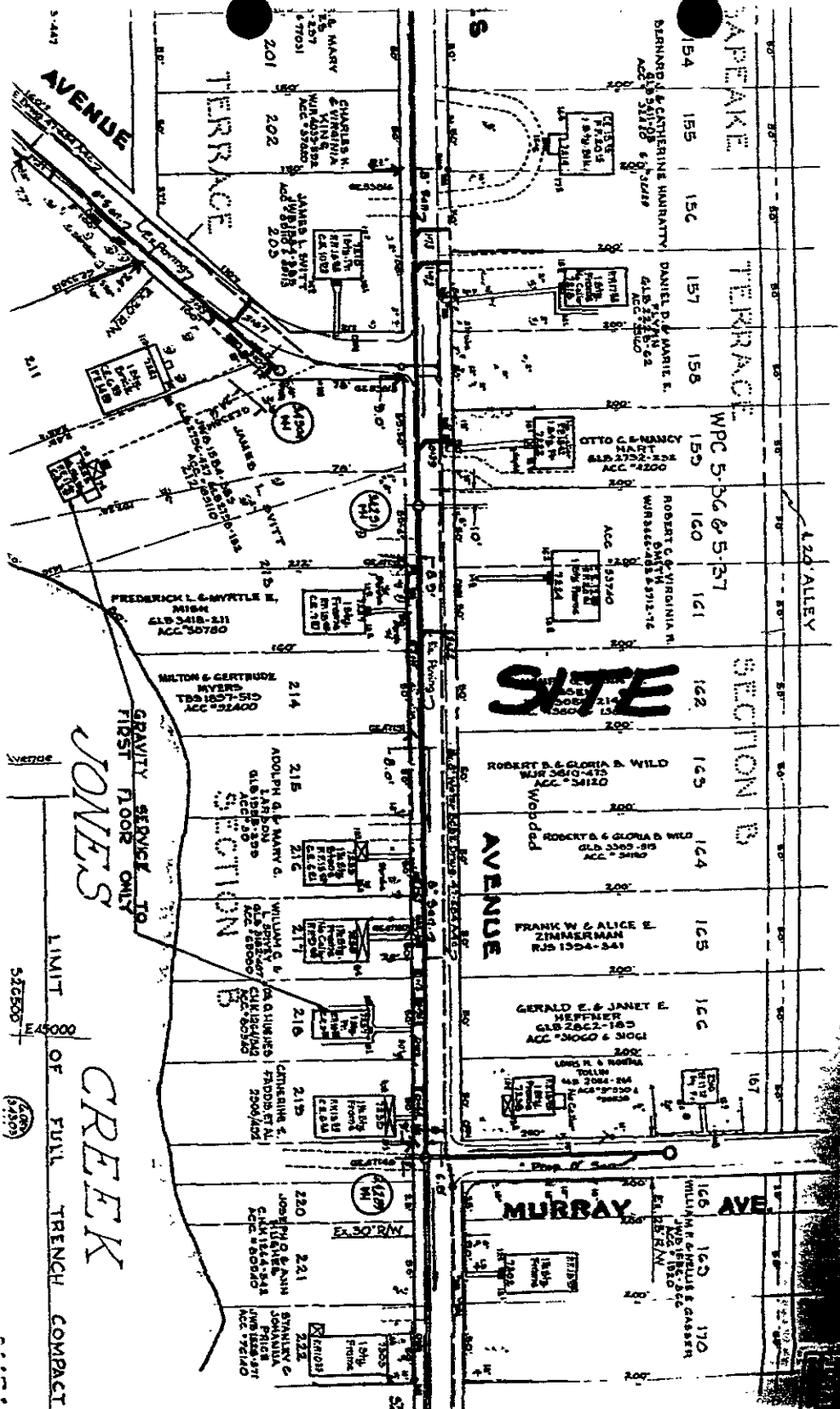
276

Designed & Printed by PARAGON Design & Drafting

RECEIVED
JAN 28 1998
OFFICE OF PLANNING

GREEN

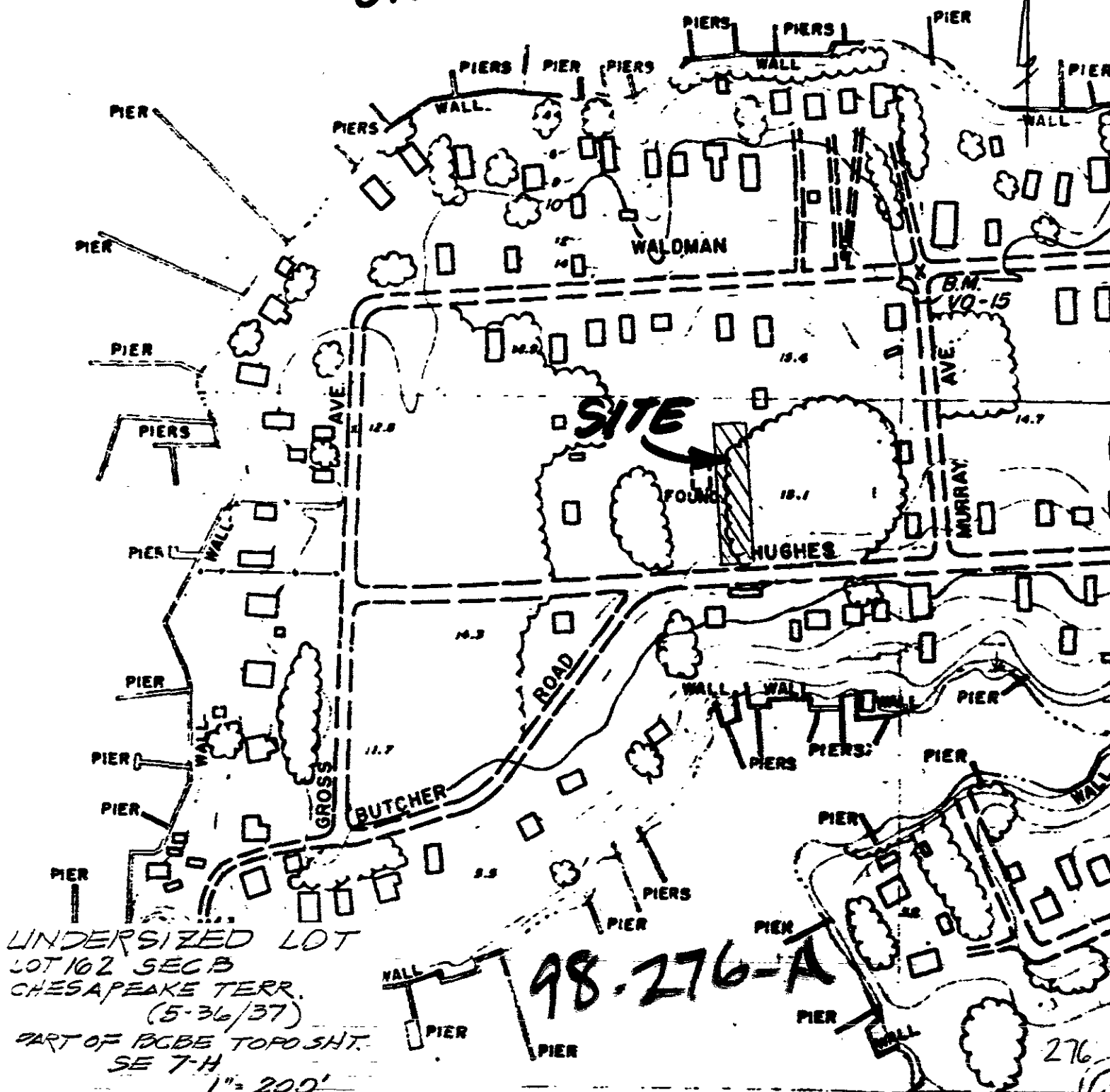




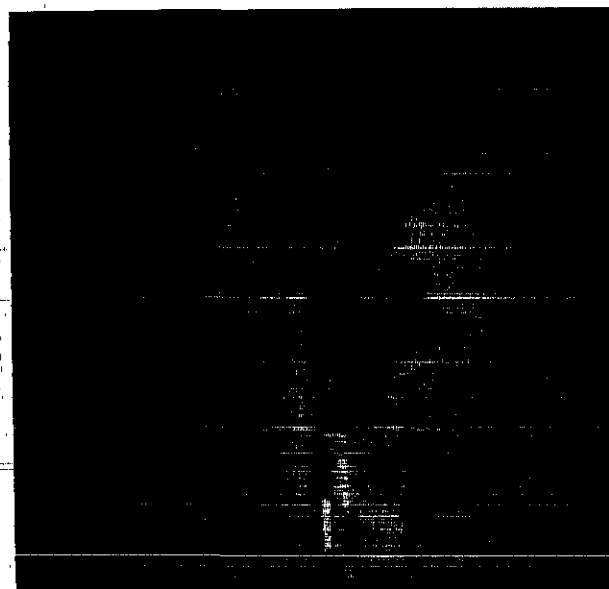
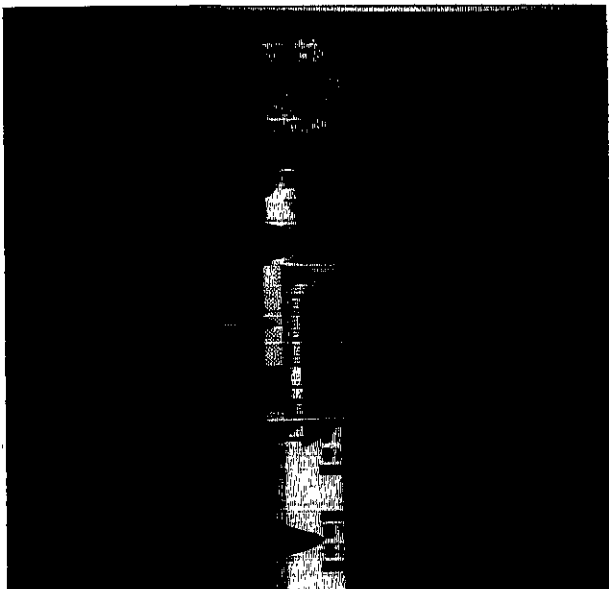
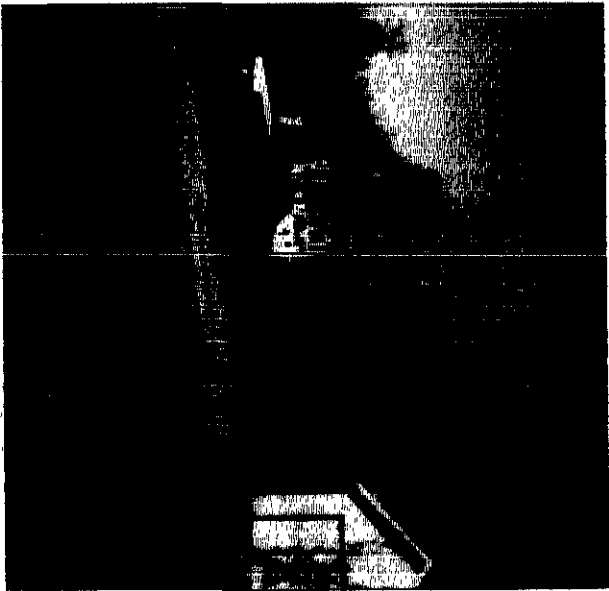
98.276-A

PORTION OF BCBE 64-828
 REDUCED TO 1"=100'
 SMITH PROPERTY. LOT 162

CREEK



UNDERSIZED LOT
LOT 162 SEC. B
CHESAPEAKE TRAR.
PHOTOS 2 OF 2

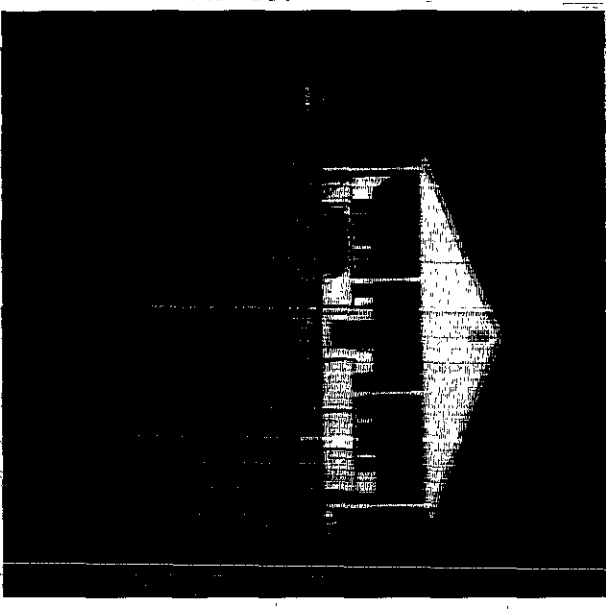
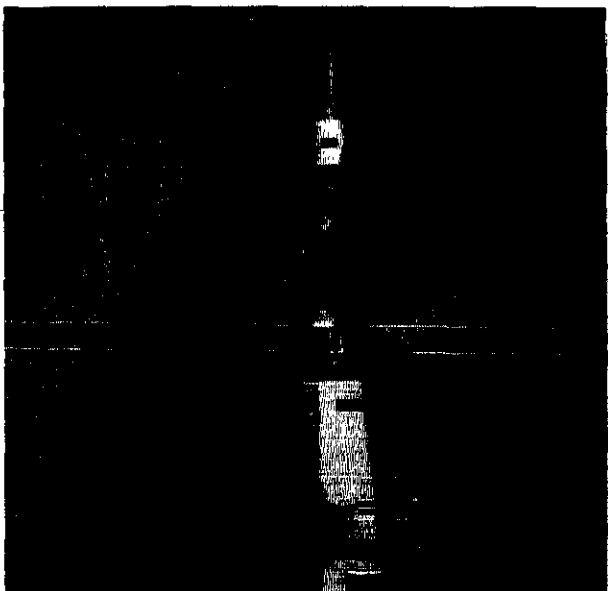
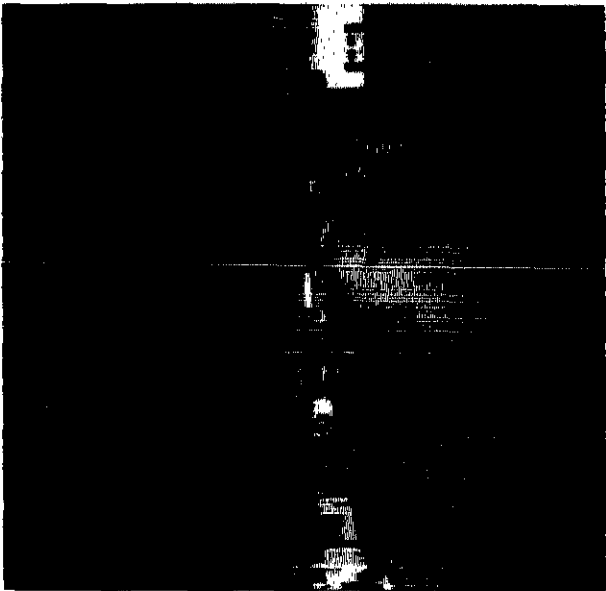


7222

7224

SITE

UNDERSIZED LOT
LOT 162 SEC. B
CHESAPEAKE TERR.
PHOTOS 1 OF 2



SITE

7230