

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE: February 6, 2003

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

FROM: Theresa R. Shelton *trs*
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

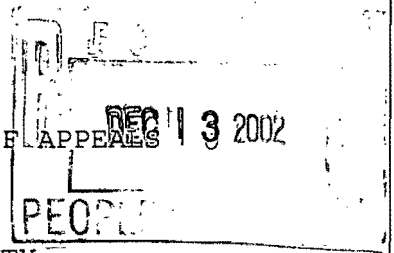
The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

<u>BOARD OF APPEALS CASE NUMBER</u>	<u>PDM FILE NUMBER</u>	<u>NAME</u>	<u>LOCATION</u>
02-517-SPH	<i>02-517-SPH</i>	Tracy Morrow Mark Stork Richard Hall	9216 Smith Avenue
01-270-A	<i>01-270-A</i>	Mark Stork Richard Hall	9216 Smith Avenue

Attachment: SUBJECT FILE(S) ATTACHED

IN THE MATTER OF
THE APPLICATION OF
TRACY MORROW /MARK STORCK /,
RICHARD HALL /PETITIONERS FOR A
SPECIAL HEARING ON PROPERTY
LOCATED ON THE W/S SMITH AVENUE,
1085' N OF SATYR HILL ROAD
(9216 SMITH AVENUE)
9TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 02-517-SPHA
* (Reference CASE NO. 01-270-A)
* * * * *



O P I N I O N

This matter comes before the Baltimore County Board of Appeals on a timely appeal brought by the Appellants/Protestants Marjorie Shipley, Tom Chenowith and Josh Gilman, resulting from a decision by the Deputy Zoning Commissioner dated September 10, 2002, to approve a Petition for building application/undersized lot (per §304, Baltimore County Zoning Regulations) at the subject site, 9216 Smith Avenue, 9th Election District, 6th Councilmanic District.

The Appellants /Protestants were represented before the Board by J. Carroll Holzer, Esquire. John B. Gontrum, Esquire, appeared on behalf of Petitioners/Legal Owners HNS Development- Mark Storck and Petitioner /Applicant Tracy Morrow.

On behalf of the Petitioners, Mr. Gontrum explained to the Board that he and his clients had had discussions with Mr. Holzer and Mr. Gilman in which the parties agreed that the site plan could be amended to satisfy everyone. In addition, Mr. Gilman's concerns would be expressly addressed on the record. In return the Protestants would not oppose the approvals granted by the Deputy Zoning Commissioner as indicated in his opinion of September 10, 2002.

The amended site plan would show that the house to be built would not encroach on the setbacks, which would therefore negate the request for side yard setback variances (Note #10). In addition a dry well would be constructed to control runoff onto the Shipley property (Note #11). Mr. Gontrum noted for the record that such a dry well must be

approved by Baltimore County before it can be constructed. Mr. Gontrum also noted that Case No. 01-270-A, already heard by this Board and set for deliberation on November 21, 2002, would be resolved by the settlement of this case. To wit, the request for lot width and side variances would be withdrawn and the same building size would be used as amended in the instant case currently before the Board.

Mr. Holzer concurred on behalf of his clients that Mrs. Shipley agreed that the dry well would be sufficient in addressing her concerns about drainage onto her property. As for Case No. 01-270-A, already heard, Mr. Holzer indicated that the withdrawal of the variance request would render that case moot. Mr. Holzer also noted that Mrs. Shipley has no objection to building on the undersized lot so long as the requirements of § 304 of the *Baltimore County Zoning Regulations* (BCZR) are met without variance.

Mr. Gilman was in the hearing room to hear his concerns addressed, and Mr. Chenowith was not present, having indicated to Mrs. Shipley that he wished to withdraw his appearance.

Michael Ertel testified for the Petitioners as a professional engineer with offices in Ellicott City. He prepared the site plan and examined deeds prior to 1950 which were in tact, showing no changes and no subdivisions to the subject lot. He certified that the subject property meets all area requirements under § 304 of the BCZR, and is even larger, 26,000 square feet, than required. He stated that the proposed dwelling will meet the required setbacks, that the proposal was supported by the Office of Planning, and that all approvals for well, septic reserve, etc. have been received from DEPRM.

The amended site plan was offered into evidence as Petitioners' Exhibit #1. As Petitioners' Exhibit #2, Mr. Ertel submitted a packet of documents from the hearing below to include the deed history on the

subject property; a letter from DEPRM, signed by Robert Powell; the original site plan; the house elevations; and photos of the subject property.

Mr. Ertel also testified that the owner did not own any adjacent land and that the building proposed was appropriate for the neighborhood and approved by the Office of Planning.

The Petitioners' second witness was William Monk who was accepted by the Board as an expert land planner and permits and zoning consultant. Mr. Monk is a partner in Morris, Ritchie Associates and evaluated the subject property. It was his opinion that the proposal before the Board was compatible as depicted with the zoning and adjacent land use, and further that the property conforms with § 304, undersized lots, in that it was created prior to present regulations and meets the minimum lot size. Mr. Monk also testified that the proposed house fits within the building envelope and is compatible to others in the neighborhood in architecture and size. He opined that the proposal is not injurious to the health, safety and welfare of the neighbors.

In conclusion, Mr. Gilman, a Protestant in the appeal, asked that his letter of November 6, 2002, and his letter to DEPRM expressing his concerns, be accepted into evidence as Protestant's Exhibits 1A & B. The Board did so accept,

Upon review the Board accepts unanimously the testimony and evidence presented and hereby finds that the subject property meets the requirements for an undersized lot as indicated in Section 304.1, BCZR. That Section stipulates that:

A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the are regulations contained in these regulations if:

A. Such lot shall have been duly recorded either by

deed or in a validly approved subdivision prior to March 30, 1955;

B. All other requirements of the height and area regulations are complied with; and

C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

Further, since the resolution of this case also resolves the issues in Case No. 01-270-A, the matters in that case are moot, and we shall hereby dismiss that appeal.

O R D E R

THEREFORE, IT IS THIS 13th day of December, 2002 by the County Board of Appeals of Baltimore County :

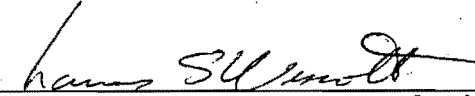
ORDERED that the Petitioner's special hearing request be and is hereby GRANTED; and it is further

ORDERED that the subject property meets the requirements for an undersized lot as indicated in Section 304.1, *Baltimore County Zoning Regulations*; and it is further

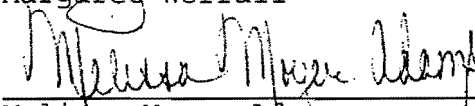
ORDERED that, with the withdrawal of the Petition for Variance in Case No. 01-270-A, the appeal filed in that matter is hereby DISMISSED as moot.

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 S. Wescott, Panel Chair

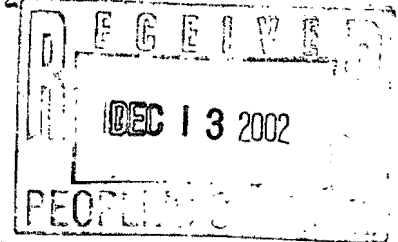

Margaret Worrall


Melissa Moyer Adams



County Board of Appeals of Baltimore County

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



December 13, 2002

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

RE: *In the Matter of: Tracy Morrow; Mark L. Storck; and
Richard Hall*- Petitioners / Case No. 02-517-SPH
and Case No. 01-270-A

Dear Mr. Holzer:

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 of Procedure*, 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
Kathleen C. Bianco
Administrator

Enclosure

c: Marjorie Shipley
Mr. & Mrs. Thomas Chenowith
Virginia Chenowith
J. B. Gilman
John B. Gontrum, Esquire
Tracy Morrow
Mark L. Storck
Richard Hall
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

OPINION

This matter comes before the Baltimore County Board of Appeals on a timely appeal brought by the Appellants/Protestants Marjorie Shipley, Tom Chenowith and Josh Gilman, resulting from a decision by the Deputy Zoning Commissioner dated September 10, 2002, to approve a Petition for building application/undersized lot (per Section 304 BCZR) at the subject site 9216 Smith Avenue, 9th Election District, 6th Councilmanic District.

The Appellant/Protestants were represented before the Board by J. Carroll Holzer, Esquire. John B. Gontrum, Esquire, appeared on behalf of Petitioner/Legal Owner HNS Development-Mark Storck and Petitioner/Applicant Tracy Morrow.

On behalf of the Petitioners, Mr. Gontrum explained to the Board that he and his clients had had discussions with Mr. Holzer and Mr. Gilman in which the parties agreed that the site plan could be amended to satisfy everyone. In addition, Mr. Gilman's concerns would be expressly addressed on the record. In return the Protestants will not oppose the approvals granted by the Deputy Zoning Commissioner as indicated in his opinion of September 10.

The amended site plan would show that the house to be built would not encroach on the setbacks, which would therefore negate the request for sideyard setback variances (Note #10). In addition a dry well would be constructed to control runoff onto the Shipley property (Note #11). Mr. Gontrum noted for the record that such a dry well must be approved by Baltimore County before it can be constructed.

Mr. Gontrum also noted that CBA #01-270-A, already heard by the board and set for deliberation on November 21, 2002, would be resolved by the settlement of this case. To wit, the request for lot width and side variances would be withdrawn and the same building size would be used as amended in the case currently before the Board.

Mr. Holzer concurred on behalf of his clients that Mrs. Shipley agreed that the dry well would be sufficient in addressing her concerns about drainage onto her property. As for CBA #01-270-A, already heard, Mr. Holzer indicated that the withdrawal of the variance request would render that case moot. Mr. Holzer also noted that Mrs. Shipley has no objection to

building on the undersized lot so long as the requirements of Section 304 are met without variance. Mr. Gilman was in the hearing room to hear his concerns addressed, and Mr. Chenoweth was not present, having indicated to Mrs. Shipley that he wished to withdraw his appearance.

Michael Ertel testified for the Petitioners as a professional engineer with offices in Ellicott City. He prepared the site plan and examined deeds prior to 1950 which were in tact, showing no changes and no subdivisions to the subject lot. He certified that the subject property meets all area requirements under Section 304, and is even larger, 26,000 square feet, than required. He stated that the proposed dwelling will meet the required setbacks, that the proposal was supported by the Office of Planning, and that all approvals for well, septic reserve, etc. have been received from DEPRM.

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Mr. Ertel also testified that the owner did not own any adjacent land and that the building proposed was appropriate for the neighborhood and approved by the Office of Planning.

The Petitioners' second witness was William Monk who was accepted by the Board as an expert land planner and permits and zoning consultant. Mr. Monk is a partner in Morris, Ritchie Associates and evaluated the subject property. It was his opinion that the proposal before the Board was compatible as depicted with the zoning and adjacent land use. Further the property conforms with Section 304, undersized lots, in that it was created prior to present regulations and meets the minimum lot size. Mr. Monk also testified that the proposed house fits within the building envelope and is compatible to others in the neighborhood in architecture and size. He opined that the proposal is not injurious to the health, safety and welfare of the neighbors.

In conclusion, Mr. Gilman, a Protestant in the appeal, asked that his letter of November 6, 2002, and his letter to DEPRM expressing his concerns be accepted into evidence as Protestant's Exhibits 1A & B. The Board did so accept.

Upon review the Board accepts unanimously the testimony and evidence presented and hereby finds that the subject property meets the

requirements for an undersized lot as indicated in Section 304.1, BCZR:

Section 304.1 (BCZR, 1955; Bill No. 47, 1992). Section 304.1 stipulates that:

"A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the are regulations contained in these regulations if:

A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;

B. All other requirements of the height and area regulations are complied with; and

C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

Further, since the resolution of this case also resolves the issues in Case #01-270-A, the Board finds that the matters in that case are moot and we hereby dismiss that case.

BALTIMORE COUNTY, MARYLAND**INTER-OFFICE CORRESPONDENCE****TO:** Bruno Rudaitis**DATE:** May 14, 2002**FROM:** Lynn Lanham**SUBJECT:** Undersized Lot - 9216 Smith Avenue

This site was previously reviewed as Case No. 01-270A and was also an undersized lot request. The builder, Mark Storck, has selected a different size and style house, which no longer requires a variance. If the undersized lot is approved with the new building elevations prepared by Weinmaster Home Design, he will dismiss the appeal of Case No. 01-270A before the Board of Appeals.

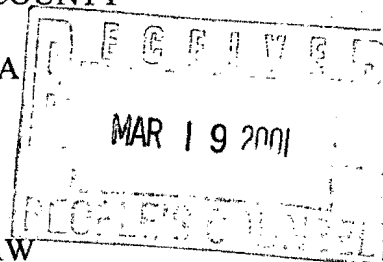
LL:kna

3/5/01

IN RE: PETITION FOR VARIANCE
W/S Smith Avenue, 1085' N
of Satyr Hill Road
9th Election District
6th Councilmanic District
(9216 Smith Avenue)

Mark L. Storck & Richard Hall
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-270-A



* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Mark Storck and Richard Hall. The Petitioners are requesting a variance for property located at 9216 Smith Avenue, which property is located in the Parkville area of Baltimore County. The subject property is zoned DR 2. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling with a side yard setback of 10 ft. and a sum of the side yards of 25 ft. in lieu of the required 15 ft. and 40 ft. respectively. In addition, the Petitioners are requesting approval for a lot width of 75 ft. in lieu of the required 100 ft. and to approve an undersized lot.

Appearing at the hearing on behalf of the variance request were Mark Storck and Richard Hall, owners of the property. Many residents from the surrounding community appeared at the hearing in opposition to the Petitioners' request, all of whom signed in on the Protestants' sign-in sheet.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.6828 acres, more or less, zoned DR 2. The subject property is located on the west side of Smith Avenue in Parkville. The subject property is unimproved at this time. The Petitioners testified that they purchased the subject property, along with the adjacent lot, by virtue of an estate sale that occurred within the past few years. The Petitioners herein sold the

existing single-family dwelling and detached garage and have retained this unimproved lot for development with a single-family residential dwelling. Originally, Mr. Storck was interested in building a home on the property for himself and his family. However, his intentions have changed and the Petitioners now propose to construct a home which would be placed on the open market for sale. The Petitioners have already installed a well and had the property approved for a septic system. It should be noted, however, that the septic reserve area for this lot has been designed with a total area of 5,000 sq. ft. which does satisfy the regulations for septic reserve areas which were in effect at the time the lot was created. The Petitioners are in need of the variances that are requested in order to proceed with the construction of a house on the property.

As stated previously, many residents of the surrounding community appeared in opposition to the Petitioners' request. Ms. Marjorie Shipley, who resides on property adjacent to the lot in question opposes the construction of a new home on this property. She is concerned over the septic reserve area only being 5,000 sq. ft. and not the 10,000 sq. ft. that is required under current regulations. She is also concerned over the close proximity of the septic reserve area to her existing well. Furthermore, she is concerned that the construction of a home on this property will cause additional storm water runoff to be conveyed onto her property. She testified that she currently experiences a great deal of runoff on her property which emanates from the area owned by the Petitioners.

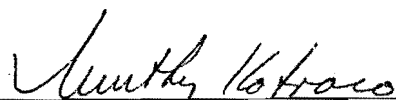
Others in attendance also testified in opposition to the Petitioners' request. Testimony presented by other neighbors indicated that many of the residents along Smith Avenue have had problems with their septic systems failing in the past. Some systems have needed upgrading and repairing over time. Therefore, there is a general concern that the septic reserve area set aside at 5,000 sq. ft. will not be sufficient to accommodate the large new home proposed to be built on this property. The residents are also concerned that approving a home on this undersized lot

might cause others along Smith Avenue to develop similarly sized lots with single-family homes. They believe that their small road, which is a dead end street, is insufficient in size to accommodate additional homes being constructed in this area. Therefore, they ask that the variance be denied.

After considering the testimony and evidence offered at the hearing, I find that the variance relief requested by the Petitioners should be denied. I am concerned that the construction of a large single-family home on this undersized lot with a septic reserve area one half the size of which is required under current regulations would in fact be detrimental to adjacent property owners, particularly Ms. Shipley whose well is situated in close proximity to the septic reserve area. Accordingly, I find that the variance request should be denied. If the Petitioners were able to connect to the public sewer located in the adjacent community, I may have viewed this request differently. However, as it stands now, the variances should be denied.

THEREFORE, IT IS ORDERED this 5th day of March, 2001, by this Deputy Zoning Commissioner, that the Petitioners' requests for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling with a side yard setback of 10 ft. and a sum of the side yards of 25 ft. in lieu of the required 15 ft. and 40 ft. respectively and approval for a lot width of 75 ft. in lieu of the required 100 ft. and to approve an undersized lot, be and are hereby DENIED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9216 SMITH AVE

which is presently zoned D.R. 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) 1802.3 C.1 (BCZR)

TO PERMIT A PROPOSED SINGLE FAMILY DWELLING TO HAVE A 10' SIDEYARD AND 25' SUM OF SIDEYARDS IN LIEU OF THE REQUIRED 15' AND 40' RESPECTIVELY. TO PERMIT A LOT WIDTH OF 75' IN LIEU OF THE REQUIRED 100' TO APPROVE AN UNDERSIZED LOT AND ANY OTHER VARIANCES DEEMED NECESSARY BY THE 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)

TO BE DISCUSSED AT HEARING

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Case No. 01-270 A

Legal Owner(s):

MARK L STOECK
Name - Type or Print

Signature

RICHARD HALL
Name - Type or Print

Signature

3107 PARKTOWN RD
Address

Balto MD
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING
Reviewed By CTM Date 4/5/01



Baltimore County
Department of Permits and
Development Management

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

February 23, 2001

Mark L Storck &
Richard Hall
3107 Parktowne Road
Baltimore MD 21234

Dear Mr. Storck & Mr. Hall:

RE: Case Number: 01-270-A, 9216 Smith Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 5, 2001.

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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 24, 2001

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

SUBJECT: 9216 Smith Ave.

INFORMATION:

Item Number: 01-270

Petitioner: Mark L. Storck and Richard Hall

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the requested variances and recommends approval of the undersized lot. Said recommended approval is subject to the following conditions, which were agreed to by the owner, Mark Storck at a meeting with planning staff on 1/23/01.

1. In order to be compatible with the architecture of the neighborhood, the architectural drawings submitted with the undersized lot request should be revised and submitted to the Office of Planning for review prior to issuance of any building permit.
2. Modify the front façade of the house and attached garage to include a brick front.
3. Add a sitting room detail with window to the second floor of the garage.
4. Modify the garage door to add windows or a decorative pattern to relieve the visual impact on the house front.

Prepared by:

Mark A. Cunniff

Section Chief:

AFK:MAC:

Jeffrey W. Lay

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 24 , 2001

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

SUBJECT: 9216 Smith Ave

INFORMATION:

Item Number: 01-270

Petitioner: Mark L. Storck and Richard Hall

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the requested variances and recommends approval of the undersized lot. Said recommended approval is subject to the following conditions, which were agreed to by the owner, Mark Storck at a meeting with planning staff on 1/23/01.

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2. Modify the front façade of the house and attached garage to include a brick front.
3. Add a sitting room detail with window to the second floor of the garage.
4. Modify the garage door to add windows or a decorative pattern to relieve the visual impact on the house front.

Prepared by:

Mark A. Campbell

Section Chief:
AFK:MAC:

Jeffrey W. Lay

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RMS*
DATE: January 31, 2001
SUBJECT: Zoning Item #270
9216 Smith Avenue

Zoning Advisory Committee Meeting of January 22, 2001

- _____ 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).
- _____ 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 Groundwater Management: Satisfactory soil percolation tests and an approved water well will be required prior to building permit approval. A Justification for Variance to the Master Water and Sewer Plan to allow a private well and septic system is required before percolation tests. An Interim Agreement will be required.

Reviewer: Kevin Koepenick
Reviewer: Bruce Seeley

Date: January 23, 2001
Date: January 31, 2001



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1-24-01

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

RE: Baltimore County
Item No. 270

LTM

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,

per 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 21202-0717



Baltimore County
Fire Department

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

January 31, 2001

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 January 22, 2001

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:

270, 273, 274, 275, 276, 277, and 278

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



RE: PETITION FOR VARIANCE
9216 Smith Avenue, W/S Smith Ave,
1085' N of Satyr Hill Rd
9th Election District, 6th Councilmanic

Legal Owner: Mark Storck and Richard Hall
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-270-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 31st day of January, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Mark Storck and Richard Hall, 3107 Parktowne Road, Baltimore, MD 21234, Petitioners.



PETER MAX ZIMMERMAN

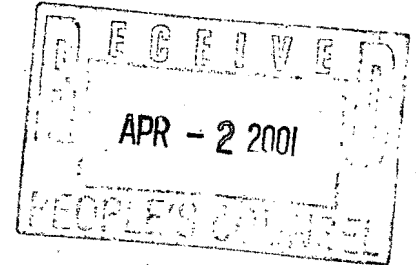


Baltimore County
Department of Permits and
Development Management

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

April 2, 2001

Timothy M Kotroco
Deputy Zoning Commissioner
For Baltimore County
County Courts Building
401 Bosley Avenue
Towson MD 21204



Dear Mr. Kotroco:

MARK STORCK + RICHARD HALL

RE: Case No. 01-270-A, Address 9216 Smith Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on March 30, 2001 by Michael J. Moran on behalf of Mark L Storck & Richard Hall. 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: Mr. & Mrs. Thomas Chenowith, 9221 Smith Avenue, Baltimore 21234
Ms. Marjorie C Shipley, 9214 Smith Avenue, Baltimore 21234
Ms. Virginia Chenowith, 9215 Smith Avenue, Baltimore 21234
Mr. Eric Hunter, 9210 Smith Avenue, Baltimore 21234
Mr. Robert Wagner, 9212 Smith Avenue, Baltimore 21234
People's Counsel



APPEAL

Petition For Variance
9216 Smith Avenue
W/S Smith Avenue, 1085' N of Satyr Hill Road
9th Election District – 6th Councilmanic District
Mark L Storck & Richard Hall - Legal Owner
Case No.01-270-A:

Petition for Variance (filed 1/5/01)

Zoning Description of Property

Notice of Zoning Hearing (dated 1/24/01.)

Certification of Publication (The Jeffersonian issue 2/8/01)

Certificate of Posting (2/9/01 posted SSG Robert Black)

Entry of Appearance by People's Counsel (dated 1/31/01)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet

Mr. & Mrs. Thomas Chenowith, 9221 Smith Avenue, Baltimore 21234
Marjorie C Shipley, 9214 Smith Avenue, Baltimore 21234
Karen Chenowith, 9221 Smith Avenue, Baltimore 21234
Virginia Chenowith, 9215 Smith Avenue, Baltimore 21234
Eric Hunter, 9210 Smith Avenue, Baltimore 21234
Robert Wagner, 9212 Smith Avenue, Baltimore 21234

Citizen(s) Sign-In Sheet (none)

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plat To Accompany Petition For Variance
2. Letter From Mark L Storck w/attachment (dated 2/21/01)
3. Letter To Zoning Commissioner From Jamie Moriaty To Zoning Commissioner (not dated)
4. Folder of Photographs (14 Pictures)
5. State Of Maryland, Location – Drawing (dated 1-/27/00)
6. Maryland Department of Assessments & Taxation (2 pages dated 10/26/00)

Protestants' Exhibits:

1. (None)

Miscellaneous (Not Marked as Exhibits):

❖ (None)

Deputy Zoning Commissioner's Order (dated 3/5/01 - Denied)

Notice of Appeal received on 3/30/01 from Michael J. Moran on behalf of Mark L Storck & Richard Hall

c: Mark L Storck, 3107 Parktowne Road, Baltimore 21234
Richard Hall, 2829 North Wind Road, Baltimore 21234
Michael J. Moran, 401 Allegheny Avenue, Towson 21204
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of 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

cp
pmz

NOV 18 2002

November 14, 2002

John B. Gontrum, Esquire
ROMADKA & GONTRUM LLC
814 Eastern Boulevard
Baltimore, MD 21221

J. Carroll Holzer, Esquire
HOLZER AND LEE
508 Fairmount Avenue
Towson, MD 21287

RE: *In the Matter of: Mark L. Storck and
Richard Hall* /Case No. 01-270-A /Deliberation

Dear Counsel:

The deliberation scheduled for Thursday, November 21, 2002 in the subject matter has been pulled from the Board's schedule as the result of the hearing and deliberation held before the Board on November 6, 2002 in Case No. 02-517-SPH, which rendered the subject deliberation unnecessary.

A written Opinion and Order will be issued by the Board in Case No. 02-517-SPH, and the subject matter will be dismissed.

Very truly yours,

Kathleen C. Bianco
Administrator

c: Mark L. Storck
Richard Hall
Marjorie Shipley
Mr. & Mrs. Thomas Chenowith
Virginia Chenowith
J. B. Gilman
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM





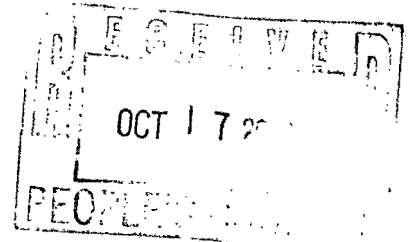
County Board of Appeals of Baltimore County

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

GP
142

October 16, 2002

John B. Gontrum, Esquire
ROMADKA & GONTRUM LLC
814 Eastern Boulevard
Baltimore, MD 21221



RE: *In the Matter of: Mark L. Storck and
Richard Hall* /Case No. 01-270-A /Deliberation

Dear Mr. Gontrum:

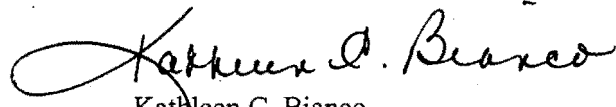
The Board is in receipt of your letter of October 14, 2002 requesting a delay in the public deliberation of the subject matter.

Notice of Deliberation was sent out on October 11, 2002, with public deliberation scheduled for Thursday, November 21, 2002 at 9:00 a.m. When the hearing in this matter was concluded on July 23, 2002, scheduling of public deliberation was delayed until Case No. 02-517-SPH was heard and decided by the Deputy Zoning Commissioner, in the event a decision in that matter would resolve the instant case.

As you know, an appeal has been filed in Case No. 02-517-SPH, with a hearing date to be assigned pursuant to § 304.6 of the BCZR. With the time frame set by statute for hearing the latter case, as well as other scheduling considerations within the Board, it will not be possible to assemble the same panel as that which heard Case No. 01-270-A.

Therefore, the Board will deliberate Case No. 01-270-A on November 21, 2002 and issue its decision based on the evidence and testimony presented on July 23, 2002.

Very truly yours,


Kathleen C. Bianco
Administrator

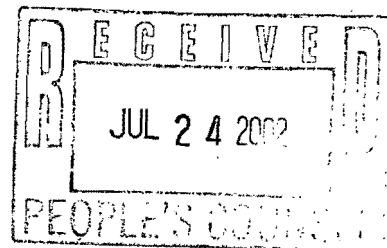
c: J. Carroll Holzer, Esquire
Office of People's Counsel for Baltimore County





County Board of Appeals of Baltimore County

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



July 23, 2002

Michael J. Moran, Esquire
1400 Front Avenue
Suite 202
Lutherville, MD 21093

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

RE: *In the Matter of: Mark L. Storck and Richard Hall*
- Legal Owners / Case No. 01-270-A

Dear Counsel:

This letter will confirm that closing Memos are due on Monday, September 30, 2002 prior to 4:30 p.m., at which time public deliberation in this matter will be scheduled and appropriate Notice sent by this office.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
Administrator

c: Office of People's Counsel





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

January 30, 2002

CAROLE S. DEMILIO
Deputy People's Counsel

Charles L. Marks, Chairman
County Board of Appeals
of Baltimore County
400 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

RECEIVED
COUNTY BOARD OF APPEALS
02 JAN 30 PM 4:57

Re: Petition for Variance
9216 Smith Avenue,
W/S Smith Ave, 1085' N of Satyr Hill Rd,
9th Election District, 6th Councilmanic
Mark Storck and Richard Hall, Petitioners
Case No.: 01-270-A

Dear Mr. Marks:

Our office is interested in this case, which involves an undersized lot on Smith Avenue in the Satyr Hill area, zoned D.R. 2. Upon review of the record, it appears there is an issue of self-created difficulty, in that the owners purchased two adjoining lots at an estate sale, sold one, and now seek a variance for the remaining lot.

The proposed lot is deficient as to front yard width. The proposed construction is deficient as to side yard setbacks. The proposed septic reserve area does not meet current regulations. In addition, the intensity of opposition in the neighborhood suggests a concern generally as to compatibility with area land uses and public justice.

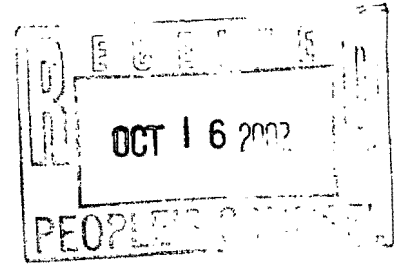
In short, the record does not reveal any substantiated reason to deviate from the established standards, which developers could have satisfied by merging the adjoining lots. We appreciate the Board's consideration of our position in this matter.

ROMADKA & GONTRUM, LLC.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM



October 14, 2002

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: 9216 Smith Avenue
Case No. 01-270 A
Case No. 02-517-SPH

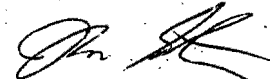
Dear Members of the Board:

Our office represents the owners and petitioners of the property in the above referenced cases. Both of the cases apply to the same parcel of unimproved property. Case No. 01-270 A has been heard by the Board, and briefs have been submitted. Case No. 02-517-SPH has been appealed within the last week to the Board from an Order of the Deputy Zoning Commissioner. One case essentially involves variances; the other case pertains to an undersized lot although the issue of an undersized lot arises in both.

In the interest of judicial economy and in reviewing the full facts of the cases we would request that the determination in Case No. 01-270A be delayed until it can be consolidated with the determination after hearing in Case No. 02-517-SPH. In this way should appeals be taken they can be consolidated on all presented issues. The site, of course, remains the same, but the issues presented represent different proposals for residential construction on the site under Section 304 and Section 307 of the Baltimore County Zoning Regulations.

Thank you for your consideration.

Very truly yours,


John B. Gontrum

cc. J. Carroll Holzer, Esq.
Baltimore County Office of People's Counsel

COPY

February 13, 01

Lawrence E Schmidt
Zoning Review
111 W Chesapeake Avenue
Room 111
Towson, MD 21204

RE: Case # 01-270-A

Dear Mr. Schmidt,

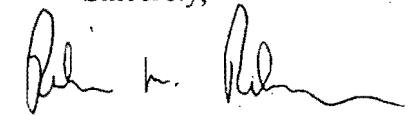
I am opposed to the variances requested for 9216 Smith Avenue, case # 01-270-A
for the following reasons:

They will change the character of the neighborhood.

A precedent would be set for other undersized lots to be sold and developed
utilizing private well and septic systems.

Thank you for your consideration in this matter.

Sincerely,


Diana B Gladden

9243 Smith Ave
Baltimore, MD 21234

Charles Marks,
CBA Chair--

Re: Petition for Variance
Re: Mark Storch & Lechard Hall
Case - 01-270-A

Dear Mr. Marks,

Our office is interested in this case, which ~~now can~~ involves an undersized lot ^{on South Avenue} in the Satyr Hill area, zoned, D.R. 2. Upon review of the record, it appears there is an issue of self-created difficulty, in that the owners purchased two ^{adjoining} lots at an estate sale, sold one, and now seek a variance for the remaining ~~vacant~~ lot.

~~The intensity of community opposition.~~

~~Also At the same time,~~

~~The proposed lot does not meet current regulations for septic reserve area.~~

The proposed lot is deficient as to front yard width. The proposed construction

is deferent as to side yard setbacks.

The proposed septic reserve area does not meet current regulations,

In addition, the intensity of ~~can~~ opposition in the neighborhood suggests a concern generally as to ~~the~~ compatibility of with area land uses and public justice.

~~The developers~~

~~As the lots were purchased together,~~

~~There does not appear to be~~

~~In short,~~

~~The record does not so far show~~

~~substantiated~~

any ~~good~~ reason to deviate from the established standards, which

~~The developers could~~ ~~may~~ have satisfied by merging the ~~lots~~ adjoining lots.

We appreciate the Board's ~~the~~ consideration of ~~our position on~~ this matter.

UTK, PMZ/CSD

cc: Michael Horan, J.C. Holzer

*



County Board of Appeals of Baltimore County

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

CD
AMZ
PMZ to write letter

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 4, 2002

NOTICE OF ASSIGNMENT

CASE #: 01-270-A

IN THE MATTER OF: MARK L. STORCK & RICHARD HALL -
Legal Owners /Petitioners 9216 Smith Avenue
9th Election District; 6th Councilmanic District

3/05/2001 - Petition for Variance DENIED by Deputy Zoning Commissioner.

ASSIGNED FOR:

WEDNESDAY, FEBRUARY 27, 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 Appellants /Petitioners	: Michael J. Moran, Esquire
Appellants /Petitioners	: Mark L. Storck
	Richard Hall
Counsel for Protestant (Shipley)	: J. Carroll Holzer, Esquire
Protestant	: Marjorie Shipley
Mr. & Mrs. Thomas Chenowith	
Virginia Chenowith	
J. B. Gilman	
People's Counsel for Baltimore County	
Pat Keller, Planning Director	
Lawrence E. Schmidt, Zoning Commissioner	
Arnold Jablon, Director /PDM	



do today

Real Property
InformationMaryland Department of Assessments and Taxation
Real Property System

[Go Back]

[Start Over]

BALTIMORE COUNTY

DISTRICT: 09 ACCT NO: 0920550180

Owner InformationOwner Name: TOULA WILSON R
TOULA JOSEPHINE H

Use: RESIDENTIAL

Mailing Address: 9220 SMITH AVE
BALTIMORE MD 21234-1413

Principal Residence: YES

Transferred

From: GRAMMER HELEN P

Date: 03/07/1952 Price: \$2,000

Deed Reference: 1) / 2081 / 576
2)

Special Tax Recapture:

* NONE *

Tax Exempt: NO

Location Information [View Map]Premises Address:
9220 SMITH AVE

Zoning: Legal Description:

0.686 AC
NWS-SMITH AV
1760 E OF SATYR HILL RD

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
62	20	245					81	Plat Ref:

Special Tax Areas

Town:

Ad Valorem:

Tax Class:

Primary Structure Data

Year Built:	Enclosed Area:	Property Land Area:	County Use:
1952	1,538 SF	29,882.00 SF	04

Value Information

Base Value Current Value Phase-In Value Phase-in Assessments

	As Of 01/01/1999	As Of 07/01/2001	As Of 07/01/2000	As Of 07/01/2001
Land:	46,470	46,470		
Impts:	126,840	125,330		
Total:	173,310	171,800	171,800	171,800
Pref Land:	0	0	0	0

Partial Exempt Assessments

	Code	07/01/2000	07/01/2001
County	000	0	0
State	000	0	0
Municipal	000	0	0

[Go Back] [Start Over]

89384



Location Drawing

Scale: 1" = 80'

This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, dwellings or other existing or future improvements nor does this plat purport to reflect setbacks or other distances with any specific level of accuracy. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. The approximate location of the dwelling is shown in relation to the apparent property lines for the property known as

3220 Smith Avenue
Baltimore County, Maryland

William L. Matthews 10/27/00

Ruxton Design Corporation

8422 Bellona Lane

Suite 300

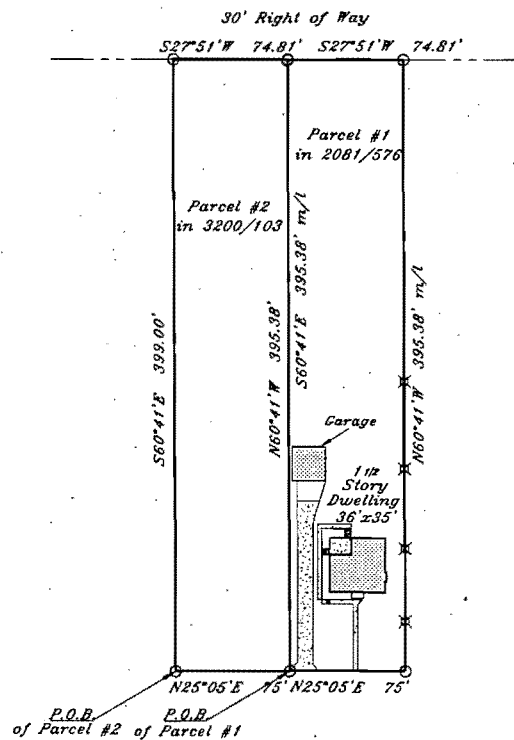
Towson, Maryland 21204

410-823-5000

410-823-0115 fax

rdc@ruxtondesign.com

www.ruxtondesign.com



Ret #5

Dwelling lies in Flood Zone
C

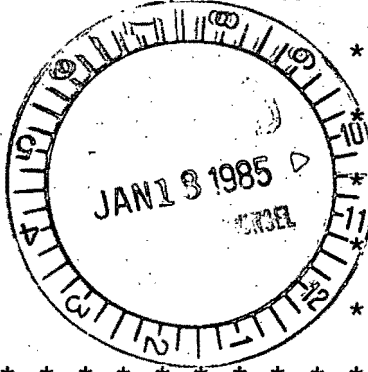
IN THE MATTER OF
THE APPLICATION OF STONE-SNYDER GENERAL
PARTNERSHIP
FOR VARIANCE FROM

§1B02.3.C.1 & §302
OF THE BALTIMORE COUNTY ZONING REGULATIONS
S/S ILLINOIS AVENUE 297'
E. c/1 ANNAPOLIS ROAD &
N/S VIRGINIA AVENUE 213'
E. c/1 ANNAPOLIS ROAD
13th DISTRICT

Zoning Case No. 84-74-A

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

* IN THE
*
* CIRCUIT COURT
*
* FOR
*
* BALTIMORE COUNTY
*
* APPEAL
* Case No. 84-M-121



MEMORANDUM OPINION AND ORDER

The People's Counsel of Baltimore County has appealed the decision of the County Board of Appeals granting a zoning variance to the Petitioner, Stone-Snyder General Partnership (Stone-Snyder).

Stone-Snyder owns 11 building sites created on a plat prior to 1952. The lots were originally divided into 25' recorded lots. Under current zoning regulations, the minimum width of the lots in that zone (DR 5.5) is 55 ft. BCZR Sec. 1B02.3.C.1. Stone-Snyder requested the Zoning Commissioner to grant a variance to permit them to combine two lots into one lot to create ten 50 foot lots and one 44.69 foot lot under BCZR 302. On September 20, 1983, the Zoning Commissioner denied the variance. Stone-Snyder appealed that decision and on February 29, 1984, the County Board of Appeals reversed the Zoning Commissioner and granted the variance.

1155

FILED JAN 11 1985

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 268

SEPTEMBER TERM, 1996

WARREN GRILL, et ux.,

v.

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY

Fischer,
Hollander,
Bishop, (Ret.'d,
Specially Assigned)
JJ.

PER CURIAM

Filed: November 1, 1996