IN THE MATTER OF THE APPLICATION OF MARGUERITE P. PASKY –LEGAL OWNER L. RAY RACHUBA – C.P. FOR A VARIANCE ON PROPERTY LOCATED ON THE S/S CATANNA AVENUE, 169' E OF CENTERLINE OF JEANNE AVENUE (1946 CATANNA AVENUE) 13TH ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 01-216-A

* * * * * * * * *

OPINION

This case comes before the Baltimore County Board of Appeals on a timely appeal brought by the Petitioners, Marguerite Pasky, legal owner, and L. Ray Rachuba, contract purchaser, resulting from a decision by the Zoning Commissioner to deny a Petition for Variance seeking relief from § 1B02.3.C.1 of the *Baltimore County Zoning Regulations* (BCZR) to approve the subject property as an undersized lot, and to permit a front yard setback of 34 feet and a rear yard setback of 32 feet in lieu of the required 40 feet each, side yard setbacks of 10 feet each in lieu of the required 15 feet, and a sum of the side yards of 20 feet in lieu of the required 40 feet in accordance with the plat introduced at the Board as Petitioner's Exhibit 3.

A public hearing before the Board of Appeals was held on January 17, 2002. A public deliberation followed on January 17, 2002.

The subject property is located at 1946 Catanna Avenue, 13th Election District, 1st Councilmanic District. The Petitioners were represented by Bruce A. Kent, Esquire.

Donald Hawkins, president of the Halethorpe Civic League, and John Swann III and Hilary Readmond, adjacent property owners, testified in opposition to the variance request. Marguerite Pasky, who lives nearby at 5606 Carville Avenue, Arbutus, testified that in 1989 she received the vacant lots 30 and 31 of Halethorpe Terrace on Catanna Avenue from her parents. They had purchased the lots in 1947 for the purpose of building a home for her in the future. As with many older subdivisions in Baltimore County, Halethorpe Terrace was laid out before the adoption of zoning regulations.

Ms. Pasky indicated that she had recently contracted with Mr. Rachuba, who would purchase the

lots to build a "spec" house. Under the current D.R. 2 zoning regulations, the proposed dwelling cannot meet the setback requirements. Ms. Pasky was now requesting a variance so that the lots could be built upon.

The Petitioner submitted as evidence the metes and bounds of the subject property (Petitioners' Exhibit 1), the zoning location map (Petitioners' Exhibit 2), the site plan to accompany the petition for variance (Petitioners' Exhibit 3), a rendering of the style of house proposed by the builder (Petitioners' Exhibit 4), and photographs of the existing site with the adjacent houses shown (Petitioners' Exhibit 4 [A-C]).

Ms. Pasky further testified that the proposed dwelling was in harmony with the neighborhood of single family dwellings on Catanna Avenue, which is a dead-end road, less than a block long, with curbs and gutters in place. She stated that neighboring houses on the same side of the road as her lots have existing off-street parking, and the proposed house would have off-street parking as well. She further opined that there are no traffic problems on Catanna Avenue because it is a dead-end with no main streets nearby. She submitted 20 photos taken January 15, 2002, to substantiate her description of the neighborhood (Petitioners' Exhibits 6,7,8,9, 11).

Petitioners' Exhibit 10 was a Map Quest printout showing the location of the subject property; Petitioners' Exhibit 12 was a map of Halethorpe showing the storm water management pond and its relative location to Catanna Avenue. It was Ms. Pasky's testimony that she knows of no current flooding problems in the area since the storm water management pond was completed in the last two years. She also stated that if the variance were denied, she would be unable to use her property and that it had always been her intention to build a house there.

On cross-examination by Mr. Hawkins, Ms. Pasky testified that her two lots were each 20 feet wide and 110 feet deep for a total area of 40 feet wide and 110 feet deep. She said that, while she did not know the precise width of Catanna Avenue, she feels that there is plenty of space for two cars to pass

comfortably. She further stated that she did not know how far her lot line is from the house next door but she opined that the lots were all about the same size. She reiterated that she is unaware of any flooding problems across her property. When questioned about hardship relative to selling the property, Ms. Pasky said that she could use the money from the sale of her lots to Mr. Rachuba.

The next witness was John Swann III who lives at 1948 Catanna Avenue. He said that he has lived there since 1988 and has seen the growth in the area expand. It was his opinion that traffic is definitely a problem on Catanna Avenue because people use the street not recognizing that it is a dead-end. He also indicated that the photographs submitted by the Petitioners did not accurately reflect the parking problems on nights, weekends, holidays, and when neighbors hold social events.

Mr. Swann further testified that water problems still exist in the area in spite of the controls in place. However, his greatest concern with the subject proposal is that of privacy. He testified that there is only about 20 feet between houses because of the small size of all the lots. This results in a cramped, overcrowded feeling in the neighborhood.

On cross-examination by Mr. Kent, Mr. Swann testified that the setback from his property line to his house is 10 feet. He answered that he was not objecting to the variance request because he wished to purchase the subject property himself.

Donald Hawkins, president of the Halethorpe Civic League, testified that he had been working with the County to add storm drains, curbs and gutters to control flooding throughout the Halethorpe area. It was his opinion that the current storm water management pond, only five months old, was insufficient to control the flooding problems across the back of Catanna Avenue properties to Genie Avenue. Severe flooding continues to occur during storms.

He noted that he also objected to jamming houses together, only 20 feet apart, and that all the lots on Catanna are 40 feet wide. Mr. Hawkins said that he had not protested the variances granted to Mr. Swann and Mrs. Readmond for their properties in earlier years because the conditions were different

and the proposed dwellings were not so close to each other. Mr. Hawkins did appear in opposition to a later petition for variance on a similar Catanna Avenue lot, which variance was denied by the Deputy Zoning Commissioner.

Hilary Readmond lives at 1944 Catanna Avenue. She indicated that her main concern was flooding, as her house is downhill from the subject property. She testified that Ms. Pasky's lots are currently wooded which cuts down on some, though not all, of the runoff onto her property. She shared Mr. Swann's opinion that parking was, if not a problem, at least an inconvenience even though she has a two car driveway on her lot which is the same size as the others in the neighborhood. She concurred that privacy was also a concern of hers.

The record file before the Board includes an inter-office correspondence to Arnold Jablon, Director, Department of Permits & Development Management (PDM), from Arnold "Pat" Keller III, Director, Office of Planning, dated December 6, 2000, stating as follows:

> The property is located within the Halethorpe community and was rezoned from DR 5.5 to DR 2 during the 1996 Comprehensive Zoning Map process. The rezoning occurred in an effort to limit in-fill development in the area due to area's history of flooding and its lack of infrastructure.

Section 307 of the *Baltimore County Zoning Regulations* (BCZR) permits granting of a variance upon certain terms and conditions, which in pertinent part in this case, allow a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

The burden to establish special circumstances or conditions was clarified by the Court of Special Appeals in *North v. St. Mary's County* 99Md. App 502 (1994), when Judge Cathell stated:

> An applicant for variance bears the burden of overcoming the assumption that the proposed use is unsuited. That is done, if at all, by satisfying fully the dictates of the statute authorizing the variance.

Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md.App. 691 (1995),

which sets forth the legal benchmark under which a variance may be granted, the Board of Appeals, hearing the case *de novo*, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be properly considered.

The Court defined the term "uniqueness" and stated:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.

After a thorough review of the evidence and testimony before us, the Board finds unanimously as a matter of fact that the Petitioner has not met the burden as required for a variance under BCZR 307.1 and the standards of *Cromwell v. Ward.*

The first prong requires that the land itself of the subject property must be unique from others in the neighborhood to qualify for a variance. The testimony and evidence, including that of the legal owner, are substantial and uncontradicted that 1946 Catanna Avenue is not different from the other lots in that neighborhood. All of the plats and photographs introduced into evidence establish that neighboring properties are of equivalent size and nature.

Having found that the first prong of the standard has not been met by the Petitioners, the Board as a matter of law need not consider practical difficulty or spirit and intent.

Therefore it is the unanimous decision of this Board to deny the request for variance seeking relief from § 1B02.3.C.1 of the BCZR to approve the subject property as an undersized lot, and to permit a front yard setback of 34 feet and a rear yard setback of 32 feet in lieu of the required 40 feet each, side yard setbacks of 10 feet each in lieu of the required 15 feet, and a sum of the side yards of 20 feet in lieu

of the required 40 feet, and will so order.

ORDER

THEREFORE, IT IS THIS 15th day of April, 2002 by the County Board of Appeals of Baltimore County

ORDERED that Petitioners' request for variance seeking relief from § 1B02.3.C.1 of the BCZR to approve the subject property as an undersized lot, and to permit a front yard setback of 34 feet and a rear yard setback of 32 feet in lieu of the required 40 feet each, side yard setbacks of 10 feet each in lieu of the required 15 feet, and a sum of the side yards of 20 feet in lieu of the required 40 feet be and the same is hereby **DENIED.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chairman

C. Lynn Barranger

Margaret Worrall

APPEAL SIGN POSTING REQUEST

[redacted]

MARGARET P. PASKY-LO; L. RAY RACHUBA-CP, PETITIONERS

S/s Catanna Avenue, 169' E of c/l Jeanne Avenue

13th Election District — Appealed 3/01/01

Attachment – (Plan/Plat to accompany Petition
Petitioner's Exhibit # 1)

**********COMPLETE AND RETURN BELOW INFORMATION**********

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Charlotte Radcliffe
Appeals Clerk

RE: Case No. 01-216-A
Petitioner/Developer:
Margaret P. Pasky
L. Ray Rachuba

This is to certify that the necessary appeal sign(s) was posted conspicuously on property located at Catanna Ave.

The sign(s) was posted on 3/26, 2001.

By Gary C Freund
(Signature of Sign Poster)

GARY C. FREUND
(Printed Name)

IN RE: PETITION FOR VARIANCE S/S Catanna Avenue, 169' E of the c/l Jeanne Avenue (Lots 31 & 30 Halethorpe Terrace, 1946 Catanna Avenue) 13th Election District 1st Council District	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 01-216-A
Marguerite P. Pasky, Owner; L. Ray Rachuba, Contract Purchaser	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Marguerite P. Pasky, and the Contract Purchaser, L. Ray Rachuba. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the subject property as an undersized lot, and to permit a front yard setback of 34 feet and a rear yard setback of 32 feet in lieu of the required 40 feet each, side yard setbacks of 10 feet each in lieu of the required 15 feet, and a sum of the side yards of 20 feet in lieu of the required 40 feet. The subject property and relief requested are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was L. Ray Rachuba, Contract Purchaser of the subject property. Appearing as Protestants in the matter were Donald S. Hawkins, President of the Halethorpe Civic League, Inc., and John Swann, III, and Mr. & Mrs. Douglas Readmond, adjacent property owners.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the south side of Catanna Avenue, not far from Washington Boulevard in the community of Halethorpe Terrace. The property consists of two lots, known as Lots 30 and 31 of Halethorpe Terrace, which combined is approximately 40 feet wide and 110 feet deep. As is often the case with older subdivisions in Baltimore County, this subdivision was laid out before the adoption of the zoning regulations. Collectively, the property contains a gross area of 4,400 sq.ft.,

more or less, zoned D.R.2 and is presently unimproved. The Petitioner has contracted to sell the property to Mr. Rachuba who is desirous of developing the site with a 20' x 40' single family dwelling. As shown on the site plan, a two-story dwelling is proposed, which will feature an open porch to the rear of the dwelling and a deck at the front entrance. Mr. Rachuba indicated that the proposed dwelling is a "spec" house and that the property will be offered for sale upon its completion. Due to the overall size of the property and its narrow width, the proposed dwelling cannot meet current setback requirements under the D.R.2 regulations. Thus, the requested relief is necessary in order to proceed as proposed.

As noted above, Mr. & Mrs. Readmond and Mr. Swann appeared in opposition to the request. Mr. & Mrs. Readmond reside on the west side of the subject site at 1944 Catanna Avenue and Mr. Swann resides on the east side of the property at 1948 Catanna Avenue. Both of these immediate neighbors are opposed to the request. They believe that the proposed construction will cause undue crowding in this neighborhood. They are also concerned about potential water runoff from the site due to the creation of impervious surface. Also, objections regarding parking, congestion, and increased vehicular traffic were raised.

Mr. Hawkins, President of the Halethorpe Civic League, Inc. also appeared in opposition. He shared many of the concerns raised by the neighbors and indicated that the area at large lacks sufficient infrastructure to permit this in-fill development. However, he did acknowledge the recent completion of a storm water management pond, which apparently has been designed and constructed to alleviate flooding in the area.

Mr. Hawkins also indicated that there have been similar requests for this neighborhood in the recent past. In fact, one such case involved the adjacent property owned by Mr. & Mrs. Readmond. Specifically, in Case No. 99-64-A, a Petition for Variance was filed by then owner Alex Kundrick, seeking similar relief to permit development of Lots 32 & 33 of Catanna Avenue with a single family dwelling. Deputy Zoning Commissioner Timothy Kotroco granted relief on October 14, 1998 to allow that site to be developed. It is to be noted that development of the future Readmond home was granted, in part, because of conditions that existed in this neighborhood at

that time. Specifically, the subject lots were then obviously undeveloped and the dwelling on the other (west) side was situated a significant distance from the property line. That property contained four originally platted lots, which, collectively, are 160 feet wide by 110 feet deep. That is, the instant case is distinguished from the question presented under Case No. 99-64-A in that the nearest adjacent dwellings were located a significant distance from the property to be developed.

A second similar Petition was filed in Case No. 00-381-A for the property known as 1954 Catanna Avenue. Obviously this site is a short distance away from the subject property. In that case, Mr. Hawkins appeared on behalf of the Halethorpe Civic League and voiced identical concerns regarding the lack of infrastructure in the area. Deputy Commissioner Kotroco considered that case and denied the Petition for Variance on May 5, 2000.

Therefore, there is one property in the immediate block for which similar variance relief was granted, and another for which relief was denied. It is also to be noted that the subject property and vicinity were down-zoned from D.R.5.5 to D.R.2 during the 1996 comprehensive zoning map process. According to a written comment received from the Office of Planning, the rezoning occurred in an effort to limit in-fill development, due to the area's history of flooding and lack of infrastructure.

Upon due consideration of the testimony and evidence presented, I am persuaded to deny the Petition for Variance. I recognize that such a decision does cause a hardship upon Ms. Pasky in that it renders the property undevelopable. However, there is no evidence in the record before me that the subject property is unique are required by Section 307 of the B.C.Z.R. and Cromwell v. Ward, 102 Md. App. 691 (1995). More importantly, by virtue of the existence of houses only 10 feet from the property line on both sides, I conclude that construction of a single family dwelling on the subject property would create an inappropriate crowding and overwhelm an already strained infrastructure. For these reasons, I find that the Petition for Variance should be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition 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 6th day of February, 2001 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the subject property as an undersized lot, and to permit a front yard setback of 34 feet and a rear yard setback of 32 feet in lieu of the required 40 feet each, side yard setbacks of 10 feet each in lieu of the required 15 feet, and a sum of the side yards of 20 feet in lieu of the required 40 feet, for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

The Petitioner 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

ORDER RECEIVED FOR FILING
Date 2/6/01
By Bachelder

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1946 CATANIA AVENUE

which is presently zoned DR 2

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) 1B02.3.C.1 TO PERMIT A PROPOSED SINGLE FAMILY DWELLING WITH FRONT YARD SETBACK OF 34', WITH A REAR YARD SETBACK OF 32' IN LIEU OF THE REQUIRED 40' AND SIDE YARD SETBACKS OF 10' (TOTAL OF 20') IN LIEU OF THE REQUIRED 15' (TOTAL 40'), AND TO APPROVE AN UNDERSIZED LOT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) PRACTICAL DIFFICULTY. i) STRICT COMPLIANCE WITH THE EXISTING ZONING WOULD NOT ALLOW FOR THE CONSTRUCTION OF A SINGLE FAMILY DWELLING, PREVENTING USE OF THE PROPERTY AS ORIGINALLY INTENDED. ii) GRANTING AN APPROVAL WOULD NOT BE AN INJUSTICE TO APPLICANT OR NEIGHBORS AS IT WOULD BE IN HARMONY WITH THE NEIGHBORHOOD iii) THE SPIRIT OF THE ORDINANCE WOULD BE OBSERVED BY ALLOWING FOR A HOUSE IN A RESIDENTIAL NEIGHBORHOOD C.) DENSITY IS NOT BEING INCREASED D.) THE RELIEF BEING SOUGHT HAS NO BEARING ON HEIGHT, AREA, PARKING OR SIGN REGULATIONS, E.) GRANTING THIS VARIANCE WOULD HAVE NO ADVERSE AFFECT TO THE PUBLIC.

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:

L. RAY RAKHUBA
Name - Type or Print

Signature

946 A MARMECH CT — 410 781-3440
Address — Telephone No.

ELDERSBURG — MD — 21784
City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

MARGUERITE P. PASKY
Name - Type or Print

Marguerite P. Pasky
Signature

Name - Type or Print

Signature

5606 CARVILLE AVENUE
Address — Telephone No.

BALTIMORE — MD. — 21227
City — State — Zip Code

Representative to be Contacted:

L. RAY RAKHUBA
Name

946 A MARMECH CT — 410 781-3440
Address — Telephone No.

ELDERSBURG — MD — 21784
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By TAG Date 11-22-00

ORDER RECEIVED FOR FILING
Date 2/1/01
By Bachmann

Case No. 01-216A

REV 9/15/98

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

ZONING DESCRIPTION FOR 1946 CATANNA AVENUE

BEGINNING FOR THE SAME AT A POINT ON THE SOUTH SIDE OF CATANNA AVENUE WHICH IS 30 FEET WIDE. AT THE DISTANCE OF 169 FEET EAST OF THE CENTERLINE OF JEANNE AVENUE WHICH IS 30 FEET WIDE . BEING LOT No. 30 AND 31. SECTION "G" IN THE SUBDIVISION OF HALETHORPE TERRACE. AS RECORDED IN THE BALTIMORE COUNTY PLAT BOOK No. 7. FOLIO No. 72 . CONTAINING 4.400 SQUARE FEET. ALSO KNOWN AS 1946 CATANNA AVE. AND LOCATED IN THE 13 TH. ELECTION DISTRICT 1 ST. COUNCILMANIC DISTRICT.

CRC-34
RR-CAT.DES

STATE OF MARYLAND
LEONARD THOMAS BOHLINGER
No 10858
REGISTERED
PROFESSIONAL LAND SURVEYOR

11-15-00

PET
1

01-216A

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: #01-216-A
1946 Catanna Avenue
S/S Catanna Avenue, 169' E of centerline Jeanne Avenue
13th Election District - 1st Councilmanic District
Legal Owner(s): Marguerite P. Pasky
Contract Purchaser: L. Ray Rachuba

Variance: to permit a proposed single family dwelling with front yard setback of 34 feet with a rear yard setback of 32 feet in lieu of the required 40 feet and side yards setbacks of 10 feet in lieu of the required 15 feet and to approve an undersized lot.

Hearing: Tuesday, January 16, 2001 at 9:00 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.

12/212 Dec. 28 C441572

CERTIFICATE OF PUBLICATION

TOWSON, MD, 12/28/, 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 12/28/, 2000.

THE JEFFERSONIAN,

P. Wilkinson

LEGAL ADVERTISING

[redacted]

BALTIMORE COUNTY, MAR AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 9175

DATE 3-5-01 ACCOUNT 001-006-6150

AMOUNT $ 210.00

RECEIVED FROM: Bruce A Kent

FOR: Appeal 01-216-A 1946 Catonna Ave
Marguerite P Pasky Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
3/05/2001 3/05/2001 10:20:38
REF W502 CASHIER DDOL DMD DRAWER 2
>>RECEIPT # 172267 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 091751
Recpt Tot 210.00
210.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARY VD
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 86861

DATE 9/22/00 ACCOUNT R001 6150

AMOUNT $ 50.00

RECEIVED FROM: Ray Kuchuba

FOR: Undersize lot Variance
1946 Catonna Ave. 01-216A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
9/25/2000 9/22/2000 14:19:54
REF W005 CASHIER MSE MS DRAWER 6
Dept 5 528 ZONING VERIFICATION
Receipt # 177567 OFLN
CR NO. 086861
Recpt Tot 50.00
50.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 01-216-A

Petitioner/Developer: Marguerite Paskey / Ray Rochuba

Date of Hearing/Closing: 1-16-01 @ 9AM

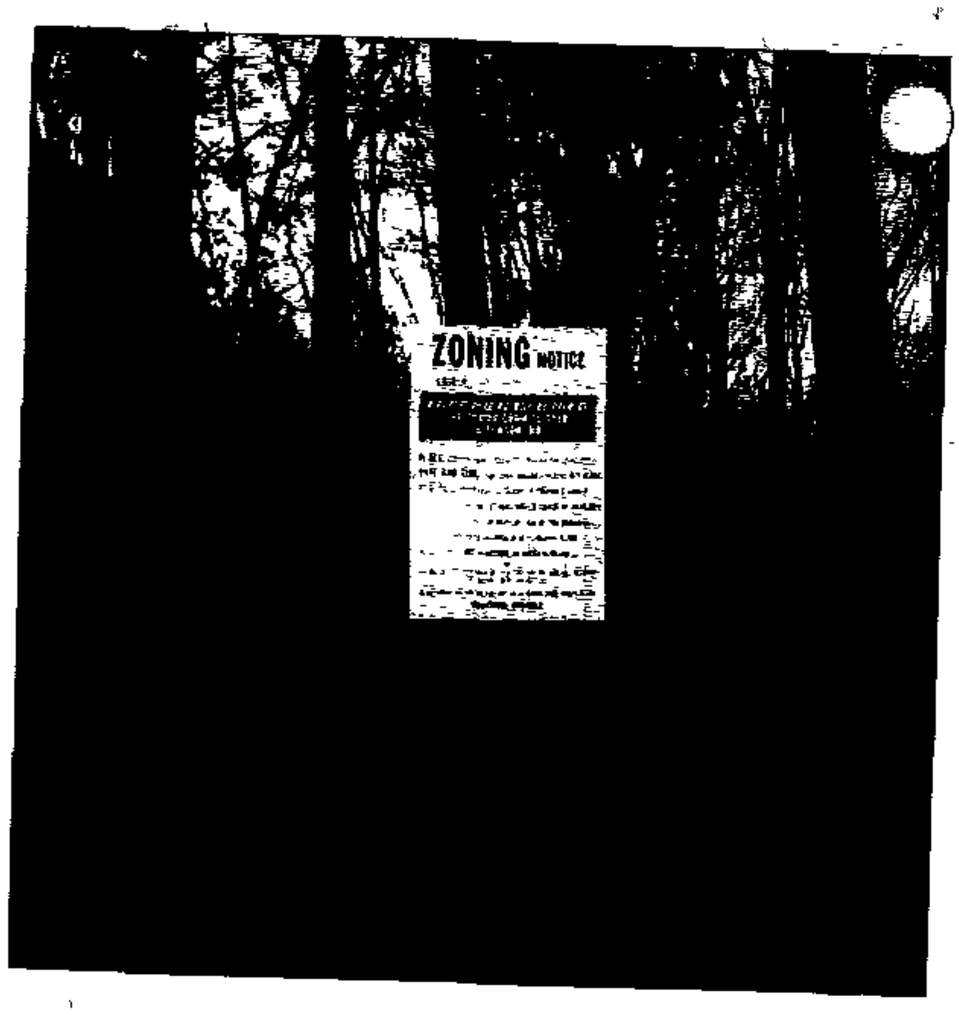
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 1946 Catanna Avenue Halethorpe, MD 21227

The sign(s) were posted on December 28, 2000
(Month, Day, Year)



Sincerely,

Stacy Gardner 12/28/00
(Signature of Sign Poster and Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
(Address)

ELDERSBURG, MD. 21784
(City, State, Zip Code)

410-781-4000
(Telephone Number)

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: 01-216A

Petitioner: L. RAY/ RAKHRA

Address or Location: 1946 CATALPA AVENUE, HALETHORPE, MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: DOUBLE R INC.

Address: 946 A MARTINICH COURT

ELDERSBURG, MD 21784

Telephone Number: 410 781-3400

Revised 2/20/98 - SCJ

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# ____ ,folio# ____ ,lot# ____ ,section# ____

OWNER: _____

North

Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District:

Councilmanic District:

1"=200' scale map#:

Zoning:

Lot size: _____ acreage _____ square feet

	public	private
SEWER:	☐	☐
WATER:	☐	☐

	yes	no
Chesapeake Bay Critical Area:	☐	☐

Prior Zoning Hearings:

North

date: _____

prepared by: _____

Scale of Drawing: 1"= _____

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:

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

December 1, 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: 01-216-A
1946 Catanna Avenue
S/S Catanna Avenue, 169' E of centerline Jeanne Avenue
13th Election District – 1st Councilmanic District
Legal Owner: Marguerite P. Pasky
Contract Purchaser: L. Ray Rachuba

Variance to permit a proposed single family dwelling with front yard setback of 34 feet with a rear yard setback of 32 feet in lieu of the required 40 feet and side yards setbacks of 10 feet in lieu of the required 15 feet and to approve an undersized lot.

HEARING: Tuesday, January 16, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

GDZ

Arnold Jablon
Director

C: L. Ray Rachuba, 946 A Martmich Court, Eldersburg 21784
Marguerite P. Pasky, 5606 Carville Avenue, Baltimore 21227

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 29, 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.

Exhibit

B - C

EXTRA LOT - CATANNA AVE.
at DEAD END

Exhibit

9-A

CATANNA AVE 8:40 A.m

Exhibit

9-D

HOUSE CURRENTLY UNDER
CONSTRUCTION - WASHINGTON BLVD

Exhibit

G-B

CATANNA AVE 8:40 AM

Exhibit

11-C

STORM WATER MANAGEMENT

- POND

Exhibit

11- A

STORM WATER MANAGEMENT POND

Exhibit

11.B

STORM WATER MANAGEMENT
POND

Exhibit

11 - D

STORM WATER MANAGEMENT
POND

Exhibit

9-2

CATALINA AVE - FROM
HANNAH AVE - 8:30 AM

16 02

Exhibit

8-B

CATANNA AVE 12:30 A/m

20.9.

Exhibit

R-A

CATANNA AUG - 6:30 PM

Exhibit

8-C

CATANIA AVE - FROM
HANNAH AVE 8:30 AM

1946 CATANNA AVENUE

Exhibit

6-A

HOUSE BUILT ON LOT NEXT
TO 1946 CATANNA AVE.
BUILT IN THE 1990'S
FACING HOUSE FROM STREET
LOCATED TO THE LEFT OF
1946 CATANNA AVE.

Exhibit
6-3

HOUSE RECENTLY BUILT
ON LOT NEXT TO 1946 CATANNA AVE.
FACING HOUSE FROM STREET
LOCATED TO THE RIGHT OF
1946 CATANNA

Exhibit
6-C

Exhibit

B-A

CATALINA AVE - LOOKING TOWARDS DEAD END FROM MARIPOSA AVE.

Exhibit

B-B

CATALINA AVE - LOOKING
TOWARDS DEAD END

Exhibit

B-C

CATANNA AVE - LOOKING
FROM DEAD END

Exhibit

B-D

Lots 30 & 31


1 16 02

Exhibit

B-B

LOTS 30 & 31

Exhibit

3-D

CATALINA AVE - 5:30 PM

Exhibit

3-C

CATANNA AVE - [illegible]

LOTS 30 & 31

Exhibit

B-A

Lots 30 & 31

Baltimore County
Department of Permits and
Development Management

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

January 12, 2001

Marguerite P Pasky
5606 Carville Avenue
Baltimore MD 21227

Dear Ms. Pasky:

RE: Case Number: 01-216-A, 1946 Catanna Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 22, 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.
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: L. Ray Rachuba, 946 A Martmich Court, Eldersburg 21784
People's Counsel

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12·1·00

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

RE: Baltimore County
Item No. 216 TAG

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,

L. J. Gredlein

for 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

RE: PETITION FOR VARIANCE 1946 Catanna Avenue, S/S Catanna Ave, 169' E of c/l Jeanne Ave 13th Election District, 1st Councilmanic Legal Owner: Marguerite P. Pasky Contract Purchaser: L. Ray Rachuba Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Case No. 01-216-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 7th day of December, 2000 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Marguerite P. Pasky, 5606 Carville Avenue, Baltimore, MD 21227, and to Contract Purchaser L. Ray Rachuba, 946 A Marimich Court, Eldersburg, MD 21784, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley AC/RBS

DATE: December 15, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of December 4, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
211	7514 Rossville Boulevard
216	1946 Catanna Avenue
217	1431 Fuselage Avenue
219	7307 Seven Mile Lane
220	24 Treadwell Court

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 12, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For December 11, 2000
Item Nos. 211, 212, 215, 216, 218, 219,
220, and 221

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC-12-11-2000-NO COMMENT ITEMS-12122000 doc

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

Permit or Case No. 01-216A

12/11/00

Residential Processing Fee Paid
($50.00)

Accepted by TAG
Date 11/22/00

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:

L. RAYMOND RACHUBA 946A MARMICH CT ELLICOTT CITY, MD. 21784 (410) 781-3400
Print Name of Applicant — Address — Telephone Number

Lot Address 1946 CATANNA AVE. Election District 13 Councilmanic District 1 Square Feet 4,400 S.F.

Lot Location: N E/S W/side/corner of CATANNA AVE (street), 200' feet from N E/S W corner of JEANNE AVE (street)

Land Owner: PATRICIA MARGUERITE PASKY Tax Account Number 1316000050

Address: 5606 CARVILLE AVE BALTO 21227-3926 Telephone Number (410) 242-4193

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)	✓	
2. Permit Application — PENDING THIS APP.		
3. Site Plan — Property (3 copies)	✓	
Topo Map (2 copies): *available* in Room 206, County Office Building - ***(please label site clearly)***	✓	
4. Building Elevation Drawings	✓	
5. Photographs (please label all photos clearly) — Adjoining Buildings	✓	
Surrounding Neighborhood	✓	

6. Current Zoning Classification: DR 2

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:

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

RECEIVED NOV 24 2000 OFFICE OF PLANNING

Date: _____

Revised 2/25/99

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

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. 01-216A

Residential Processing Fee Paid ($50.00)
Accepted by TAG
Date 11/22/00

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:

L. RAYMOND RACHUBA 946A MARIMICH CT ELDERSBURG, MD. 21784 (410) 781-3400
Print Name of Applicant — Address — Telephone Number

Lot Address 1946 CATANNA AVE. Election District 13 Councilmanic District 1 Square Feet 4,400 SF

Lot Location: N E S W side/corner of CATANNA AVE (street) 200' feet from N E S W corner of JEANNE AVE (street)

Land Owner: PATRICIA MARGUERITE PASKY Tax Account Number 1316000050

Address: 5606 CARVILLE AVE BALTO 21227-3926 Telephone Number (410) 242-4193

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)	✓	
2. Permit Application		
3. Site Plan	✓	
Property (3 copies)		
Topo Map (2 copies): *available* in Room 206, County Office Building - *(please label site clearly)*	✓	
4. Building Elevation Drawings	✓	
5. Photographs (please label all photos clearly)		
Adjoining Buildings	✓	
Surrounding Neighborhood	✓	

6. Current Zoning Classification: DR2

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 attached ZAC comment

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

RECEIVED NOV 24 2000 OFFICE OF PLANNING

Date: 12-6-00

Revised 2/25/99

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 6, 2000

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

SUBJECT: 1946 Catanna Avenue

INFORMATION:

Item Number: 01-216

Petitioner: L. Raymond Rachuba

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that the subject property is an undersized lot with a lot area of 4400 square feet in lieu of the required 20,000 square feet and a lot width of 40 feet in lieu of 100 feet. Variances are requested for a front yard of 34 feet in lieu of 40 feet, a rear yard setback of 32 feet in lieu of 40 feet, side yard setbacks of 10 in lieu of 15 feet and a sum of side yards of 20 feet in lieu of 40 feet. The property is also being reviewed pursuant to the requirements for undersized lots (Section 304.2 of the Baltimore County Zoning Regulations.) It should be noted that the property owner, Marguerite Pasky, has owned the property since 1989 as 2 contiguous vacant lots, lots 30 and 31 of Halethorpe Terrace.

The property is located within the Halethorpe community and was rezoned from DR 5.5 to DR 2 during the 1996 Comprehensive Zoning Map process. The rezoning occurred in an effort to limit infill development in the area due to area's history of flooding and its lack of infrastructure, including curbs, gutters, sidewalks and most notably regional storm water management. While some improvements on Catanna Avenue have occurred, the regional storm water management ponds have not yet been implemented.

If the variance is granted, this office recommends that approval of any building permits must be in keeping with the architectural drawings submitted with the undersized lot request.

Prepared by: Marla A Rumpf

Section Chief: Jeffrey W Long

AFK:MAC:

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

March 9, 2001

L Ray Rachuba
946A Marimich Court
Eldersburg, MD 21784

Dear Mr. Rachuba:

RE: Case No. 01-216-A, 1946 Catanna Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on March 1, 2001 by Bruce A. Kent, Attorney At Law on behalf of Marguerite P. Pasky. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

GDZ

Arnold Jablon
Director

AJ: gdz

c: Bruce A Kent, Attorney At Law, 5517 Oregon Avenue, Baltimore 21227
Marguerite P Pasky, 5606 Carville Avenue, Baltimore 21227
Donald Hawking, 1919 Woodside Avenue, Baltimore 21227
President, Halethorpe Civic League Inc, Halethorpe 21227
John Swann III, 1948 Catanna Ave, Halethorpe 21227
Mr. & Mrs Redmond, 1944 Catanna Ave, Halethorpe 21227
People's Counsel

checklist

*** AMENDED ~~APPEAL~~**

Appeal

Petition for Variance

1946 Catanna Avenue

S/S Catanna Avenue, 169' E of centerline Jeanne Avenue

13th Election District – 1st Councilmanic District

Marguerite P Pasky - Legal Owner

L Ray Rachuba - Contract Purchaser

Case No. 01-216-A:

✓ Petition for Variance (11/22/00)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (dated 12/1/00)

✓ Certification of Publication (The Jeffersonian issue 12/28/00)

✓ Certificate of Posting (12/28/00 posted by Stacy Gardner)

✓ Entry of Appearance by People's Counsel (12/7/00)

✓ Petitioner(s) Sign-In Sheet

✓ Protestant(s) Sign-In Sheet

✓ Citizen(s) Sign-In Sheet

✓ Zoning Advisory Committee Comments

✓ Petitioners' Exhibits:

* 1. Plat to Accompany Petition For Zoning Variance (dated 7/31/00)
(AMENDED AS TO ADDITION OF THIS EXHIBIT)

Protestants' Exhibits:
NONE

Miscellaneous (Not Marked as Exhibits):

- ✓ Floor Plan Viva Victorian
- ✓ Plat To Accompany Petition For Zoning Variance
- ✓ Site Map
- ✓ Photographs (2 pages)

✓ Zoning Commissioner's Order (dated 2/6/01 - Denied)

✓ Notice of Appeal received on 3/1/01 from Bruce A. Kent on behalf of Marguerite P Pasky ✓ KE

c: * Bruce A. Kent, Esquire, 5517 Oregon Avenue, Baltimore, MD 21227
Marguerite P. Pasky, 5506 Carville Avenue, Baltimore, MD 21227
L. Ray Rachuba, 746A Marimich Court, Eldersburg, MD 21784
Donald Hawkins, President / Halethorpe Civic League, Inc.
1919 Woodside Avenue, Baltimore, MD 21227
John Swann III, 1948 Catanna Avenue, Halethorpe, MD 21227
Mr. & Mrs. Douglas Readmond, 1944 Catanna Avenue, Halethorpe, MD 21227
People's Counsel for Baltimore County
Pat Keller, Director of Planning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

APPEAL

Petition for Variance
1946 Catanna Avenue
S/S Catanna Avenue, 169' E of centerline Jeanne Avenue
13th Election District – 1st Councilmanic District
Marguerite P Pasky - Legal Owner
L Ray Rachuba - Contract Purchaser
Case No. 01-216-A:

Petition for Variance (11/22/00)

Zoning Description of Property

Notice of Zoning Hearing (dated 12/1/00)

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Entry of Appearance by People's Counsel (12/7/00)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet

Citizen(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits: 1 - SITE PLAN

Protestants' Exhibits:

Miscellaneous (Not Marked as Exhibits):
- Floor Plan Viva Victorian
- Plat To Accompany Petition For Zoning Variance
- Site Map
- Photographs (2 pages)

Zoning Commissioner's Order (dated 2/6/01 - Denied)

Notice of Appeal received on 3/1/01 from Bruce A. Kent on behalf of Marguerite P Pasky

Rec'd 3-12-01 from PDM

c: L Ray Rachuba, 946A Marimich Court, Eldersburg 21784
Marguerite P Pasky, 5606 Carville Avenue, Baltimore 21227
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner

Arnold Jablon, Director of PDM

date sent

Case No. 01-216-A

VAR – To approve undersized lot; permit front yard setback of 34' and rear yard of 32' ilo req'd 40' each; side yard setbacks of 10' each ilo required 15'; and sum of side yards of 20' ilo required 40'

2/06/2001 – Z.C.'s Order in which Variance relief was DENIED.

4/30/01 – Letter from Bruce A. Kent, Esquire – has received no notice to date of hearing; requesting proposed hearing date.

5/09/01 – Response to Mr. Kent; hearing date has not yet been assigned; Notice of Assignment will be sent to him when scheduled.

9/13/01 – Notice of Assignment sent to following; hearing assigned for Thursday, January 17, 2002 at 10 a.m.:

Bruce A. Kent, Esquire
Marguerite P. Pasky
L. Ray Rachuba
Donald Hawkins, President /Halethorpe Civic League, Inc.
John Swann III
Mr. & Mrs. Douglas Readmond
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

1/17/02 – Hearing concluded (Stahl, Barranger, Worrall); deliberated publicly at 12:30 p.m. Requested variance relief was DENIED. Written Opinion and Order to be issued; appellate period to run from date of written Order.

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: June 4, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILE**

The following cases have been finalized and the Board of Appeals is closing the copy of the appeal case files and returning the file and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
CR-02-070	***Out of Cycle 2001 cr-02-070***	MAUD D. & LEE JONES	24 OLD TOLLGATE ROAD
01-148-SPH	***01-148-SPH***	GRETEL WHITE	7800 GREENSPRING AVENUE
01-216-A	***01-216-A***	MARGUERITE P. PASKY	1946 CANTANNA AVENUE
CBA-01-156	***CIVIL CITATION 01-3570***	AIR FLOW SYSTEMS INC.	NUMEROUS ADDRESSES
00-123-M	***MINOR SUBDIVISION 00123M***	KRACH PROPERTY	REDWOOD AVENUE LEEFIELD AVENUE

Attachment: SUBJECT FILE(S) ATTACHED

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Marguerite P. Pasky – Legal Owner
1946 Cantanna Avenue
Case No.: 01-216-A

DATE: January 17, 2002

BOARD/PANEL:

Charles L. Marks	CLM
C. Lynn Barranger	CLB
Margaret Worrall	MW

RECORDED BY: Theresa R. Shelton / Legal Secretary

PURPOSE: To deliberate the matter of a variance request – front, side and rear yard setbacks.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- A variance must meet all three prongs of Section 307.1 of zoning regulation requirements
- Discussed case law of Cromwell vs. Ward
- The first prong is uniqueness and property does not meet this test
- if the property is not unique, a variance may not be granted
- testimony given by owner and neighbors stated that property was like every other parcel; they gave evidence that it was NOT unique
- if the first prong of unique is not met, the 2 prongs are not discussed

DECISIONS BY BOARD MEMBERS:

CLM Property did not meet requirement for the first prong of being unique and no evidence or testimony was given to satisfy the first prong of uniqueness.
CLB Property did not meet requirement for the first prong of being unique and no evidence or testimony was given to satisfy the first prong of uniqueness
MW Property did not meet requirement for the first prong of being unique and no evidence or testimony was given to satisfy the first prong of uniqueness

FINAL DECISION: That the request for variance is DENIED.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,
Theresa R. Shelton
Theresa R. Shelton
County Board of Appeals

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

*** HEARING ROOM *Room 48* ***
Basement –Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF JANUARY 14, 2002

TUESDAY 1/15 **10:00 am** **Case No.: 01-123-SPH** **/Hearing**

In the Matter of:
Pamela L. and Paul S. Buckley - Legal Owners
139 Newburg Avenue, aka Buckley Property
(Minor Sub 00-040-M) S/s Pullen Avenue at E/s Newburg Avenue
1st Election; 1st Councilmanic District

SPH To approve waiver of public works standards
9' widening of Pullen Ave. and Assoc. improvements,
including curb, gutter and sidewalks

WEDNESDAY 1/16 **9:30 am** **Case No.: CBA-01-106** **/Deliberation**

In the Matter of,
Beth Tfiloh Congregation of Baltimore City, Inc. - Developer
407 Central Avenue
4th Election: 3rd Councilmanic

10:00 am **Case No.: CBA-01-108** **/Hearing**

In the Matter of:
North Oaks/North Oaks Real Estate Partnership – Developer
725 Mt. Wilson Lane
2nd Election; 2nd Councilmanic

RE: DRC No. 012901B/File No. II-329
meets requirements of refinement to CRG Plan - per §26-211 BCC

CONTINUED

THURSDAY 1/17 9:00 am **Case No.: CR-02-120-A** /Motion Hearing

In the Matter of:
Pennrose Properties, Inc - CP
Dr. Mirza Hussain/Ali Baig Legal Owner
3134 Rolling Road
2nd Election District, 2nd Councilmanic District

RE – Reclass. From D.R. 5.5 to D.R. 16
SE – Class A Housing for the Elderly
VAR – From §§ 1B01-2-B.2 and 504.2 BCZR
DOCUMENT SITE PLAN

Argument to be received on Petitioner's Motion for Filing of Transcript, Briefs and Supplemental Public Deliberations

10:00 am **Case No.: 01-216-A** /Hearing

In the Matter of:
Marguerite P. Pasky - Legal Owner
L. Ray Rachuba - CP
E of c/l Jeanne Avenue
1946 Catanna Avenue
13th Election District; 1st Councilmanic District

RE: VAR – Front, side and rear yard setbacks and sum of side yards of 20' ilo req'd 40'

---

c: Executive Office
Law Office
Director /PDM
People's Counsel
Planning Office
Court Info. Desk
County Council
Board Members
Court Reporter

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 13, 2001

NOTICE OF ASSIGNMENT

CASE #: 01-216-A

IN THE MATTER OF: ***Marguerite P. Pasky and L. Ray Rachuba*** **-Legal Owners** 1946 Catanna Avenue
13th Election District; 1st Councilmanic District

2/06/2001 – Z.C.'s Order in which variance request was DENIED.

ASSIGNED FOR: **THURSDAY, JANUARY 17, 2002 at 10:00 a.m.**

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

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

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: *Counsel for Appellant /Legal Owner* : *Bruce A. Kent, Esquire*
Appellant /Legal Owner : Marguerite P. Pasky

Petitioner /C.P. : L. Ray Rachuba

Donald Hawkins, President /Halethorpe Civic League, Inc.
John Swann III
Mr. & Mrs. Douglas Readmond

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

April 15, 2002

Bruce A. Kent, Esquire
5517 Oregon Avenue
Baltimore, MD 21227

RE: *In the Matter of: Marguerite P. Pasky* –Legal Owner;
L. Ray Rachuba – Contract Purchaser
Case No. 01-216-A

Dear Mr. Kent:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco /as

Kathleen C. Bianco
Administrator

Enclosure

c: Marguerite P. Pasky
L. Ray Rachuba
Donald Hawkins, President /Halethorpe Civic League, Inc.
John Swann III
Mr. & Mrs. Douglas Readmond
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

May 9, 2001

Bruce A. Kent, Esquire
5517 Oregon Avenue
Baltimore, MD 21227

RE: *In the Matter of: Marguerite P. Pasky* –Petitioner
Case No. 01-216-A

Dear Mr. Kent:

In response to your letter of April 27, 2001, the subject matter has not been scheduled for hearing as of this date.

The file has been noted, and a copy of the Notice of Assignment will be forwarded to you when a hearing date has been assigned.

Very truly yours,

Kathleen C. Bianco
Administrator

Law Office of
Bruce A. Kent
Attorney At Law

Richard I. Martel, Jr. Esquire
Of Counsel

5517 Oregon Avenue
Baltimore, Maryland 21227
(410) 247-5805
Fax: (410) 247-5894

Angela C. Walls – Secretary/Real Estate Closings
Sandra Wingo – Legal Secretary
Rita Helms – Office Manager

April 27, 2001

Baltimore County Board of Appeal
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204-0754

RE: My Client: Marguerite P. Pasky, Owner
S/S Catanna Avenue, 169' E of the c/l Jeanne Avenue
(Lots 31 & 30 Halethorpe Terrace, 1946 Catanna Avenue)
13th Election District – 1st Council District
Marguerite P. Pasky, Owner
Case No.: 1-216-A

Dear Madam /Sir:

On March 1, 2001, an appeal of the above reference case was received and filed by the Department of Permits and Development Management. As of this date, this office has not been notified of when the appeal hearing will be held. Could you please provide this office with the proposed hearing date?

Very truly yours,

Bruce A. Kent

Bruce A. Kent
BAK:rah

cc: Ms. Marguerite P. Pasky

Law Office of
Bruce A. Kent
Attorney At Law

Richard I. Martel, Jr. Esquire
Of Counsel

5517 Oregon Avenue
Baltimore, Maryland 21227
(410) 247-5805
Fax: (410) 247-5894

Angela C. Walls – Secretary/Real Estate Closings
Sandra Wingo – Legal Secretary
Rita Helms – Office Manager

February 27, 2001

Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTENTION:ZONING REVIEW

RE: PETITION FOR VARIANCE
S/S Catanna Avenue, 169' E of the c/l Jeanne Avenue
(Lots 31 & 30 Halethorpe Terrace, 1946 Catanna Avenue)
13th Election District – 1st Council District
Marguerite P. Pasky, Owner
Case No.: 1-216-A

Dear Madam /Sir:

Please note an Appeal from the decision rendered by Lawrence E. Schmidt, Zoning Commissioner, dated February 6, 2001, on behalf of Marguerite P. Pasky, Owner. Enclosed you will find check no.: 3009, in the amount of $210.00, made payable to "Baltimore County, Maryland", to cover the filing fee.

Please direct all correspondence and notices concerning this appeal to the undersigned at the above address.

It is my understanding that this letter will suffice for filing an appeal. If any other document is required please notify this office immediately upon receipt of this letter.

Very truly yours,

Bruce A. Kent
BAK:aw

Cc: Ms. Marguerite P. Pasky

D:\Firm Documents\General\Pasky, M. - Zoning Appeal\Appeal ltr.2.27.01.doc

Baltimore County
Zoning Commissioner

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

February 5, 2001

Ms. Marguerite P. Pasky
5606 Carville Avenue
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
S/S Catanna Avenue, 169' E of the c/l Jeanne Avenue
(Lots 31 & 30 Halethorpe Terrace, 1946 Catanna Avenue)
13th Election District – 1st Council District
Marguerite P. Pasky, Owner; L. Ray Rachuba, Contract Purchaser - Petitioners
Case No. 01-216-A

Dear Ms. Pasky:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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: Mr. L. Ray Rachuba
946-A Marimich Court, Eldersburg, Md. 21784
Mr. Donald S. Hawkins, 1919 Woodside Avenue, Halethorpe, Md. 21227
Mr. John Swann, III, 1948 Catanna Avenue, Halethorpe, Md. 21227
Mr. & Mrs. Douglas Readmond, 1944 Catanna Avenue, Halethorpe, Md. 21227
People's Counsel; Case File

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
L. RAJ RACHURA	946 A MARIMECH COURT ELDERSBURG, MD 21784

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
DONALD S. HAWKINS	1919 WOODSIDE AVE
PRES. HALETHORPE CIVIC LEAGUE INC	HALETHORPE MD 21227
John Swann, III	1948 Catanna Ave. Halethorpe MD, 21227
M/M Redmond	1944 " " " "

Plat to accompany Petition for Zoning ☑ Variance ☐ Special Hearing

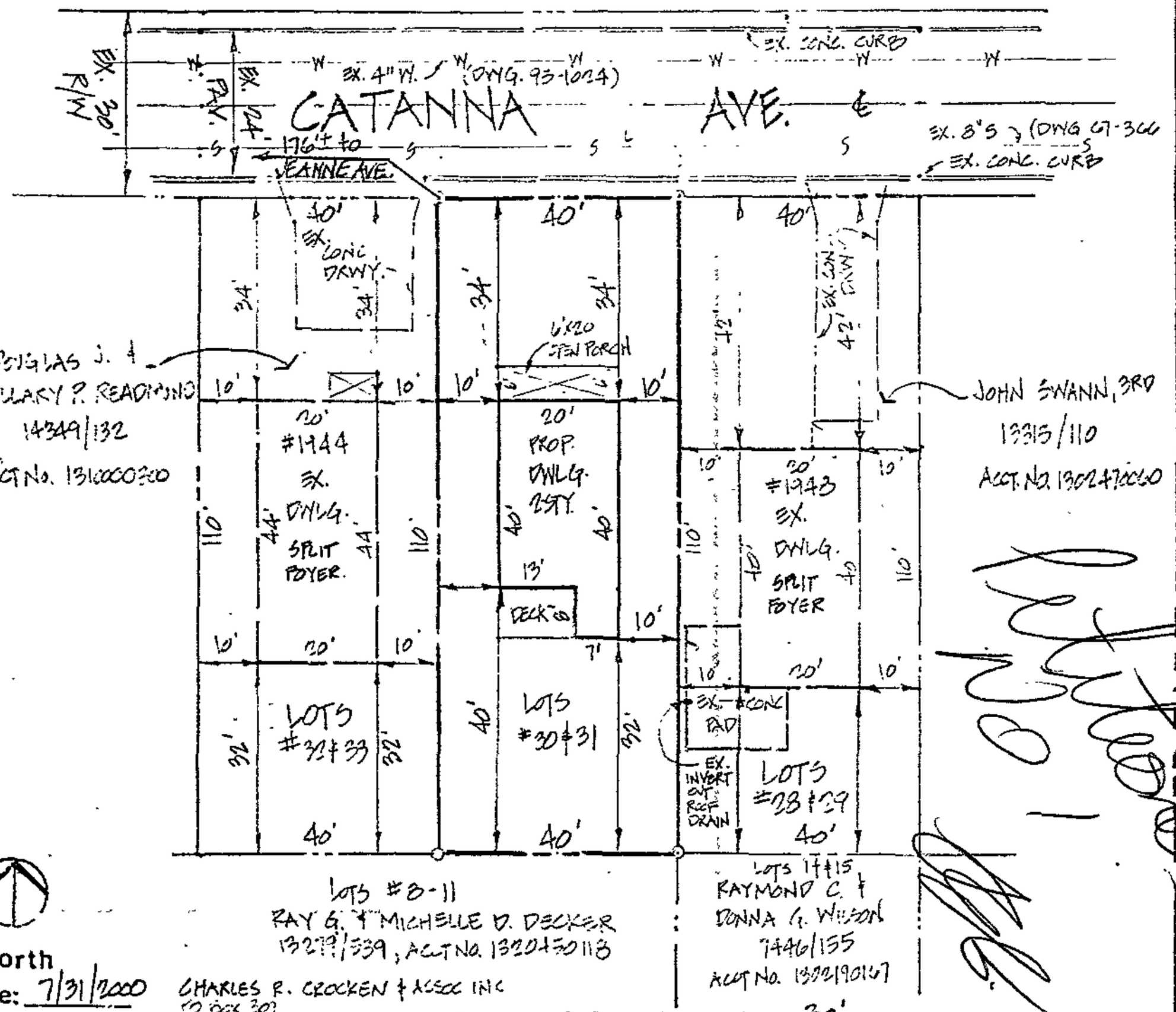
PROPERTY ADDRESS: #1946 CATANNA AVE.

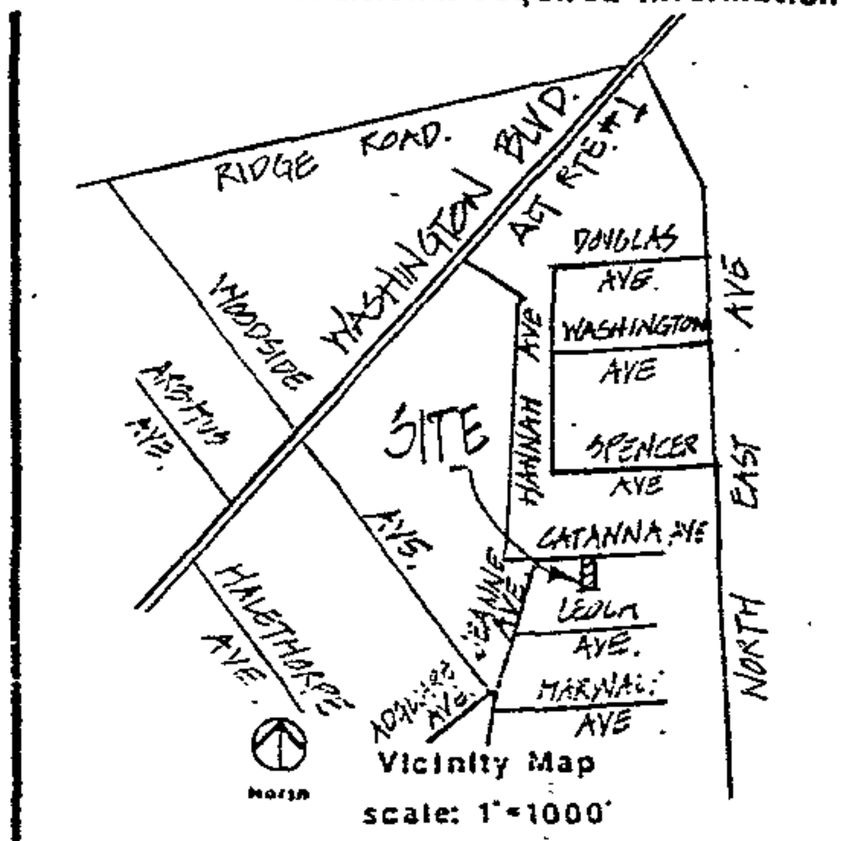
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: "HALETHORPE TERRACE"

plat book# 7 ,folio# 72 ,lot# 30&31 ,section# 5

OWNER:





LOCATION INFORMATION

Election District: 13

Councilmanic District: 01

1"=200' scale map#: #SW-6D

Zoning: DR. 2

Lot size: 0.101 ACS.± (acreage) 4400 SQ.FT.± (square feet)

	public	private
SEWER:	X	
WATER:	X	

	yes	no
Chesapeake Bay Critical Area:		X

Prior Zoning Hearings:

Zoning Office USE ONLY.

reviewed by:	ITEM #:	CASE#:
TAG	216	01-216A

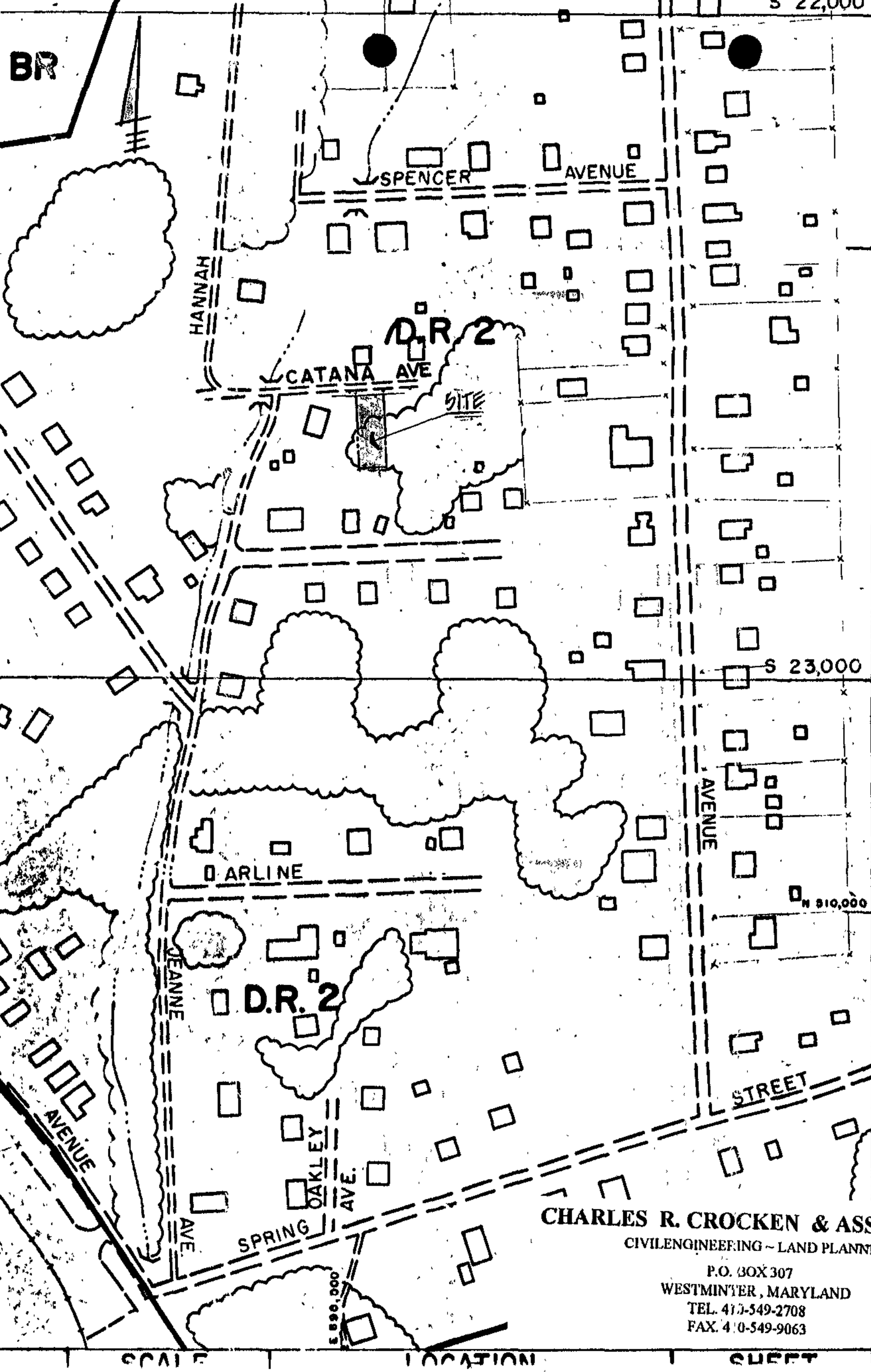
North

date: 7/31/2000

prepared by: CHARLES R. CROCKEN & ASSOC INC
PO BOX 307
WESTMINSTER, MD. 21157
410-549-2709

Scale of Drawing: 1" = 30'

-15-



(SHEET SW

PLAN HOLD CORPORATION · IRVINE CALIFORNIA

CHARLES R. CROCKEN & ASSOC., INC.
CIVILENGINEERING ~ LAND PLANNING
P.O. BOX 307
WESTMINTER, MARYLAND
TEL. 410-549-2708
FAX. 410-549-9063

SCALE | LOCATION | SHEET

PLAN HOLD CORP.

PET 2 01-216A

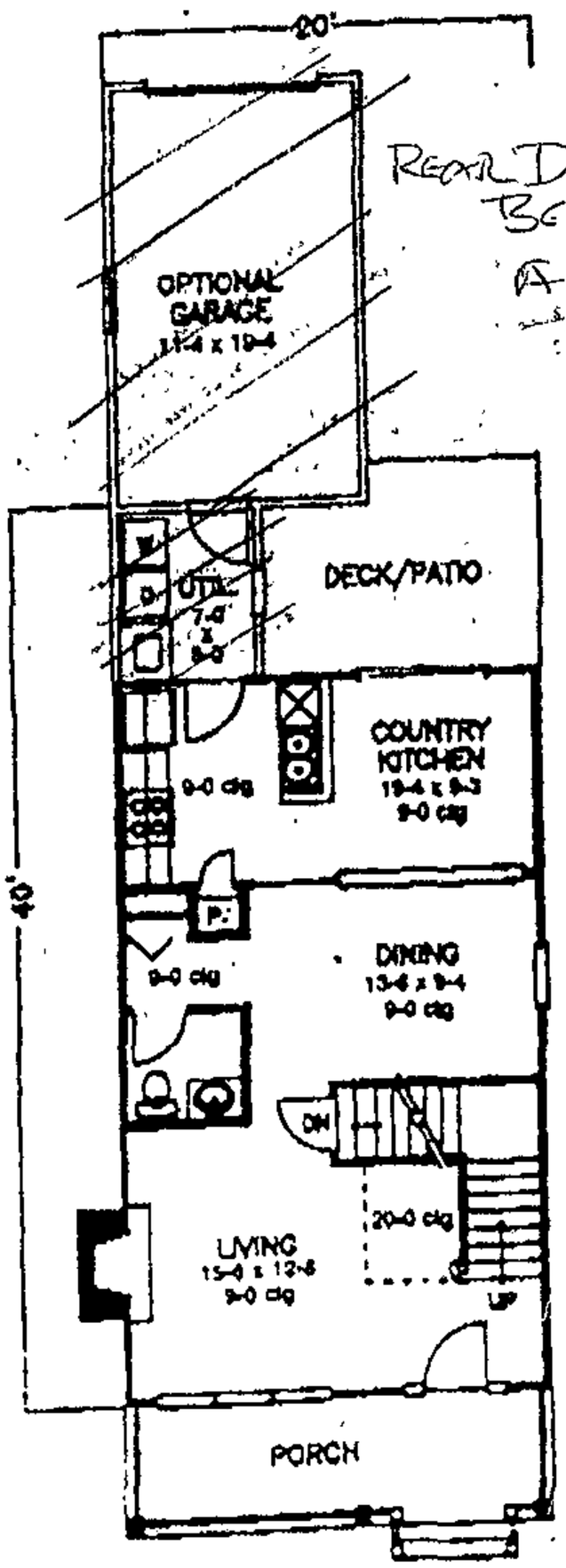
Viva Victorian!

- A Victorian design that abounds with options, yet is very cost-effective, this home offers both elegance and economy.
- The classic exterior look is offset by the interior, which offers contemporary features such as turned open stairs, loft space and a roomy kitchen.
- A front, columned porch greets visitors, and a rear deck and patio provide a relaxing space in which to entertain.
- A fireplace graces the large living room, creating a welcoming touch. A half-bath for guests opens off the dining room.
- Hearty meals can be prepared in the roomy, galley-style country kitchen.
- Upstairs, the master suite is enhanced by a sitting area and a bay window.
- Two other bedrooms occupy the upper floor, and a loft provides a nice addition to the features of the house.
- This beautifully designed home can fulfill all your needs, as well as reflect a desirable setting. Its narrow footprint is perfect for infill lots.

Plan JWA-7701-A

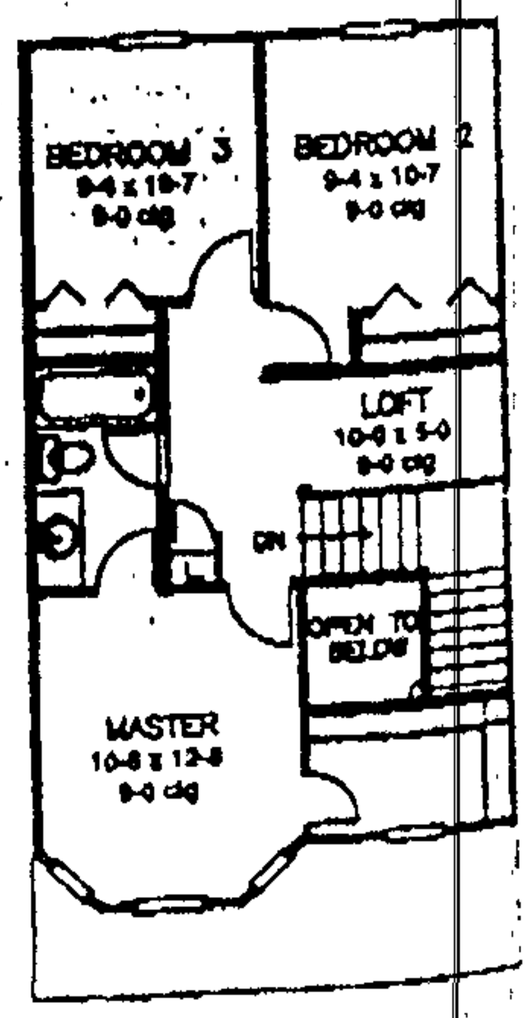
Bedrooms: 3	**Baths:** 1½
Living Area:	
Upper floor	614 sq. ft.
Main floor	736 sq. ft.
Total Living Area:	**1,350 sq. ft.**
Standard basement	680 sq. ft.
Optional garage	240 sq. ft.
Optional utility room	56 sq. ft.
Exterior Wall Framing:	2x4
Foundation Options:	
Standard basement	

All plans can be built with your choice of foundation and framing. A price conversion diagram is available. See order form.



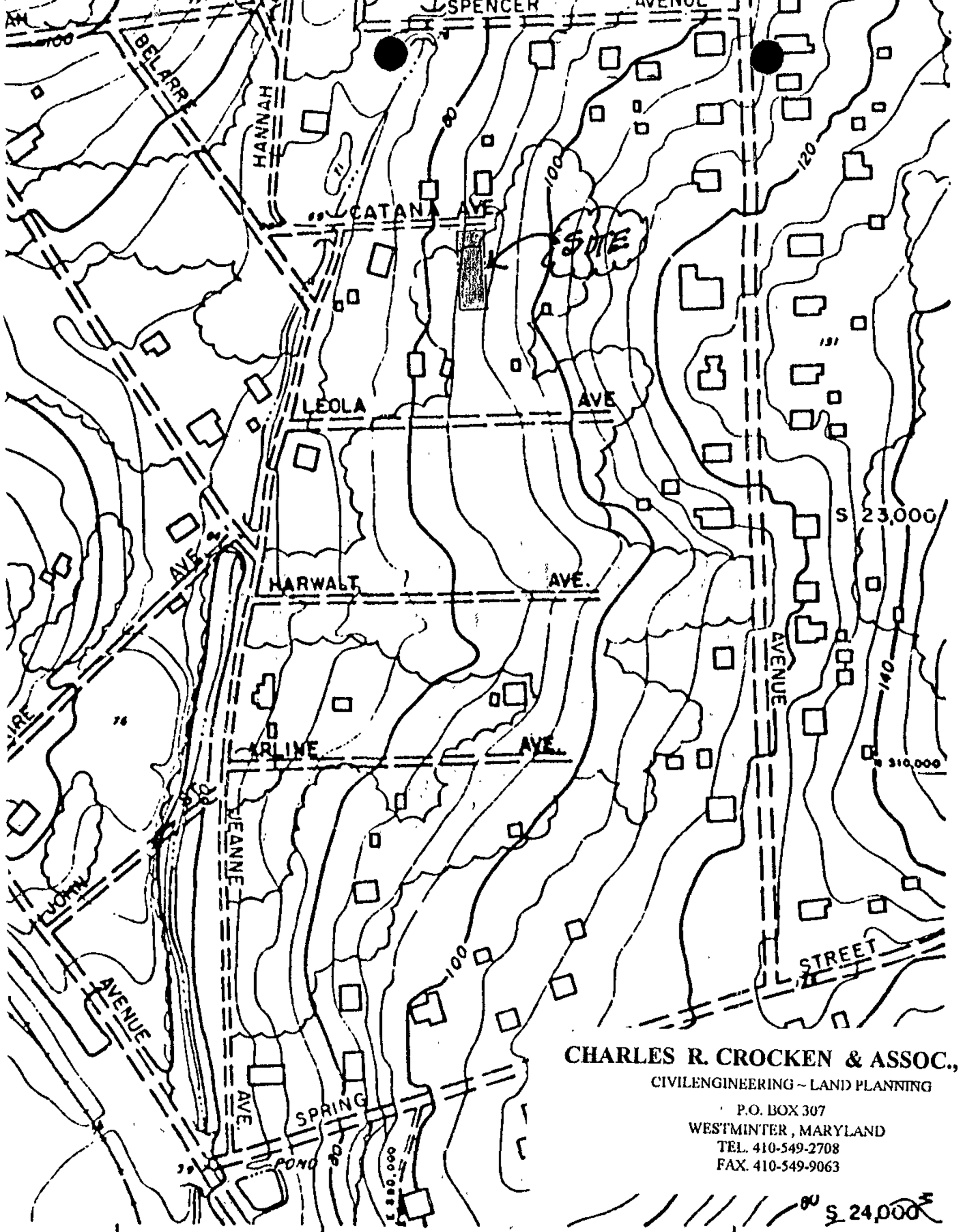
MAIN FLOOR

REAR DECK & FRONT PORCH WILL BE BUILT - UTILITY RM AND GARAGE WILL NOT. PER APP.



UPPER FLOOR

01-216A RET 4



CHARLES R. CROCKEN & ASSOC., INC.
CIVILENGINEERING ~ LAND PLANNING
P.O. BOX 307
WESTMINTER, MARYLAND
TEL. 410-549-2708
FAX. 410-549-9063

DATE	SCALE	LOCATION	SHEET
12/2/85	1" = 200'	HALETHORPE	S.W. 6-D
	DATE OF PHOTOGRAPHY APRIL 1953		

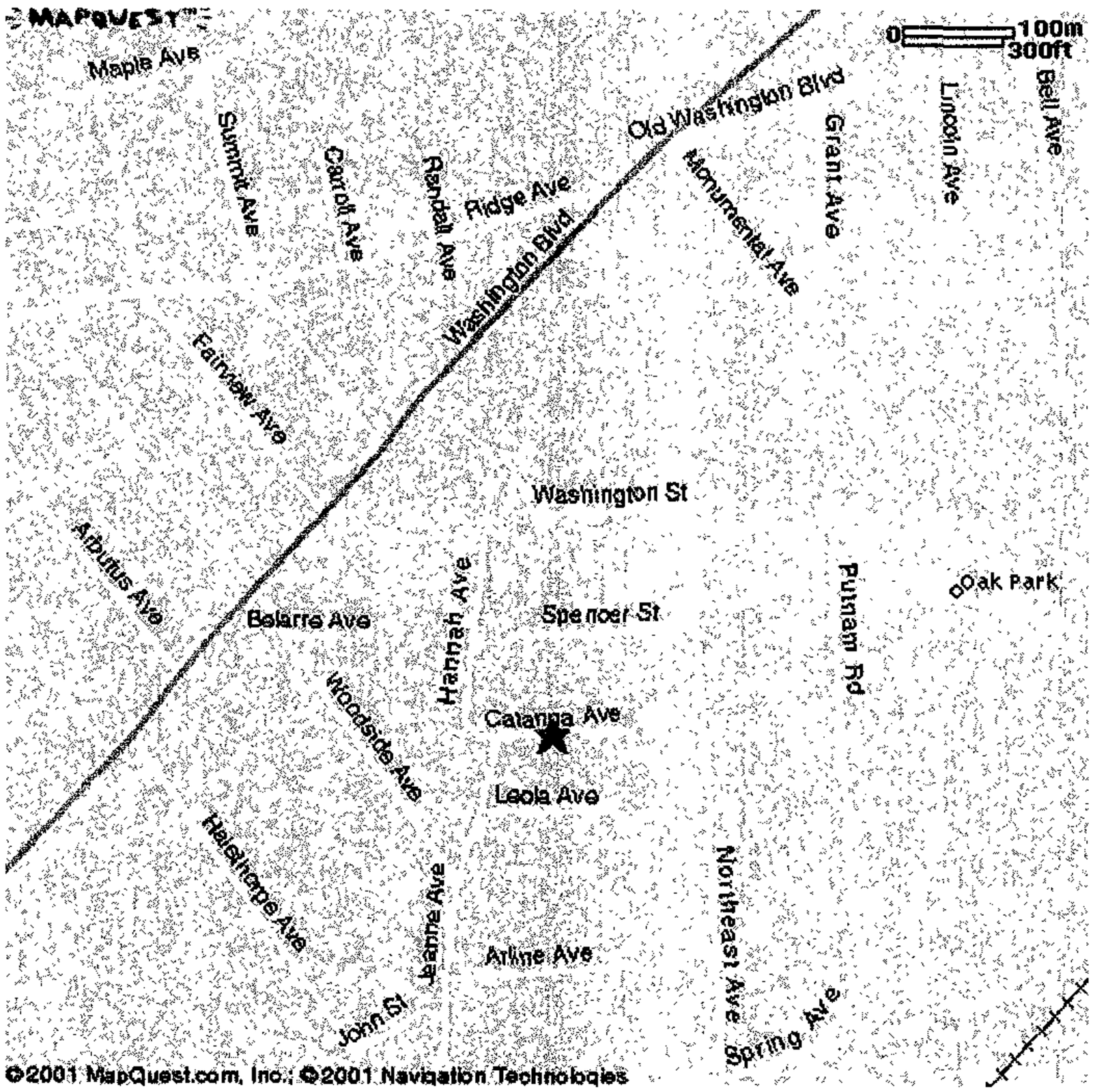
01-216A

MAPQUEST

1946 Catanna Ave
Halethorpe, MD
21227-4506, US

SEND TO PRINTER

Back



NAVTECH ON BOARD

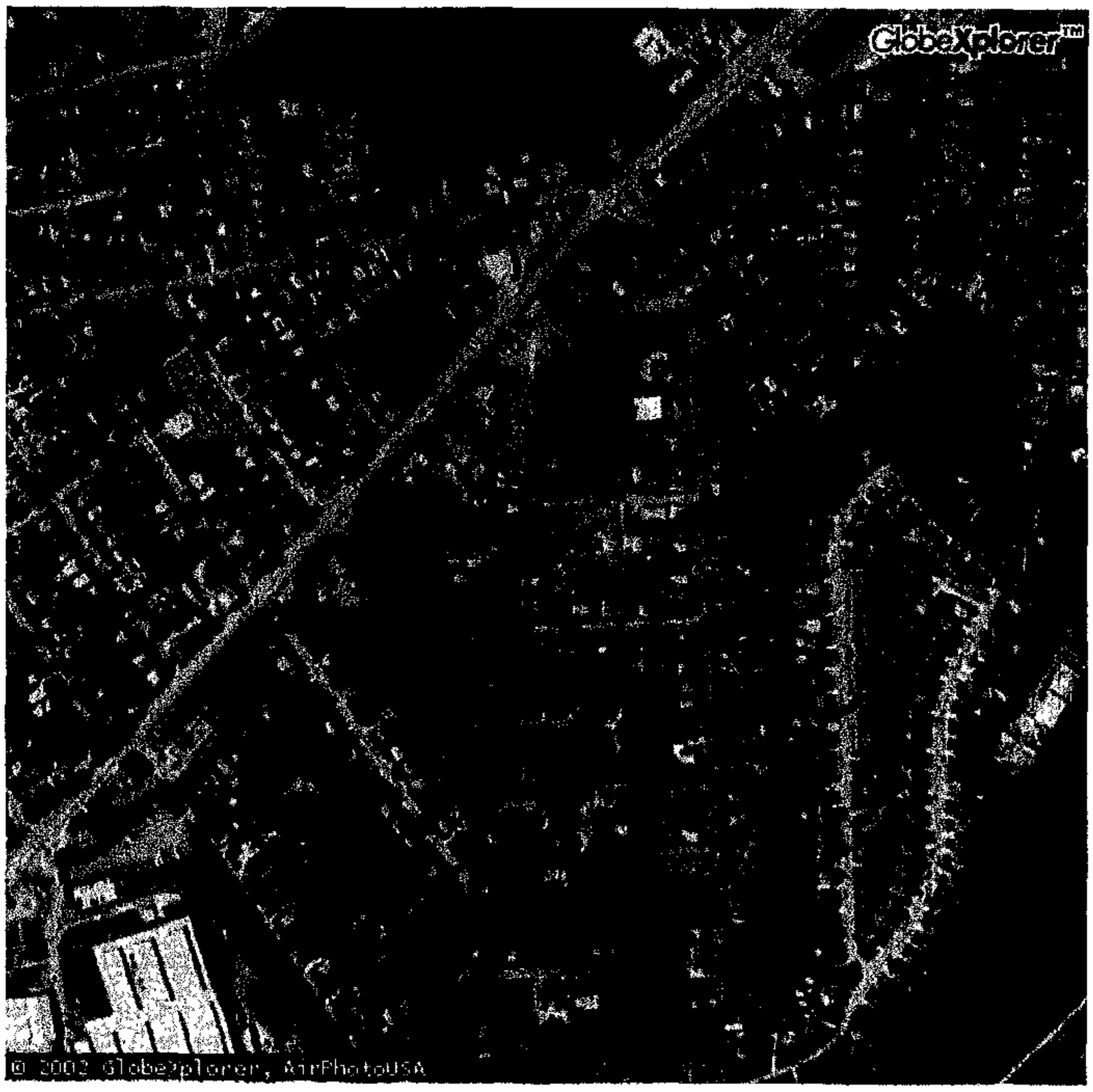
PET 10

MAPQUEST

1946 Catanna Ave
Halethorpe, MD
21227-4506, US

SEND TO PRINTER

Back



NAVTECH

DET 12

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering & Land Planning
P.O. BOX 307
WESTMINSTER, MD 21157

JOB CATANNA AVENUE
SHEET NO. _____ OF _____
CALCULATED BY RC DATE 8-14-00
CHECKED BY _____ DATE _____
SCALE _____

VIEW OF CATANN AVE.
5. LOOKING WEST.

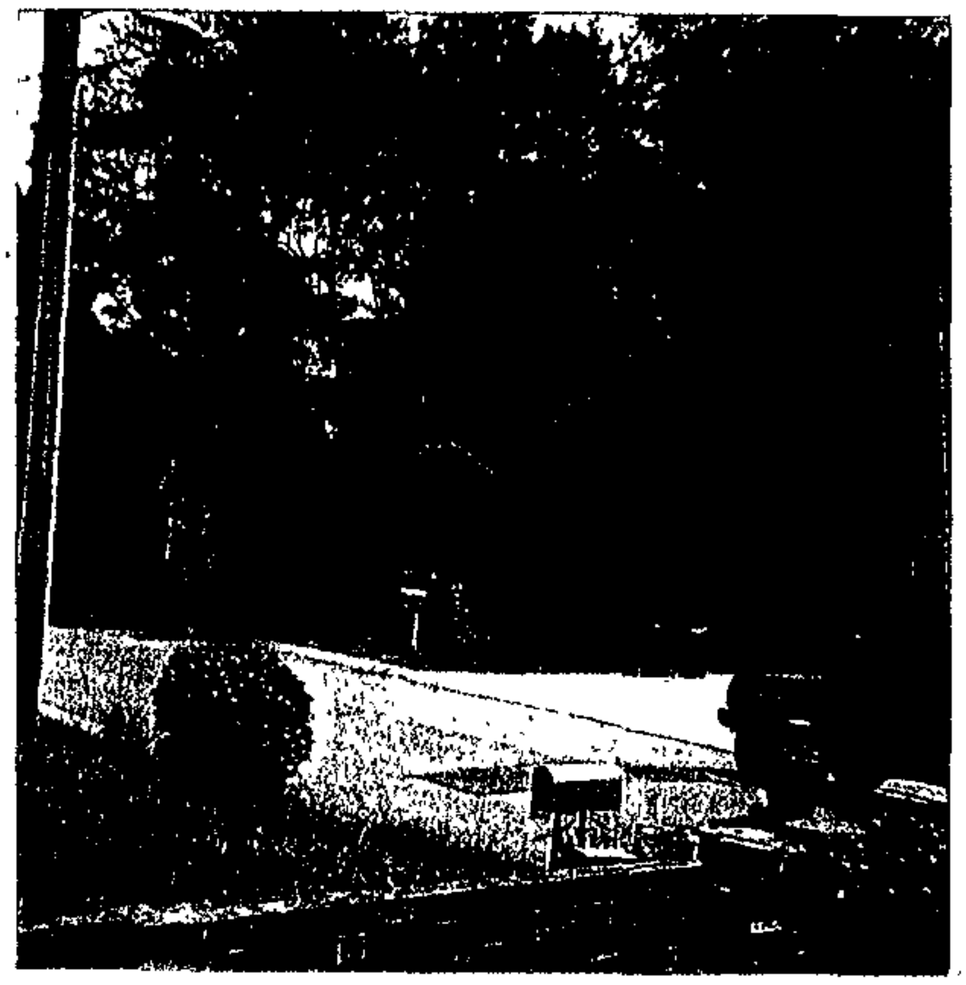
VIEW OF DWELLING ON OPPOSITE SIDE OF CATANNA AVE. FROM SITE. 6

VIEW OF SITE FROM OPPOSITE SIDE OF AVENUE
7. LOOKING SW.

01-216A

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering & Land Planning
P.O. BOX 307
WESTMINSTER, MD 21157

JOB CATANNA AVENUE
SHEET NO. _____ OF _____
CALCULATED BY 2C DATE 8-14-00
CHECKED BY _____ DATE _____
SCALE _____



VIEW OF SITE FROM ACROSS STREET LOOKING EASTERLY
1.

VIEW OF ADJOINER ON WESTSIDE OF SITE.
2.

NEW HOUSE

VIEW OF CATANNA AVE. LOOKING EAST.
3.

VIEW OF ADJOINER ON EASTSIDE OF SITE.
4.

NEW HOUSE

01-2164