

IN RE: PETITIONS FOR VARIANCE

W/S Cherwin Avenue, 340' & 290' SW of  
Birdwood Avenue  
(13108 Cherwin Avenue)  
15<sup>th</sup> Election District  
5<sup>th</sup> Council District

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Cases Nos. 01-020-A & 01-044-A

Karen M. Randlett, Legal Owner;  
Allison Martin & Anthony Krasauskis and \*  
Keith A. Randlett, Contract Purchasers

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters came before this Zoning Commissioner at a combined public hearing for consideration of Petitions for Variance filed by the owner of the subject properties, Karen M. Randlett, and the Contract Purchaser, Keith Randlett, seeking relief from Section 1B02.3.C.1 (chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the minimum required 55 feet in a D.R.5.5 zone, approval of two newly created lots as undersized, pursuant to Section 304 of the B.C.Z.R., and any other variances deemed necessary by the Zoning Commissioner, to permit development of same with two single family dwellings. The subject property and relief requested are more particularly described on the respective site plans submitted with each Petition filed and marked into evidence as Petitioner's Exhibits 1.

Appearing at the requisite public hearing in support of the request were Keith Randlett, Contract Purchaser, and Dwight Little, Professional Engineer with W. Duvall & Associates, Inc., who prepared the site plan for these properties. Also appearing in support of the request were Anthony C. Krasauskis and Allison L. Martin, Contract Purchasers of Lots 5 and 6, and David C. Amaral, Contract Purchaser of Lots 7 and 8. Howard L. Alderman, Jr., Esquire appeared on behalf of the property owner, Karen M. Randlett. Appearing as a Protestant in the matter was John Lang, an adjacent property owner. In addition, numerous letters of opposition were received from impacted neighbors, including Patricia Heustess, Mary H. Kelly, and Mr. & Mrs. James A. Martin.

ORDER RECEIVED FOR FILING  
Date 10/19/10  
By [Signature]

The facts of these matters are relatively simple and not in dispute. Testimony and evidence offered revealed that Keith A. Randlett and Karen M. Randlett were husband and wife, and apparently acquired, under Mrs. Randlett's name, the subject property, known as 13108 Cherwin Avenue. Collectively, this property is comprised of four lots, identified as Lots 5, 6, 7 and 8 of Section A of the subdivision known as Twin River Beach, a waterfront community with frontage on Bird River in southeastern Baltimore County. As originally platted, each lot is 25 feet wide by approximately 250 feet deep, and contain a combined area of 25,750 sq.ft., zoned D.R.5.5.

Originally, the property was improved with a single family dwelling. Apparently, the dwelling was roughly centered on the property and the balance of the site was used as yard area. It was indicated at the hearing that the dwelling came into a state of disrepair and rather than repair the house, the Petitioners razed the dwelling. My site inspection of the property subsequent to the hearing showed that there are no improvements on the property, but for some debris.

Apparently, Mr. & Mrs. Randlett are now in the process of obtaining a divorce. As part of their proposed settlement, they have decided to split this property equally between them. Mrs. Randlett will retain Lots 5 and 6 and proposes to sell same to Mr. Krasauskis and Ms. Martin, who propose to develop the property with a single family dwelling. Mr. Randlett will retain Lots 7 and 8 and proposes to sell same to Mr. Amaral who also intends to construct a single family dwelling thereon.

Under Section 1B02.3.C.1 of the B.C.Z.R., all lots in the D.R.5.5 zone must have a minimum width of 55 feet. As a result of the proposed subdivision, the two newly created lots will have insufficient lot width. Thus, variance relief from the minimum lot width requirements is in addition to approval of the two lots as undersized, pursuant to Section 304 of the B.C.Z.R.

Although only Mr. Lang appeared at the hearing in opposition to the request, several letters were received from neighbors who are opposed to the request. Ms. Heustess expressed concern that "...if two homes are allowed to be squeezed on that lot, the value of my home will go down." Ms. Kelly indicated that the lot had been used as a 100-foot wide property for many years

and that this arrangement should not change. A letter received from Mr. & Mrs. Martin indicates that 50-foot lots are incompatible with the neighborhood.

As noted above, I visited the site subsequent to the hearing. Suffice it to say that the housing stock in this neighborhood is not uniform; that is, there are some large houses on bigger lots as well as several houses on smaller lots.

Consideration as to whether to grant variance relief in these cases must be in accordance with Section 307 of the B.C.Z.R. That Section has been construed by the appellate courts of this state in Cromwell v. Ward, 102 Md. App. 691 (1995). As comprehensively set out in that opinion, variance relief cannot be granted for matters of mere convenience or economic gain. Moreover, variance relief should not be permitted when compliance with the regulation cannot be accomplished as a result of a self-imposed hardship. In this case, it is clear that the Petitioners' aim is only to increase their financial gain. The property has been used as a 100-foot wide lot for years. The subdivision is proposed only so Mr. & Mrs. Randlett can individually realize a profit by the sale of their respective parcels as two 50-foot wide lots. Their request for variance relief is clearly necessary only as a result of their own action.

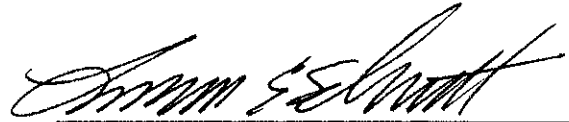
Particularly, based upon the character of the neighborhood, I am not persuaded that relief should be granted in this instance. My site inspection is persuasive to a finding that the granting of the relief would result in two building lots that are inconsistent with the surrounding neighborhood. Generally, although there are indeed some smaller lots in this community, my site inspection was persuasive to a finding that most of the lots are larger and that the request here does not meet the legal test set out in Section 307 of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of October, 2000 that the Petitions for Variance seeking relief from Section 1B02.3.C.1 (chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the minimum required 55 feet in a D.R.5.5 zone, approval of two newly created

lots as undersized, pursuant to Section 304 of the B.C.Z.R., and any other variances deemed necessary by the Zoning Commissioner to permit a subdivision of the subject property to create two building lots, in accordance with Petitioners' Exhibits 1, be and is hereby DENIED.

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



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

RECEIVED FOR FILING  
Date 10/19/00  
By [Signature]



**Baltimore County  
Zoning Commissioner**

October 19, 2000

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

Howard L. Alderman, Jr., Esquire  
Levin & Gann  
502 Washington Avenue, Suite 800  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE  
W/S Cherwin Avenue, 340' & 290' SW of Birdwood Avenue  
(13108 Cherwin Avenue)  
15<sup>th</sup> Election District – 5<sup>th</sup> Council District  
Karen M. Randlett - Petitioner  
Cases Nos. 01-020-A & 01-044-A

Dear Mr. Alderman:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Ms. Karen Randlett, 50 Olde Forge Lane, Baltimore, Md. 21236  
Mr. Keith Randlett, 8944 Quail Run Drive, Perry Hall, Md. 21128  
Mr. Anthony Krasauskis & Ms. Allison Martin, 1107 Benjamin Road, Belair, Md. 21014  
Mr. David C. Amaral, 9306 Sheridan Street, Lanham, Md. 20706  
Mr. Dwight Little, W. Duvall & Assoc., 530 E. Joppa Road, Towson, Md. 21286  
Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2<sup>nd</sup> Floor, Annapolis, Md. 21401  
Ms. Mary Huneke Kelly, 13112 Cherwin Avenue, Baltimore, Md. 21220  
Ms. Patricia Heustess, 13111 Cherwin Avenue, Baltimore, Md. 21220  
Mr. & Mrs. James A. Martin, 13106 Cherwin Avenue, Baltimore, Md. 21220  
Code Enforcement Division, PDM; DEPRM; People's Counsel; Case File





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13108 CHEWING 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) 1802.3c.1 (CHART) TO

PERMIT A LOT WIDTH OF 50 FT IN LIEU OF THE REQUIRED 55 FT.  
IN A DR 5.5 ZONE AND TO APPROVE AN UNDERSIZED LOT PER SECTION  
304 & TO APPROVE ANY OTHER VARIANCES DEEMED NECESSARY BY  
ZONING COMMISSIONER

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) UNDERSIZED LOT UNABLE TO BUILD ON WITHOUT VARIANCE

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:

Keith A. Randlett

Name - Type or Print

Keith A. Randlett

Signature

REMAX REALTY

7939 HONEYWOOD BLVD 410 931-9200

Address

Telephone No.

BALTO

City

MD

State

21236

Zip Code

## Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

Name - Type or Print

Karen M. Randlett

Signature

KAREN M. Randlett

Name - Type or Print

Signature

50 OLDFORCE LANE 410 215-0741

Address

Telephone No.

BALTO. MD

City

State

21236

Zip Code

## Representative to be Contacted:

CHUCK MERRITT

% W. DUVAL & ASSOC. INC

Name

530 E. JOPPA ROAD 410 583-9571

Address

Telephone No.

TOWSON MD

City

State

21286

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING  
Reviewed By JRF

Date 7/28/00

ORDER RECEIVED FOR FILING  
Date 7/28/00

By Case No. 01-044-A

REV 9/15/98

# W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners



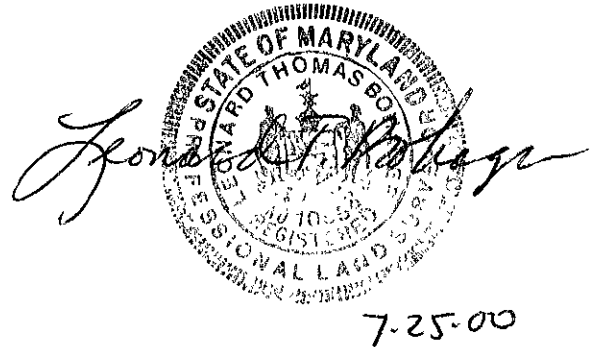
530 East Joppa Road  
Towson, Maryland 21286

Telephone: (410) 583-9571  
Fax: (410) 583-1513

July 22, 2000

## ZONING DESCRIPTION FOR LOTS 7 & 8 SECTION A, TWIN RIVER BEACH CHERWIN AVENUE

Beginning at a point on the west side of Cherwin Avenue which is 40 feet wide at the distance of ~~290~~<sup>290</sup> feet southwesterly of the intersection of the nearest improved intersecting street, Birdwood Avenue, which 30 feet wide. Being Lots 7 and 8, Section A, in the subdivision of Twin River Beach as recorded in Baltimore County Plat Book L.McL.M. 9 folio 33, containing 12,850 square feet of land, more or less. Also known as part of 13108 Cherwin Avenue and located in the 15<sup>th</sup> Election District.



01-044-A

01-044-A

BLTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 083508

DATE 7-27-00 ACCOUNT R-001-6150  
AMOUNT \$ 50.00

RECEIVED FROM: W. Deval & Assoc., Inc.  
13108 Glenview Ave ITEM # 044  
FOR: Unimproved Lot & Varnance TAKEN BY: JRF

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT DATE TIME  
7/28/2000 7/28/2000 10:46AM  
REF #000 COUNTER BAL DOW 000000  
ITEM # 5 FEE JAWING VERIFICATION  
RECEIPT # 145875 2:17  
CASHIER 000000

Receipt Tot 50.00  
50.00 PAID  
BALANCE 0.00  
BALTIMORE COUNTY, MARYLAND

01-044-A

CASHIER'S VALIDATION

**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: #01-044-A  
13108 Cherwin Avenue  
W/S Cherwin Avenue, 290' SW of centerline Birdwood Avenue  
15th Election District -- 5th Councilmanic District  
Legal Owner(s): Karen Randlett  
Contract Purchaser: Keith Randlett

**Variance:** to permit a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot and any other variances deemed necessary by the zoning commissioner.

**Hearing:** Friday, September 8, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley 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

8/26/00 August 24

C414332

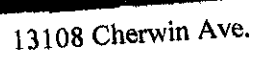
**CERTIFICATE OF PUBLICATION**

TOWSON, MD, 8/25/, 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 8/24/, 2000.

THE JEFFERSONIAN,  
*J. Wilkinson*

LEGAL ADVERTISING



13108 Cherwin Ave.

**CERTIFICATE OF POSTING**

**RE: CASE # 01-044-A  
PETITIONER/DEVELOPER  
(Keith Randlett)  
DATE OF Hearing  
( 9-5-00)**

**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**

**13108 Cherwin Ave. Baltimore , Maryland 21220\_\_\_\_\_**  
\_\_\_\_\_

**THE SIGN(S) WERE POSTED ON\_\_\_\_\_ 8-21-00 \_\_\_\_\_**  
**(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 VARIANCE  
13108 Cherwin Avenue, W/S Cherwin Ave,  
290' SW of c/l Birdwood Ave  
15th Election District, 5th Councilmanic

Legal Owner: Karen M. Randlett  
Contract Purchaser: Keith A. Randlett  
Petitioner(s)

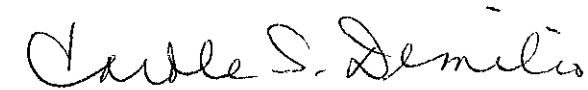
\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 01-44-A

\* \* \* \* \*

**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 9th day of August, 2000 a copy of the foregoing Entry of Appearance was mailed to Chuck Merritt, W. Duvall & Assoc., Inc., 530 E. Joppa Road, Towson, MD 21286, representative for Petitioners.

  
PETER MAX ZIMMERMAN

TO: PATUXENT PUBLISHING COMPANY  
Thursday, August 24, 2000 Issue – Jeffersonian

Please forward billing to:  
Keith Randlett 410-931-9200  
c/o Remax Realty  
7939 Honeygo Boulevard #127  
Baltimore, MD 21236

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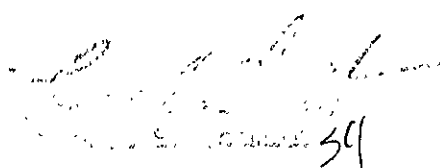
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HEARING: Friday, September 8, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



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.

01-044-A

BA

**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: 044

Petitioner: KEITH RANDUETT

Address or Location: 13108 CHERWIN AVE

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: KEITH RANDUETT  
% REMAX REALTY

Address: 7939 HONEY GO BLVD #127  
BALTO MD 21236

Telephone Number: 410 931-9200

Revised 2/20/98 - SCJ

**01-044-A**



Baltimore County  
Department of Permits and  
Development Management

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

August 29, 2000

Ms. Karen Randlett  
50 Olde Forge Lane  
Baltimore, MD 21236

Dear Ms. Randlett:

RE: Case Number: 01-020-A & 01-044-A, 13108 Cherwin Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 14, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

*W. Carl Richards, Jr.*

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

WCR: gdz

Enclosures

C: Keith Randlett, Remax Realty, 7939 Honeygo Blvd., Baltimore 21236  
W. Duvall & Assoc., Inc., c/o Chuck Merritt, 530 E. Joppa Rd., Towson 21286  
People's Counsel



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits & Development Mgmt.

**DATE:** August 29, 2000

**FROM:** Robert W. Bowling, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 17, 2000  
Item No. 044

The Bureau of Development Plans Review has reviewed the subject zoning item. The developer must provide necessary drainage facilities (*temporary or permanent*) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the developer.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

In accordance with *Bill No. 18-90, Section 26-276*, filling within a flood plain is prohibited.

For this site, the minimum flood protection elevation is 11 feet.

The buildings engineer shall require a permit for all development, storage of equipment and materials or placement of manufactured homes in the flood plain area; and the permit shall be granted only after necessary permits from the state and federal agencies have been obtained.

Also, basements are not permitted in the flood plain area.

RWB:HJO:jrb

cc: File



Baltimore County  
Fire Department

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

August 23, 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 AUGUST 7, 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:

037, 038, 039, 041, 042, 043, 044,

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

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon  
FROM: R. Bruce Seeley */RBS*  
DATE: August 2, 2000  
SUBJECT: Zoning Item #044  
13108 Cherwin Avenue

Zoning Advisory Committee Meeting of August 7, 2000

- \_\_\_\_\_ 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 (Section 14-401 through 14-422 of the Baltimore County Code).
- 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).
- X This lot is within a Buffer Management Area in the Critical Area. Consequently, development of this lot must comply with Buffer Management Area regulations as well as all other Critical Area regulations.

Reviewer: Glenn Shaffer

Date: August 14, 2000

LA  
9/5  
~~Jim~~  
~~9/8~~

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** August 11, 2000

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

**SUBJECT:** 13108 Cherwin Avenue

**INFORMATION:**

**Item Number:** 01-044

**Petitioner:** Keith Randlett

**Zoning:** DR 5.5

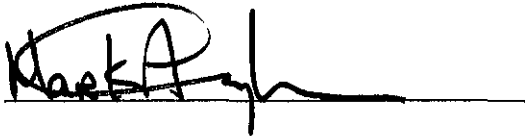
**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning supports the request to permit a lot width of 50 feet in lieu of the required 55 feet in a DR 5.5 zone and to approve an undersized lot per Section 304 subject to the following:

1. Submit elevation drawings to this office for review and approval prior to the issuance of any building permits.

**Prepared by:**



**Section Chief:**



**AFK:MAC:**

AUG 11 2000

## 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. 00-044-A

RECEIVED  
 JUL 31 2000  
 OFFICE OF PLANNING

Residential Processing Fee Paid  
 (\$50.00)

Accepted by JRF  
 Date 7/28/00

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

## MINIMUM APPLICANT SUPPLIED INFORMATION:

KAREN RANDUETT 50 OLDE FORGE LA. 410 215-6741  
 Print Name of Applicant Address Telephone Number

Lot Address 13108 CHERWIN AVE Election District 15 Councilmanic District 5 Square Feet \_\_\_\_\_

Lot Location: N E S W 100 corner of CHERWIN AVE, 290 feet from N E S W corner of BIRDWOOD AVE  
 (street) (street)

Land Owner: KAREN RANDUETT Tax Account Number \_\_\_\_\_

Address: 50 OLDE FORGE LA. Telephone Number (410) 215-6741

## 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)                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Permit Application                                                                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Site Plan                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Property (3 copies)                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Topo Map (2 copies): available in Room 206, County Office Building - (please label site clearly) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 4. Building Elevation Drawings                                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 5. Photographs (please label all photos clearly)                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Adjoining Buildings                                                                              | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Surrounding Neighborhood                                                                         | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 6. Current Zoning Classification: <u>DR 5.5</u>                                                  |                                     |                                     |

## 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:

Submit elevations to the Office of Planning for review and approval prior to the issuance of any permits.

Signed by: Jeffrey W. Long  
 for the Director, Office of Planning and Community Conservation

Date: 8/7/00



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

August 15, 2000

Ms. Karen Randlett  
50 Olde Forge Lane  
Baltimore, MD 21236

Dear Ms. Randlett:

RE: Case Number 01-044-A, 13108 Cherwin Avenue

The above matter, previously assigned to be heard on Friday, September 8, 2000 at 11:00 a.m. has been **rescheduled for Tuesday, September 5, 2000 at 11:00 a.m.** with Case Number 01-020-A.

As the person requesting the postponement, you are now responsible for affixing the new hearing date and time to the hearing notice sign posted on the property as soon as possible. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

If you need further information or have any questions, please do not hesitate to contact George Zahner at 410-887-3391.

Very truly yours,

Arnold Jablon  
Director

AJ:

C: Keith Randlett, Remax Realty, 7939 Honeygo Boulevard, Baltimore 21236  
W. Duvall & Assoc., Inc., c/o Chuck Merritt, 530 E. Joppa Road, Towson 21286



Sept 5 & Sept 8

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01 20-A  
Chuck 01 44-A

murphy

410 583 9571

G2 8-14

13106 Cherwin Ave  
Baltimore, MD 21220  
25 August 2000

8/31/00

WCL

Be file

Pierre  
To: ~~George~~  
Cop + one  
in each call

9/1/00 u a

Mr Arnold Jablon  
Director of Permits & Development Management  
111 W Chesapeake Ave Rm 111  
Towson, MD 21204

Dear Mr Jablon:

I ask that the following letter be included in the case as I will be unable to attend the hearing but have an interest in the case and the outcome will directly effect my home and the neighborhood in which I and my family live.

To the matter of the Zoning Variance for case 01-020-A and 01-044-A for Cherwin Ave in Baltimore county set for Tuesday September 5 at 11:00am to reduce the size of the lot for a home reduced from 55 feet to 50 feet.

**I strenuously object to the variance.**

The two lots in question adjoin my property to the north and will have a detrimental effect on my property and the general neighborhood.

The lots have been one unit for one single home were bought as one unit in 1998. The owner tore the single home down for the stated purpose of building a single home for himself in 1999.

Since purchasing the lot the owner has continuously disrupted the neighborhood by cutting trees, without permit, leaving the house half tore down for a year, and leaving the lot in disarray to the point that the county environmental office has been brought in to force him to keep the lot safe. Now he is asking that the neighborhood be further disrupted for his financial profit. He knew the size of lots when he purchased the unit and had he stayed with his original intention there would be no need for this action.

The size of lot fits with other homes beside and across from these lots, which are all in the 100' size in width and the homes fit within that size. Allowing two narrow lots will force a buyer to place narrow homes with little land between each other and between them and our homes. Existing homes have adequate land for walkways and shrubs surrounding each house.

From other homes built in the area on narrow lots the types of homes have been lower costs, as there is little room for proper landscaping. Two homes will force the removal of additional trees and shrubs reducing the pastoral character of the neighborhood.

The property was intended for use as one unit as there is a single dock and boat ramp. Separation of the unit into two lots puts the ramp in one lot, the dock in the other. For future owners to maximize the water access of the property an additional dock and ramp will be needed and this will cause overcrowding on the waterside for all of us.

The lots sit near the end of Cherwin Ave. It is a narrow dead end street that barely accommodates those of us who live there. Doubling the number of homes and thereby cars will cause unnecessary traffic congestion to those of us who live beyond the lots in question.

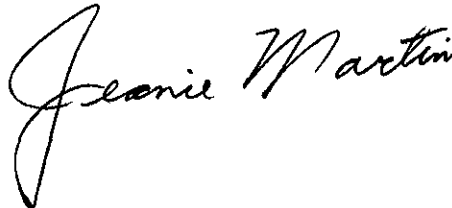
Leaving the lots in the present size will not put the owner in a financial dilemma as he can, if he does not choose to build for himself, sell the lot as he bought it, as one unit for a nice price as it is a wooded waterfront lot. From other lots sold in the area he will be able to sell for more than he paid for it, though he has made additional expenses caused by his own mismanagement of the property.

Basically, having two narrow homes will be out of character with the rest of the neighborhood and will have a drastic negative change to the neighborhood.

Very sincerely,



James A Martin  
Jeanie B Martin



**W. DUVALL & ASSOCIATES, INC.**

**Engineers • Surveyors • Land Planners**



**530 East Joppa Road  
Towson, Maryland 21286**

**email: [wduvall@erols.com](mailto:wduvall@erols.com)**

**Telephone: (410) 583-9571  
Fax: (410) 583-1513**

**August 16, 2000**

**Baltimore County, Maryland  
Zoning Office  
111 W. Chesapeake Avenue  
Towson, Maryland 21204**

**Attention: Mr. George Zahner**

**Re: 13108 Cherwin Avenue  
PN 98135A**

**Dear Mr. Zahner:**

We are requesting your approval to combine the Zoning Hearings scheduled for the above referenced project. We filed two Variances for Approval of two undersized lots. The Hearing dates are September 5, 2000 for Case #-01-020A, and September 8, 2000 for Case #01-044A.

We would request combining the two cases in order to accommodate our Client. Also, the mentioned cases should not require additional time from the Hearing Officer.

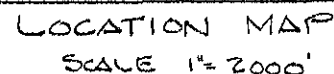
Thank you for your consideration of the above. Please contact me if you have any questions.

**Very truly,  
W. DUVALL & ASSOCIATES, INC.**

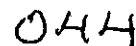
**Chuck MERRITT**

**Chuck E. Merritt  
Designer**

**CEM/bfc**



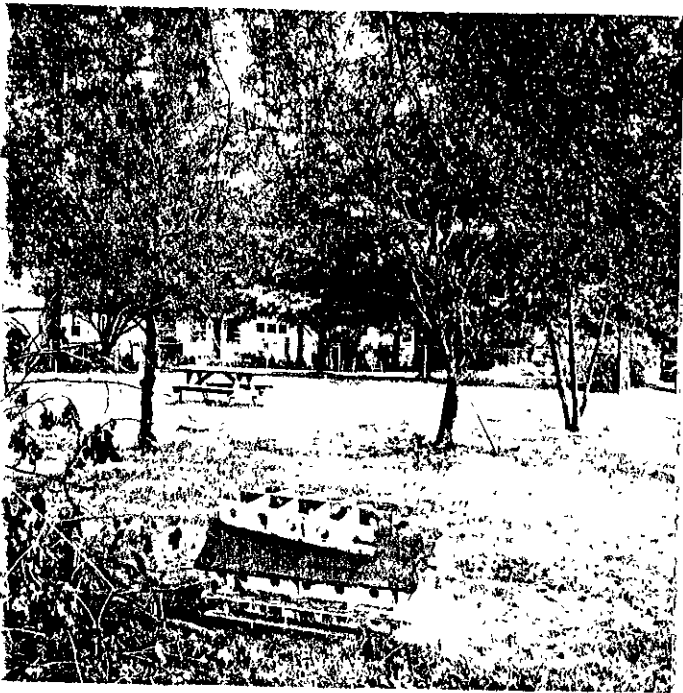
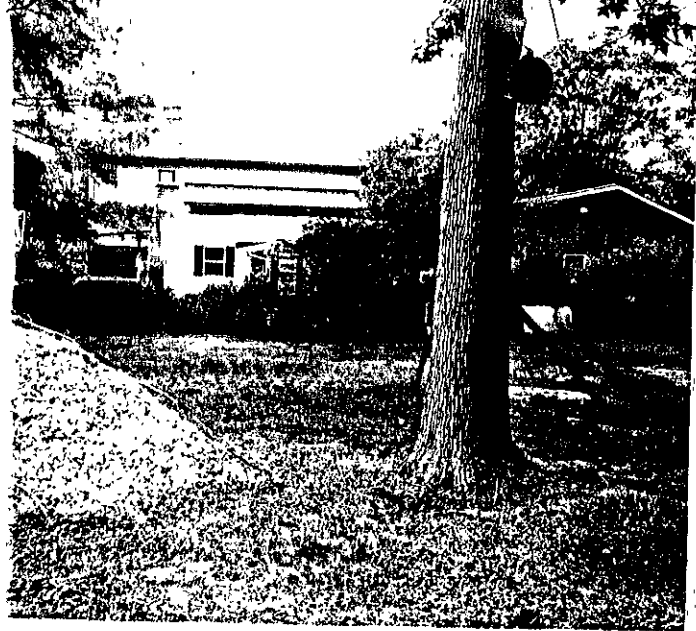
- THIS SITE IS LOCATED IN A 100 YEAR FLOOD PLAIN
- THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
- NO PRIOR ZONING HISTORY
- THIS SITE IS SERVED BY PUBLIC WATER AND SEWER
- SITE IS ZONED DR 5.5 MAP NE 8 M



13108 CHERWIN AVENUE  
15<sup>th</sup> ELECT. DIST. 5<sup>th</sup> COUNCILMANIC DIST.  
PLAT 9/33  
"TWIN RIVER BEACH SECTION A"  
SCALE 1"=50'



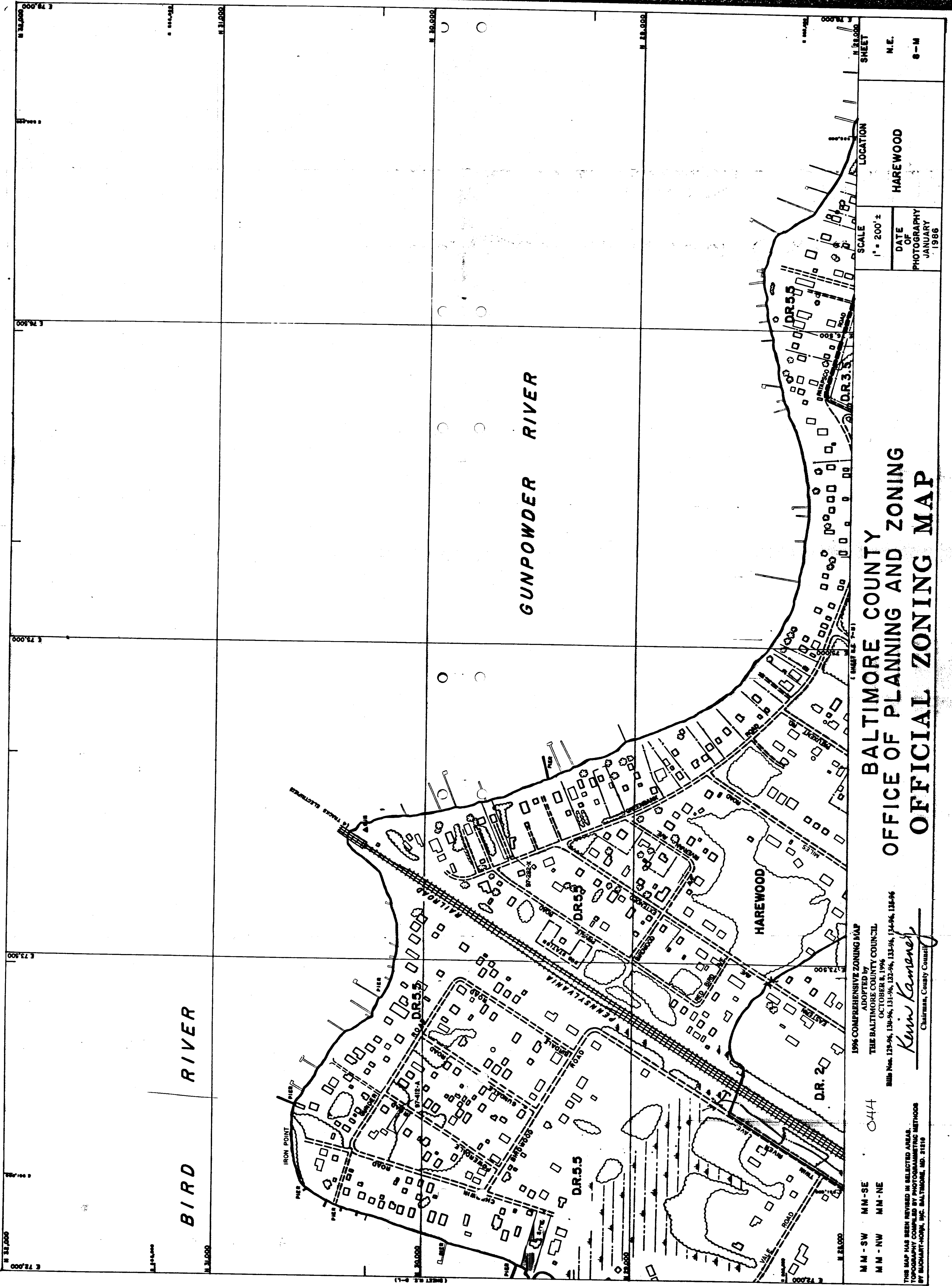
**W. DUVALL & ASSOCIATES, INC.**  
ENGINEERS, SURVEYORS, LAND PLANNERS  
530 EAST JOPPA ROAD  
TOWSON, MARYLAND 21286  
TEL. (410) 583-9571  
FAX (410) 583-1513



01-044-A



NE 8-M



01-044-A



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

August 8, 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: 01-044-A**

13108 Cherwin Avenue

W/S Cherwin Avenue, 290' SW of centerline Birdwood Avenue

15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Karen Randlett

Contract Purchaser: Keith Randlett

Variance to permit a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot and any other variances deemed necessary by the zoning commissioner.

**HEARING:** Friday, September 8, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon  
Director

**C:** Karen Randlett, 50 Olde Forge Lane, Baltimore 21236  
Keith Randlett, Remax Realty, 7939 Honeygo Boulevard, Baltimore 21236  
W. Duvall & Assoc., Inc., c/o Chuck Merritt, 530 E. Joppa Road, Towson 21286

- NOTES:** (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 24, 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.**

01-044-A

