

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

NE/S Halethorpe Avenue, 420' +/-
SE of Washington Boulevard
13th Election District
1st Councilmanic District
(1909 Halethorpe Avenue)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-296-SPHA

Jacqueline M. & Bruce B. Andrews
Petitioners

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by Michael P. Tanczyn, attorney at law, on behalf of his clients, Jacqueline and Bruce Andrews. The motion for reconsideration has asked that I reconsider my previously issued Order dated the 15th day of March, 2001. Therein, the Petitioners request for special hearing and variance was denied for the reasons stated within that order, particularly the lack of storm drains in and around the subject property.

The motion for reconsideration was filed in order to provide additional information concerning the installation of these storm drains by Baltimore County. A hearing was held on the motion for reconsideration.

Appearing at the hearing on behalf of the Petitioners were Bruce Andrews, owner of the property, Joseph Larson, appearing on behalf of Spellman & Larson, the engineering firm who prepared the site plan of the property and Michael Tanczyn, attorney at law. Appearing in opposition to the Petitioners' request was Donald Hawkins. John Frisk, a Baltimore County employee, employed with the Department of Public Works also attended.

Testimony and evidence indicated that the property, which is the subject of this motion for reconsideration, consists of 1 acre, more or less, zoned DR 2. The owner of the property, Mr.

ORDER RECEIVED FOR FILING

Date

By

3/10/01
J. P. Jamerson

Andrews, currently resides at 1909 Halethorpe Avenue in the existing single-family dwelling shown thereon. He is desirous of subdividing his property and creating two lots, one of which will contain the house he lives in shown as Lot 1 on the site plan and the other shown as Lot 2 will be unimproved and contain 0.51 acres. Lot 2 will be served by a panhandle drive extending from Halethorpe Avenue to the rear of the property. Mr. Andrews stated that he has a resident of the neighborhood interested in purchasing the lot in order to construct a home thereon.

At the previous hearing, the Petitioners' special hearing and variance was denied, based on storm water runoff problems associated with this area and the lack of storm drains in this vicinity. The request was denied until such time as the drains in question are installed. At the hearing on the motion for reconsideration, Mr. Tanczyn asked Mr. John Frisk, a County employee, to testify concerning the County's plans to install storm drains in this area. Mr. Frisk indicated that the County is very close to acquiring permission from two remaining property owners in order to make the installation of these necessary storm drains. Once installed, the storm drains in question will not only accommodate any and all storm water runoff, by virtue of this subdivision of property, but also many other homes in the surrounding area. This is a much needed improvement for this area as was testified to by Mr. Hawkins, a community leader who routinely appears at these types of hearings. Mr. Hawkins indicated that in the event the storm drains are installed to accommodate any additional runoff, as well as existing runoff in the area, his opposition would be retracted.

After considering the testimony and evidence offered at the hearing, I find it is appropriate to revise my previous order and hereby grant the special hearing to approve the use of a panhandle for access to Lot 2 and also approve an undersized lot. In addition, the variance to permit a sum of the side yard setbacks of 33 ft. in lieu of the required 40 ft. and a lot width of

84 ft. in lieu of the required 100 ft., be and is hereby granted. While this relief shall be granted by this order, no permit shall issue for the construction of a home on Lot 2 until such time as the improvements to the storm drain system, as testified to by Mr. Frisk at the hearing, is completed. The installation of these storm drains must accommodate any and all additional storm water runoff that might be generated by virtue of the construction of this new home on Lot 2. This will ensure that the construction of a home on Lot 2 will have no adverse impact on the surrounding community.

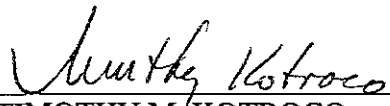
THEREFORE, IT IS ORDERED this 10th day of July, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for motion for reconsideration shall be GRANTED.

IT IS FURTHER ORDERED, that the special hearing relief to approve the use of a panhandle access for Lot 2 and also to approve an undersized lot, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variance relief to permit a sum of side yard setbacks of 33 ft. in lieu of the required 40 ft. and a lot width of 84 ft. in lieu of the required 100 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that no permit shall be issued to construct a single-family residential dwelling on Lot 2, as shown on the site plan submitted into evidence, until such time as the storm drains are completely installed in this area, as testified to by Mr. Frisk.

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

NOT RECORDED FOR FILING
Date 7/10/01
By R. J. Jameson



Baltimore County
Zoning Commissioner

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

July 10, 2001

Michael P. Tanczyn, Esquire
Law Offices of Michael P. Tanczyn
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No.: 01-296-SPH
Property: 1909 Halethorpe Avenue

Dear Mr. Tanczyn:

Enclosed please find the decision rendered in the above-captioned case. The motion for reconsideration has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Copies to:

**Mr. & Mrs. Bruce Andrews
1909 Halethorpe Avenue
Baltimore, MD 21227**

**Mr. Joseph L. Larson
Spellman & Larson
105 W. Chesapeake Avenue
Towson, MD 21204**

**Mr. Donald Hawkins
1919 Woodside Avenue
Baltimore, MD 21227**

**Mr. John Frisk
Department of Public Works**

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

NE/S Halethorpe Avenue, 420' +/-
SE of Washington Boulevard
13th Election District
1st Councilmanic District
(1909 Halethorpe Avenue)

Jacqueline M. & Bruce B. Andrews
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-296-SPHA

*

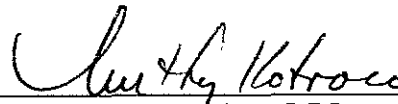
* * * * *

ORDER ON MOTION FOR RECONSIDERATION

The Petitioners, Jacqueline and Bruce Andrews, by and through their attorney, Michael P. Tanczyn, filed a Motion for Reconsideration to my Order dated the 15th day of March, 2001.

Based on the content of the motion filed by counsel for the Petitioners, I believe it is appropriate to set this matter in for a hearing on the Motion for Reconsideration to provide the Petitioners an opportunity to produce additional testimony and evidence relating to the installation of storm drains in the subject area.

THEREFORE, IT IS ORDERED, this 23rd day of May, 2001, that a hearing be held on the Motion for Reconsideration, said hearing to be scheduled on the next available Zoning Commissioner's Hearing Date.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

FILED IN THE OFFICE OF THE CLERK OF THE BALTIMORE COUNTY ZONING COMMISSION
MAY 23 2001
BY: [illegible]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 23rd day of May, 2001, a copy of the foregoing
Order on Motion for Reconsideration was mailed, postage prepaid, to:

Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

Mr. & Mrs. Bruce Andrews
1909 Halethorpe Avenue
Baltimore, Maryland 21227

Mr. Joseph L. Larson
Spellman & Larson
105 W. Chesapeake Avenue
Towson, Maryland 21204

Mr. & Mrs. Andre T. Brown
1922 Woodside Avenue
Baltimore, Maryland 21227

Mr. & Mrs. Edward Smith
4501 Spring Avenue
Baltimore, Maryland 21227

Ms. Jean Downs
1916 Woodside Avenue
Baltimore, Maryland 21227

Mr. Ernest Bozeman
1909-A Halethorpe Avenue
Baltimore, Maryland 21227



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

IN RE: PETITIONS FOR SPECIAL
HEARING AND VARIANCE

ne/s Halethorpe Avenue, 420' +/- SE of
Washington Boulevard
13th Electon District
1st Councilmanic District
(1909 Halethorpe Avenue)

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 01-296-SPHA

* * * * *

MOTION FOR RECONSIDERATION AND ENTRY OF APPEARANCE

NOW COMES Michael P. Tanczyn, Esquire and requests that his appearance be entered on behalf of the Petitioners in the within case. The Petitioners further respectfully request, pursuant to Rule 2K of the Zoning Commissioner's *Rules of Practice and Procedure*, that the Petition which is the subject matter of the Deputy Zoning Commissioner's Order of March 15, 2001 be reconsidered and for reasons say:

1. The testimony of the citizens concerning the scheduled completion date of the Public Works project by Baltimore County to deal with a storm water runoff drainage problem has been discussed with Baltimore County officials, and the citizens' contention that the area drainage project is not scheduled to be completed until the year 2004, is believed to be in error.

2. Further, upon information and belief and based on the past efforts of the Petitioners, they believe any required easements to allow Baltimore County to construct the necessary storm drains were obtained months ago.

3. Petitioners request that this matter be reconsidered by the Deputy Zoning Commissioner's reopening the hearing to receive additional evidence and/or testimony to address these public works projects from the appropriate Baltimore County Department officials. Baltimore County Departments did not oppose the Petitioner's requested relief. If Baltimore County's completion schedule for this drainage project is not years away but rather months away, then the Deputy Zoning Commissioner's Order denying the relief at present but permitting the refile once

the storm drain system is installed by Baltimore County, punishes and penalizes the property owners for problems not of Petitioners making, and Petitioners aver that their property meets all of the requirements for development approval and satisfied any concerns of Baltimore County Departments as to the relief requested by the Petitioners.

4. If upon rehearing the Deputy Zoning Commissioner is persuaded that the Baltimore County time table is months rather than several years and if the relief petitioned for by the within Petition were to be granted, Petitioners would still have a period of time within which to finalize their development plan, submit the necessary plans for building permit, and if the storm drains are going to be repaired in months rather than years, Petitioners respectfully request that the Deputy Zoning Commissioner reconsider his decision to allow both projects to move forward at the same time.

5. The Petitioner's site of 1.02 acres permits two dwelling units per acre under *Baltimore County Zoning Regulations* 100.1A2 and the proposed use of a single family detached dwelling is permitted by right in DR 2 zones under *Baltimore County Zoning Regulations* 1B01.1A(1ka). Further, no RTA is triggered due to the residential use proposed.

6. The area setback variance is subject to a lesser standard than a use variance under the applicable caselaw.

Respectfully submitted,



MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823
Attorney for the Petitioners
Mr. & Mrs. Bruce B. Andrews

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
NE/S Halethorpe Avenue, 420' +/-	*	DEPUTY ZONING COMMISSIONER
SE of Washington Boulevard		
13th Election District	*	OF BALTIMORE COUNTY
1st Councilmanic District		
(1909 Halethorpe Avenue)	*	CASE NO. 01-296-SPHA
 Jacqueline M. & Bruce B. Andrews	*	
Petitioners		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance and Special Hearing filed by the legal owners of the subject property, Jacqueline M. & Bruce B. Andrews. The Petitioners are requesting a special hearing and variance for property they own at 1909 Halethorpe Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a sum of the side yards of 33 ft. in lieu of the required 40 ft. and a lot width of 84 ft. in lieu of the required 100 ft. The special hearing request is from Section 500.7 of the B.C.Z.R., to approve a panhandle access for Lot No. 2 of a minor subdivision of the Petitioners' property.

Appearing at the hearing on behalf of the requests were Bruce Andrews, owner of the property and Joseph Larson, a representative of the engineering firm who prepared the site plan of the property. Appearing in opposition to the Petitioners' request were several residents of the surrounding community, all of whom signed in on the Protestants' sign-in sheet.

Testimony and evidence indicated that the property, which is the subject of this special hearing and variance request, consists of 1.005 acres, more or less, zoned DR 2. The subject property is improved with an existing 2 ½ story single-family residential dwelling wherein the

CHECK RECEIVED FOR FILING

Date 3/15/01

By R. Johnson

Petitioners reside. The lot upon which the dwelling is located is approximately 105 ft. in width and 422 ft. in depth. The Petitioners purchased the property approximately 20 years ago. They have resided in the dwelling since that time until the present date. They now desire to subdivide the property and have proceeded through the minor subdivision process. The Petitioners intend to create a second lot situated to the rear of the property which is serviced by a panhandle driveway. The details of the subdivision are shown on Petitioners' Exhibit No. 1, the site plan submitted at the hearing.

In order to subdivide the property as shown on the site plan, certain variances are generated. The actual variances involve the existing single-family dwelling. Once a 20 ft. wide panhandle driveway is created for Lot 2, Lot 1 will only be 84 ft. in width. DR 2 regulations require a minimum of a 100 ft. lot width. In addition, the existing dwelling will be left with a sum of side yard setbacks of 33 ft. in lieu of the required 40 ft. Therefore, as a result of the subdivision of the property, the variances are generated for the existing dwelling. In addition, special hearing relief is requested to approve the use of the panhandle driveway for Lot No. 2.

As stated previously, many residents from the surrounding community appeared and testified in opposition to the Petitioners' request. The surrounding property owners are not so much opposed to Mr. Andrews right to subdivide his property, but are very much concerned with additional storm water runoff being generated from a new house being constructed on the rear of the property. Apparently, this particular area of Baltimore County suffers from an extreme amount of storm water runoff during rain events. This has been the case with other similar such hearings in the Halethorpe area of Baltimore County which have also come before this Deputy Zoning Commissioner. The testimony of the citizens in attendance, as

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3/15/01
J.P. [Signature]

well as the photographs submitted into evidence, clearly show that this particular area becomes inundated with water during rain events. As shown on the site plan submitted into evidence, there is an 18" storm drain pipe that conveys water from Halethorpe Avenue and discharges it on the surface of the ground about midway back on the Petitioners' lot. This water then flows across the surface of the remainder of the Petitioners' property and into the yards of adjacent property owners.

Testimony offered at the hearing demonstrated that Baltimore County is in the process of acquiring drainage and utility easements and constructing and installing storm drains to attempt to alleviate this surface water drainage problem. However, as the citizens testified at the hearing, the project is not scheduled to be completed until the year 2004. Therefore, these residents are attempting to maintain the status quo and not allow any additional homebuilding to take place, given that the construction of additional impervious surface will exacerbate a very bad situation. They, therefore, ask that the variance be denied until such time as the storm drains are installed by Baltimore County.

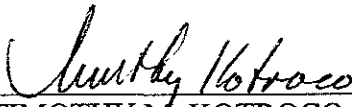
After considering the testimony and evidence offered at the hearing, both in favor and against the construction of a new dwelling on the Petitioners' property, I find that the variance request and special hearing should in fact be denied. The construction of a new home on the rear of this property will certainly contribute to the water problems currently experienced by the residents who surround this property. Therefore, I believe it is not appropriate to grant the relief to allow the house to be built at the present time. The Petitioners shall be permitted to refile the special hearing and variance request, once the County installs the storm drain system as was explained at the hearing before me. Therefore, I believe that while it is not appropriate to approve this request at this time, it may very well be appropriate in the future.

THEREFORE, IT IS ORDERED this 15th day of March, 2001, by this Deputy Zoning Commissioner, that the Petitioners' variance to permit a sum of side yard setbacks of 33 ft. in lieu of the required 40 ft. and a lot width of 84 ft. in lieu of the required 100 ft., be and is hereby DENIED.

IT IS FURTHER ORDERED, that the special hearing to permit a panhandle access for Lot No. 2, be and is hereby DENIED.

IT IS FURTHER ORDERED, that the Petitioners shall be permitted to refile their special hearing and variance request, once the storm drain system is installed by Baltimore County.

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

ORDER RECEIVED FOR FILING

DATE 3/15/01





Baltimore County
Zoning Commissioner

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

March 15, 2001

Mr. Joseph L. Larson
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing & Variance
Case No 01-296-SPH
Property: 1909 Halethorpe Avenue

Dear Mr. Larson:

Enclosed please find the decision rendered in the above-captioned case. The Requests for Special Hearing and Variance have been denied in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Copies to:

Mr. & Mrs. Bruce B. Andrews
1909 Halethorpe Avenue
Baltimore, MD 21227

Mr. & Mrs. Andre T. Brown
1922 Woodside Avenue
Baltimore, MD 21227

Mr. & Mrs. Edward Smith
4501 Spring Avenue
Baltimore, MD 21227

Ms. Jean Downs
1916 Woodside Avenue
Baltimore, MD 21227

Mr. Ernest Bozeman
1909-A Halethorpe Avenue
Baltimore, MD 21227



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1909 Halethorpe Ave.

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;BCZR, To permit a sum of side yards of 33ft. in lieu of the required 40ft; and, alot width of 84ft in lieu of the required 100ft.

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

Hardship and practical difficulty to be fully explained at the Zoning 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

Legal Owner(s):

Bruce B. Andrews

Name - Type or Print

Signature

Jacqueline M. Andrews

Name - Type or Print

Signature

1909 Halethorpe Ave. 1-800-731-1436

Address

Telephone No.

Baltimore

MD

21227

City

State

Zip Code

Representative to be Contacted:

Joseph L. Larson

Name

105 W. Chesapeake Ave. 410-823-3535

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By Jim Date 1-24-01

ORDER RECEIVED FOR FILING
3/15/01
220-1115173

Case No. 01-296 SPHA



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1909 Halethorpe Avenue

which is presently zoned DR?

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the right of panhandle access to Lot No. 2 of the Minor Subdivision of
1909 Halethorpe Avenue.

Also to include the approval of an undersized lot.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Bruce B. Andrews

Name - Type or Print

Signature

Jacqueline M. Andrews

Name - Type or Print

Signature

1909 Halethorpe Ave. 1-800-731-1436

Address

Telephone No.

Baltimore, MD

21227

City

State

Zip Code

Representative to be Contacted:

Joseph L. Larson

Name

105 W. Chesapeake Ave. 410-823-3535

Address

Towson, MD

Telephone No.

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

SLM

Date

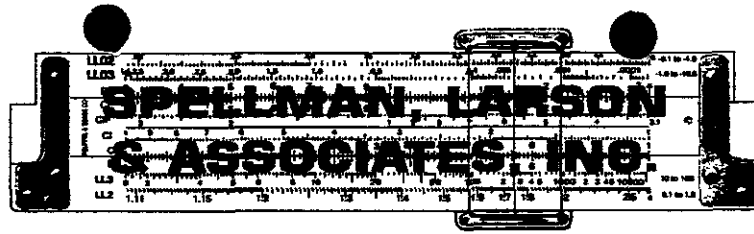
1-24-01

Case No. 01-296 SPHA

REV 9/11/98

COPIES OF PETITION FOR FILING

DATE 3/15/01



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

Description Lot 1, Proposed Minor Subdivision
1909 Halethorpe Avenue, Andrew's Property
Thirteenth District, Baltimore County, MD

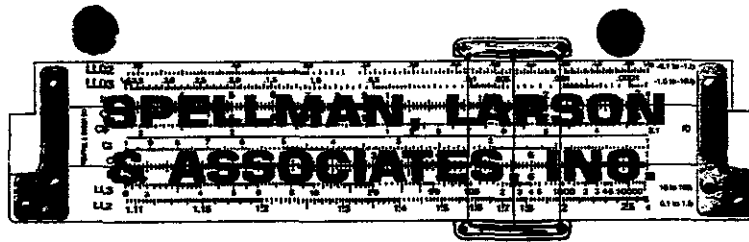
Beginning for the same at a point on the centerline of Halethorpe Avenue, 30 feet wide, at the distance of 333 feet, more or less, measured southerly along the centerline of Halethorpe Avenue from the southside of Washington Boulevard. Said point being in line with the dividing line between lot No. 1 and Lot No. 2 as shown on a Plat proposed to be recorded among the Land Records of Baltimore County and running thence and binding on the centerline of Halethorpe Avenue south 29 degrees 30 minutes east 84.32 feet to a point in line with the southernmost outline of said Plat and running thence and binding to and along said southernmost outline and leaving the centerline of Halethorpe Avenue, north 52 degrees 45 minutes east 265.85 feet to the dividing line between Lot No. 1 and Lot No. 2 as shown on the Plat herein referred to and running thence and binding on said dividing line north 37 degrees 15 minutes west 83.55 feet and south 52 degrees 45 minutes west and continuing the same course, in all, 254.48 feet to the place of beginning.

Containing 0.50 acres of land more or less.

10/26/00

01- 296-SPHA





ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

Description Proposed Minor Subdivision
1909 Halethorpe Avenue, Andrews Property
Thirteenth District, Baltimore County, MD

Beginning for the same at a point on the centerline of Halethorpe Avenue, 30 feet wide, at the distance of 313 feet, more or less, measured southerly along the centerline of Halethorpe Avenue from the south side of Washington Boulevard. Said point being the northwestern most corner of a plat proposed to be recorded among the Land Records of Baltimore County and running thence and binding on the centerline of Halethorpe Avenue south 29 degrees 30 minutes east 104.50 feet to the southwestern most corner of said plat thence leaving the centerline of Halethorpe Avenue and binding on the outlines of said plat north 52 degrees 45 minutes east 422.79 feet north 29 degrees 30 minutes west 104.50 feet and south 52 degrees 45 minutes west 422.79 feet to the place of beginning.

Containing 1.005 acres of land, more or less.

12/1/00

296



01-296-SPHA

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **00670**

DATE

1-24-01

ACCOUNT

1000

AMOUNT

\$ 100.00

RECEIVED
FROM:

E. P. P. 1900 Holston Ave.

FOR:

SPH

SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

PAID RECEIPT

PAYMENT ACTUAL TIME
1/24/2001 1/24/2001 10:12:44
REF 0003 CASHIER UNTL LTM 000000
DEPT 5 529 ZONING VERIFICATION
Receipt # 105100
OR NL 000670

Receipt Tot 100.00
100.00 OK
Baltimore County, Maryland

01-296-SPHA

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #01-296-SPHA

1909 Halethorpe Avenue

NE/S Halethorpe Avenue, 420' +/- SE of

Washington Boulevard

13th Election District - 1st Councilmanic District.

Legal Owner(s): Jacqueline M. & Bruce B. Andrews

Special Hearing: to approve the right of panhandle access to lot number 2 of the minor subdivision and to include the approval of an undersized lot. **Variance:** to permit a sum of side yards of 33 feet in lieu of the required 40 feet and to permit a lot width of 84 feet in lieu of the required 100 feet.

Hearing: Tuesday, July 3, 2001 at 10:00 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.

JT/6/729 June 19

C475891

CERTIFICATE OF PUBLICATION

6/21/2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/19/2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE Case No 01-296 SPHA

Petitioner Developer LARSON, ETAL

% SPELLMAN & LARSON

Date of Hearing Closing 3/13/01

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

Attention: Ms Gwendolyn Stephens

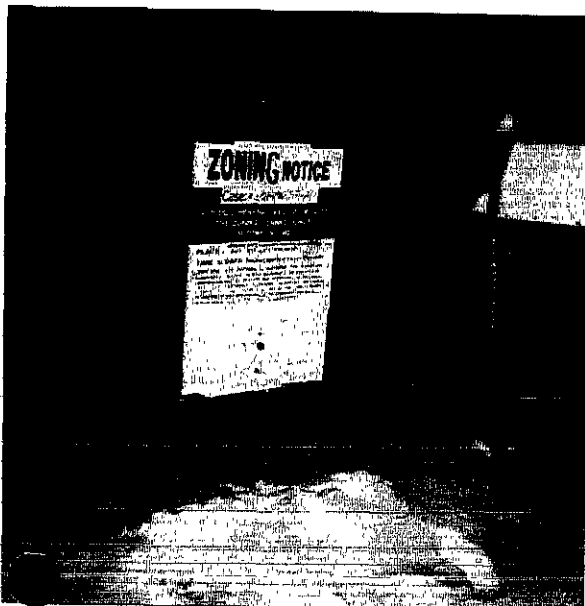
Ladies and Gentlemen

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 #1909 HALETHORPE AVE.

The sign(s) were posted on

2/23/01

(Month, Day, Year)



Sincerely,

Patrick M O'Keefe 2/24/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)

01-296 SPHA

CERTIFICATE OF POSTING

RE: Case No.: 01-296-SPHA

Petitioner/Developer ANDREWS, ETAL
C/O JOE LARSON

Date of Hearing/Closing. 7/3/01

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

Attention: Ms. Gwendolyn Stephens

it° Fax Note 7671		Date	# of pages
To	<u>ROBIN/BETTY</u>	From	<u>O'KEEFE</u>
Co./Dept.	<u>ZONING COMMIS</u>	Co	
Phone #	<u>887-4385</u>	Phone #	<u>887-4385</u>
Fax #	<u>887-3468</u>	Fax #	<u>887-3468</u>

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 #1909 - HALETHORPE AVE

The sign(s) were posted on 6/14/01
(Month, Day, Year)

Sincerely,

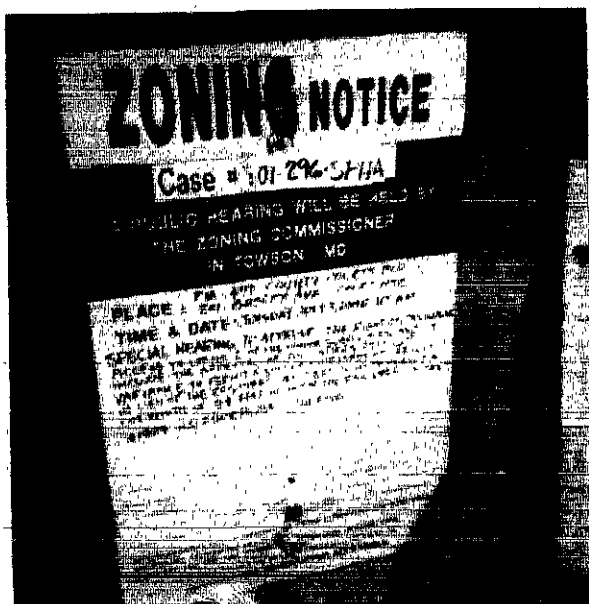
Patrick M. O'Keefe 6/15/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)



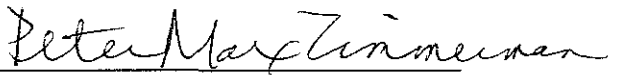
01-296

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
1909 Halethorpe Avenue, NE/S Halethorpe Ave, 420' +/-	*	ZONING COMMISSIONER
SE of Washington Blvd		
13th Election District, 1st Councilmanic	*	FOR
Legal Owner: Bruce B. & Jacqueline M. Andrews	*	BALTIMORE COUNTY
Petitioner(s)	*	Case No. 01-296-SPHA

* * * * *

ENTRY OF APPEARANCE

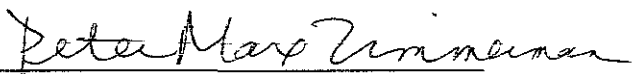
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February, 2001 a copy of the foregoing Entry of Appearance was mailed to Joseph L. Larson, Spellman, Larson & Assoc., Inc., 105 W. Chesapeake Avenue, Towson, MD 21204, representative for Petitioners.


 PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

February 7, 2001

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: 01-296-SPHA
1909 Halethorpe Avenue
NE/S Halethorpe Avenue, 420' +/- SE of Washington Boulevard
13th Election District – 1st Councilmanic District
Legal Owners: Jacqueline M & Bruce B Andrews

Special Hearing to approve the right of panhandle access to lot number 2 of the minor subdivision and to include the approval of an undersized lot. Variance to permit a sum of side yards of 33 feet in lieu of the required 40 feet and to permit a lot width of 84 feet in lieu of the required 100 feet.

HEARING: Tuesday, March 13, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon". Below the signature is the handwritten code "GDZ".

Arnold Jablon
Director

C: Jacqueline M & Bruce B Andrews, 1909 Halethorpe Avenue, Baltimore 21227
Joseph L Larson, 105 W Chesapeake Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY FEBRUARY 26, 2001.**
(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.





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

June 4, 2001

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: 01-296-SPHA
1909 Halethorpe Avenue
NE/S Halethorpe Avenue, 420' +/- SE of Washington Boulevard
13th Election District – 1st Councilmanic District
Legal Owners: Jacqueline M & Bruce B Andrews

Special Hearing to approve the right of panhandle access to lot number 2 of the minor subdivision and to include the approval of an undersized lot. Variance to permit a sum of side yards of 33 feet in lieu of the required 40 feet and to permit a lot width of 84 feet in lieu of the required 100 feet.

HEARING: Tuesday, July 3, 2001 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon GDL
Director

C: Jacqueline & Bruce Andrews, 1909 Halethorpe Ave, Baltimore 21227
Joseph L Larson, 105 W Chesapeake Ave, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 18, 2001**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 27, 2001 Issue – Jeffersonian

Please forward billing to:

Joseph Larson
105 W Chesapeake Avenue Suite 407
Towson MD 21204

410 823-3535

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: 01-293-A

998 Rohe Farm Lane

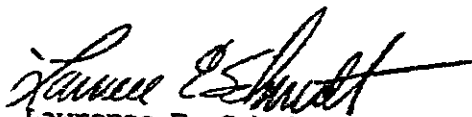
W/S Rohe Farm Lane, 1210' S of centerline Bird River Road

15th Election District – 5th Councilmanic District

Legal Owner: Daniel W . Kimble

Variance to permit side yard setbacks of 10 feet and 15 feet in lieu of the required 15 feet and 25 feet and to permit aside yard combination of 25 feet in lieu of the required 40 feet.

HEARING: Tuesday, March 13, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

GDL

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 19, 2001 Issue – Jeffersonian

Please forward billing to:

Joseph Larson
105 W Chesapeake Avenue
Suite 407
Towson MD 21204

410 823-3535

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: 01-296-SPHA

1909 Halethorpe Avenue

NE/S Halethorpe Avenue, 420' +/- SE of Washington Boulevard

13th Election District – 1st Councilmanic District

Legal Owners: Jacqueline M & Bruce B Andrews

Special Hearing to approve the right of panhandle access to lot number 2 of the minor subdivision and to include the approval of an undersized lot. Variance to permit a sum of side yards of 33 feet in lieu of the required 40 feet and to permit a lot width of 84 feet in lieu of the required 100 feet.

HEARING: Tuesday, July 3, 2001 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G72
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 296 01-296-SPHA
Petitioner: BRUCE ANDREWS
Address or Location: 1909 Halethorpe Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Joseph Larson
Address: 105 W. Chesapeake Ave Suite 407
Towson, MD 21204
Telephone Number: 410-823-3535

Revised 2/20/98 - SCJ

01-296-SPHA



Baltimore County
Department of Permits and
Development Management

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

March 9, 2001

Jacqueline & Bruce Andrews
1909 Halethorpe Avenue
Baltimore MD 21227

Dear Mr. & Mrs. Andrews:

RE: Case Number: 01-296-SPHA, 1909 Halethorpe Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 24, 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. GCR
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Joseph L Larson, 105 W Chesapeake Avenue, Towson 21204
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** March 6, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For February 12, 2001
Item No. 296

The Bureau of Development Plans Review has reviewed the subject zoning item.

This site is subject to comments from the Bureau of Development Plans Review for the minor subdivision, Andrews Property, dated July 14, 2000.

This site is also subject to correspondence from Steven Walsh, Chief of the Storm Drain Design Section of the Bureau of Engineering and Construction, Department of Public Works, dated December 14, 2000 (reference – Halethorpe to Woodside Avenues, Storm Drains): *"You may contact the Bureau of Land Acquisition to make arrangements to have the current plat revised on Mr. Andrew's property."*

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

February 9, 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: Jacqueline M. Andrews & Bruce B. Andrews

Location: DISTRIBUTION MEETING OF February 5, 2001

Item No.: 296

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.

13. THE PROPOSED PANHANDLE DRIVEWAY OR DEADEND ROAD MUST BE A MINIMUM OF 16 FEET WIDE AND OF A HARD SURFACE CAPABLE OF SUPPORTING EMERGENCY APPARATUS, WEIGHING 50,000 LBS ON TWO AXLES; AND IF IN EXCESS OF 300 FEET IN LENGTH, SHALL HAVE A CUL-DE-SAC OR T-TURNAROUND. (CUL-DE-SAC TURNING RADIUS MINIMUM 35 FOOT WALL TO WALL, *INSIDE TURNING RADIUS*.

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

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: March 19, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of February 5, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
288	10260 York Road
289	10240 York Road
290	2522 Venetian Road
291	5126 Edmondson Avenue
293	998 Rohe Farm Lane
295	Gwynnbrook Property
296	1909 Halethorpe Avenue
297	2707-2709 Rolling Road
298	326 Stone Castle Avenue
299	2127 York Road
300	2127 York Road
301	3916 Old North Point Road
302	7605 Curving Lane
303	703 Main Street
308	104 McCormick Avenue

Jim
3/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 20, 2001

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

FEB 21

SUBJECT: 1909 Halethorpe Avenue

INFORMATION:

Item Number: 01-296

Petitioner: Bruce B. Andrews

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

This proposal was first reviewed by the Office of Planning as a Minor Subdivision (PDM # 00074) on July 14, 2000. During that review, the following comments were forwarded to the office of PDM:

- 1) Panhandle lots are not a matter of right. Per Section 26-266 of the Baltimore County Code: "Panhandle lots may only be permitted to achieve better use of irregularly shaped parcels, avoid development in environmentally sensitive areas, and to provide access to interior lots where a public road is neither desirable or feasible. Panhandle lots may be permitted only where such lots would not be detrimental to adjacent properties and would not conflict with efforts to provide for public safety and general welfare." The Office of Planning has determined that the proposed subdivision does not meet the criterion mentioned in Section 26-266. While there is a panhandle minor subdivision to the south of the property, panhandles are not the predominant development pattern within the Halethorpe area. Therefore, the proposed panhandle subdivision is not justified.
- 2) The minimum lot width in the DR 2 zoning district is 100 feet. Given the fact that the existing lot is only 104 feet wide, the creation of a 20 foot wide panhandle to serve lot 2 will render lot 1 a substandard lot, in that it will have a lot width of only 84.5 feet. The creation of a substandard lot would thus create the need of a variance resulting from the applicant's own action. The Office of Planning will not support such a variance.

In addition to the aforementioned comments, this office has further determined that it is incumbent upon the petitioner to demonstrate practical difficulty and unreasonable hardship.

Prepared by: MaekA Cunniff

Section Chief: Jeffrey M. Long
AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.7.01

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

RE: Baltimore County
Item No. 296 JCM

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

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

LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

March 23, 2001

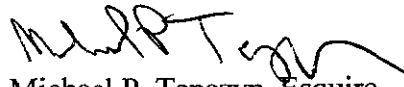
The Honorable Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
Room 405, 401 Bosley Avenue
Towson, MD 21204

Re: Petitioner for Special Hearing & Variance, 1909 Halethorpe Ave., Case No. 01-296-SPHA

Dear Mr. Kotroco:

Enclosed herewith please find Motion for Reconsideration and Entry of Appearance on behalf of the Petitioners. Please let us know if the Motion is granted.

Very truly yours,


Michael P. Tanczyn, Esquire

MPT/gr
Enclosure

cc: Mr. & Mrs. Bruce Andrews
Joseph Larson

MAR 23

LAW OFFICES

MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue

Towson, Maryland 21204

(410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

can't locate file?

PULL *here
or at
PDM*

6/13/01

June 4, 2001

JUN - 6

The Honorable Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
Room 405, 401 Bosley Avenue
Towson, MD 21204

Re: Petitioner for Special Hearing & Variance, 1909 Halethorpe Ave., Case No. 01-296-SPHA

Dear Mr. Kotroco:

To follow-up on your decision granting the Motion for Reconsideration, our Engineer, Mr. Larson, has checked with John Friske of Storm Water Design in Baltimore County who we would call as a witness at any rehearing along with Mr. Larson, to establish that the holdup on the storm water contract is the failure of one of the Protestants in this case to sign a work easement requested by Baltimore County to allow the work to proceed on the storm water project. The matter is ready to be let upon receipt of that according to Mr. Friske, and if the property owner in question declines to sign the easement after one more attempt, the County is going to let the contract for the work issue at the end of this summer or in October at the very latest.

Could you kindly set this in for a hearing date? I anticipate the hearing would take no more than 30 to 45 minutes at most.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn, Esquire

MPT/gr

cc: Mr. & Mrs. Bruce Andrews
Joseph Larson

01-27-2001

INTEROFFICE CORRESPONDENCE

To: Timothy M. Kotroco
Deputy Zoning Commissioner

December 18, 2001

From: Eric Rockel, Supervisor
Bureau of Land Acquisition



27

Subject: Woodside Avenue Storm Drain Project
And Property of Bruce and Jacqueline Andrews
RW 95-222

I am writing to confirm our conversation concerning the property of Bruce and Jacqueline Andrews, situated at 1909 Halethorpe Avenue. Previously in a zoning hearing you had ordered that Mr. Jones not build on this property until Baltimore County had completed certain storm drain improvements. Mr. Donald Hawkins, a community representative who lives on Woodside Avenue, had testified about the storm drainage in this area, and I assume you placed that restriction on Mr. Andrews property in part as a result of Mr. Hawkins' testimony.

Baltimore County's Department of Public Works is prepared to initiate the storm drain improvements, and Mr. Andrews and others have been cooperative in donating the required easements for the project. However, there is one property owner who has not cooperated at this point in time, and my office is taking the necessary steps to request that condemnation proceedings be initiated against this property owned by Ernest Bozeman.

Mr. Andrews is naturally anxious for this construction project to start, but the condemnation proceeding against the Bozeman property could delay the start of construction by several months.

The purpose of this memo is to see if you would lift the restriction on Mr. Andrew's property in light of Public Works willingness to proceed with the storm drain project once prior entry has been granted, and also in light of the fact that Mr. Andrews has cooperated and granted the necessary easement on his property.

Please send me a short memo concerning your conclusion so that I can advise Mr. Andrews.

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO: Eric Rockel, Supervisor
Bureau of Land Acquisition

DATE: January 23, 2002

FROM: Timothy M. Kotroco
Deputy Zoning Commissioner

TMK

SUBJECT: Woodside Avenue Storm Drain Project
and Property of Bruce and Jacqueline Andrews
RW 95-222
Case No. 01-296-SPHA

Please accept this as a response to your inter-office correspondence dated December 18, 2001. I have retrieved the zoning file for the case involving Mr. Andrews' property. I have also reviewed my zoning decision dated the 10th day of July, 2001. After reviewing the case file and my decision in the case, I find that I am not able to modify my decision to allow Mr. Andrews to construct a house on this property at this time. My order on his motion for reconsideration was very clear in that the construction of a new home on the property owned by Mr. Andrews should not begin until such time as the storm drain improvements are actually installed. I understand there is a delay at this time in order to obtain the necessary rights-of-way for this storm drain system. I hope that the matter can be expedited in order to assist Mr. Andrews in completing his project. However, at this time, I am unable to modify my previous decision.

I have copied Mr. Andrews with this reply to your memorandum, so that he may be fully aware of my position on this matter. If I can be of any further assistance, please do not hesitate to contact me.

TMK:raj

c: Mr. & Mrs. Bruce Andrews
1909 Halethorpe Avenue
Baltimore, Maryland 21227

1
- Mike Tancyn

- Spoke w/ Hawkins

John - Frisk

- DPW - Bureau of Engineering

- Project Engineer

- Been w/ County 20 yrs

2 yrs ago - Director asked them to connect
drains along Woodside

- They have a design - its complete

- Been sent to

- Acquired all but 2 properties

- They have an estimate

- They will complete the work in 5 to 6 mos

- Construction going 2002

- Bozman + CH/in - have to give permission yet

Hearing: 7/3/01
Order: 7/10/01

IMK
01-296-SHA

4-20-01

TUES 7-3-01

10 AM RM 407

POST mon
6-18

AD TUES
6-19

Robin,
Have George set this in for a
hearing

J. Kotrova
5/23/01

George,

F.Y.I.

This is the case that
didn't get advertised (at least
there's no ad in the file). This
attached notice mistakenly cites
Case # 01-293A (Kimbel case).

Oh well, this case #01-296 - SPAA was
denied. no harm done. Robin 3/15/01

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 01-296-SPHA

Date Completed/Initials

2-6-01

PREPARE HEARING FILE (put case number on all papers, hole punch and place appropriately, put label and case number on folder, complete information on stamp on front of folder)

2-6-01

DETERMINE HEARING DATE (schedule within 45 days of filing, post and advertise at least 15 days prior to hearing)

6-4-01

~~2-7-01~~

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file, make appropriate copies, mail original and copies of hearing notice, place original advertising notice in Patuxent's box, file copies of both notices in hearing file update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder, mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder, file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter, make appropriate copies, mail original and copies, send copy to zoning commissioner, file copy in hearing file, update hearing calendar and ZAC in computer)

6-1-01

RESCHEDULING (determine hearing date, type letter confirming new date make appropriate copies, mail original and copies, file copy in hearing file, update hearing calendar and ZAC in computer, refile hearing folder)

INDEX CARDS (prepare index cards, according to sample, file cards in cabinet)

2/23

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file, put certificates in file)

GDZ

6-4-01

3-9-01

COMMENTS (check off agency comments received on front of hearing file, make copies; type comments letter; mail original to petitioner, file copy in hearing file)

6-4-01

~~3-9-01~~

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday, verify that checklist on front of hearing file has been completed; secure all papers under clips in file, send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JOSEPH LARSON

Bruce Andrews

105 W. Chesapeake Ave Towson

1909 Halethorpe Ave



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

ANDRE' T. BEDSON

1922 WOODSIDE AVE (21227)

EDWARD SMITH

4501 SPRING AVE 21227

MAZIE SMITH

4501 Spring Ave, 21227

Jean Downs

1916 Woodside Ave 21227

Barbara Brown

1922 Woodside Ave 21227

ERNEST E. ZEDMAN

1909-A Halethorpe Ave 21227

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

1909 Heilbrunn

NAME

ADDRESS

Michael Tawczyn

Bruce Andrews

JOSEPH LARSON

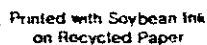
JOHN FEISK

Ste 106, 606 BALTIMORE AVE Towson Md 21204

1909 Haleshorpe Ave

105 W. Chesapeake Ave 21204
Ft. Belvoir, Md

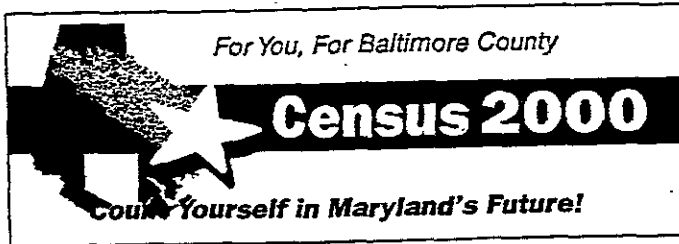
111 W. CHESAPEAKE AVE 21204



1909 HALETHORPE AVE



FAX COVER SHEET



Date: *June 29, 2001*

Number of Pages including cover sheet: *5*

To:

Mike Senczyn

Phone:

Fax #

C:

410-296-8827

From:

Robin Jameson
Spring Comm. Office

Phone:

Fax #

410-887-3868

REMARKS:

☐

Urgent

☐

For your review

☐

Reply ASAP

☐

Please comment

Hearing Notices, Ad, Posting notices, etc.



Census 2000



For You, For Baltimore County



Census 2000



***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	0847
CONNECTION TEL	94102968827
CONNECTION ID	
START TIME	06/29 12:38
USAGE TIME	01'47
PAGES	5
RESULT	OK

Bureau of Land Acquisition

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



(410) 887-3251, 3253, 3255, 3265, 3293
Fax: (410) 887-3270
CHARLES REED

EXHIBIT 'A'

March 12, 2001

Mr. and Mrs. Andre' T. Brown
1922 Woodside avenue
Baltimore, Maryland 21227

**The Zoning Commissioner
of Baltimore County
Department of Permits and
Development Management
County Office building
401 Bosley Avenue, Room 407
Towson, Maryland 21204**

**Re: *Special Hearing Case Number 01-296 for the Approval to
Panhandle and Subdivide Lot for Future Development of a
Proposed New Dwelling at 1909 Halethorpe Avenue***

Dear Commissioner:

I am writing you with ***expressed disapproval of the possibility of granting the right to subdivide the existing property*** located at the above referenced address. I am a direct recipient of the ***now excessive storm water run off*** from this and other rear higher elevation properties directly behind 1916 and 1920 Woodside Avenue. For years we have suffered from over flooding during Hurricane Seasons and Heavy Spring Rains which overwhelmed both my property and that of my next door neighbor, Mrs. Roberta I. Weber located at 1920 Woodside Avenue. Both our ***properties are in a lower elevation*** than the property in questioned which is directly behind 1920 Woodside Avenue and to the right of my property. ***I am opposed to any new development until The County completes the assigned task and construction of the Storm Water Management Control Provisions as implemented in their proposal contract dated 12/3/96.*** This development consist of the continuation of a Proposed Underground Drainage and Utility Easement Construction of 21" RCCP tying into the surface Storm Water Catch Basins on the North-East Corner of the adjoining lots between Mrs. Weber and I. The present Catch Basin Inlet is to assume surface water only and has on many occasions been overflowed from surface water coming from the rear properties on Halethorpe Avenue and Washington Blvd. Any new construction consisting of a dwelling and impervious surfaces will only exacerbate the problem. The current water flooding areas are throughout the rear of the properties of 1916, 1920 and 1922 Woodside Avenue which is at a lower elevation then 1909 Halethorpe Avenue property directly to the rear. For over 20 years we have suffer with this problem and has waited for the installation of Storm water Pipes which should alleviate approximately 60 to 70% of the Storm Water Run-Off (surface water) cascading from high elevations. Proposed redirecting and capturing of Washington Blvd. water run-off could then be managed.

Ref Ex #2

It is vital to the properties on Woodside Avenue that this proposal to subdivide and build an additional dwelling be denied and the current contract for Storm Water Management Control Provisions be completed. The County's Department of Land Acquisition and Development Management is aware of the problem (which has been documented in the Halethorpe Revitalization Plan dated 9/1/93) and can supply you with much more information as to why ***this proposal should be denied until the completion of the Storm Water Provisions and their follow-up evaluation.*** If you have any questions or require additional information, please do not hesitate to contact me, The Halethorpe Civic League or the area planner, Mr. Lenwood Johnson.

Respectfully,

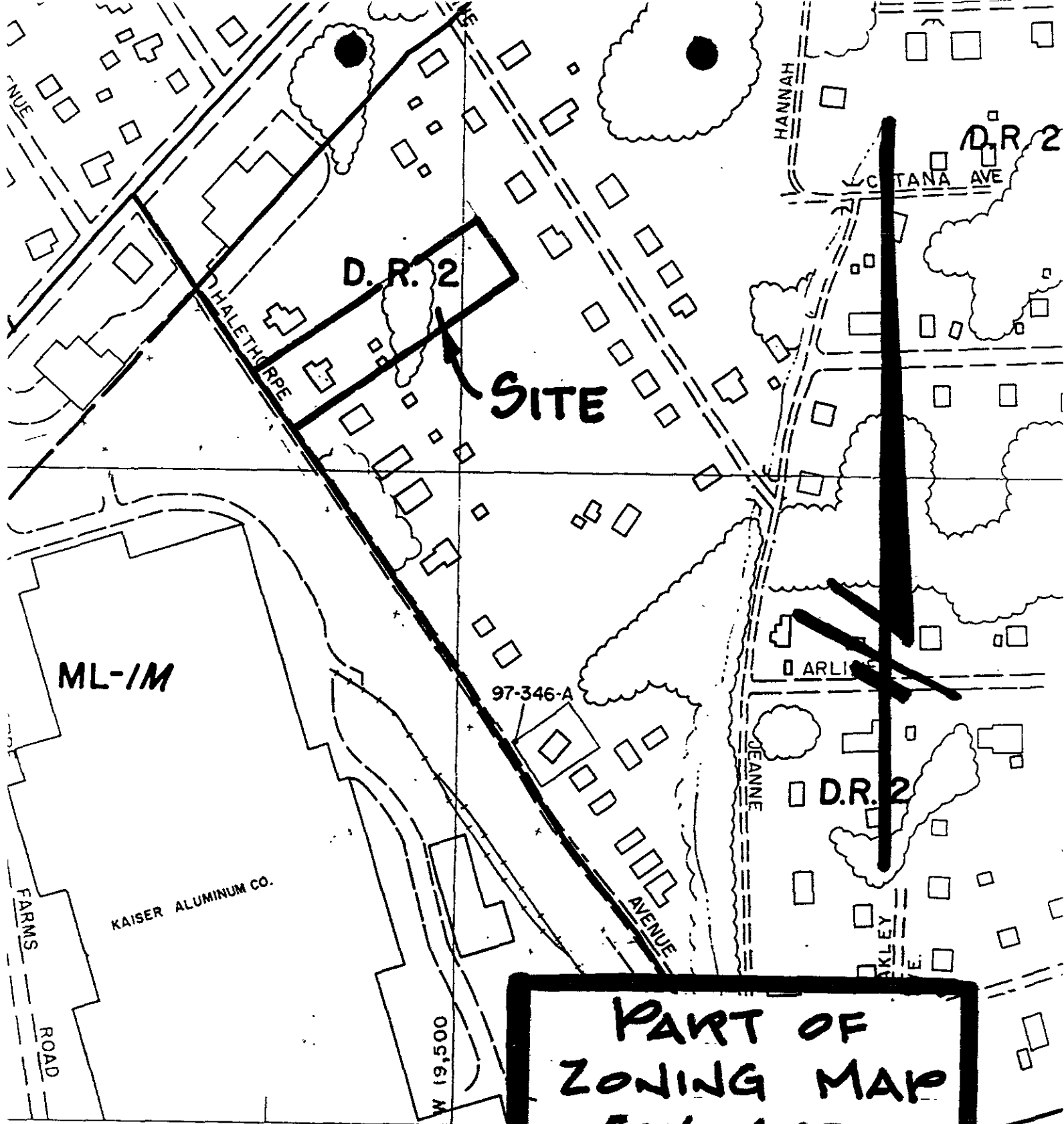


Andre' T. Brown
Property Owner
(410) 242-9159

ATB/

cc: Mr. Donald Hawkins, Pres. HCL
Mr. Ed Smith, Vice Pres. HCL
County Councilman Moxley, 1st District
Mr. Charles Reed, BC-Land Acquisition Department
Mr. Lenwood Johnson, Area Planner
File

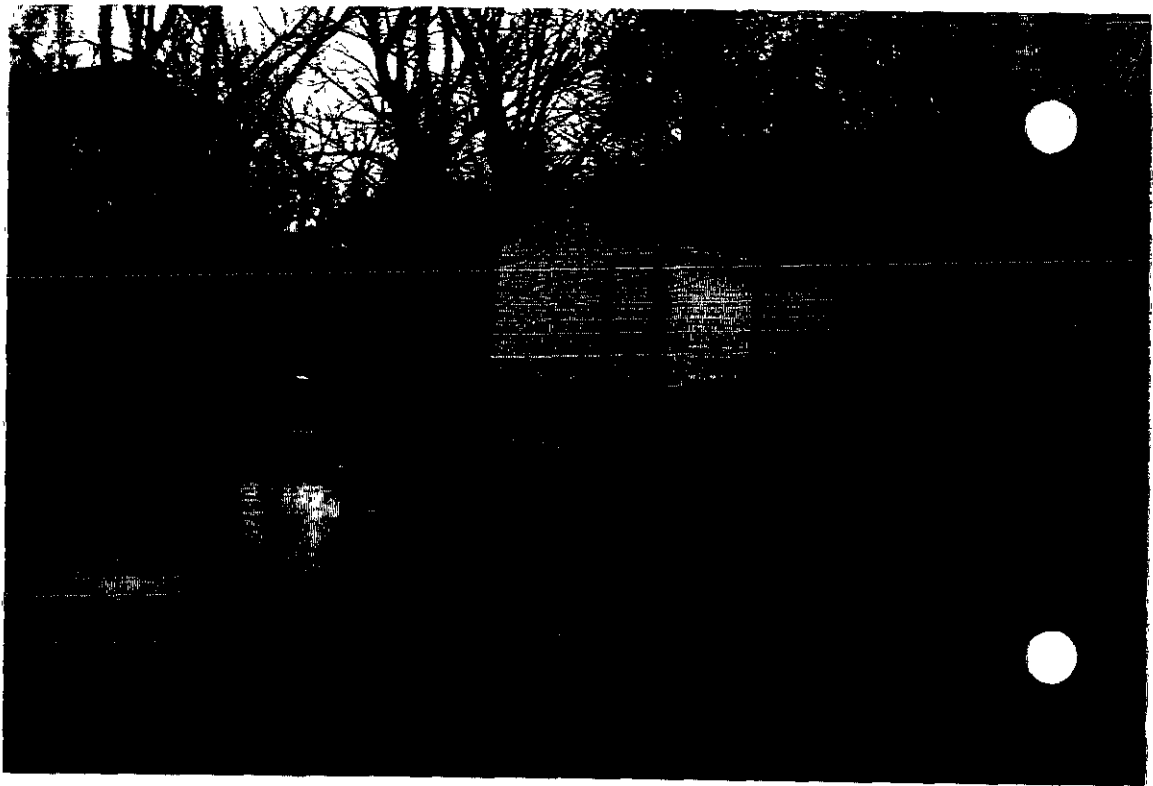
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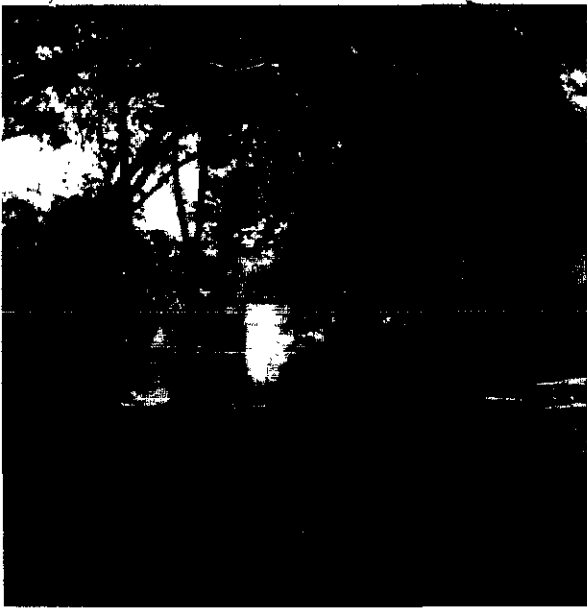


ING 296
P 01-296-SPHA

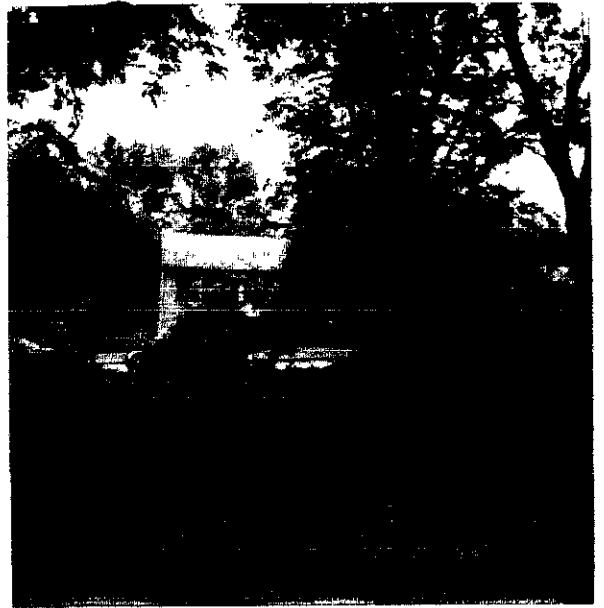
DATE
OF
PHOTOGRAPHY
JANUARY
1986

HALETHORPE





#5



#6



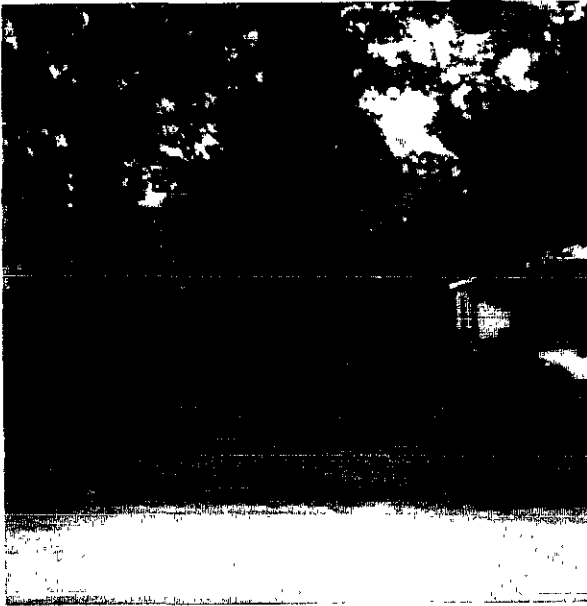
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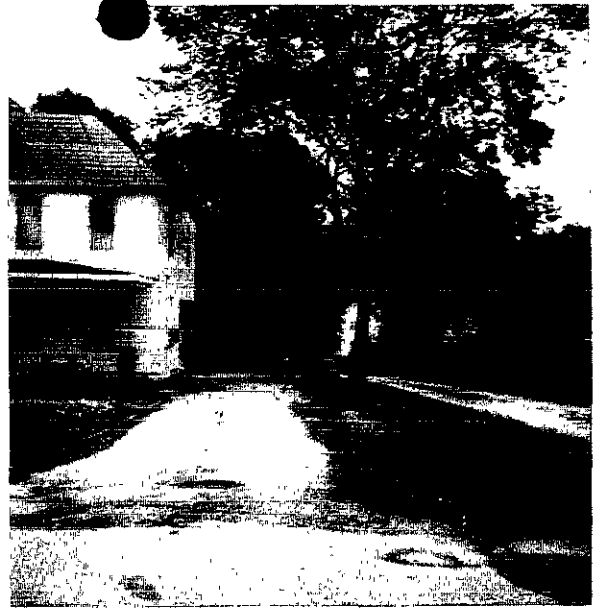
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PHOTO EXHIBIT

Ref EX 3A



#3



#2



#1

PHOTO EXHIBIT

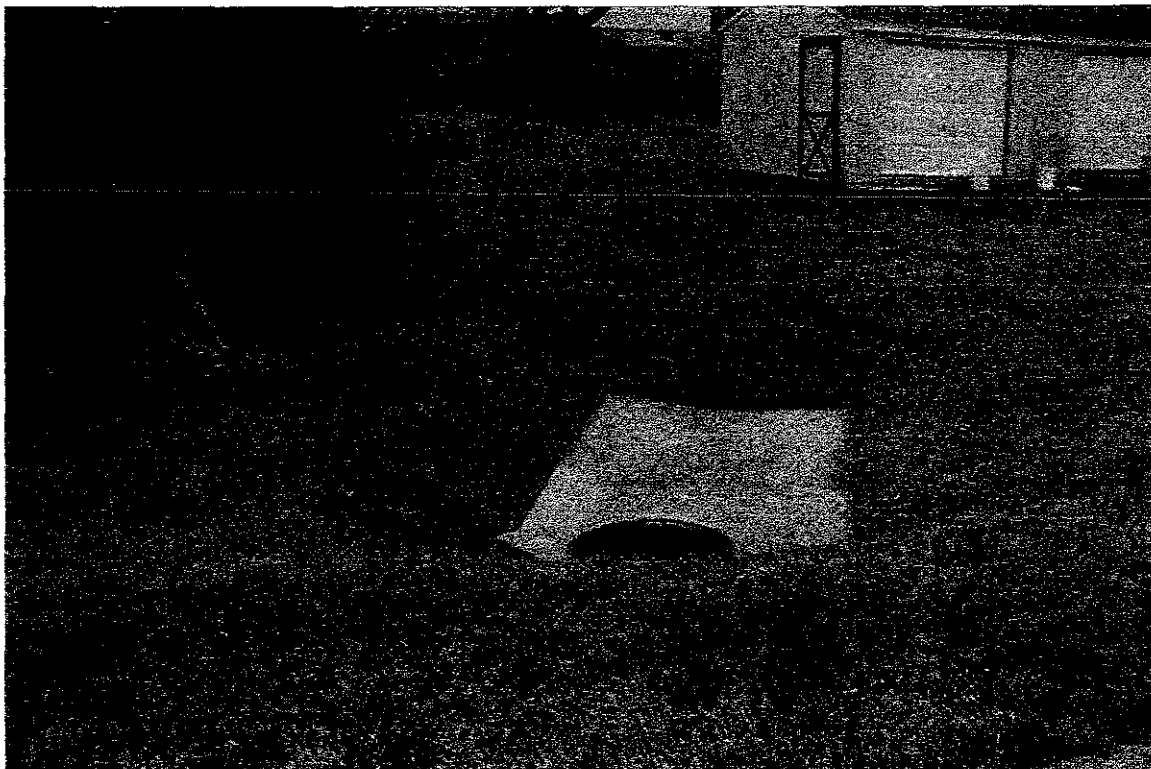
EX 3B



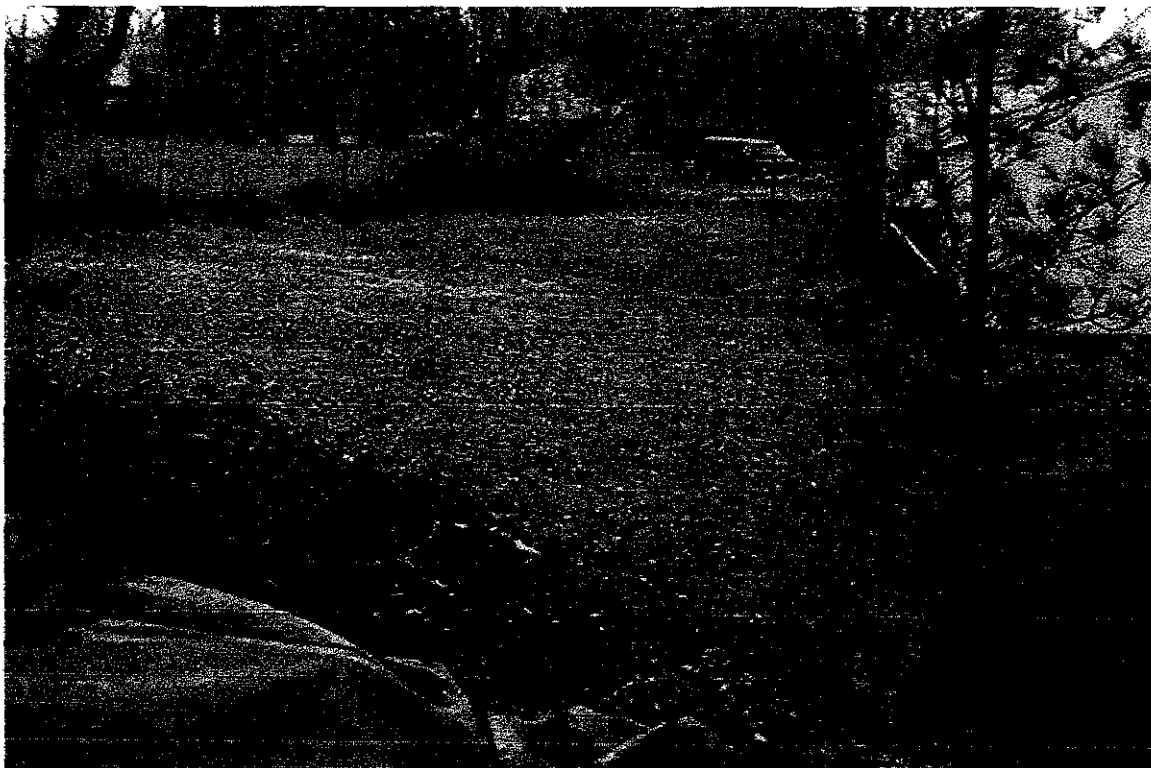
Property BETWEEN 1916 & 1920



SAME AS ABOVE



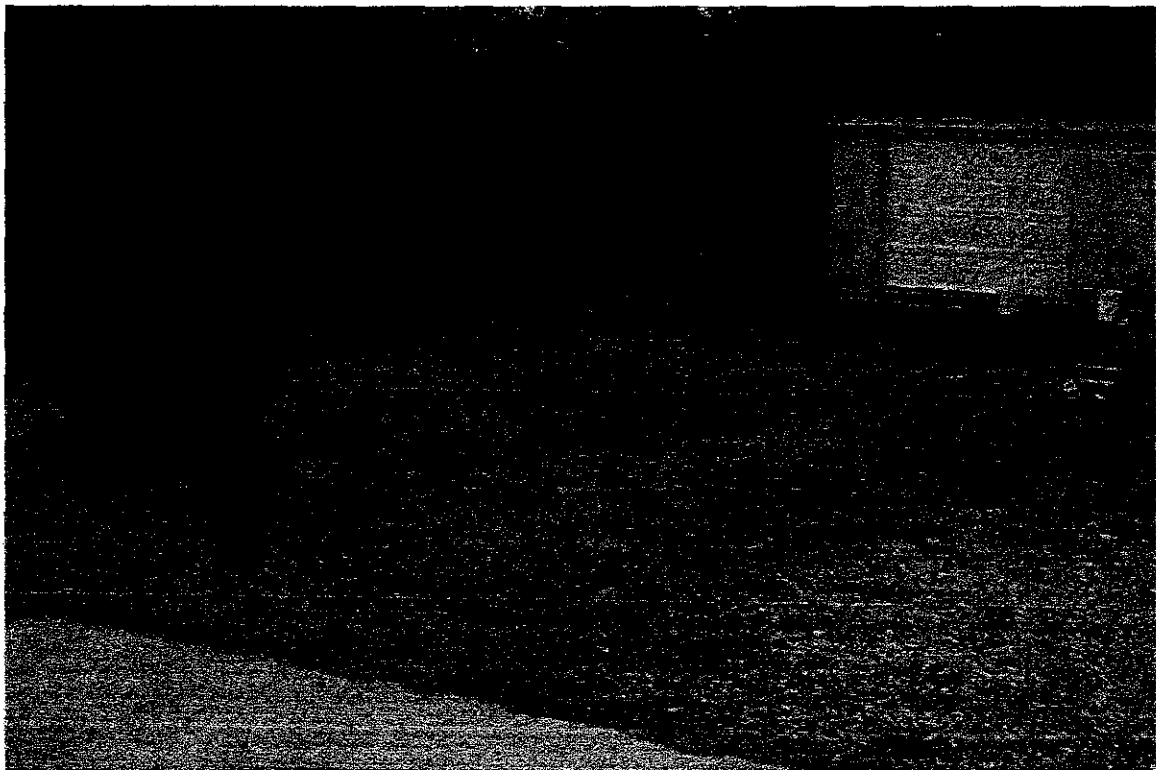
EXISTING STEAM WATER CATCH BASIN



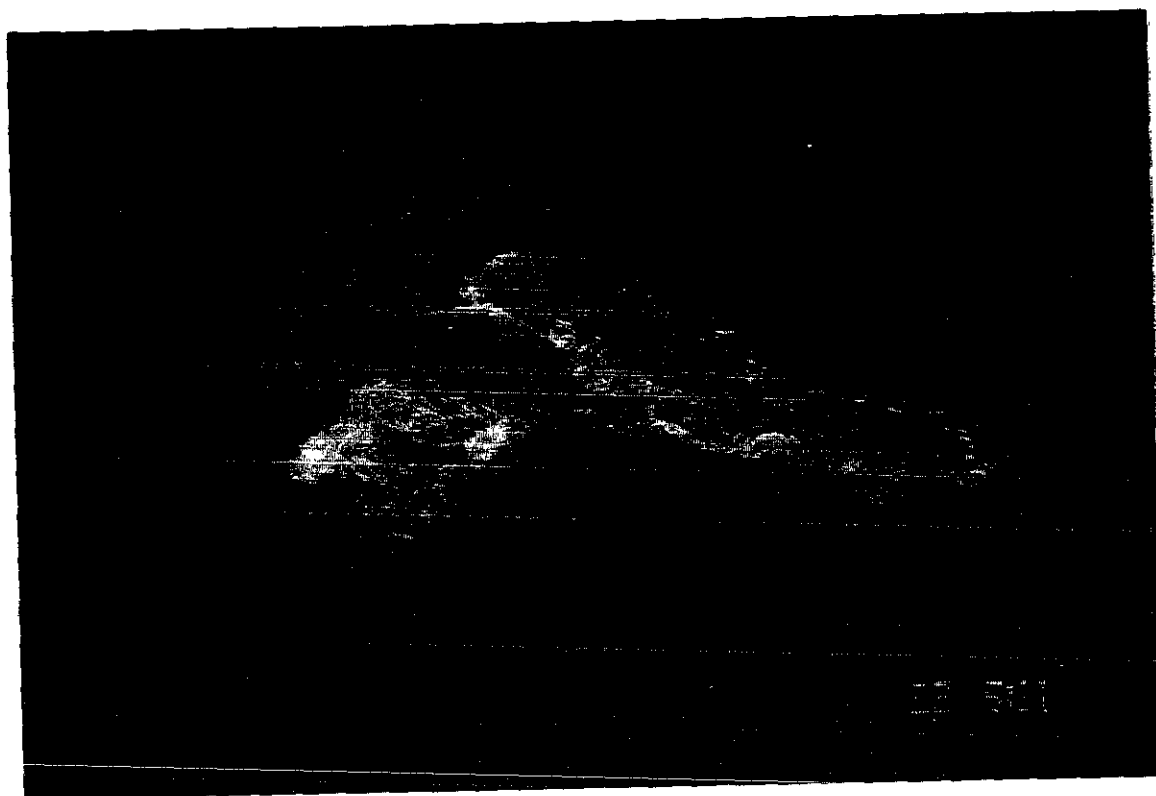
PARK YARD OF 1922, 1920 & 1916

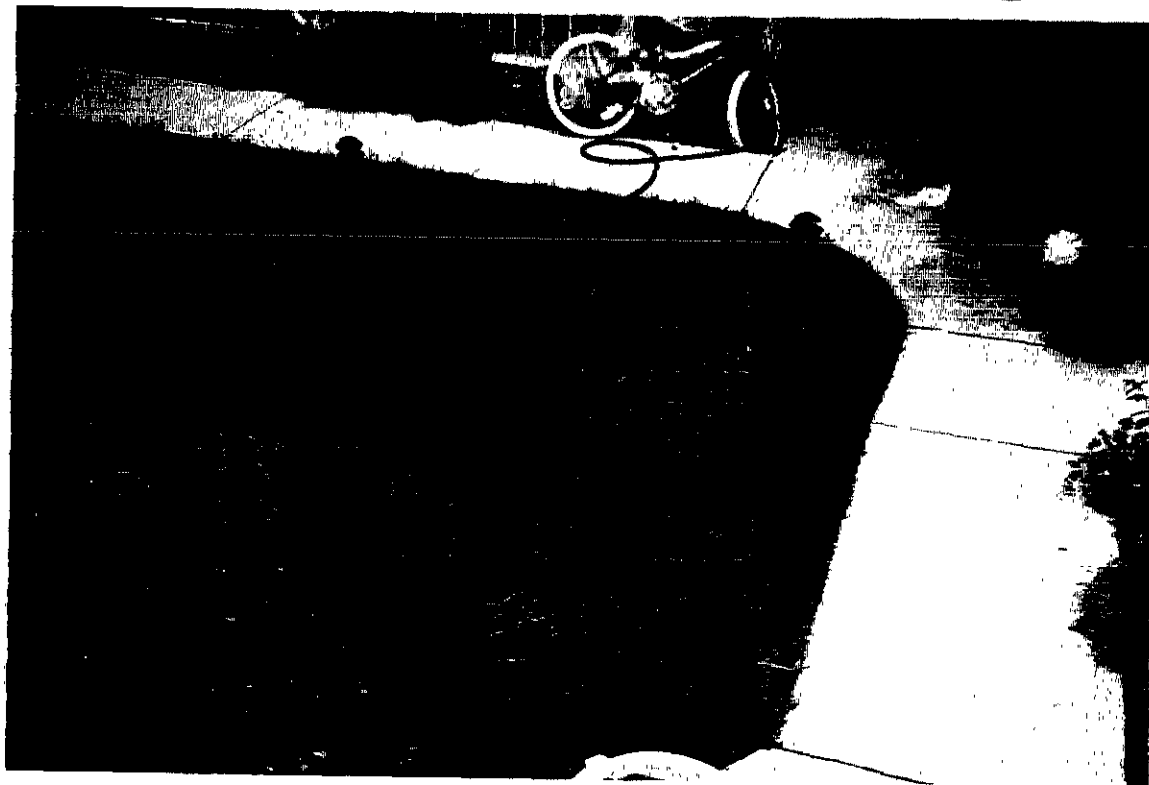


VIEW IN FRONT OF 1920

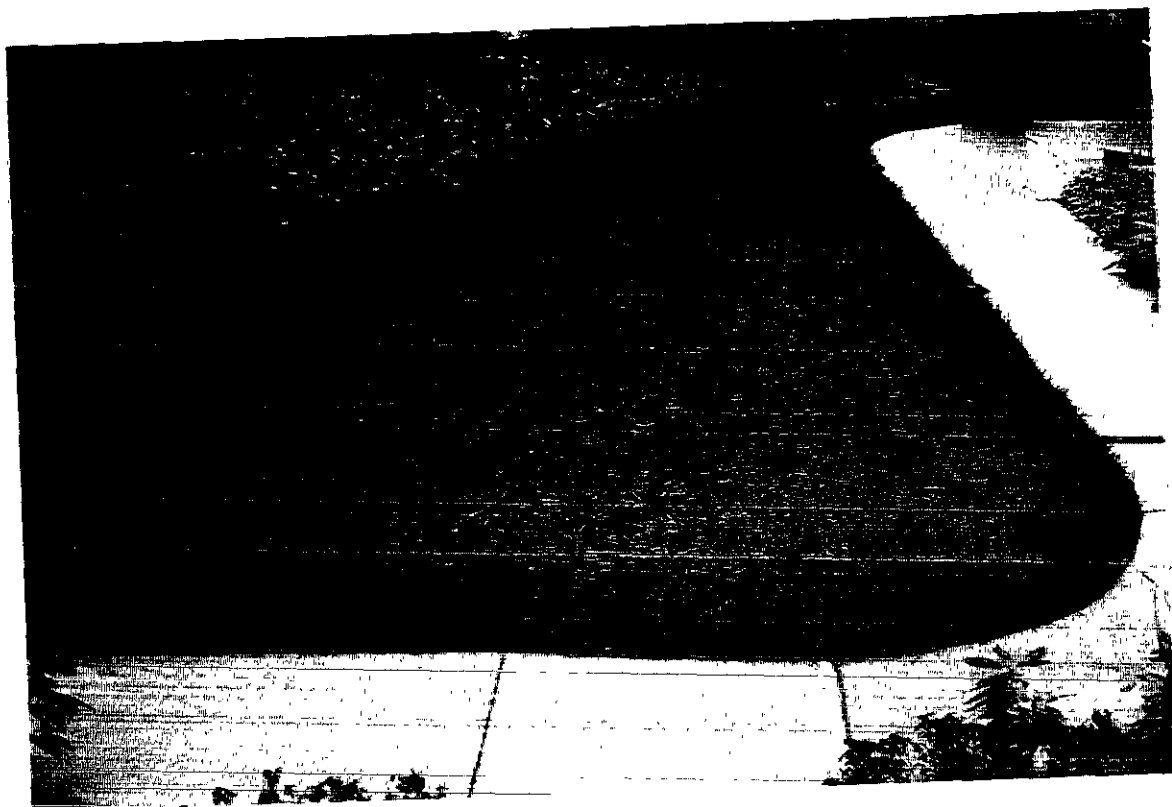
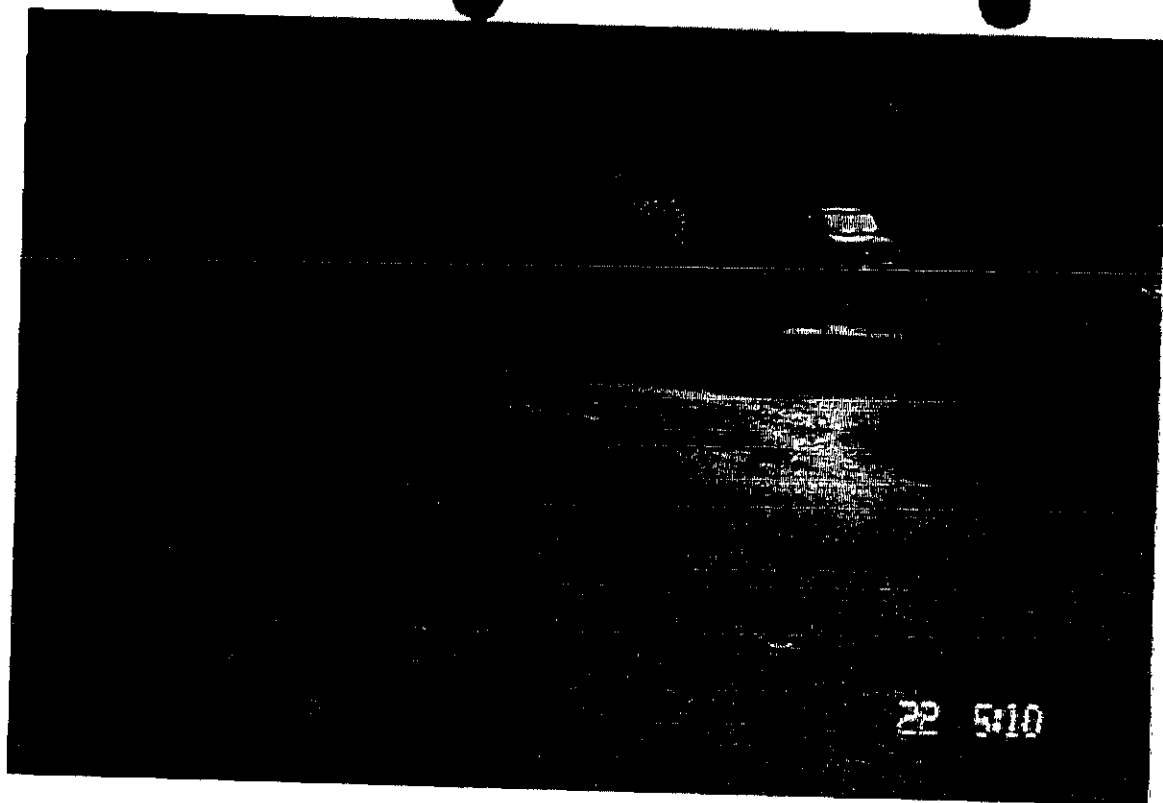


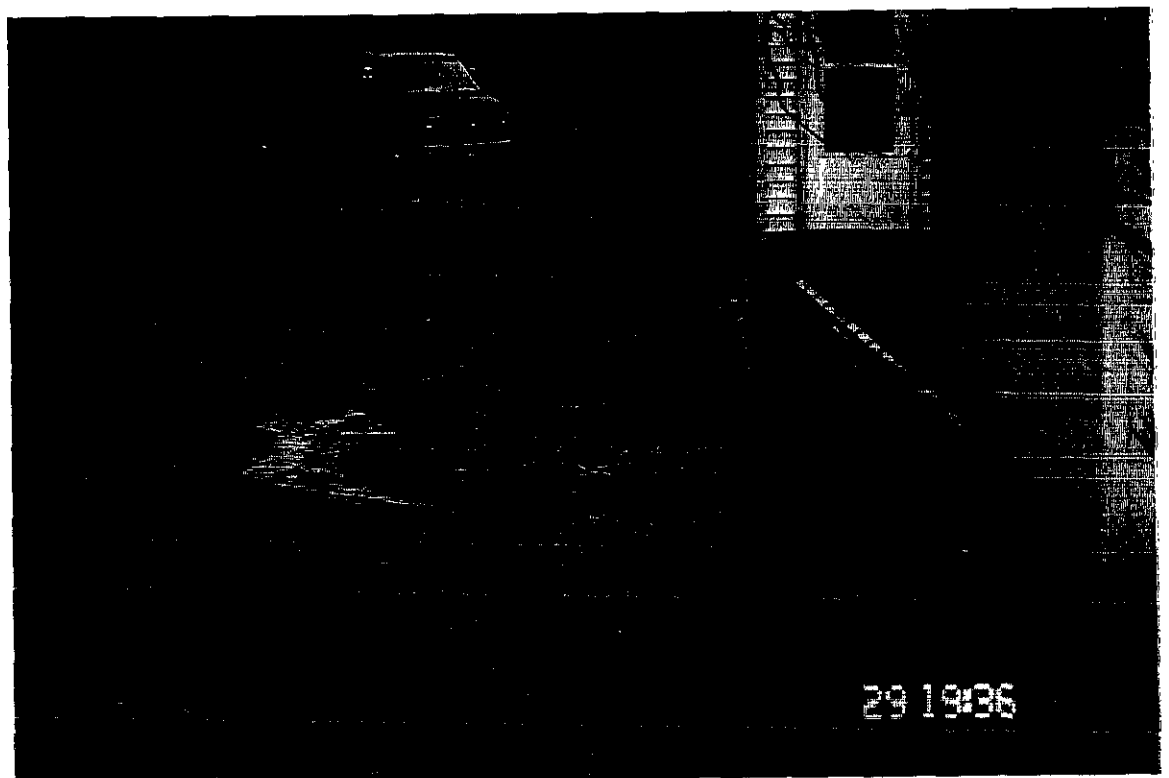
VIEW FROM 1922 & 1920

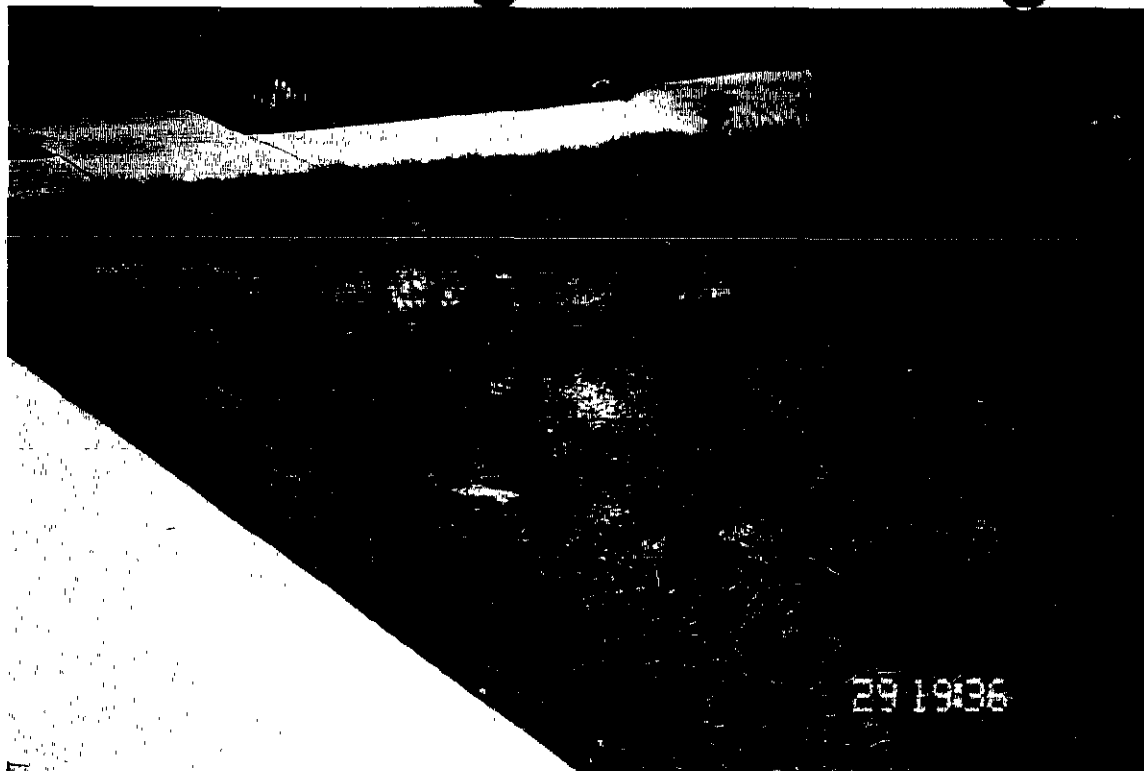


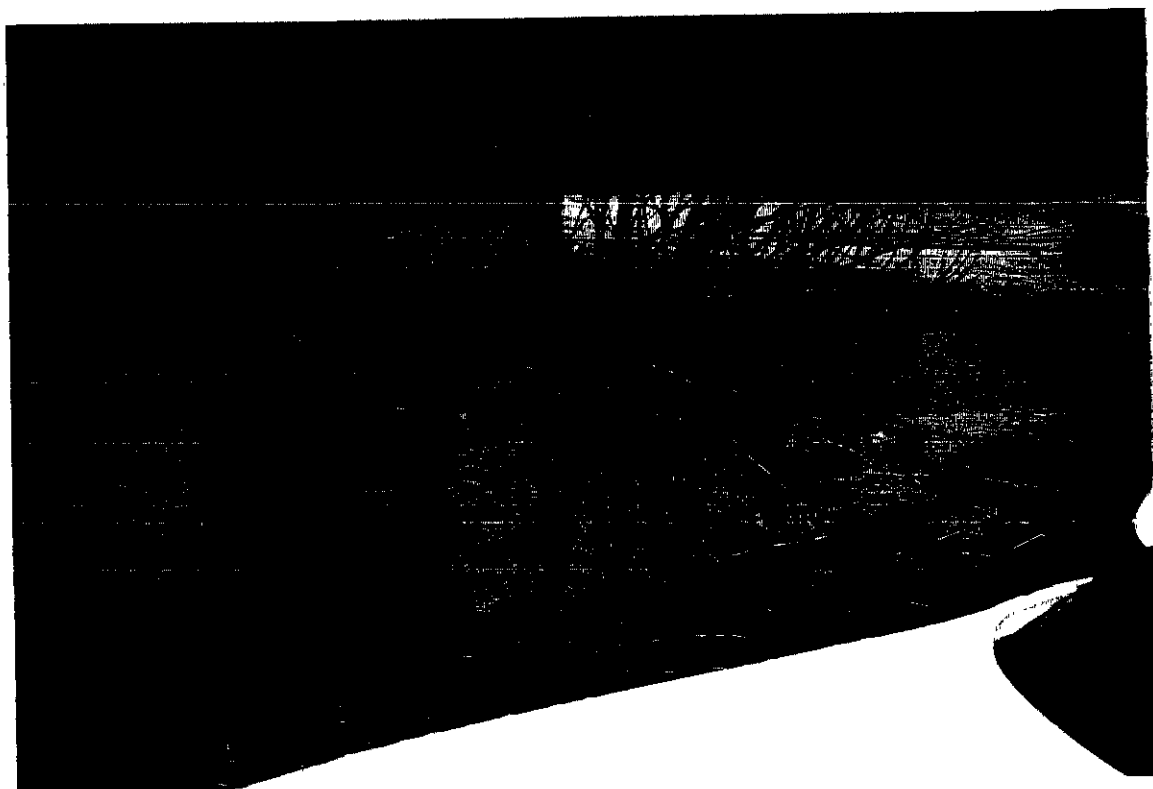






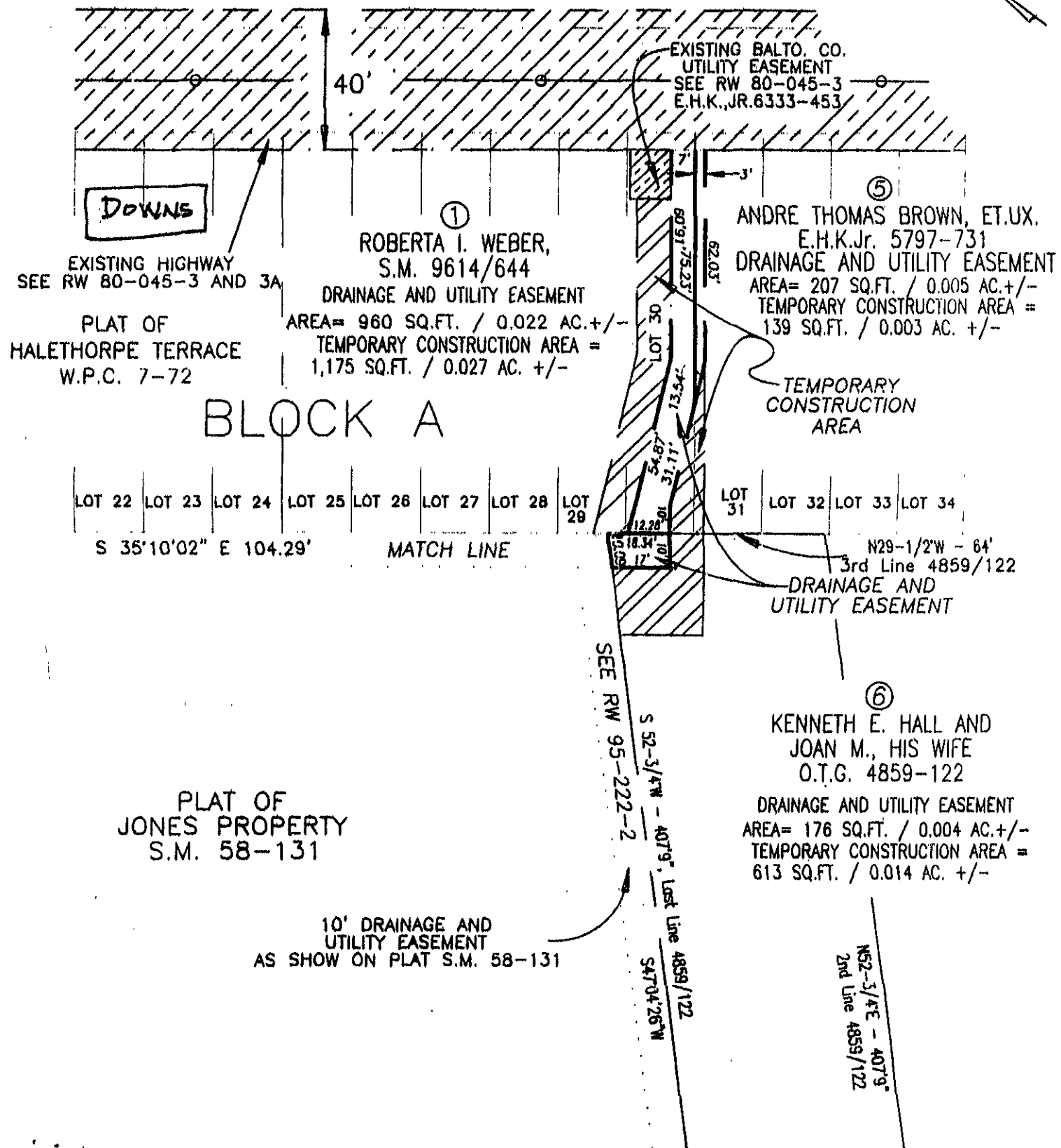








WOODSIDE AVENUE



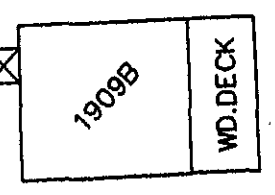
BALTIMORE COUNTY		DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT		BUREAU OF LAND ACQUISITION	
DISTRICT NO. 13 c 1		POSITION SHEET NO.		FEDERAL PROJECT NO.	
		CONSTRUCTION PLAN NO.		MARYLAND PROJECT NO.	
APPROVED DIRECTOR OF PUBLIC WORKS		☐ AREA TO BE ACQUIRED ☐ REVERTIBLE SLOPE EASEMENT ☐ TEMPORARY CONSTRUCTION AREA		☐ EXISTING COUNTY R/W ☐ AREA TO BE RELEASED ☐ TEMPORARY SLOPE EASEMENT	
DATE		ITEM NO.		DATE	
APPROVED CHIEF, BUREAU OF LAND ACQUISITION		RECORDED		SURVEYOR	
DATE		DRAWN BY		DATE	
APPROVED SUPERVISOR, DIVISION OF DRAFTING		CADD		RFG. NO.	
DATE		PLAY CHECKED		SHEET 1 OF 2	
		AREA CHECKED		SCALE: 1" = 40'	
		TITLE CHECKED		B.C. JOB ORDER NO.	
				5 - 460 - 1	
				RW 95 - 222 - 1A	

576.314
ER
M 3
TO BE REMOVED
CONSTRUCTION
1909 HALLORDE AVE
ANDREW'S PROPERTY
PROPOSED
DRAINAGE & UTILITY
EASEMENT
AREA
LOW
AREA

M 2
S22758.240
W19536.061

PROP. 18" RCCP

S22672.290
W19442.226



1909A

WOOD
DECK

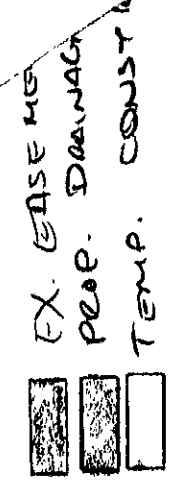
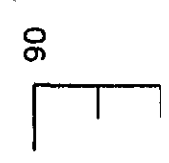
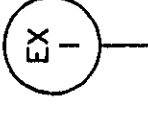
PE TERRACE
/72

LOW
AREA
S22760.450
W19379.722

WOODSIDE AVENUE R/W

10.00
10.00
10.00

50.012
50.012



No
ADVERTISING

WOODSIDE AVE.

EX. 15" D

L.ST.DR.

S22740.418
W19321.322

EX
1
S22707.465
W19281.913

EX
M

EX. 27" D

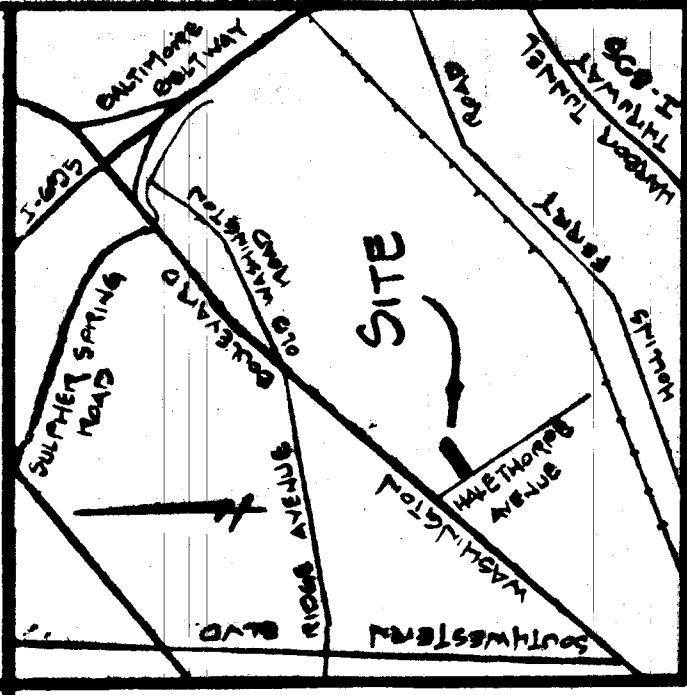
MAC DR.

#1922

CONC.
(IN GRD.
POOL)

LOW AREA

21.51



VICINITY MAP

SITE DATA

AREA (GROSS) 1.005 AC. ± / 43,788 SF
 EXISTING ZONING DR. 2
 EXISTING USE ONE SINGLE-FAMILY DWELLING
 PROPOSED USE TWO SINGLE-FAMILY DWELLINGS
 TAX ACT. NO. 1316-450010
 CONDOMINIUM DIST. 108/12/376
 TAX MAP/BLK/PARCEL LANDSCAPING/UTILITIES
 SCHOOL DISTRICT 29
 SUBDIVISION 5480
 WATERSHED REGIONAL PLANNING DIST. 325A
 DEED REFERENCE 6586/1592
 CELESTIAL TRACT 4804
 UTILITIES SEWER - EXIST (PUBLIC)
 WATER - EXIST (PUBLIC)

GENERAL NOTES

1. THERE ARE NO HAZARDOUS MATERIAL SITES ON THE SUBJECT PROPERTY.
2. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SUBJECT PROPERTY.
3. THERE ARE NO HISTORICAL BUILDINGS OR LANDMARKS ON THE SUBJECT PROPERTY.
4. THERE ARE NO ARCHEOLOGICAL SITES ON THE SUBJECT PROPERTY.
5. IN ACCORDANCE WITH ELL 18-20 SECTION 26-276 DREDGING, FILLING, OR CONSTRUCTION IN WETLANDS IS PROHIBITED.
6. ALL SITE RUN OFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING BODY OF WATER. WATER CAUSE WETLAND, SOFT DRAIN OR ADJACENT PROPERTY.
7. THERE IS NO PREVIOUS ZONING CASE HISTORY FOR THE SUBJECT PROPERTY.
8. THE DEVELOPER'S SURVEY HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN HAS EVER BEEN UTILIZED OR RECORDED AS DENSITY OR AREA TO SUPPORT ANY OTHER USES.
9. THE PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
10. A WAIVER OF LOCAL OPEN SPACE HAS BEEN APPLIED FOR.
11. THE ENTIRE AREA LIES WITHIN THE SOIL TYPE CHILLUM (C12).

REVISIONS		DESCRIPTION
NO.	DATE	
1	1-12-01	REV. PER ELLING CONCEPTS COMMENTS
2	1-23-01	REV. PER PUBLIC CONSULTATION COMMENTS

SPELLMAN, LARSON & ASSOCIATES, INC.
 CIVIL ENGINEERS AND LAND SURVEYORS
 SUITE 408, JEFFERSON BLDG., TOWSON, MD 21204
 PHONE: 827-3838

1902 HALETHORPE AVE
 ANDREWS PROPERTY

ELECTION DIST. 13 BALTIMORE, CO, MD

SCALE: 1"=50' DES. BY: DATE: 12-12-00 DWN BY: P.M.N. SHEET 1 OF 1

01-296-5847A, 200040

SURVEYORS CERTIFICATE



OWNER

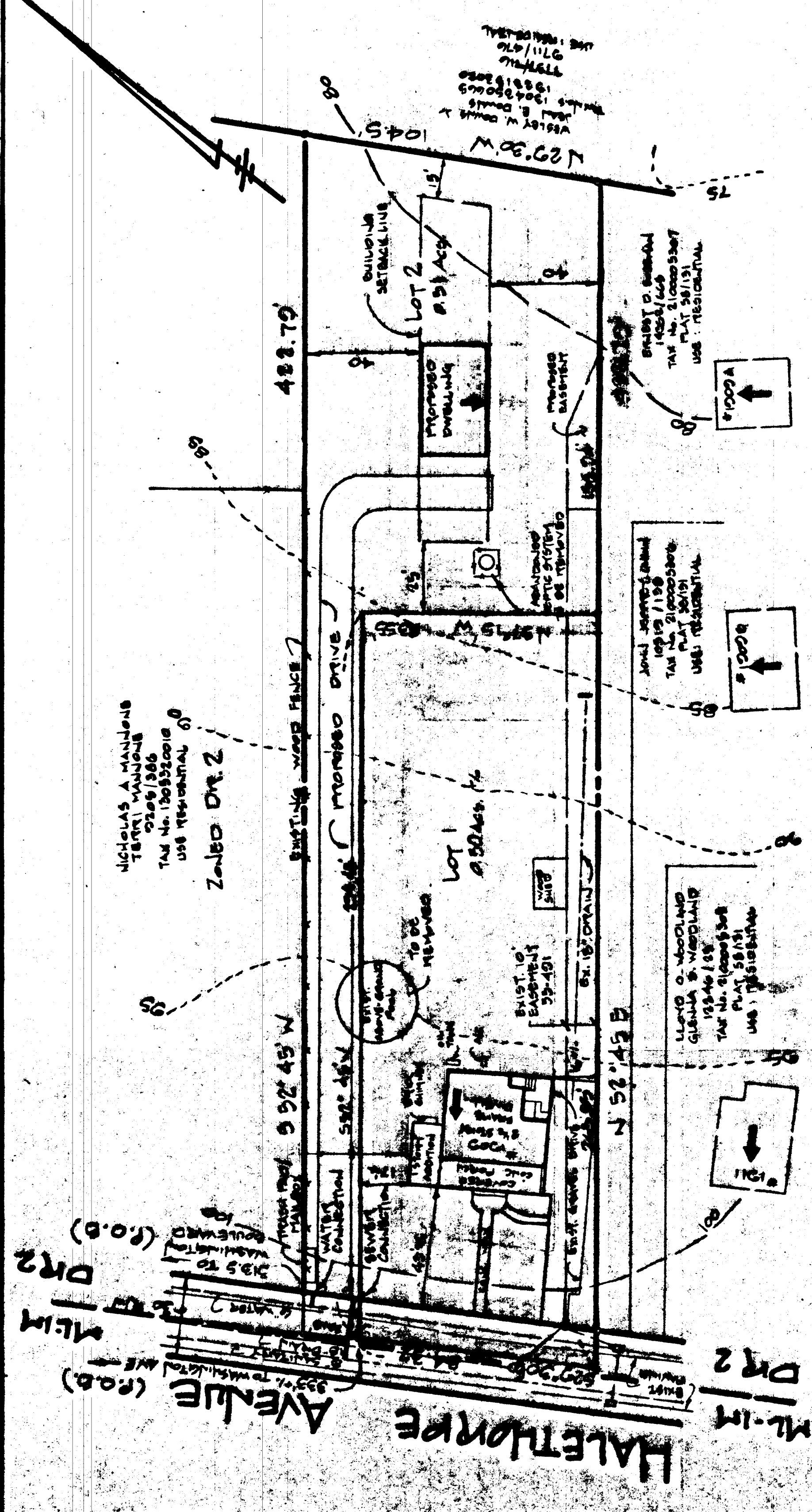
BRUCE B. ANDREWS
 ANDREWS M. ANDREWS
 1902 HALETHORPE AVE
 BALTIMORE, MARYLAND
 21227

Zoning Variance Petition

TO APPROVE A ZONING VARIANCE PETITION TO ALLOW A SUM OF SIX YARDS OF 99 FT. IN USE OF THE REQUIRED 40 FT. AND A LOT WIDTH OF 84 FT. IN USE OF THE REQUIRED 100 FT.

Petition for Special Use

TO APPROVE THE RIGHT OF PETITIONERS TO USE THE LOT AS A SPECIAL USE ZONING DISTRICT OF VERY HIGH DENSITY AND TO BE USED AS A SPECIAL USE ZONING DISTRICT.

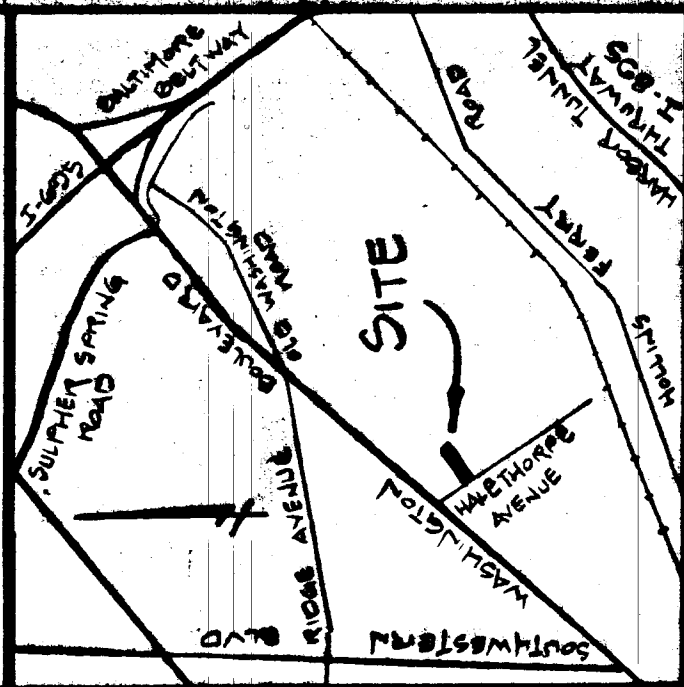


DENSITY CALCULATIONS

EXIST. ZONING DR. 2
 EXIST. AREA 1.005 AC.
 DENSITY ALLOWED 2
 EXIST. MAX. ACRES 2
 DENSITY PROPOSED 2

SOILS TABULATION

TYPE MARE W/BLNT W/BLNT 1 STREET PARKING
 C10 CHILLUM SUITABLE TO SOILS TO SOILS
 MARE W/BLNT



VICINITY MAP
SCALE: 1" = 200'

SITE DATA

AREA (GROSS)	1.005 AC ± / 43,188 SF
EXISTING ZONING	DR 2
EXISTING USE	ONE SINGLE-FAMILY DWELL
PROPOSED USE	SINGLE-FAMILY DWELL
TAX ACCT. NO.	1364280010
CONVEYING DEED	108/12/376
TAX MAP/BLK./PRD.	UNDEVELOPED
SCHOOL DISTRICT	73
SUBDIVISION	325A
WATER SHED	60001/508
DEED REFERENCE	4304
CENSUS TRACT	

- GENERAL NOTES**
1. THERE ARE NO HAZARDOUS MATERIAL SITES ON THE SUBJECT PROPERTY.
 2. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SUBJECT PROPERTY.
 3. THERE ARE NO HISTORICAL BUILDINGS OR LANDMARKS ON THE SUBJECT PROPERTY.
 4. THERE ARE NO ARCHEOLOGICAL SITES ON THE SUBJECT PROPERTY.
 5. IN ACCORDANCE WITH GULL 18-20, SECTION 26-276 DREDGING, FILLING OR CONSTRUCTION IN WETLANDS IS PROHIBITED.
 6. ALL SITE RUN-OFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING BODY OF WATER, WATER COURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
 7. THERE IS NO PREVIOUS ZONING CASE HISTORY FOR THE SUBJECT PROPERTY.
 8. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN HAS EVER BEEN UTILIZED OR RECORDED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DRIVES.
 9. THE PROPERTY DOES NOT LIE WITHIN THE CHESEAPEAKE BAY CRITICAL AREA.
 10. A WAIVER OF LOCAL OPEN SPACE HAS BEEN APPLIED FOR.
 11. THE ENTIRE AREA LIES WITHIN THE SOIL TYPE CHILLUM (C12).

NO.	DATE	REVISIONS	DESCRIPTION

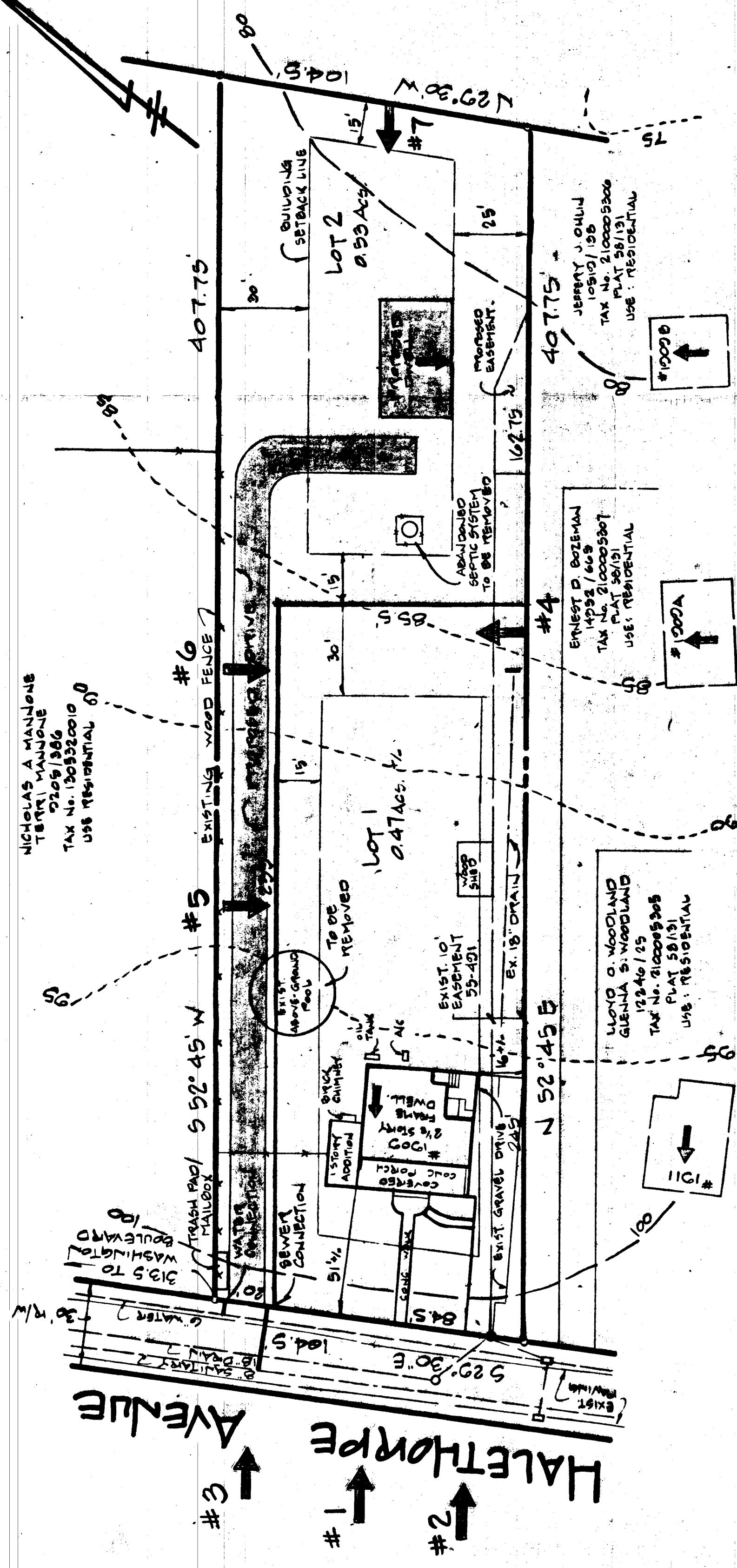
SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 408, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

MILTON SUBMISSION
1909 HALTHORPE AVE
ANDREWS PROPERTY

PHOTO EXHIBIT
ELECTION DIST. 13 BALTIMORE, CO, MD

SCALE: 1" = 20'	DES. BY: [Signature]	SHT. 1 OF 1
DATE: 6-5-00	DRN. BY: [Signature]	

2000



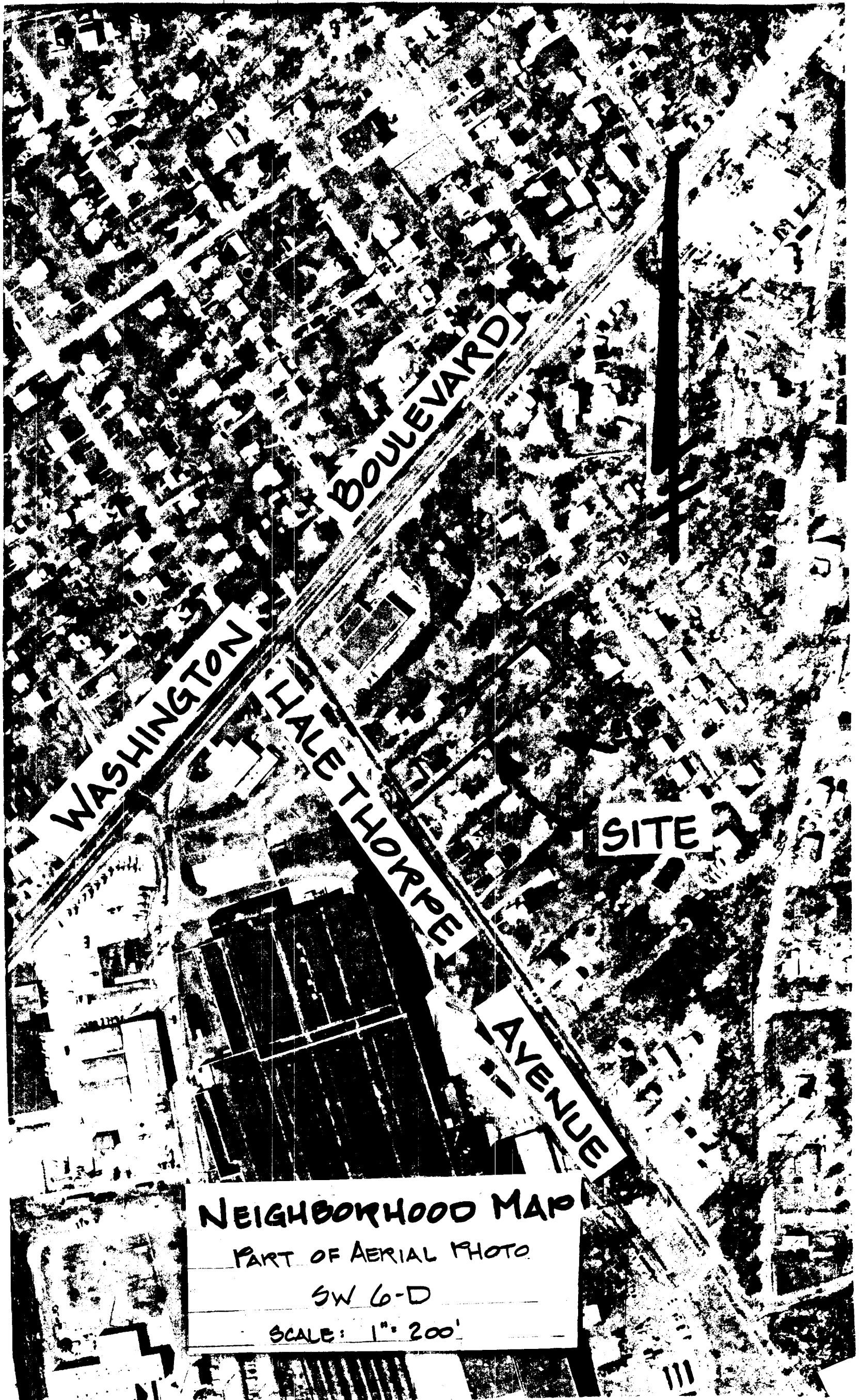
OWNER
ERNEST D. BOZEMAN
JACQUES M. ANDREWS
1909 HALTHORPE AVE
BALTIMORE, MARYLAND
21227

DENSITY CALCULATIONS

EXIST. ZONING	DR 2
EXIST. AREA	1.005 AC.
DENSITY ALLOWED	2 UNITS PER ACRE = 2
UNITS PROPOSED	2

SOILS TABULATION

TYPE	NAME	VEGETAT	WASSENT	STREETS	PARKING
C12	CHILLUM	SUITABLE	SUITABLE	SEVERE	SEVERE



NEIGHBORHOOD MAP

PART OF AERIAL PHOTO

SW 6-D

SCALE: 1" = 200'