

IN THE MATTER OF
THE APPLICATION OF
MASON BARROW - LEGAL OWNER/
PETITIONER FOR A VARIANCE ON
PROPERTY LOCATED ON THE W/S OF
CLOVER AVENUE 220' NE OF MYRTH AVE
(704 CLOVER AVENUE)

15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 03-031-A

* * * * *

ORDER OF DISMISSAL

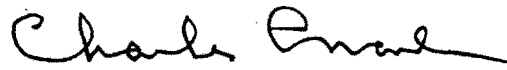
This matter comes to the Board of Appeals by way of an appeal filed by Mason Barrow, Legal Owner /Petitioner, from a decision of the Deputy Zoning Commissioner dated September 26, 2002 in which the requested Petition for Variance was denied.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed on May 14, 2003 by Mason Barrow, Appellant /Petitioner, via facsimile (a copy of which is attached hereto and made a part hereof); and

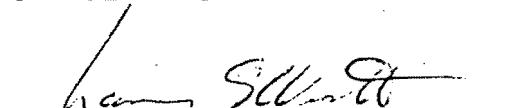
WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of May 14, 2003, which intent was confirmed by the Board's Administrator via telephone conversation with Mason Barrows, Appellant, at 1:35 p.m. on May 14, 2003;

IT IS THEREFORE ORDERED this 16th day of May, 2003 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 03-031-A be and the same is hereby **DISMISSED**.

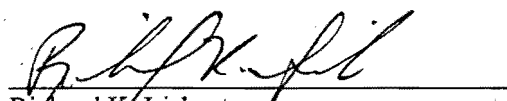
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Charles L. Marks



Lawrence S. Wescott



Richard K. Irish

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

Baltimore County Board of Appeals,

I am notifying the Baltimore County Board of Appeals
to cancel my hearing date of May 21, 2003, Case # 03-031-A1. I do not prefer
to reschedule another hearing at this time.

Thank You,
Mason Barrow

Mason Barrow

RECEIVED

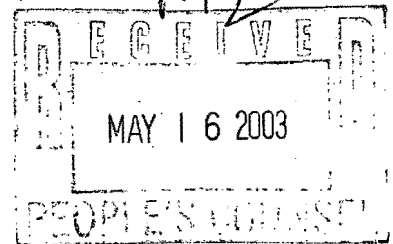
MAY 14 2003

BALTIMORE COUNTY
BOARD OF APPEALS



County Board of Appeals of Baltimore County

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



May 16, 2003

Mr. Mason Barrow
704 Myrth Avenue
Baltimore, MD 21221

RE: In the Matter of: Mason Barrow -Petitioner
Case No. 03-031-A

Dear Mr. Barrow:

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Jeff Holt (Contractor)
Site Rite Surveying, Inc. /Vince Moskunas
L. and A. Lingg
Alva Spencer
Mr. and Mrs. D. Jenkins
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

IN RE: PETITION FOR VARIANCE
W/S Clover Avenue, 220' NE
of Myrth Avenue
15th Election District
5th Councilmanic District
(704 Clover Avenue)

Mason Barrow
Petitioner

9/3
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-031-A

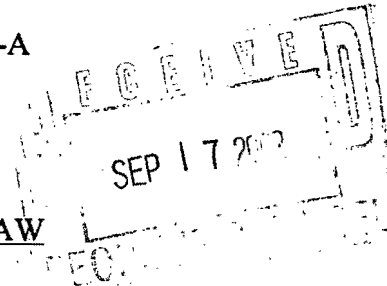
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Mason Barrow. The variance request involves property located at 704 Clover Avenue. The Petitioner is requesting permission to construct a single-family dwelling on a lot with a width of 45 ft. in lieu of the required 55 ft. and side yard setbacks of 8 ft. and 7 ft. in lieu of the required 10 ft.

Appearing at the hearing on behalf of the variance requests were Vince Moskunus, who prepared the site plan of the property, and Jeff Holt, the contractor interested in constructing this home. Appearing in opposition to the Petitioner's request were adjacent property owners Mr. & Mrs. Lingg and Mr. Jenkins. Mrs. Elva Spencer and her daughter, also adjacent property owners, were not able to make the hearing on time, however did appear after the hearing to note their opposition to the request. I indicated to those neighbors that the decision in this case would be mailed to them just as if they had attended the hearing.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.159 acres of land, more or less, zoned D.R.5.5. The subject property is unimproved at this time. It has been owned by Mason Barrow for a number of years. At this time, Mr. Barrow is interested in selling the property to Mr. Jeffrey Holt who would like to build a single-family dwelling thereon. Mr. Holt proposes to construct a single-family dwelling on the property the size of which requires a variance to allow side yard setbacks of 7 ft. and 8 ft. In



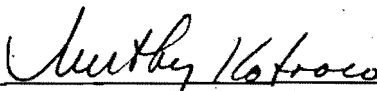
order to proceed with the construction of this size of home on the property, the variance request is necessary.

As stated previously, several neighbors appeared in opposition to the Petitioner's request. These neighbors opposed any variance being granted for a home to be constructed on this lot. They believe the home chosen to be constructed by Mr. Holt is out of character with the other smaller cottage type homes existing on Clover Avenue. They ask that the variances be denied.

After considering the testimony and evidence offered at the hearing, I believe that the variance to allow a house to be constructed on this property with side yard setbacks of 8 ft. and 7 ft. should be denied. It should be noted that the home owned by Elva Spencer, located immediately to the south of the subject unimproved lot is situated a mere 2 ft. from the property line. Mrs. Spencer indicated that her house has existed on her lot for over 70 years. Allowing these variances to be granted will cause an overcrowding of this lot, based on the size and spacing of the other homes located along Clover Avenue. Accordingly, the variances shall be denied.

THEREFORE, IT IS ORDERED this 3rd day of September, 2002, by this Deputy Zoning Commissioner, that the Petitioner's request for variances, to construct a single-family dwelling on a lot with a width of 45 ft. in lieu of the required 55 ft. and side yard setbacks of 8 ft. and 7 ft. in lieu of the required 10 ft., be and is hereby DENIED.

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


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 704 Clover Avenue
which is presently zoned DR S.S

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) 1B02.3C.1 (CHART.) to Permit.
A LOT WIDTH OF 45 FT & SIDE YARDS OF 3 FT & 7 FT. IN LIEU OF REQUIRED 55 FT
WIDTH & 10 FT SIDE YARDS.

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

1. Lot of record on plat recorded in 1915, all lots along Clover Avenue have a 45' street front, which was the standard lot width at the time approved.
2. Relief required will not cause injury to the public health, safety or general welfare and meets the spirit and intent of BCZR.
3. Strict compliance with zoning regulations would unreasonably prevent the use of the property for the permitted purpose.

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

704 Myrtle Avenue (410) 828-9060

Address

Telephone No.

Baltimore, MD 21221

State

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc

Name

200 E. Joppa Road Room 101 410-828-9060

Address

Telephone No.

TOWSON, MD 21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By SDA Date 07-17-02

Case No. 03-031-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 23, 2002

Mason Barrow
704 Myrth Avenue
Baltimore MD 21221

Dear Mr. Barrow:

RE: Case Number: 03-031-A, 704 Clover Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 17, 2002.

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: Site Rite Surveying, 200 E Joppa Road, Room 101, Towson 21286
People's Counsel

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





**Baltimore County
Fire Department**

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

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 30, 2002

ATTENTION: George Zahner

RE:

Property Owner:

Location: 704 Clover Avenue

Item No.: 031

Dear Mr. Zahner:

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.

. 7. The Fire Marshal's Office has no comments at this time.

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





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 7.27.62

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 031

JRA

Dear Mr. Zahner:

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,

lr 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, MD 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS JT6T*

DATE: August 16, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 29, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

~~(31)~~ 37, 40, 41



Maryland Department of Planning

Parris N. Glendonig
Governor
Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

July 30, 2002

Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda - case numbers 03-031-A, 03-032-A, 03-033-SPH, 03-034-SPHA, 03-035-SPH, 03-036-A, 03-037-A, 03-038-A, 03-039-A, 03-040-SPH & 03-041-A

To whom it may concern:

The Maryland Department of Planning has received the above-referenced information on 7/29/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** August 23, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For August 5, 2002
Item Nos. (031) 032, 033, 034, 036, 037,
039, 040, and 041

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

RWB:CEN:jrb

cc: File

40

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 19, 2002

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-031, 03-059, & 03-071

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Arnold F. Keller, III

AFK/LL:MAC

RE: PETITION FOR VARIANCE.
704 Clover Avenue
West side of Clover Avenue
15TH Election District 5th Councilmanic
District
Legal Owner: Mason Barrow
Petitioner:

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 03-031-A

FILE COPY

* * * * *

ENTRY OF APPEARANCE

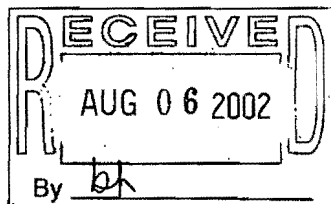
Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August, 2002, a copy of the foregoing Entry of Appearance was mailed to Mason Barrow, 704 Myrth Avenue, Baltimore, Maryland 21221 Petitioner(s).



Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

September 30, 2002

D. Jenkins
708 Clover Avenue
Baltimore, MD 21221

Dear Mr./Ms. Jenkins:

RE: Case No. 03-031-A, 704 Clover Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on September 26, 2002 by Mason Barrow and Jeff Holt. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

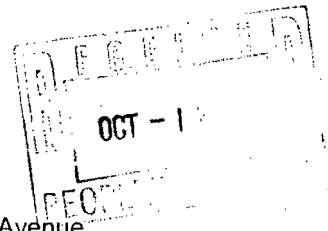
c: L. Lingg and A. Lingg, 706 Clover Avenue, Baltimore 21221
Mason Barrow, 704 Myrth Avenue, Baltimore 21221
Jeffrey Holt, 2309 Riverside Drive, Baltimore 21221

✓ People's Counsel

APPEAL

Petition for Variance
704 Clover Avenue

W/side of Clover Avenue 220 feet northeast of Myrth Avenue
15th Election District – 5th Councilmanic District
Mason Barrow - Legal Owner
Case No.: 03-031-A



Petition for Variance (dated 07-17-02)

Zoning Description of Property

Notice of Zoning Hearing (July 30, 2002)

Certification of Publication (The Jeffersonian issue 8/13/02)

Certificate of Posting (August 12, 2002 posted by Garland E. Moore)

Entry of Appearance by People's Counsel (August 5, 2002)

Petitioner(s) Sign-In Sheet (One sheet)

Protestant(s) Sign-In Sheet (One sheet)

Citizen(s) Sign-In Sheet (None)

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plan to accompany a Petition for Variance and an Undersized Lot (8/17/02)
2. Plat of record
3. Front, rear and side elevations site plan

Protestants' Exhibits:

1. Letter to Zoning Commissioner of Baltimore County from Mr. and Mrs. Laurence Lingg, Jr. (dated August 27, 2002)

Miscellaneous (Not Marked as Exhibits):

None

Deputy Zoning Commissioner's Order (September 3, 2002 - DENIED)

Notice of Appeal received on September 26, 2002 from Mason Barrow/Jeff Holt

c: People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Date sent September 30, 2002 rlh

4/14/03

Barrow

03-031

Hearing 5/27/03

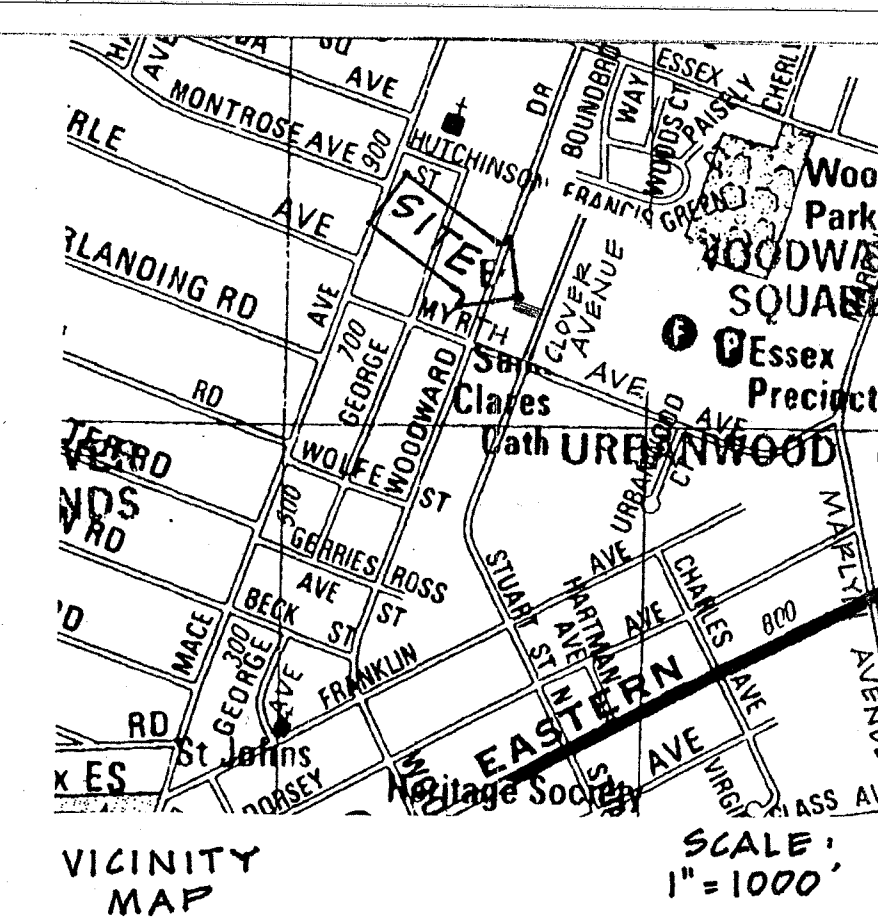
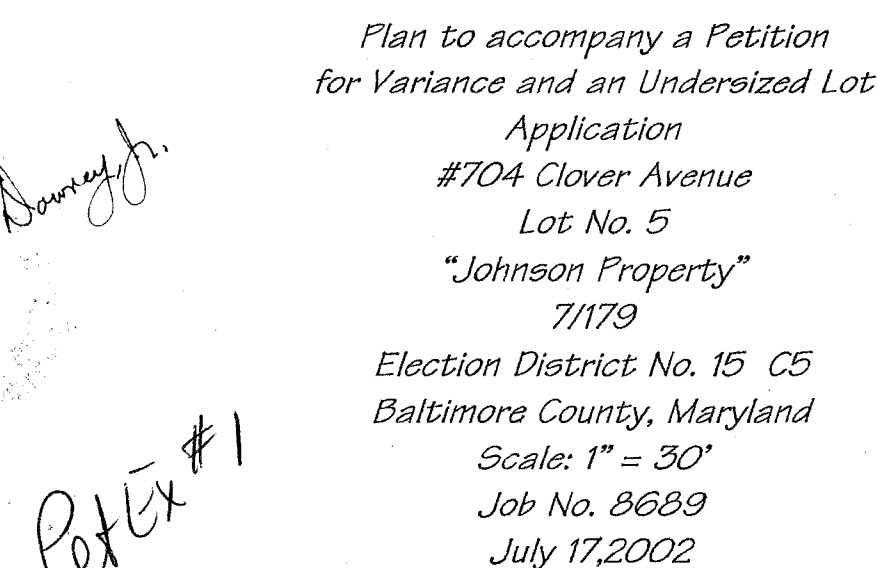
- reviewed site
- undersized lot
- variances
- owner does not own adjoining property
- all the lots in the area are undersized
- no public interest in participation

PMZ



CLOVER
POINT OF
BEGINNING,
220' NORTHEAST
OF MYRTH AVENUE

Ref Ex #1



GENERAL NOTES:

1. LOT SIZE: 6,930 S.F. OR 0.159 ACRES+/-
2. EXISTING ZONING: D.R. 5.5
3. 200' SCALE MAP: N.E.2-G
4. NOT LOCATED IN A FLOODPLAIN AREA
5. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
6. NOT LOCATED IN A HISTORIC AREA
7. FLOOD INSURANCE RATE MAP: 240010 0430B
ZONE "C"
8. EXISTING USE: VACANT
9. PROPOSED USE: SINGLE FAMILY DWELLING
10. NO PRIOR ZONING HEARING
11. PUBLIC WATER AND SEWER
12. COUNCILMANIC DISTRICT NO. 5