

IN RE: PETITION FOR VARIANCE
NW/S Eastern Avenue, 553' SW
centerline of Havewood Road
15th Election District
5th Councilmanic District
(137 Holly Neck Road)

Irene M. & Albert E. Tarburton
and Tina Ziemski
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-550-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, Irene M. Tarburton, Albert E. Tarburton and Tina Ziemski, requesting approval for a variance for property located at 12930 Eastern Avenue. 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.) as follows: (1) to permit a side yard setback of 5 ft. on each side of the property and a side combination of 10 ft. in lieu of the required 15 ft. and 40 ft. respectively; and (2) to approve a lot width of 50 ft. in lieu of the required 100 ft.

Appearing at the hearing on behalf of the variance request were Albert Tarburton, owner of the property, Tom Church with Development Engineering Consultants, the company who prepared the site plan of the property and C. William Clark, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request was William Broda, adjacent property owner.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.447 acres, more or less, zoned DR.2. The subject property is an unimproved lot of record located on the north side of Eastern Avenue in the Chase area of Baltimore County. The owners of the property are interested in selling the lot for the construction of a home thereon. Given the narrowness of the lot, the owners of the property feel that side yard variances are necessary in order for a home of substantial width to be constructed on the property.

ORDER RECEIVED FOR FILING

Date 9/5/01
By J. J. [Signature]

The Petitioners submitted into evidence deeds indicating that the subject lot has always been its own lot of record and was not previously part and parcel of the property located adjacent to this unimproved lot. Accordingly, I find that the property in question is a valid building lot and the variance to allow this lot to have a width of 50 ft. in lieu of the required 100 ft. should be granted.

As stated previously, Mr. William Broda, adjacent property owner, appeared in opposition to the Petitioners' request. Mr. Broda opposes the 5 ft. side yard variance next to his home. He believes this would cause a house to be constructed on this lot to be situated too close to his existing dwelling. Mr. Broda also testified that the 25 ft. side yard distance, as shown on the site plan submitted, from his house to the property line is an error. He testified that his house actually sits 15 ft. from the side property line of the Petitioners' property. Because of the closeness of his home to the lot line, he opposes a variance of 5 ft. on that side. In addition, Mr. Broda would prefer that no house be constructed on the lot at all. He would be interested in purchasing the property in the event the parties could reach an agreement as to price.

After considering the testimony and evidence offered by the Petitioners, as well as Mr. Broda, I find that the variance to allow this lot to have a width of 50 ft. in lieu of the required 100 ft. should be granted. However, based on the concerns and objections raised by Mr. Broda, the 5 ft. variance for the side yard adjacent to Mr. Broda's property, that is the southern property line of the lot, should be denied. The Petitioners should be required to maintain a 15 ft. side yard setback on the south side of this lot. On the north side of the lot, the Petitioners also request a 5 ft. variance. That variance should be granted given that the distance to the next dwelling, that dwelling shown on the site plan as being owned by the Kestner's, is 35 ft. from the side property line. This would leave a total distance of 40 ft. between those dwellings. Therefore, the variance on the north side of the lot of 5 ft. to the side property line is appropriate and should be granted.

While the variance from lot width and the 5 ft. variance to the north property line are appropriate and shall be granted, the variance to the common property line owned with Mr. Broda shall be denied. The Petitioners shall be required to maintain a 15 ft. setback on that side of the property. In addition, they shall be required to submit a landscape plan to Mr. Avery Harden, Landscape Architect for Baltimore County, to provide a landscape buffer along their property line to mitigate the effects of a new home to be constructed on this lot from the home owned by Mr. Broda. As a condition of approval of the lot width variance and the one side yard variance, the Petitioners shall be required to install this landscaping.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

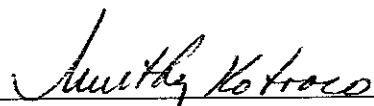
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted in part and denied in part.

THEREFORE, IT IS ORDERED this 5th day of September, 2001, by this Deputy Zoning Commissioner, that the variance to approve a lot width of 50 ft. in lieu of the required 100 ft. shall be GRANTED. In addition, the variance to allow a 5 ft. side yard setback to the northern property line, that being the common property line owned with the Kestner's, shall also be GRANTED.

IT IS FURTHER ORDERED, that the variance to allow a 5 ft. side yard setback to the southern property line or that common property line with William and Peggy Broda, be and is hereby DENIED. The Petitioners shall be required to maintain the full 15 ft. side yard setback on the southern side of the property.

IT IS FURTHER ORDERED, that the Petitioners shall be required to submit a landscape plan to Mr. Avery Harden, Landscape Architect for Baltimore County, illustrating a landscape buffer to be installed along the southern property line, to help mitigate the effects of the construction of a new home on this lot from the home owned by William and Peggy Broda. Said landscaping plan shall be submitted within 30 days from the date of this Order. The actual landscaping shall be installed within 6 months from the date that a use and occupancy permit is issued for the house to be constructed on this lot.

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 FOR FILING
Date 9/15/01
By [Signature]



Baltimore County
Zoning Commissioner

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

September 5, 2001

C. William Clark, Esquire
Nolan, Plunhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, Maryland 21204

Re: Petition for Variance
Case No. 01-550-A
Property: 12930 Eastern Avenue

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case.

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. Albert E. Tarburton
12313 Eastern Avenue
Baltimore, MD 21220

Ms. Tina M. Ziemski
12313 Eastern Avenue
Baltimore, MD 21220

Tom Church, P.E.
Development Engineering Consultants
6603 York Road
Baltimore, MD 21212

Mr. & Mrs. William Broda
12926 Eastern Avenue
Baltimore, MD 21220



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12930 Eastern Avenue

which is presently zoned D.R.2

15th Election District, 5th Councilmanic District

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) 1302.3.C.1 to permit side yard setbacks of 5 ft. each and a side combination of 10 ft. in lieu of the required 15 ft. and 40 ft. respectively; to approve a lot width of 50 ft. in lieu of the required 100 ft.; and to approve 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) due to the peculiar depth of the lot relative to its frontage on the public road, practical difficulty exists since strict application of the zoning regulations would prevent construction of any dwelling on this buildable lot of record.

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:

C. William Clark

Name - Type or Print

Signature

Nolan, Plumbhoff & Williams, Chartered

Company

502 Washington Avenue, # 700 (410) 823-7800

Address

Telephone No

Towson

MD

21204

State

Zip Code

Legal Owner(s):

Albert E. Tarburton

TINA M. ZIEMSKI

Name - Type or Print

Albert E. Tarburton

Signature

IRENE M. TARBURTON

Name - Type or Print

Irene M. Tarburton

Signature

12313 Eastern Avenue

(410) 335-6167

Address

Balto.

MD

Telephone No

City

State

Zip Code

Representative to be Contacted:

Development Engineering Consultants, Inc.

Tom Church

Name

6603 York Road

(410) 377-2600

Address

Baltimore

MD

Telephone No

21212

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BR

Date 6/29/01

Case No. 01-550-A

ORDER RECEIVED FOR FILING

Date 9/15/98
By [Signature]

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION

PART OF LOT 44

TWIN RIVER BEACH, SECTION B

Beginning at a point on the northwest side of Eastern Avenue which is 30 feet wide at the distance of 553 feet southwest of the centerline of the nearest improved intersecting street, Harewood Road which is 30 feet wide. Being the southwesternmost one-half of Lot #44 Section B in the subdivision of Twin River Beach as recorded in Baltimore County Plat Book #8, Folio #20.

Containing 19,450 square feet or 0.447 acres of land, more or less, and located in the 15th Election District, 5th Concilmanic District.

01-105

March 26, 2001



#550

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

3362

DATE 6/29/01 ACCOUNT POW-006 6150

AMOUNT \$ 50.00

RECEIVED FROM: Bud Clark, Mayor, Plumhoff & Williams

FOR: Zoning var area & well-sized lot

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

IT 550

PAID RECEIPT

PAYMENT ACTUAL TIME
6/29/2001 6/29/2001 14:31:21

REC W906 CASHIER KIM KIM DRAWER 4
>>RECEIPT # 029679 OFLN

Dept 5 528 ZONING VERIFICATION
CR NO. 003362

Recpt Tot 50.00
50.00 CK .00 CA
Baltimore County, Maryland

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: #01-550-A

12930 Eastern Avenue

NW/SE Eastern Avenue, 553' SW centerline Havewood Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Irene M. & Albert E. Tarburton, Tina M. Ziemski

Variance: to permit side yard setbacks of 5 feet each and a side combination of 10 feet in lieu of the required 15 feet and 40 feet respectively to approve a lot width of 50 feet in lieu of the required 100 feet and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, August 22, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 8/6/14 Aug. 7. C486029

CERTIFICATE OF PUBLICATION

8/9/, 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 8/7/, 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-
02-550-A

Petitioner/Developer: IRENE M

J ALBERT E TARBURTON,
TINA M ZIEMSKI

Date of Hearing/Closing: AUG 22, 2001

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 12930 EASTERN AVE

The sign(s) were posted on

AUG 7, 2001
(Month, Day, Year)

Sincerely,

[Signature] 8/7/01
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

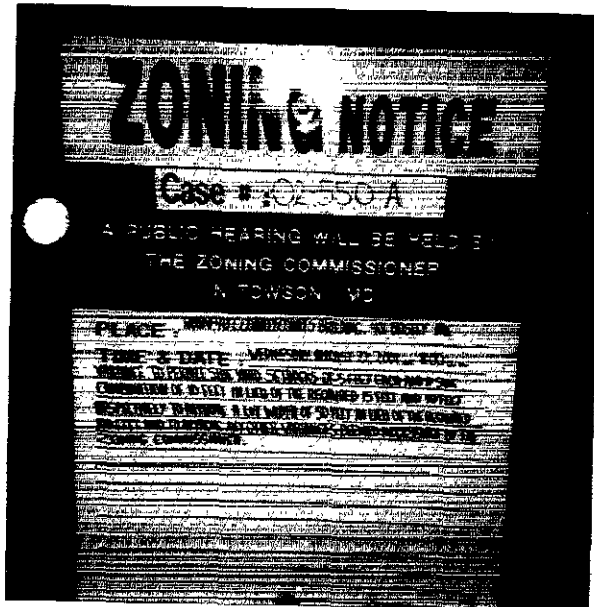
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 21-550-A
Petitioner: ALBERT E. TARBURTON, ET AL
Address or Location: 12930 EASTERN AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: C. WILLIAM CLARK
Address: 502 WASHINGTON AVE
TOWSON MD 21204
Telephone Number: (410) 823-7800

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 7, 2001 Issue – Jeffersonian

Please forward billing to:
C. William Clark
502 Washington Avenue
Towson MD 21204

410 823-7800

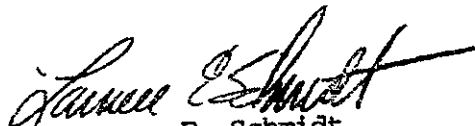
NOTICE OF ZONING HEARING

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: 01-550-A
12930 Eastern Avenue
NW/S Eastern Avenue, 553' SW centerline Havewood Road
15th Election District – 5th Councilmanic District
Legal Owners: Irene M & Albert E Tarburton, Tina M Ziernski

Variance to permit side yard setbacks of 5 feet each and a side combination of 10 feet in lieu of the required 15 feet and 40 feet respectively to approve a lot width of 50 feet in lieu of the required 100 feet and to approve any other variances deemed necessary by the Zoning Commissioner.

HEARING: Wednesday, August 22, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT *CDZ*
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.



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

July 20, 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: 01-550-A
12930 Eastern Avenue
NW/S Eastern Avenue, 553' SW centerline Havewood Road
15th Election District – 5th Councilmanic District
Legal Owners: Irene M & Albert E Tarburton, Tina M Ziemski

Variance to permit side yard setbacks of 5 feet each and a side combination of 10 feet in lieu of the required 15 feet and 40 feet respectively to approve a lot width of 50 feet in lieu of the required 100 feet and to approve any other variances deemed necessary by the Zoning Commissioner.

HEARING: Wednesday, August 22, 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". The signature is fluid and cursive, with a large, stylized "A" and "J".

Arnold Jablon 672
Director

C: C. William Clark, Nolan Plumhoff & Williams Chartered, 502 Washington Avenue,
700, Towson 21204
Tina Ziernski, Irene & Albert Tarburton, 12313 Eastern Avenue, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 7, 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

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

August 17, 2001

C. William Clark
Nolan Plumhoff & Williams Chartered
502 Washington Avenue, # 700
Towson MD 21204

Dear Mr. Clark:

RE: Case Number: 01-550-A, 12930 Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 29, 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: Tina M Ziemski, Irene M & Albert E Tarburton, 12313 Eastern Avenue,
Baltimore 21204
Tom Church, Development Engineering consultants Inc, 6603 York Road,
Baltimore 21212
People's Counsel

John Alexander

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 2, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For July 23, 2001
Item Nos. 485, 527, 528, 529, 530, 532,
534, 536, 537, 540, 541, 542, 543, 544,
546, 547, 548, 549, and 550

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

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

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

July 24, 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 July 16, 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:

527, 528, 529, 531, 533, 534, 535, 536, 539, 540, 541, 542, 543,
545, 548, 550, and 551

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

sent
8/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 20, 2001

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

JUL 20 2001

SUBJECT: 12930 Eastern Avenue

INFORMATION:

Item Number: 550

Petitioner: Albert Turburton

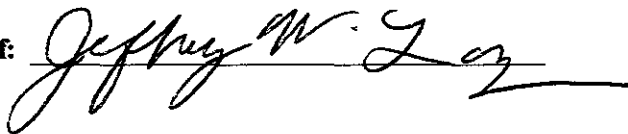
Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the applicant's Petition for Variance or request for Undersized Lot approval. The proposed development of the lot is incompatible with the development pattern in the immediate area. In terms of the Undersized Lot request, the petitioner's property cannot meet Section 304.1 B of the Baltimore County Zoning Regulations due to need for variance relief. In a situation such as the instant case, it is difficult to improve a property with a house that would complement the neighborhood.

Section Chief:
AFK:JL





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

July 23, 2001

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

RE: Baltimore County
Item No. 550 (BR)
12930 Eastern Avenue
MD 150

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval to the Variance.

However, we will require the owner to obtain an access permit prior to any building construction on the lot. Please have the owner contact our office regarding the permit.

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,

/s/ 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

JK
8/22

RE: PETITION FOR VARIANCE
12930 Eastern Avenue, NW/S Eastern Ave,
553' SW of c/l Haverwood Rd
15th Election District, 5th Councilmanic

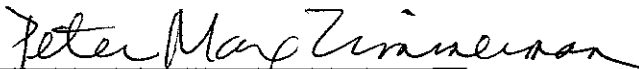
Legal Owner: Albert E. & Irene M. Tarburton,
Tina M. Ziemski
Petitioner(s)

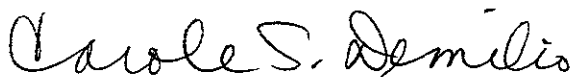
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-550-A

* * * * *

ENTRY OF APPEARANCE

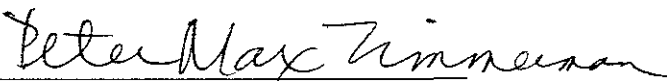
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed 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 7th day of August, 2001 a copy of the foregoing Entry of Appearance was mailed to Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212, representative for Petitioners.


PETER MAX ZIMMERMAN

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

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

Permit or Case No. 01-550-A

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

RE: Undersized Lots

Residential Processing Fee Paid
(\$50.00)

Accepted by AK
Date 6/29/01

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Albert E. Tarburton, Tina M. Ziemski

Irene M. Tarburton

12313 Eastern Ave.

(410) 335-6167

Print Name of Applicant

Address

Telephone Number

Lot Address 12930 Eastern Ave.

Election District 15

Councilmanic District 5

Square Feet 19,450

Lot Location: N East side/corner of Eastern Ave.

(street)

feet from N E S W corner of

(street)

Land Owner: Albert E. Tarburton, et al.

Tax Account Number 15-20-000271

Address: 12313 Eastern Ave.

Telephone Number (410) 335-6167

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

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

1. This Recommendation Form (3 copies)

YES

NO

2. Permit Application

3. Site Plan

Property (3 copies)

Topo Map (2 copies): available in Room 206, County Office Building - (please label site clearly)

4. Building Elevation Drawings

5. Photographs (please label all photos clearly)

Adjoining Buildings

Surrounding Neighborhood

6. Current Zoning Classification: D.R.-2

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:



Approval



Disapproval

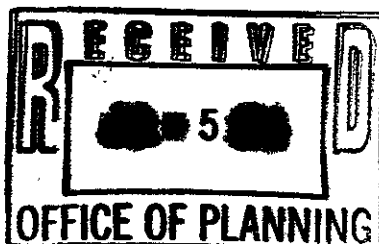


Approval conditioned on required modifications of the application to conform with the following recommendations

See attached ZAC comment

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

Date 7/20/2001



Revised 2/25/99

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

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

The application for your proposed Building Permit application has been reviewed and is accepted for filing by Karin Brown on 7-13-2001
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE _____ D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

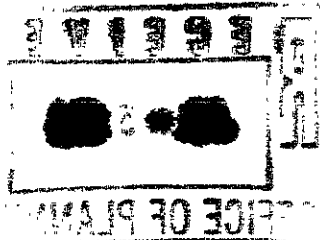
CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Signature Date of Posting: _____

Number of Signs: _____



Case Number 01-558A

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

CITIZEN'S

#01-550-A

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

WILLIAM BRODA

12926 EASTERN AVE 21220



Property Tax No. 15-20-000270
 Property Address: 12932 Eastern Avenue
 Baltimore, MD 21220

THIS DEED, made this 5th day of July, 1999, by and between EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON and TINA MARIE ZIEMSKI, of the State of Maryland, County of Baltimore, parties of the first part, and CLINTON H. KESTNER and BRANDY L. KESTNER, his wife, and GERALD H. KESTNER and BARBARA C. KESTNER, his wife, parties of the second part.

WITNESSETH, that in consideration of the sum of One Hundred Fifteen Thousand Dollars (\$115,000.00), the said parties of the first part, doth grant and convey an undivided one-half interest unto Clinton H. Kestner and Brandy L. Kestner, his wife as tenants by the entireties, the survivor of them, his, her or their personal representative(s) and assigns and an undivided one-half interest unto Gerald H. Kestner and Barbara C. Kestner, his wife, as tenants by the entireties, the survivor of them, his, her or their personal representative(s) and assigns, parties of the second part, in fee simple, all that parcel of ground situate in the State of Maryland, County of Baltimore and described as follows, that is to say:

BEGINNING for the same on the northwest side of Eastern Avenue at the distance of 387.56 feet southwesterly from the southwest side of Woodharc Avenue, said place of beginning being at the division line between Lots Nos. 45 and 46 as shown on the plat hereinafter referred to; running thence southwesterly along the northwest side of Eastern Avenue 150 feet; running thence northwesterly and at right angles to Eastern Avenue 391.03 feet to the southeast side of the right of way of the Pennsylvania Railroad Company as shown on said plat; running thence North 39 degrees 19 minutes East along the southeast side of said right of way 150 feet to the division line between Lots No. 45 and 49 as shown on said plat; and thence southeasterly binding on the division line between Lot No. 45 and the rear

LAURENCE A. O'BRIEN
 ATTORNEY AT LAW
 100 EASTON BOULEVARD
 BALTIMORE, MARYLAND 21202

Pet Ex #3

line of Lots Nos. 49, 48, 47 and 46, as shown on said plat, 394.6 feet, more or less, to the place of beginning. Being all of Lot No. 45 and the easternmost one-half of Lot No. 44, as laid out on the plat of Twin River Beach, Section B, which plat is recorded among the plat records of Baltimore County in Plat Book WPC No. 8, folio 11.

BEING the same lot of ground which by deed dated July 13, 1990 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8541, Folio 266 was granted and conveyed from Ethel D. Tarburton unto Emerson Francis Tarburton, Jr., Albert Earl Tarburton and Tina Marie Ziemski, her children, the grantors herein. The said Ethel D. Tarburton having reserved a life estate with full powers of disposition. The said Ethel D. Tarburton having departed this life on or about June 9, 1997.

TOGETHER with the building thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said parties of the second part, undivided one-half interest unto Clinton H. Kestner and Brandy L. Kestner, his wife as tenants by the entireties, the survivor of them, his, her or their personal representative(s) and assigns and an undivided one-half interest unto Gerald H. Kestner and Barbara C. Kestner, his wife, as tenants by the entireties, the survivor of them, his, her or their personal representative(s) and assigns, parties of the second part, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

LANSHYEN & GIBBARD
ATTORNEYS AT LAW
800 EASTERN BOULEVARD
BETHESDA, MARYLAND 20814

WITNESS the hand(s) and seal(s) of the said grantor(s).

TEST:

[Signature] Emerson Francis Tarburton, Jr. (SEAL)
[Signature] Albert Earl Tarburton (SEAL)
[Signature] Tina Marie Ziemski (SEAL)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify, that on this 5th day of January, 1999, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON and TINA MARIE ZIEMSKI, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

In Witness Whereof, I hereunto set my hand and official seal.

[Signature]
Notary Public

My commission expires: 10/1/00



JALOWITZ & COMPANY
ATTORNEYS AT LAW
600 EASTERN BOULEVARD
SUITE, BALTIMORE 21201

PURSUANT TO THE PROVISIONS of Article Tax - Property, Section 13-203, the undersigned Grantee(s) hereby make oath that the residence on the property described in the deed to which this Affidavit is attached will be occupied by the Grantees as their principal residence and that they are first time homebuyers.

Clinton H. Kestner (SEAL)
Clinton H. Kestner

Brandy L. Kestner (SEAL)
Brandy L. Kestner

Subscribed and sworn before me this 3rd day of July, 1999.

[Signature]
Notary Public

My Commission expires: 10/1/00

This is to certify that this Deed was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

[Signature]
Mary E. Gephardt, Esquire

LAURENCE & GEPHARDT
ATTORNEYS AT LAW
800 EASTERN BOULEVARD
BETHESDA, MARYLAND 20814

(☐ Check Box if Addendum Intake Form is Attached.)

Book 13440 Page 302

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT

I HEREBY CERTIFY that the foregoing is a true copy of the original

DEED taken from the records of said Circuit Court as
recorded in Liber 8m No. 13440
also 298-302 one of the land
records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand
and affix the seal of the Circuit Court for
Baltimore County

this 21st day of Aug 2001

Raymond [Signature]

Clerk of the Circuit Court of Baltimore County

NO CONSIDERATION/NO STAMPS REQUIRED

THIS DEED PREPARED WITHOUT JUDGMENT SEARCH OR TITLE EXAMINATION

THIS DEED, made this 13th day of July, in the year One Thousand Nine Hundred and Ninety, by and between ETHEL D. TARBURTON, of Baltimore County, Maryland, party of the first part, Grantor, and EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON and TINA MARIE ZIMMER, her children, parties of the second part, Grantees.

WITNESSETH, That in consideration of love and affection, and for no monetary consideration whatsoever, the said ETHEL D. TARBURTON, does hereby grant and convey unto the said EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON and TINA MARIE ZIMMER, her children, their personal representatives and assigns, as tenants in common, and not as joint tenants, in fee simple, (reserving unto herself, the said ETHEL D. TARBURTON, however, a life estate therein, with full power unto her, the said ETHEL D. TARBURTON, to grant, assign, sell, convey, transfer, mortgage or otherwise encumber the whole or any part of the property herein conveyed, absolutely, or any interest therein, including the estate herein reserved for life, and the estate of the remainderman, as hereinafter set forth, and upon failure of the said ETHEL D. TARBURTON to exercise the powers hereinafter set forth, then EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON and TINA MARIE ZIMMER, her children, as aforesaid), all that lot or parcel of ground and premises situate, lying and being in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the northwest side of Eastern Avenue at the distance of 387.56 feet southwesterly from the southwest side of Woodharc Avenue, said place of beginning being at the division line between Lots Nos. 45 and 46 as shown on the plat hereinafter referred to; running thence southwesterly along the northwest side of Eastern Avenue 150 feet; running thence northwesterly and at right angles to Eastern Avenue 391.05 feet to the southeast side of the right-of-way of the Pennsylvania Railroad Company as shown on said plat; running thence North 39 degrees 19 minutes East along the southeast side of said right-of-way 150 feet to the division line between Lots Nos. 45 and 49 as shown on said plat; and thence southeasterly binding on the division line between Lot No. 45 and the rear line of Lots Nos. 49, 48, 47 and 46, as shown on said plat, 394.6 feet, more or less, to the place of beginning. Being all of Lot No. 45 and the easternmost one-half of Lot No. 44, as laid out on the plat of Twin River Beach, Section B, which plat is recorded among the plat records of Baltimore County in Plat Book No. 8, folio 11.

IN WITNESS WHEREOF

TRANSMITTED TO COUNTY RECORDS
BALTIMORE COUNTY, MARYLAND
Per [Signature]
Date 7-16-90 Sec 11-654

CLIFFORD MARTIN
ATTORNEY AT LAW
SIXTH FLOOR, PRINCE GEORGE
BALTIMORE (DUNBAR)
MONTGOMERY STREET
TELEPHONE 522-9150

16' \$22 7/16/90

\$22 7/16/90

Pet Ex 4

AND BEING the same lot of ground described in a Deed dated January 24, 1948, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1638, Folio 344, was granted and conveyed by John W. Davis and Emily M. Davis, his wife, unto Emerson F. Tarbuton (who departed this life on June 27, 1993) and Ethel D. Tarbuton, his wife, as tenants by the entireties, the Grantor herein.

TOGETHER with the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned, and hereby intended to be conveyed, unto and to the proper use and benefit of the said **EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON** and **TINA MARIE ZIMSKI**, her children, their respective personal representatives and assigns, as tenants in common and not as joint tenants, in fee simple; subject, however, to a life estate reserved unto the Grantor, the said **ETHEL D. TARBURTON**, for and during the term of her natural life, with full power unto her, without the consent of any person or persons whatsoever to sell, lease, convey, transfer, assign and mortgage, or otherwise dispose of or encumber the whole and entire estate in and to the property hereinbefore described, or any part thereof (except by Last Will and Testament), and to apply the proceeds of any such sale, lease, mortgage, conveyance or disposition to her own use, and the purchaser or purchasers, lessee or lessees, mortgagee or mortgagees, grantee or grantees hereby being relieved from seeing to the application of the purchase or mortgage money; it being the intention that the powers aforesaid, when exercised, shall operate not only upon the life estate hereby reserved by said Grantor, but also upon the remainder as hereinafter set forth, to the end and intent that the grantee or grantees, lessee or lessees, mortgagee or mortgagees, purchaser or purchasers under the instrument or instruments executed in exercise of the powers herein reserved by the said **ETHEL D. TARBURTON** shall obtain as to the whole and entire estate, free of any and all right, title and interest of any of the parties to these presents, or those claiming by, through or under them; and immediately upon the death of the said **ETHEL D. TARBURTON** without having exercised any of the powers herein

CLIFFORD MARTIN
ATTORNEY AT LAW
2007 OLD NO. POINT RD.
BALTIMORE (BUNDALE)
MARYLAND 21221
TELEPHONE 264-9188

set forth, then as to all of the property hereinbefore described, or so much thereof as may be remaining and undisposed of in exercise of the powers aforesaid, unto the said EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON, and VERA MARIE ZIEMSKI, her children, as aforesaid, as tenants in common, and not as joint tenants, in fee simple.

AND the said Grantor hereby covenants that she will warrant specially the property conveyed and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the said Grantor the day and year first above written.

TEST:

Clifford Martin *Ethel D. Tarburton* (SEAL)
ETHEL D. TARBURTON

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 13th day of July, 1990, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared ETHEL D. TARBURTON, Grantor herein, known to me (or satisfactorily proven) to be the person who executed the foregoing instrument, and she acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

WITNESS my hand and official seal.

Clifford Martin
NOTARY PUBLIC

My Commission Expires:

Nov. 1, 1993.

CLIFFORD MARTIN
ATTORNEY AT LAW
1807 OLD NO. POINT RD.
BALTIMORE 19 JNDALR
MARYLAND 21222
TELEPHONE 898-8128

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT

I HEREBY CERTIFY that the foregoing is a true copy of the original

DEED taken from the records of said Circuit Court as
recorded in Liber 5m No. 8541
also 266-268 one of the land
records of Baltimore County

IN TESTIMONY WHEREOF I hereto set my hand
and affix the seal of the Circuit Court for
Baltimore County

This 21st day of Aug 20 01

Raymond C. Smith

Clerk of the Circuit Court of Baltimore County

NO CONSIDERATION/NO STAMPS REQUIRED

THIS DEED PREPARED WITHOUT JUDGMENT SEARCH OR TITLE EXAMINATION

THIS DEED, made this 13th day of July, in the year One Thousand Nine Hundred and Ninety, by and between **EMUEL D. TARBURTON**, of Baltimore County, Maryland, party of the first part, Grantor, and **EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON and TINA MARIE ZIEMSKI**, her children, parties of the second part, Grantees.

WITNESSETH, That in consideration of love and affection, and for no monetary consideration whatsoever, the said **EMUEL D. TARBURTON**, does hereby grant and convey unto the said **EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON and TINA MARIE ZIEMSKI**, her children, their personal representatives and assigns, as tenants in common, and not as joint tenants, in fee simple, (reserving unto herself, the said **EMUEL D. TARBURTON**, however, a life estate therein, with full power unto her, the said **EMUEL D. TARBURTON**, to grant, assign, sell, convey, transfer, mortgage or otherwise encumber the whole or any part of the property herein conveyed, absolutely, or any interest therein, including the estate herein reserved for life, and the estate of the remainderman, as hereinafter set forth, and upon failure of the said **EMUEL D. TARBURTON** to exercise the powers hereinafter set forth, then unto the said **EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON and TINA MARIE ZIEMSKI**, her children, as aforesaid), all that lot or parcel of ground and premises situate, lying and being in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the northwest side of Eastern Avenue at the distance of 537.56 feet southwesterly from the southwest side of Harewood Avenue, said place of beginning being at the end of the first line of that parcel of land which by deed dated the 24th day of January, 1948, and recorded among the Land Records of Baltimore County in Liber No. 1638, folio 347, was granted and conveyed by John W. Davis and wife to Emerson F. Tarburton and wife; running thence northwesterly and at right angles to Eastern Avenue and binding on the second line of the aforesaid deed from John W. Davis and wife to Emerson F. Tarburton and wife 391.05 feet, more or less, to the southeast side of the right of way of the Pennsylvania Railroad Company; running thence South 39 degrees 19 minutes West along the southeast side of said right of way 50 feet to the division line between Lots Nos. 43 and 44 as shown on the plat of the tract of land known as Twin River Beach, Section B, which Plat is recorded among the plat records of Baltimore County in Plat Book No. 8, folio 11, running thence southeasterly binding on the division line between

TRANSFERRED BY NOT REQUIRED
BALTIMORE COUNTY, MARYLAND
Per Emuel D. Tarburton
Date 7/16/90 Sec 11-854

CLIFFORD MARTIN
ATTORNEY AT LAW
2801 OLD MD. PRUITT RD.
BALTIMORE (DUNDASCT)
MARYLAND 21228
TELEPHONE 333-3128

16

REC 7/16/90

SIGNATURE Emuel D. Tarburton DATE 7/16/90

Pct Ex #5

Lots Nos. 43 and 44, as shown on said plat, 389.9 feet, more or less, to the northwest side of Eastern Avenue; running thence northeasterly along the northwest side of Eastern Avenue 50 feet to the place of beginning. Being the southwesternmost one-half of Lot No. 44 as shown on the aforesaid plat of Twin River Beach, Section B.

AND HAVING the same lot of ground described in a Deed dated September 15, 1969, and recorded in the Land Records of Baltimore County in Liber O.T. 5037, Folio 719, was granted and conveyed by Joseph M. Tarburton and Marion M. Tarburton, his wife, unto Emerson F. Tarburton (who departed this life on June 27, 1990) and Ethel D. Tarburton, his wife, as tenants by the entireties, the Grantor herein.

TOGETHER with the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned, and hereby intended to be conveyed, unto and to the proper use and benefit of the said **EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON** and **TINA MARIE ZIEMSKI**, her children, their respective personal representatives and assigns, as tenants in common and not as joint tenants, in fee simple; subject, however, to a life estate reserved unto the Grantor, the said **ETHEL D. TARBURTON**, for and during the term of her natural life, with full power unto her, without the consent of any person or persons whatsoever to sell, lease, convey, transfer, assign and mortgage, or otherwise dispose or encumber the whole and entire estate in and to the property hereinbefore described, or any part thereof (except by last Will and Testament), and to apply the proceeds of any such sale, lease, mortgage, conveyance or disposition to her own use, and the purchaser or purchasers, lessee or lessees, mortgagee or mortgagees, grantee or grantees hereby being relieved from seeing to the application of the purchase or mortgage money; it being the intention that the powers aforesaid, when exercised, shall operate not only upon the life estate hereby reserved by said Grantor, but also upon the remainder as hereinafter set forth, to the end and intent that the grantee or grantees, lessee or lessees, mortgagee or mortgagees, purchaser or purchasers under the instrument or instruments executed in exercise of the powers herein reserved by the said **ETHEL D. TARBURTON** shall obtain as the whole and entire estate, free of any

CLIFFORD MARTIN
ATTORNEY AT LAW
1807 OLD MC POINT RD.
BALTIMORE (DUNDALK)
MARYLAND 21228
TELEPHONE 808-3120

and all right, title and interest of any of the parties to these presents, or those claiming by, through or under them; and immediately upon the death of the said **ETHEL D. TARBURTON** without having exercised any of the powers herein set forth, then as to all of the property hereinbefore described, or so much thereof as may be remaining and undisposed of in exercise of the powers aforesaid, unto the said **EMERSON FRANCIS TARBURTON, JR., ALBERT EARL TARBURTON,** and **TINA MARIE ZIMMERLI**, her childrer, as aforesaid, as tenants in common, and not as joint tenants, in fee simple.

AND the said Grantor hereby covenants that she will warrant specially the property conveyed and that she will execute such further assurances of the same as may be requisite.

WITNESSE the hand and seal of the said Grantor the day and year first above written.

TEST:

Clifford Martin *Ethel D. Tarburton* (SEAL)
ETHEL D. TARBURTON

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 13th day of July, 1990, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **ETHEL D. TARBURTON**, Grantor herein, known to me (or satisfactorily proven) to be the person who executed the foregoing instrument, and she acknowledged that she executed the same for the purposes therein contained and in my presence signed and sealed the same.

WITNESS my hand and official seal.

Clifford Martin
 NOTARY PUBLIC

My Commission Expires:

Nov. 1, 1993.

CLIFFORD MARTIN
 ATTORNEY AT LAW
 8509 OLD NO. POINT RD.
 BALTIMORE (DUNDALK)
 MARYLAND 21228
 TELEPHONE 289-8120

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT

I HEREBY CERTIFY that the foregoing is a true copy of the original

DEED taken from the records of said Circuit Court as
recorded in Lib. 547 No. 8541
also 269271 of the 1944
Records of Baltimore County

IN TESTIMONY WHEREOF I hereunto set my hand
and affix the seal of the Circuit Court for
Baltimore County

THIS 21st day of May 20 01

Raymond Munn

Clerk of the Circuit Court of Baltimore County

Ref Ex 6

This Deed, Made this

day of

in the year one thousand nine hundred and 1969, by and between JOSEPH M. TARBURTON and MARION M. TARBURTON, his wife, of the County of Baltimore, State of Maryland-----, of the first part, and EMERSON F. TARBURTON and ETHEL D. TARBURTON, his wife----- of the second part.

Witnesseth, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Joseph M. Tarburton and Marion M. Tarburton, his wife-----

do hereby grant and convey unto the said Emerson F. Tarburton and Ethel D. Tarburton, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her----- heirs and assigns, -----

in fee simple, all that lot(s) of ground, situate, lying and being in

the County of Baltimore, State of Maryland, and described as follows, that is to say:--

Beginning for the same on the northwest side of Eastern Avenue at the distance of 537.56 feet southwesterly from the southwest side of Harwood Avenue, said place of beginning being at the end of the First Line of that parcel of land which by deed dated the 24th day of January, 1948, and recorded among the Land Records of Baltimore County in Liber No. 1638, folio 347, was granted and conveyed by John W. Davis and wife to Emerson F. Tarburton and wife; running thence northwesterly and at right angles to Eastern Avenue and binding on the second line of the aforesaid deed from John W. Davis and wife to Emerson F. Tarburton and wife 391.05 feet, more or less, to the southeast side of the right of way of the Pennsylvania Railroad Company; running thence South 39 degrees 19 minutes West along the southeast side of said right of way 50 feet to the division line between Lots Nos. 43 and 44 as shown on the plat of the tract of land known as Twin River Beach, Section B, which Plat is recorded among the plat records of Baltimore County in Plat Book No. 8, folio 11, running thence southeasterly binding on the division line between Lots Nos. 43 and 44, as shown on said plat, 389.9 feet, more or less, to the northwest side of Eastern Avenue; running thence northeasterly along the northwest side of Eastern Avenue 50 feet to the place of beginning. Being the southwesternmost one-half of Lot No. 44 as shown on the aforesaid plat of Twin River Beach, Section B.

RECORDED

SEP 25 '69

204 3 0000 25

7.50 MLC



BEING the same lot of ground which by Deed dated August 5, 1948 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1686 folio 187 was granted and conveyed by John W. Davis and Emily M. Davis, his wife to Joseph M. Tarburton, one of the grantors herein.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Emerson F. Tarburton and Ethel D. Tarburton, his wife, as tenants by the entirety, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hand and seals of said grantor.

TEST:

Joseph M. Tarburton [SEAL]
Joseph M. Tarburton
Marion M. Tarburton [SEAL]
Marion M. Tarburton

State of Maryland, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this _____ day of _____, 1969, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared Joseph M. Tarburton and Marion M. Tarburton, his wife, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

NO TITLE RECORD, etc.

Rec'd for record SEP 25 1969 at 3:31
per Arthur T. Gagnell, Clerk
with J. A. C. C. C. C.
Receipt No. 211863

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT

I HEREBY CERTIFY that the foregoing is a true copy of the original

DEED taken from the records of said Circuit Court as
recorded in Liber 6TG No. 5037
folio 719-721 one of the land
records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand
and affix the seal of the Circuit Court for
Baltimore County

this 21ST day of Aug 20 01

Raymond P. Quinn

Clerk of the Circuit Court of Baltimore County

B. Bulk regulations. [Bill No. 2-1992]

1. Detached and attached buildings. In the application of the provisions of this article, buildings shall be considered as detached if there are no above-grade structural connections between them. If buildings are, in fact, structurally connected above grade, they shall be considered as mutually attached buildings if divided by lot lines, or as one building if situated on a single lot.
2. *Building lengths. The building lengths have been described in accordance with Section 504.2, Comprehensive Manual of Development Policies.*

C. Building setback requirements. [Bill No. 2-1992]

1. Except as otherwise may be provided under standards adopted pursuant to Section 504.2, the minimum setbacks and heights shall be as set forth in the following tables:

a. Nonresidential principal building setbacks in DR Zones.

Nonresidential Principal Building Setbacks

	Front Yard (feet)	Side Yard Interior (feet)	Corner Street Side (feet)	Rear Yard (feet)
D.R.1	70	40	65	50
D.R.2	60	30	50	40
D.R.3.5	50	20	35	30
D.R.5.5	40	20	35	30
D.R.10.5	25	20	35	50
D.R.16	30	25	25	30

b. Single-family detached, two-family alternative site design dwellings.

Single-Family Detached, Two-Family Alternative Site Design Dwellings

			Alternative Site Design Dwellings	
			Zero & Zipper Lots All D.R. Zones (feet)	Neo- Traditional All D.R. Zones (feet)
From front building face to:				
Public street right-of-way	25	25	25	15
or property line				
Arterial or collector	-	-	-	25
From side building face to:				
Side building face	30	16 < 20 high	16	16 < 20 high
Public street right-of-way	25	15	15	15
Paving of a private road	30	25	25	25
Tract boundary	25	15	15	15
From rear building face to:				
Rear property line	30	30	20	50
Public street right-of-way	30	30	20	50
Additional setbacks:				
Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.				

This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).

Pet Ex #7

1B02.3 Special regulations for certain existing developments or subdivisions and for small lots or tracts in D.R. Zones.

- A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:
 1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;
 2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;
 3. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;
 4. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than one-half acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or
 5. Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.
- B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in Subsection A.2 shall be in accordance with the tentatively approved subdivision plan therefor. Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.
- C. Development standards for small lots or tracts.
 1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	--	30
D.R.10.5	3,000	20	10	10	--	50
D.R.16	2,500	20	10	25	--	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

- D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.

all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 Zones, 50 feet in D.R.3.5 Zones and 40 feet in D.R.5.5 Zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefor in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 Zones respectively. [Resolution, November 21, 1956]

- 303.2 In B.L., B.M. and B.R. Zones, the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with permanent commercial buildings constructed of fire-resisting materials situate within 100 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above.

Section 304

Use of Undersized Single-Family Lots [BCZR 1955; Bill No. 47-1992]

- 304.1 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 area 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.
- 304.2 Building permit application.
- A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Department of Permits and Development Management, at the time of application for a building permit, plans sufficient to allow the Office of Planning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Office of Planning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood.
 - B. At the time of application for the building permit, as provided above, the Director of the Department of Permits and Development Management shall request comments from the Director of the Office of Planning (the "Director"). Within 15 days of receipt of a request from the Director of the Department of Permits and Development Management, the Director shall provide to the

- C. If the Department of Permits and Development Management has not notified the applicant of a determination pursuant to the provisions of this section, or has not notified the applicant pursuant to Section 304.4 above of the intention to require a public hearing, the dwelling shall be considered appropriate for purposes of this section.
- 304.6 The decision of the Zoning Commissioner or the Director of the Department of Permits and Development Management may be appealed, in which case the hearing shall be scheduled by the Board of Appeals within 45 days from receipt of the request.
- 304.7 The Director of the Department of Permits and Development Management shall establish appropriate fee schedules.

Section 305

Replacement of Destroyed or Damaged Dwellings

[BCZR 1955; repealed by Bill No. 124-1991; re-enacted by Bill No. 214-1991]

In case of complete or partial casualty loss by fire, windstorm, flood or otherwise of an existing dwelling that does not comply with height or area requirements of the zone in which it is located, such dwelling may be restored, provided area or height deficiencies of the dwelling before the casualty are not increased in any respect, and such restoration is subject to the limitations imposed by Section 104.2 of the Baltimore County Zoning Regulations.

Section 306

Minor Public Utility Structures

[BCZR 1955; Resolution, November 21, 1956]

Minimum lot area regulations in any zone shall not apply to repeater, booster or transformer stations, or small community dial offices.

Section 307

Variances

[BCZR 1955; Bill Nos. 107-1963; 32-1988; 2-1992; 9-1996]

- 307.1 The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NW/S of Eastern Avenue, 394.6' W		
of centerline of Oliver Beach Road	*	DEPUTY ZONING COMMISSIONER
15 th Election District		
5 th Councilmanic District	*	OF BALTIMORE COUNTY
(12932 Eastern Avenue)		
	*	CASE NO. 00-128-A
Clinton & Brandy Kestner		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Clinton and Brandy Kestner. The variance request is for property located at 12932 Eastern Avenue, located in the Oliver Beach area of Baltimore County. The Petitioners herein seek a variance from Section 101, 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be larger than the footprint of the principal building and to permit a height of 19 ft. in lieu of the required 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

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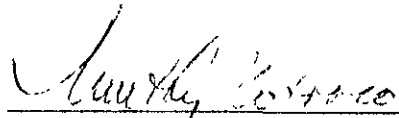
Date 10/25/99
By R. J. Kestner

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of October, 1999 that a variance from Section 101, 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be larger than the footprint of the principal building and to permit a height of 19 ft. in lieu of the required 15 ft, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners or subsequent owners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. In addition, landscaping should be provided between the garage and the adjacent property line.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

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Date 10/25/99

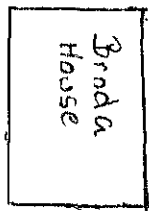
By R. Johnson

PLANT LIST

12- THUJA x 'GREEN GIANT'-
GIANT ARBORVITAE
(SPACE @ 7')
SIZE #15

Scale 1/4" = 5'

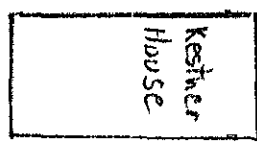
Address 18930 Eastern Ave



390'

50'

Eastern Avenue



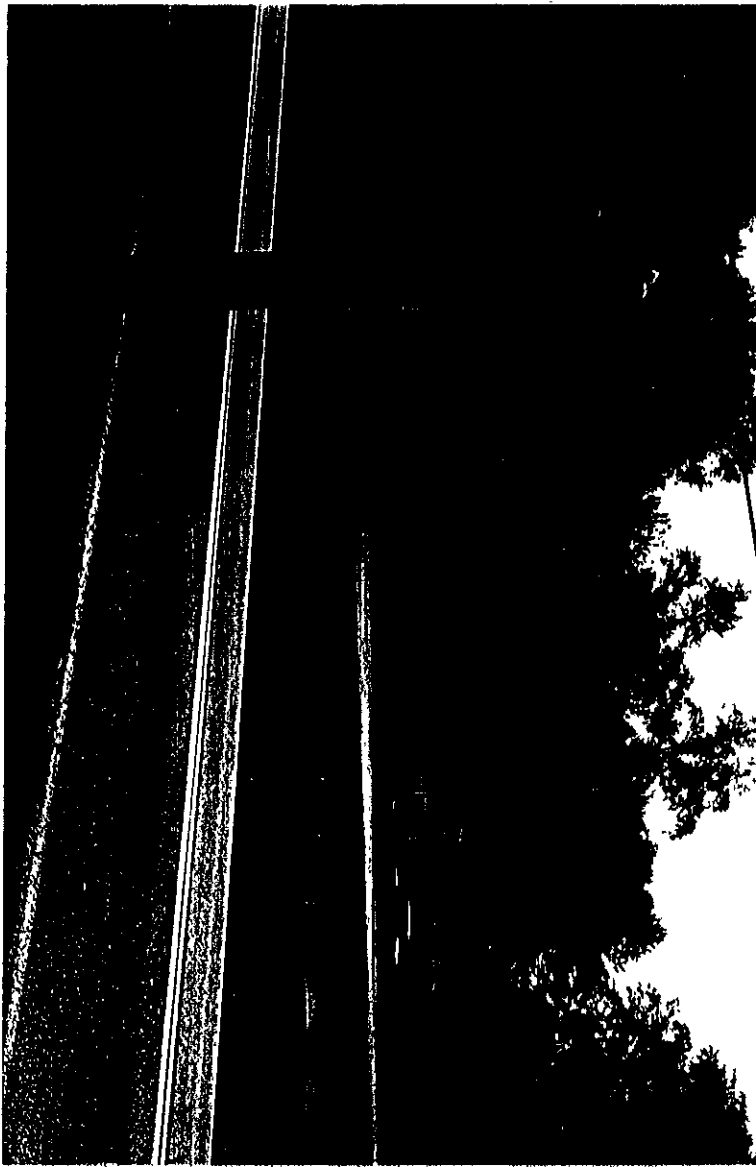
BALTIMORE COUNTY
DEPT. OF PERMITS & DEV. MGMT.
LANDSCAPE PLAN APPROVED

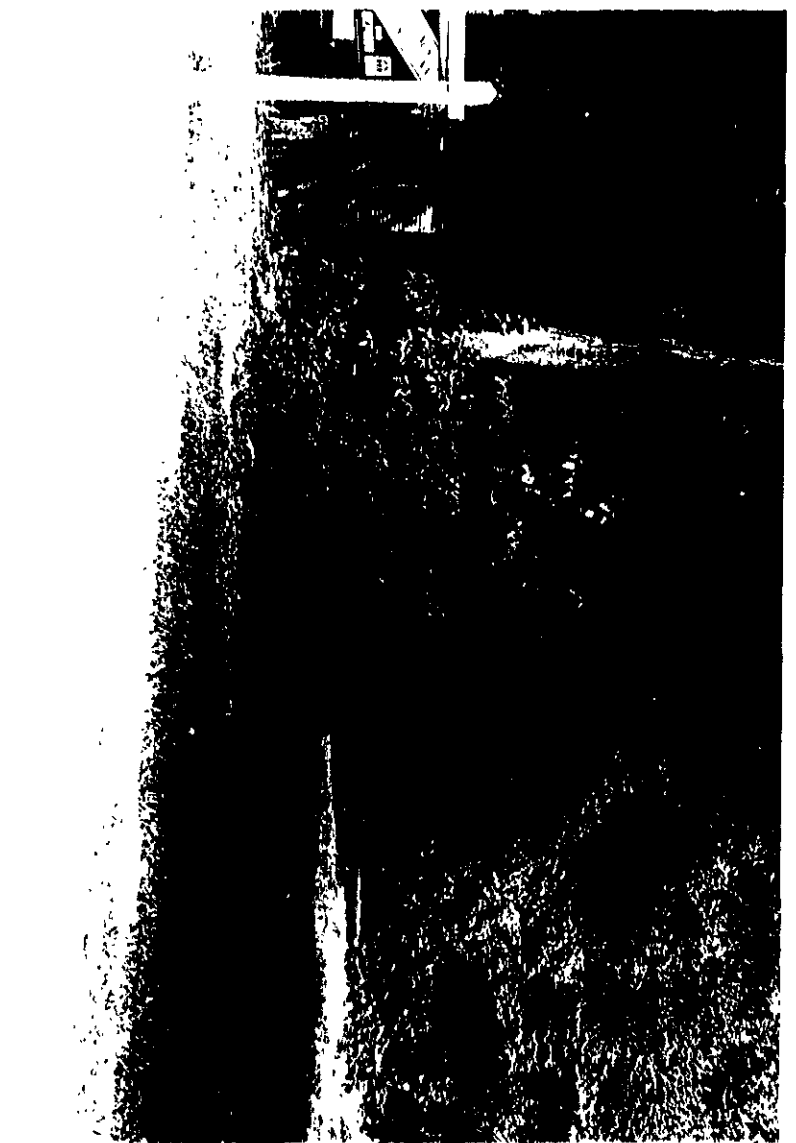
BY Querry Harder
DATE 10-3-01

Post-It™ brand fax transmittal memo 7671		# of pages 1
To: AL TARTON	From: AVERY HARDER	
Co.	Co. BALTO. CO.	
Dept.	Phone # 410-887-3751	
Fax #	Fax #	

ZONING CASE # 01-550-A

1" = 40'
TARBURTON LANDSCAPE PLAN







Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

*Photographs
01-550-A*

