

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE – N/S Tennessee Avenue,		
157.6' E of Annapolis Road	*	ZONING COMMISSIONER
(2802 Tennessee Avenue)		
13 th Election District	*	OF BALTIMORE COUNTY
1 st Council District		
	*	Case No. 00-422-SPHA
James C. Hurley, Jr., et ux		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, James C. Hurley, Jr., and his wife, Linda L. Hurley. The Petitioners request a special hearing to approve the subject property as an undersized lot and a determination that density will not be increased by virtue of the proposed development. In addition to the special hearing, the Petitioners request variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 1B02.3.C.1, 307 and 304 to permit a minimum width of individual side yard setback of 7 feet in lieu of the required 10 feet, a minimum lot width of 40 feet in lieu of the required 55 feet, and a lot area of 5,000 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 into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Linda L. Hurley, property owner, and Herbert C. Malmud, the Registered Land Surveyor who prepared the site plan for this property. There were no Protestants or other interested persons present.

The subject property under consideration is comprised of two lots, namely, Lots 48 and 49 of the residential subdivision known as Rosemont. This subdivision is an older community which was originally recorded in the Land Records of Baltimore County on February 2, 1924, well prior to the adoption of any zoning regulations in Baltimore County. As is common with older

ORDER RECEIVED FOR FILING
Date 6/9/00
By [Signature]

subdivisions, the individual lots platted were all 20 feet wide. Combined Lots 48 and 49 contain a width of 40 feet and a depth of 125 feet, for a total lot area of 5,000 sq.ft. The property is zoned D.R. 5.5. Ms. Hurley testified that Lots 48 and 49 and the four adjacent lots (Lots 44 thru 47) were originally owned by her father-in-law, James C. Hurley, Sr. Together, the six lots maintain a width of 120 feet and a depth of 125 feet. The elder Mr. Hurley passed away in January of this year, and the property was acquired by Mrs. Hurley and her husband, James C. Hurley, Jr.

As shown on the site plan, a one and one-half story stucco dwelling, known as 2804 Tennessee Avenue, occupies parts of Lots 46 and 47. The Petitioners come before me seeking approval to subdivide the property to create two separate parcels. Under their proposal, the existing house and yard area for same would occupy one parcel comprised of Lots 44 through 47. The second parcel to be created would be comprised of Lots 48 and 49. Testimony indicated that the Petitioners are currently residing on the property in the existing dwelling; however, wish to construct a new, modular home, to be known as 2802 Tennessee Avenue, on the newly created parcel. The special hearing and variance requests are as a result of these plans. At the hearing, however, Mrs. Hurley testified that their plans had recently changed. Apparently, as the result of a fire that occurred approximately two weeks ago, the upper floor of the dwelling at 2804 Tennessee Avenue was significantly damaged.

Based upon the testimony and evidence presented, and comments offered by this Zoning Commissioner at the hearing, the Petitioners now seek a modification of the relief requested. In my judgment, the Petitioners should be permitted, and are encouraged, to subdivide the six lots into two parcels, each of which would contain three lots of record. One parcel would encompass Lots 47, 48 and 49, and the second parcel, Lots 44, 45 and 46. Under such a scenario, the senior Mr. Hurley's holdings would yield two building lots, both of which would be properly sized and of sufficient width. Mrs. Hurley indicated at the hearing that such a subdivision and resulting creation of two building lots was agreeable and represented an appropriate resolution. She further indicated that the existing one and one-half story dwelling would not be repaired, but would eventually be razed. However, as noted above, she and her husband are residing in the

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Date

By

dwelling at this time. Therefore, Mrs. Hurley requested approval to permit delivery and construction of the modular home to be known as 2802 Tennessee Avenue. Upon completion of this dwelling, the Petitioners would move into the new home, and thereafter, raze the damaged dwelling. The Hurleys have no plans at this time to construct a second dwelling on their land; however, may do so at a later date.

Based upon the testimony and evidence presented, I am persuaded to grant special hearing and variance relief as is necessary to enable the Petitioners to proceed with their plans. Although delivery of the modular home may create an unusual scheduling, relief is hereby granted to allow construction of the proposed modular home so that its side wall immediately abuts the property line between Lots 47 and 48. Placement of the dwelling at that location will essentially center the house on the new parcel containing Lots 47, 48 and 49. Technically, variance relief is necessary to permit the new modular dwelling to be located in that fashion. However, within six (6) months of their occupancy of the modular home, the Petitioners shall raze the existing one and one-half story stucco dwelling and record a new deed in the Land Records of Baltimore County subdividing the six lots in question into two parcels as described above. Thus, one parcel will consist of Lots 47, 48 and 49 and contain the new modular home, which will meet the required setbacks, and the second parcel will encompass Lots 44, 45 and 46 and be unimproved. If in the future, the Petitioners wish to develop the unimproved second parcel, they may do so for so long as they are in compliance with the zoning regulations in terms of setbacks, etc. As noted above, subdivision of the property as set forth above will result in each parcel containing sufficient site area and width to accommodate a dwelling under the D.R. 5.5 regulations.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, modified relief as set forth above, shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of June, 2000, that Special Hearing and Variance relief, as necessary, are hereby

ORDER RECEIVED FOR FILING
Date 6/9/00
By [Signature]

GRANTED, to allow the construction of a modular home on Lots 47, 48 and 49, with its side wall abutting the property line between Lots 47 and 48, subject to the following terms and conditions:

- 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.
- 2) Prior to the issuance of any building permits, the Petitioners shall submit building elevation drawings for the proposed dwelling to the Office of Planning for review and approval to insure that the proposed dwelling is compatible with the character of the surrounding neighborhood.
- 3) The Petitioners shall subdivide the six lots, identified herein as Lots 44, 45, 46, 47, 48 and 49, to create two new parcels. One parcel shall contain Lots 44, 45 and 46 and the original dwelling known as 2804 Tennessee Avenue. The second parcel shall contain Lots 47, 48 and 49, and will be improved with a new single family modular dwelling.
- 4) Upon completion of the modular dwelling and the issuance of a use and occupancy permit therefor, the Petitioners shall raze the one and one-half story stucco dwelling, known as 2804 Tennessee Avenue. The Petitioners may redevelop the second parcel, so long as the new dwelling is in compliance with the zoning regulations in terms of setbacks, etc.
- 5) Within six (6) months of the date of this Order, the Petitioners shall record a new deed in the Land Records of Baltimore County, referencing this case and the terms and conditions of the relief granted. Said deed shall reflect that the subject six lots were subdivided to create two parcels, each containing three lots as described herein.
- 6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the subject property as an undersized lot and a determination that density will not be increased by virtue of the proposed development, be and is hereby DENIED; and,

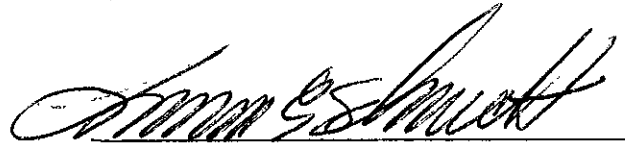
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 1B02.3.C.1, 307 and 304 to permit a minimum width of individual side yard setback of 7 feet in lieu of the required 10

ORDER RECEIVED FOR FILING

Date

By

feet, a minimum lot width of 40 feet in lieu of the required 55 feet, and a lot area of 5,000 sq.ft., in lieu of the required 6,000 sq.ft., be and is hereby DISMISSED as moot.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 6/19/00
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 8, 2000

Mr. & Mrs. James C. Hurley, Jr.
2804 Tennessee Avenue
Baltimore, Maryland 21227

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
N/S Tennessee Avenue, 157.6'E of Annapolis Road
(2802 Tennessee Avenue)
13th Election District - 1st Councilmanic District
James C. Hurley, Jr., et ux - Petitioners
Case No. 00-422-SPHA

Dear Mr. & Mrs. Hurley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special hearing and Variance, as modified, have 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Herbert Malmud
100 Church Lane, Baltimore, Md. 21208
People's Counsel; Case/File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2802 TENNESSEE AVE.
which is presently zoned DR 5.5.

This Petition shall be filed with the Department of Permits and 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

AN UNDERSIZED LOT AND TO DETERMINE THAT DENSITY WILL NOT BE INCREASED.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

JAMES C. HURLEY, JR.
Name - Type or Print _____

James C. Hurley Jr
Signature _____

LINDA L. HURLEY
Name - Type or Print _____

Linda L. Hurley
Signature _____

2804 TENNESSEE AVE 410 636 0904
Address _____ Telephone No. _____

BALTIMORE MD 21227
City _____ State _____ Zip Code _____

Representative to be Contacted:

HERBERT MALMUD
H. MALMUD & ASSOCIATES, INC.
Name _____

100 CHURCH LANE 410 693-9511
Address _____ Telephone No. _____

BALTIMORE MD 21208
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By Jcm Date 4.6.00

Case No. 00-422SPHA

ORDER RECEIVED FOR FILING
DATE 4/6/00 BY [signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2802 TENNESSEE AVE

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and 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) 307, 304 AND

f.29 ~~TO ASK FOR A VARIANCE OF FROM 1802.3 (C)(1) TO ALLOW A SET BACK OF 2'~~
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD ~~OF 7 FEET~~ IN LIEU OF THE REQUIRED
SIDE YARD OF 10 FEET, A MINIMUM LOT WIDTH OF 40 FEET IN LIEU OF THE REQUIRED
55 FEET AND A MINIMUM LOT AREA OF 5000 SQ. FT. IN LIEU OF THE REQUIRED
6000 SQ. FT.

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

THE PETITIONERS OWN 2 LOTS IN THE ROSEMONT SUBDIVISION
WHICH WAS CONVEYED BY THEIR FATHER / FATHER IN LAW AND DESIRE
TO BUILD THE PROPOSED HOUSE FOR THEIR OWN RESIDENCE.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

JAMES C. HURLEY, JR.

Name - Type or Print

Signature

LINDA L. HURLEY

Name - Type or Print

Signature

2804 TENNESSEE AVE 410 636 0904

Address

Telephone No.

BALTIMORE MD

212 27

City

State

Zip Code

Representative to be Contacted:

HERBERT MALMUD

H. MALMUD & ASSO. INC.

Name

100 CHURCH LANE 410 653-9511

Address

Telephone No.

BALTIMORE MD

21208

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JCM Date 7.6.00

Case No. 00-422 SPHA

REV 9/15/98

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208

TELEPHONE 410 653-9511

ZONING DESCRIPTION OF
2802 TENNESSEE AVENUE
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING ON THE NORTH SIDE OF TENNESSEE AVENUE, 50 FEET WIDE AT A
DISTANCE OF 157.6 FEET EASTERLY FROM THE FROM THE NORTHEAST CORNER OF
ANNAPOLIS ROAD AND TENNESSEE AVENUE BEING LOTS 49 AND 48 BLOCK D IN THE
SUBDIVISION OF THE "REVISED PLAT OF ROSEMONT" RECORDED IN BALTIMORE COUNTY
PLAT BOOK W.PC. No 7, FOLIO 100.

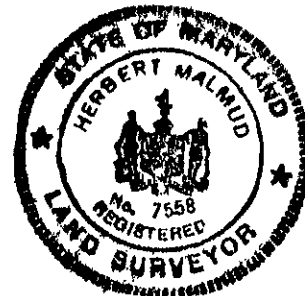
CONTAINING 5000 SQUARE FEET OF LAND OR 0.11 OF AN ACRE OF LAND, MORE OR
LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE
CONVEYANCE OF TITLE.

HERBERT MALMUD
REGISTERED LAND SURVEYOR
MARYLAND # 7558

MARCH 30, 2000

FILE: TENNESSEE AV



422

00-422-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 080490

DATE 4-1-00 ACCOUNT 2802 Tennessee Ave

AMOUNT \$ 100.00

RECEIVED FROM: J. H. H. H. H.

FOR: 100.00

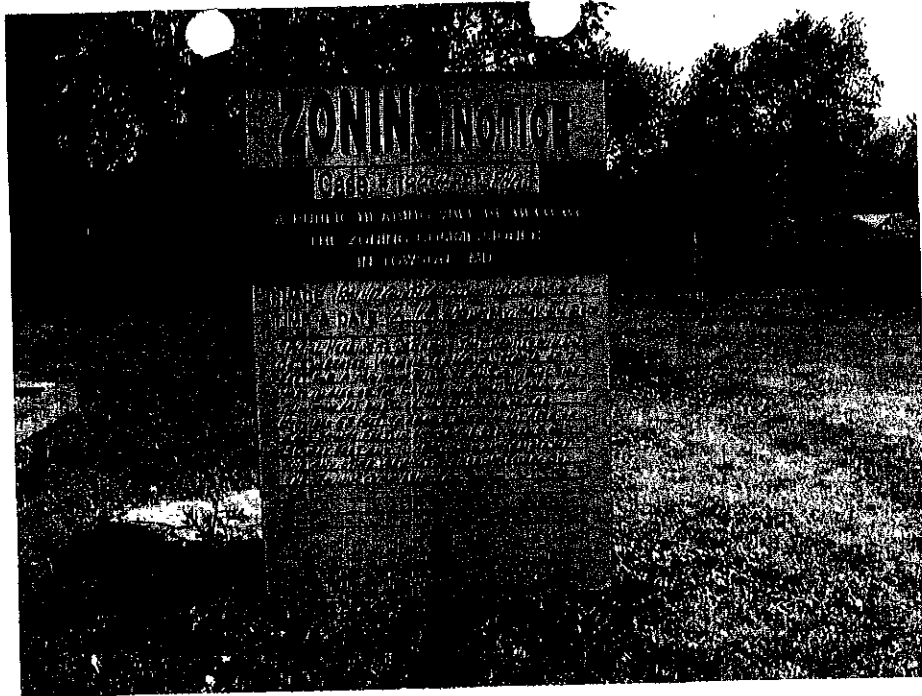
DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION



Posted at 2802 Tennessee Ave.

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: # 00-422-SPHA
2802 Tennessee Avenue
N/S Tennessee Avenue, 175' +/- from NEC
Annapolis Road and Tennessee Avenue
13th Election District - 1st Councilmanic District
Legal Owner(s): Linda L. & James C. Hurley, Jr.

Special Hearing: to determine that density will not be increased. **Variance:** to allow a setback of 7 feet for a minimum lot width of an individual side yard in lieu of the required 10 feet; to allow a minimum of lot width of 40 feet in lieu of the required 55 feet; to allow a minimum lot area of 5,000 square feet in lieu of the required 6,000 square feet; and to approve an undersized lot and any other variances deemed necessary by the zoning commissioner.

Hearing: Wednesday, May 24, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bostey Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

AT 5/6/32 May 9 0389702

CERTIFICATE OF PUBLICATION

TOWSON, MD, 5/11, 2000

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 5/9, 2000.

J. *Wilkinson*
THE JEFFERSONIAN,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

**RE: CASE # 00-422-SPHA
PETITIONER/DEVELOPER
(James C. Hurley, Jr.)
DATE OF Hearing
(5-24-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

2802 Tennessee Ave. Baltimore, Maryland 21227_____

THE SIGN(S) WERE POSTED ON_____ 5-8-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____**THOMAS P. OGLE SR.**_____

_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____

(TELEPHONE NUMBER)

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE

2802 Tennessee Avenue, N/S Tennessee Ave, 175' +/-
from the NE cor Annapolis Rd & Tennessee Ave
13th Election District, 1st Councilmanic

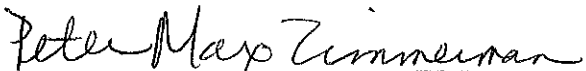
Legal Owner: James C. & Linda L. Hurley, Jr.
Petitioner(s)

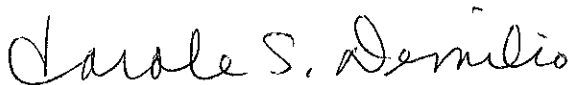
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-422-SPHA

* * * * *

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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 2000 a copy of the foregoing Entry of Appearance was mailed to Herbert Malmud, H. Malmud & Associates, Inc., 100 Church Lane, Baltimore, MD 21208, representative for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

April 27, 2000

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: 00-422-SPHA

2802 Tennessee Avenue

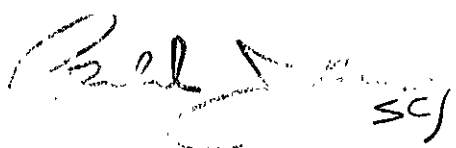
N/S Tennessee Avenue, 175' +/- from NEC Annapolis Road and Tennessee Avenue

13th Election District – 1st Councilmanic District

Legal Owner: Linda L. & James C. Hurley, Jr.

Special Hearing to determine that density will not be increased.. Variance to allow a setback of 7 feet for a minimum width of an individual side yard in lieu of the required 10 feet; to allow a minimum lot width of 40 feet in lieu of the required 55 feet; to allow a minimum lot area of 5,000 square feet in lieu of the required 6,000 square feet; and to approve an undersized lot and any other variances deemed necessary by the zoning commissioner.

HEARING: Wednesday, May 24, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue


Arnold Jablon
Director

C: Linda & James Hurley, Jr., 2804 Tennessee Avenue, Baltimore 21227
H. Malmud & Associates, Inc., 100 Church Lane, Baltimore 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 9, 2000.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 9, 2000 Issue – Jeffersonian

Please forward billing to:

James Hurley 410-636-0904
2804 Tennessee Avenue
Baltimore, MD 21227

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: 00-422-SPHA

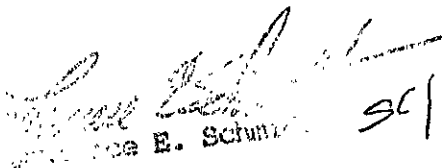
2802 Tennessee Avenue

N/S Tennessee Avenue, 175' +/- from NEC Annapolis Road and Tennessee Avenue
13th Election District – 1st Councilmanic District

Legal Owner: Linda L. & James C. Hurley, Jr.

Special Hearing to determine that density will not be increased. Variance to allow a setback of 7 feet for a minimum width of an individual side yard in lieu of the required 10 feet; to allow a minimum lot width of 40 feet in lieu of the required 55 feet; to allow a minimum lot area of 5,000 square feet in lieu of the required 6,000 square feet; and to approve an undersized lot and any other variances deemed necessary by the zoning commissioner.

HEARING: Wednesday, May 24, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 422

Petitioner: JAMES HURLEY

Address or Location: 2802 TENNESSEE Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES HURLEY

Address: 2804 TENNESSEE Ave.

BALD. MD. 21227

Telephone Number: (410) 636-0904

Revised 2/20/98 - SCJ

00-422-SPHA



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 19, 2000

Mr. Herbert Malmud
H. Malmud & Associates, Inc.
100 Church Lane
Baltimore MD 21208

Dear Mr. Malmud:

RE: Case Number 00-422-SPH , 2802 Tennessee Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 6, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





Baltimore County
Fire Department

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

April 18, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF **APRIL 17, 2000**

Item No.: See Below

Dear Ms. Stephens:

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:

411, 412, 413, 414, 417, 418, 419, 420, 422, 425, 426, and 427

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: May 12, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of April 17, 2000

RECEIVED MAY 24 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
411	23 Mansez Drive
412	7046 Eastern Avenue
413	1633 Freeland Road
414	528 Church Road
415	3607 East Joppa Road
417	8204 Rider Avenue
419	12 Hunter Horn Court
420	13411 Fork Road
421	East Joppa Road
422	2802 Tennessee Avenue
424	8511 Liberty Road
425	8551 Philadelphia Road
426	419 Samantha Court
427	9011 Moonstone Road

5/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 21, 2000

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

APR 20

SUBJECT: 2802 Tennessee Avenue

INFORMATION:

Item Number: 422

Petitioner: James C. Huley

Zoning: DR5.5

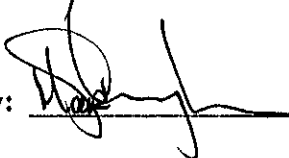
Requested Action: Special Hearing/Variance

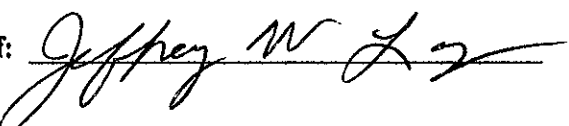
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that in order for a variance to be granted, the petitioner must demonstrate that there is a hardship or practical difficulty in meeting the current height and area requirements for the DR 5.5 zoning district. The petitioner must further demonstrate that the site in question meets the requirements of Section 304.1 of the Baltimore County Zoning Regulations.

It should be noted that per the Maryland State Assessment records, the petitioner is the owner of lots 44 through 49 of the Plat of Rosemont. The proposed site under review contains lots 48 and 49.

If the variance and special hearing is granted, revised architectural drawings should be submitted to the Office of Planning for review and approval prior to the issuance of any building permits. The elevation facing Tennessee Avenue should be designed to clearly indicate that it is the designated front of the proposed dwelling. Door treatments and a porch detail or vestibule should be added to the front of said dwelling and should be compatible with the existing architecture in the neighborhood.

Prepared by: 

Section Chief: 

AFK: MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.17.00

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

RE: Baltimore County
Item No. 422 JCM

Dear Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1~ Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. _____

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

RE: Undersized Lots

Residential Processing Fee Paid
(\$50.00)

Accepted by JCM
Date 4.6.00

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 and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

MR & MRS JAMES C. HURLEY, JR 2804 TENNESSEE AVE BALTIMORE, MD. 21227 410 636-0904
Print Name of Applicant Address Telephone Number

Lot Address 2802 TENNESSEE AVENUE Election District 13 Councilmanic District 1 Square Feet 5000

Lot Location: (NE S W) side/corner of TENNESSEE AVE, 157.6 feet from (NE S W) corner of ANNAPOLIS RD
(street) (street)

Land Owner: SAME AS APPLICANT Tax Account Number 23 0000 7313

Address: _____ Telephone Number () _____

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<u>✓</u>	<u> </u>
2. Permit Application	<u> </u>	<u>✓</u>
3. Site Plan Property (3 copies)	<u>✓</u>	<u> </u>
Topo Map (2 copies): available in Room 208, County Office Building - (please label site clearly)	<u>✓</u>	<u> </u>
4. Building Elevation Drawings	<u> </u>	<u>✓</u>
5. Photographs (please label all photos clearly) Adjoining Buildings	<u>✓</u>	<u> </u>
Surrounding Neighborhood	<u>✓</u>	<u> </u>
6. Current Zoning Classification: <u>DRS-5</u>		

FIELD RUN
CONTOURS.

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

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

SEE 00-422 SPHA

Signed by: _____
for the Director, Office of Planning and Community Conservation

Date: _____

Revised 2/25/99

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

00-422-SPHA

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by _____ on _____ Date _____ (A)
(name of planner)

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. This fee is subject to change. Confirm all current fees prior to filing the application.

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: _____ Signature _____ Date of Posting: _____

Number of Signs: _____

Revised 2/25/99

AA92-554.00

To the Zoning Commissioner for Baltimore County
Office of Planning
Towson, Maryland 21204

Dear Sir:

We, the undersigned, wish to express our concurrence and support for the variance and special hearing request to construct a single family home on the 40 foot by 125 foot lot (undersized lot) being requested by Mr. & Mrs. James C. Hurley, Jr.

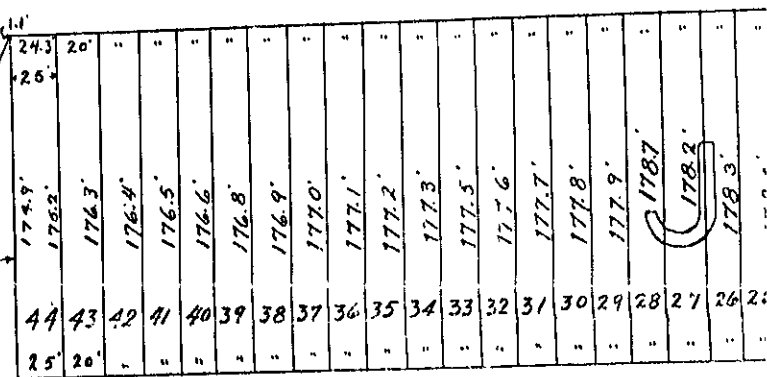
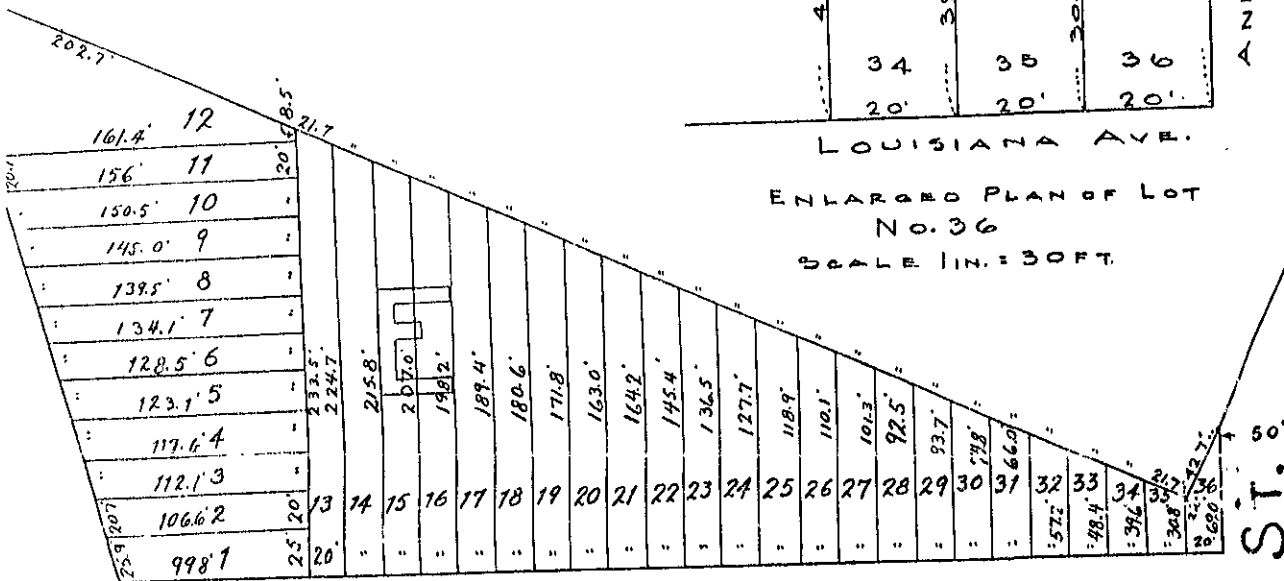
Name	Address	Date
Deborah Brenner	2808 Tennessee Ave	3/29/00
William D. Lowman Jr.	2800 Tennessee Ave	3/29/2000
Joseph E. Phillips	2810 Tennessee Ave	3/30/2000
John W. Hays	2807 TENNESSEE AV.	03-30-2000
Eugene H. Hays	2812 Tennessee Ave.	3/30/2000
Joe Calvert	2809 Tennessee Ave	3/31/2000

PED 2

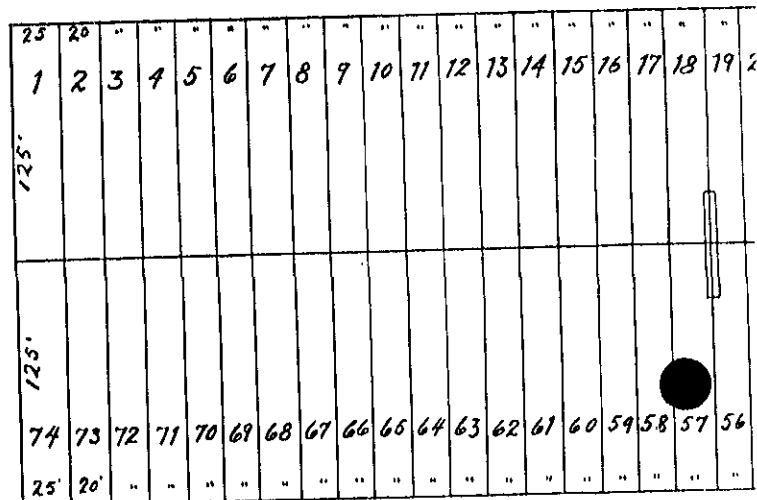
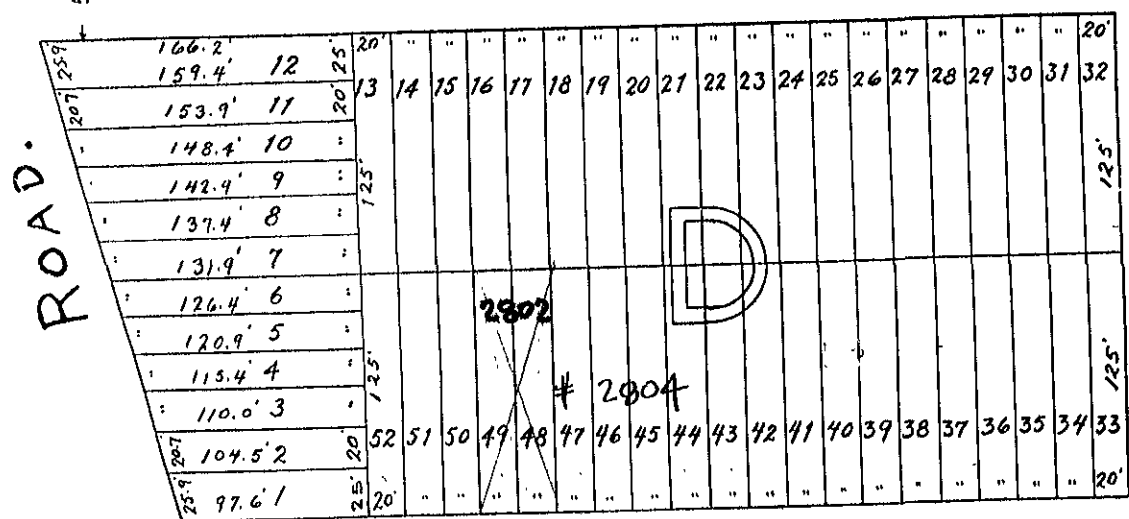
PROPERTY OF
THE REALTY IMPROVEMENT CO.

[illegible]

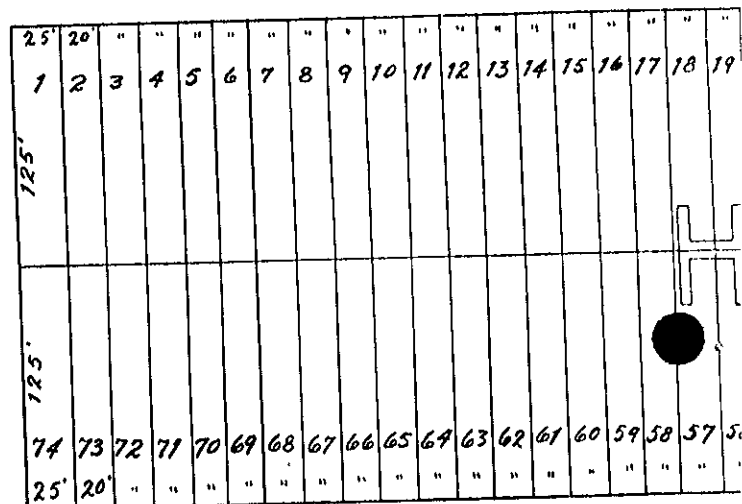
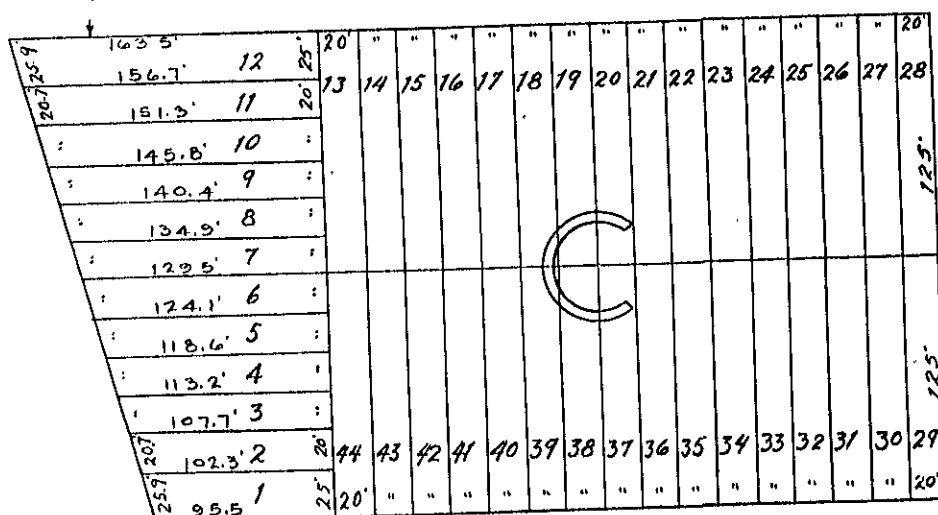
ENLARGED PLAN OF LOT
No. 36
SCALE 1 IN. = 30 FT.



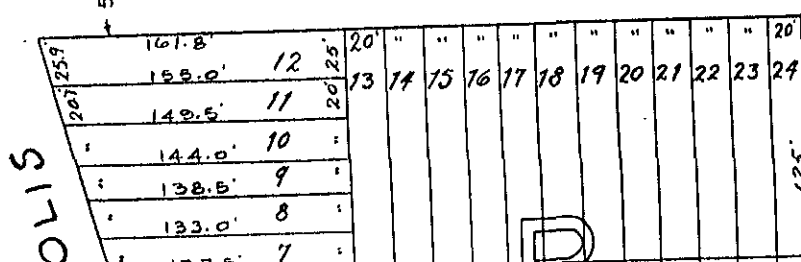
LOUISIA



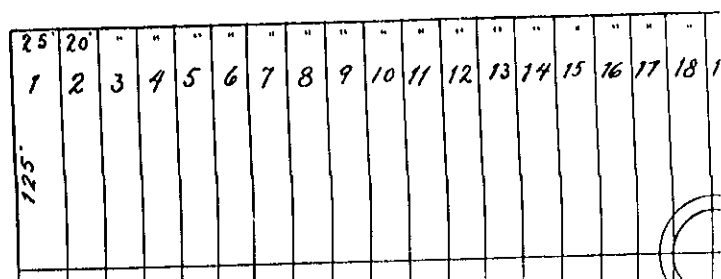
TENNESSEE

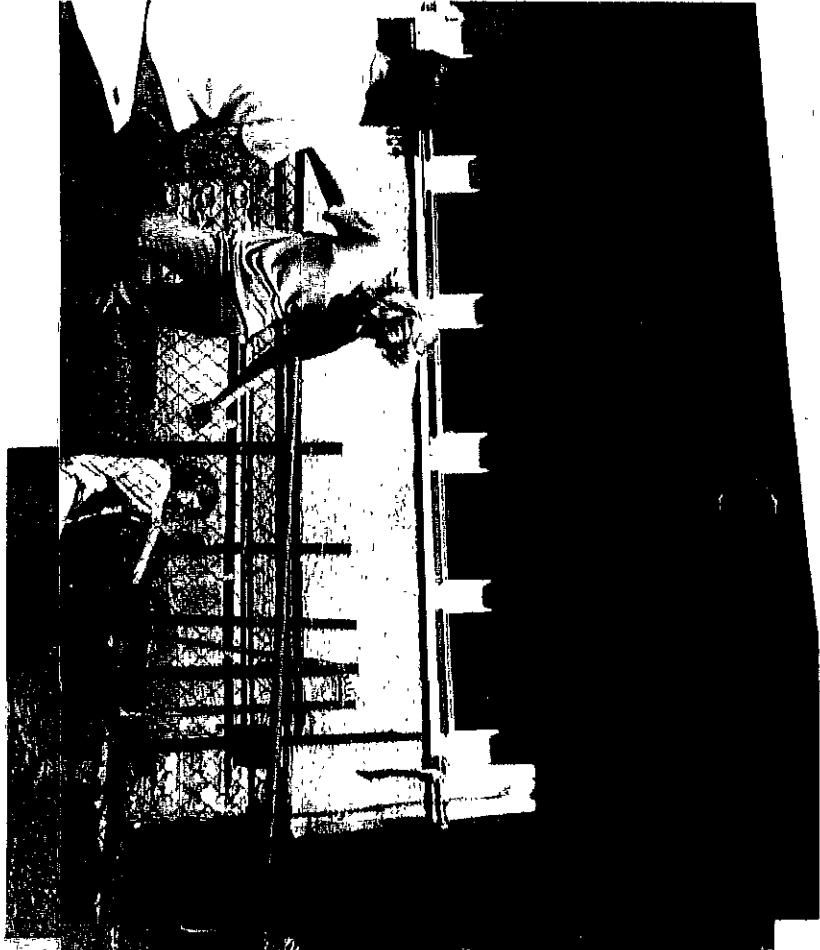


ALABA

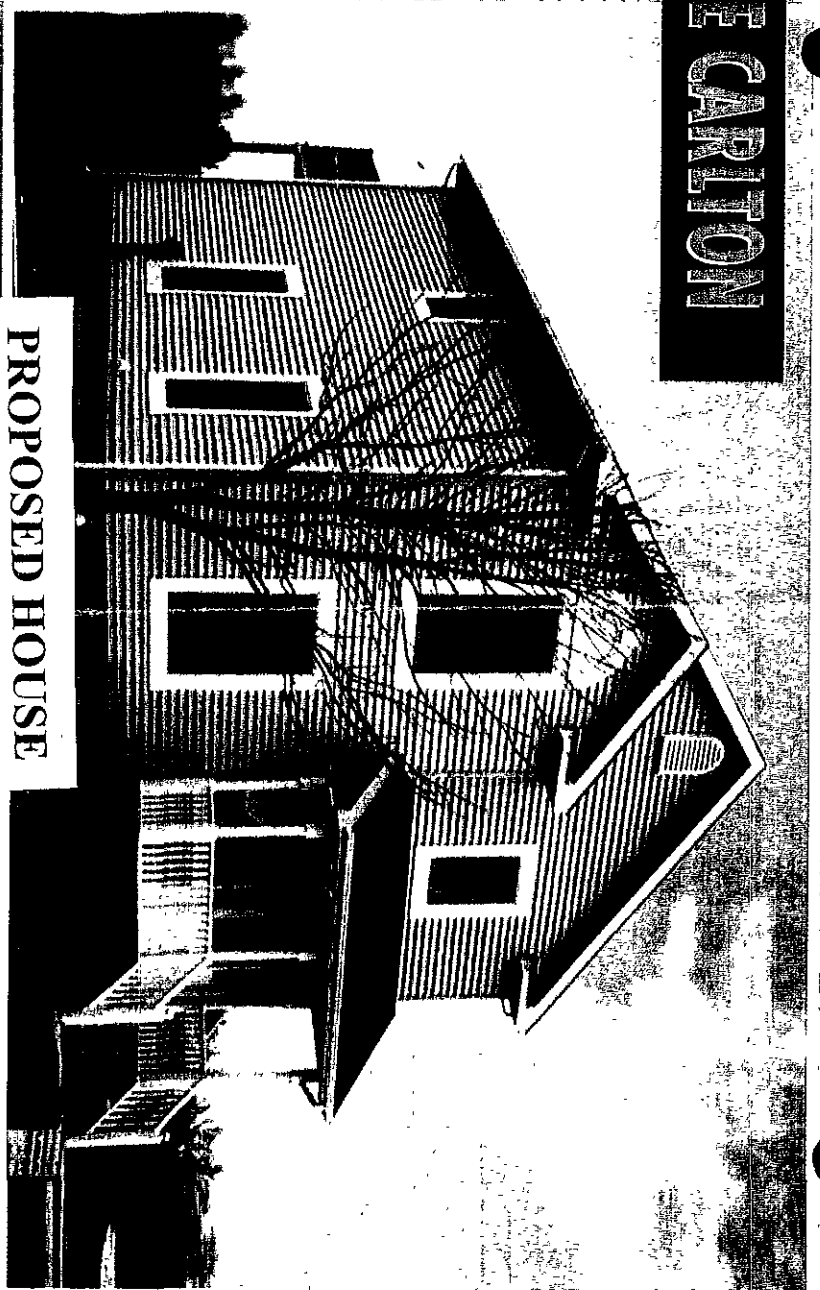


ARUNDEL

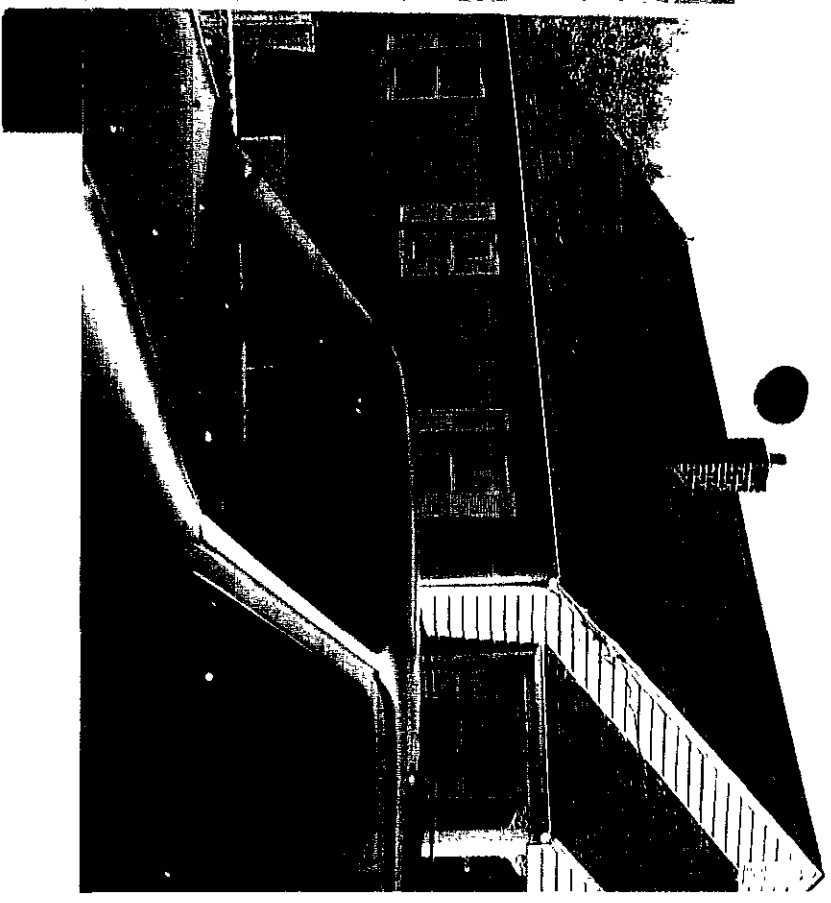




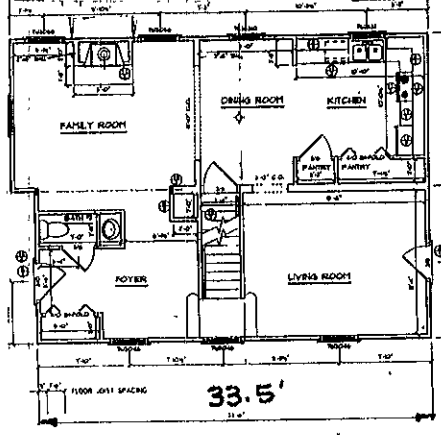
LE CARTON



PROPOSED HOUSE



SITE (front yard)



**FOOTPRINT
PROPOSED HOUSE**

**00-422-
SPHA**

**SITE PHOTOS
TO ACCOMPANY VARIANCE REQUEST FOR**

2802 TENNESSEE AVENUE

BALTIMORE HIGHLANDS

ELECTION DISTRICT NO. 13

COUNCILMANIC DISTRICT NO. 1

BALTIMORE COUNTY, MARYLAND

Date of Photos: April 30, 1997

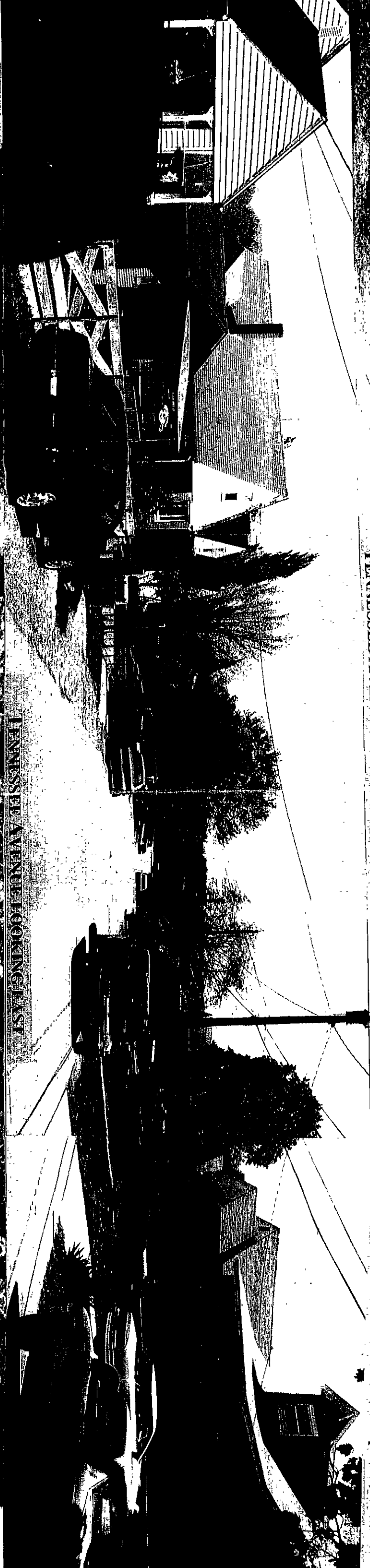
Prepared by
H. Mahmud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208
Telephone 410-653-9511

FIRST FLOOR (TWO STORY)

**SITE PHOTOS
TO ACCOMPANY VARIANCE
REQUEST FOR
2802 TENNESSEE AVENUE
BALTIMORE HIGHLANDS
ELECTION DISTRICT NO. 13
COUNCILMANIC DISTRICT NO. 1
BALTIMORE COUNTY, MARYLAND
Date of Photos: April 30, 1997**



TENNESSEE AVENUE LOOKING WEST



TENNESSEE AVENUE LOOKING EAST



SITE (rear yard)

Prepared by:
H. Mahmud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208
Telephone 410-653-9511

00-422-SP4A

OWNER/PETITIONER:
JAMES C. HURLEY, JR. & LINDA L. HURLEY
2804 TENNESSEE AVENUE, BALTIMORE, MD 21227
TELEPHONE: 410 634-9004
DEED REFERENCE: LIBEN 14258, FOLIO 459.
PLAT REFERENCE: LOTS 44 & 45, REVISED PLAT OF ROSEBOMONT,
BLOCK D, P.B. 7, FOLIO 104.
TAX MAP 109, GRID 11, PARCEL 359.
ACCT NO. 2300007313
2 EXISTING ZONING: D.R. 5.5
3 PUBLIC WATER AND SEWER SERVES THIS SITE.
4 EXISTING USE: VACANT LOT.
5 PROPOSED USE: SINGLE FAMILY RESIDENCE.
6 ZONING HISTORY: NONE.
7 THE PURPOSE OF THIS SPECIAL HEARING REQUEST IS: (a) DETERMINE THAT OVERALL DENSITY IN THE AREA WILL NOT BE INCREASED AN APPROX. SINGLE FAMILY HOME ON AN UNDERSIZE LOT; (b) THE ZONING VARIANCE REQUEST IS TO APPROVE SIDE YARD SETBACKS OF 5 FEET IN LEIU OF THE REQUIRED 10 FEET, LOT WIDTH OF 40 FEET IN LEIU OF 53 FEET AND A LOT AREA OF 5000 SQUARE FEET IN LEIU OF 6000 SQUARE FEET.
THE ELEVATIONS SHOWN ARE BASED ON BALTIMORE COUNTY BEN MARK 17362-3, ELEVATION 139.78 FEET.
THE PROPERTY SHOWN HEREBON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS RECORD AND LAW.
THE PROPERTY LINES SHOWN HEREBON ARE FROM AVAILABLE DATA NOT A BOUNDARY SURVEY. A TITLE SEARCH WAS NOT FURNISHED FOR THIS PETITION.

ANNAPOLIS

ROAD

TENNESSEE 50'R/W AVENUE

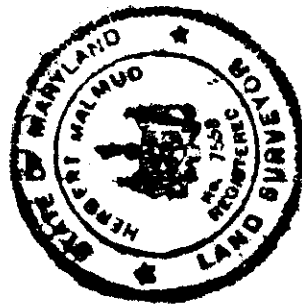
**PLAT TO ACCOMPANY A
PETITION FOR A SPECIAL HEARING
AND VARIANCE REQUEST**

**2802 TENNESSEE AVENUE
13TH ELECTION DISTRICT
COUNCILMANIC DISTRICT No. 1
BALTIMORE COUNTY, MARYLAND**

Scale: 1" = 20'

Prepared by:
H.L. Mairaud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208
Telephone 410 653-9511

00-42254A



Appendix 1

H. Mahmud & Associates, Inc.
100 Church Lane
Belmont, Maryland 21206

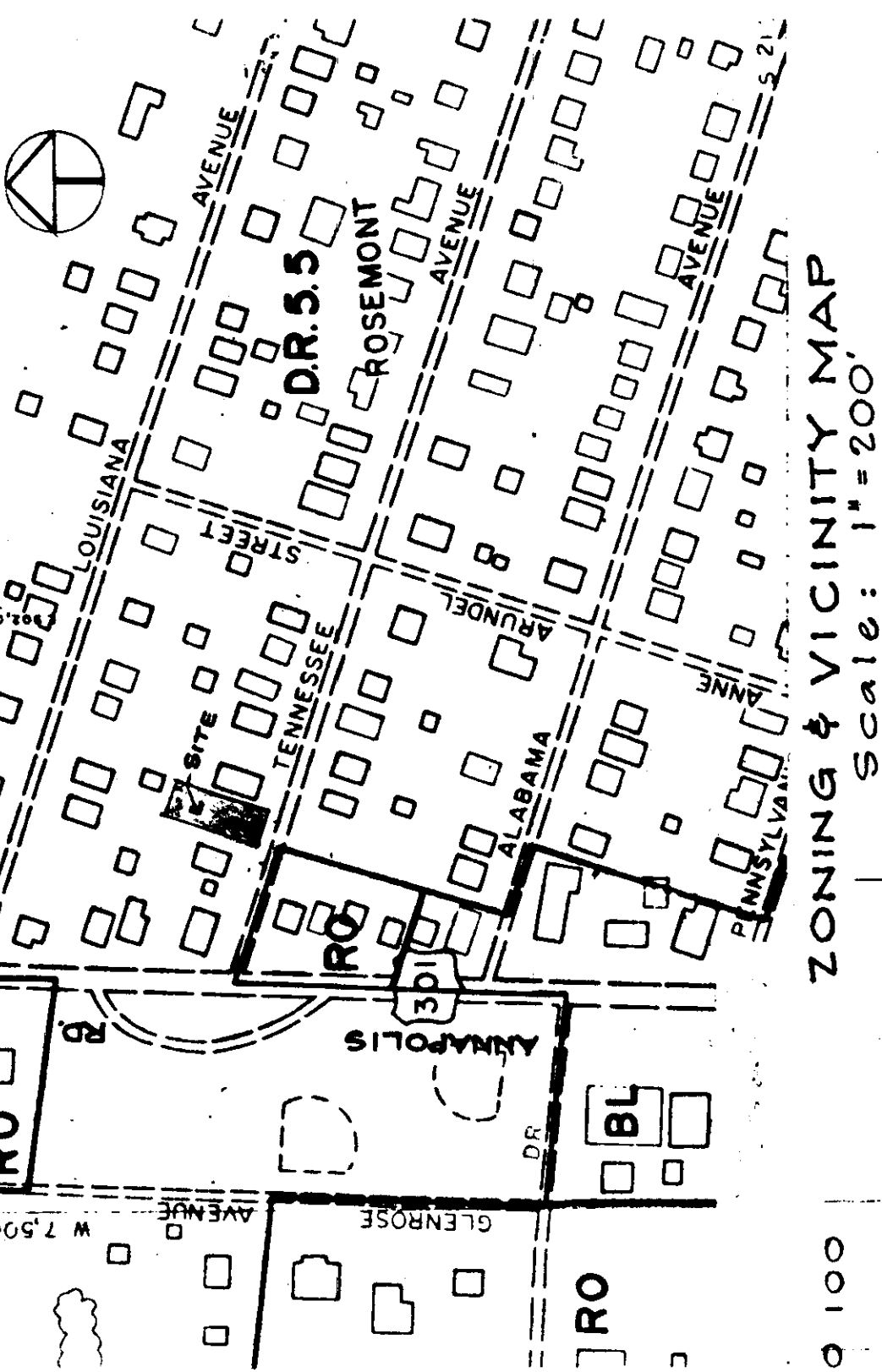
Telephone 410 653-9511

00-422-SPHA

NOTES

- OWNER/PETITIONER:
JAMES C. HURLEY, JR. & LINDA L. HURLEY
2804 TENNESSEE AVENUE, BALTIMORE, MD 21227
TELEPHONE: 410 636-9904
- DEED REFERENCE: LIBER 14258, FOLIO 459.
- PLAT REFERENCE: LOTS 48 & 49, REVISED PLAT OF ROSEMONT, BLOCK D, P.B. 7, FOLIO 100.
- TAX MAP 109, GRID 11, PARCEL 359.
- ACCT NO. 2300007313
- EXISTING ZONING: D.R. 5.5
- PUBLIC WATER AND SEWER SERVES THIS SITE.
- EXISTING USE: VACANT LOT.
- PROPOSED USE: SINGLE FAMILY RESIDENCE.
- ZONING HISTORY: NONE.
- THE PURPOSE OF THIS SPECIAL HEARING REQUEST IS: (a) DETERMINE THAT OVERALL DENSITY IN THE AREA WILL NOT BE INCREASED AND TO APPROVE A SINGLE FAMILY HOME ON AN UNDERSIZE LOT; (b) THE ZONING VARIANCE REQUEST IS TO APPROVE SIDE YARD SETBACKS OF 7 FEET IN LEU OF THE REQUIRED 18 FEET. LOT WIDTH OF 40 FEET IN LEU OF 55 FEET AND A LOT AREA OF 5000 SQUARE FEET IN LEU OF 6000 SQUARE FEET.
- THE ELEVATIONS SHOWN ARE BASED ON BALTIMORE COUNTY BENCH MARK 17382-B, ELEVATION 159.78 FEET.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.
- THE PROPERTY LINES SHOWN HEREON ARE FROM AVAILABLE DATA AND NOT A BOUNDARY SURVEY. A TITLE SEARCH WAS NOT FURNISHED FOR THIS PETITION.

REVISED



PLAT OF ROSEMONT

P.B. 7, FOLIO 100

JAMES C. HURLEY, SR.
L 14258, F 453
ACCT NO. 2300007313
47 46 45

WILLIAM DARL SR.
LINDA LEE
LOWMAN
L 8973 F. 307
ACCT NO. 13180001530

ANNAPOLIS

EXIST
1 1/2
STORY
FRAME

EXIST.
1 1/2 STORY
STUCCO
2804

EXIST.
1 1/2 STORY
STUCCO
2800

EXISTING ZONING DR 5.5
ALL RESIDENTIAL

BEGINNING
OF DESCRIPTION

EX G.W. DWG 27 734

EX B'S DWG. 62-10467

EX B'S DWG 53-498

EXISTING PAVING

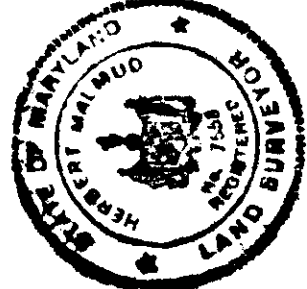
TENNESSEE 50'R/W AVENUE

**PLAT TO ACCOMPANY A
PETITION FOR A SPECIAL HEARING
AND VARIANCE REQUEST**
2802 TENNESSEE AVENUE
13TH ELECTION DISTRICT
COUNCILMANIC DISTRICT NO. 1
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 20'

March 24, 2000

Prepared by:
H. Mahood & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208
Telephone 410 653-9511



[Handwritten signature]

ROAD