IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - W/S Blenheim Road, 110' N of the c/l Blenheim Farm Lane (13450 & 13460 Blenheim Road) 10<sup>th</sup> Election District

6<sup>th</sup> Council District

Kevin Friedman, et ux, and Michael A. Wood, et ux - Petitioners BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 03-143-SPHA

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject adjacent properties, Kevin and Toni-Jean Friedman (13450 Blenheim Road) and Michael A. and Phyllis Wood (13460 Blenheim Road), through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing to approve a lot line adjustment between two existing lots, each improved with a single family dwelling so as to correspond to existing and actual use of all improvements; to find that the proposed reconfiguration of existing lines of division meets the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.) for pre-existing lots of record, allowing the reasonable use of the land for all existing improvements; and, for such further relief as the nature of this request may require. In the alternative, the Petitioners request a variance from Section 1A03.4.B.1a of the B.C.Z.R. to permit a lot line adjustment on two existing lots of record, each improved with a single family dwelling, respectively comprised of 2.0 acres (13450 Blenheim Road) and 2.861 acres (13460 Blenheim Road), resulting in two lots of record comprised of 1.373 acres and 2.861 acres, respectively, all as more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Phyllis Wood, co-Petitioner, Guy Ward from McKee & Associates, the consultants who prepared the site plan,

Silver Lax

and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. Appearing in opposition to the request was Robert Wirtanen, adjacent property owner.

Testimony and evidence presented revealed that the subject properties are adjacent lots with frontage on Blenheim Road in Phoenix. As noted above, the property known as 13460 Blenheim Road is owned by Michael A. Wood and his wife, Phyllis Wood, and is improved with a single family dwelling in which they reside. This property contains 2.234 acres in area and is zoned R.C.2. The adjacent lot under consideration is also improved with a single family dwelling known as 13450 Blenheim Road, which is owned by Kevin and Toni-Jean Friedman. This lot is 2.0 acres in area, also zoned R.C.2. Both lots were created and recorded well prior to the adoption of the R.C.2 zoning classification in November 1979. In this regard, copies of the deeds for the lots referencing their creation and recordation in 1952 were submitted into evidence as Petitioner's Exhibits 2A and 2B.

The subject of the instant Petitions relates to a narrow strip of land between the two lots, approximately 65 feet wide and 435 feet deep, which is improved with a shed. Presently, this strip, which contains .627 acres in area, is part of the Friedman property; however, the shed is owned and used by Mr. & Mrs. Wood. Testimony indicated that Mr. & Mrs. Wood originally owned the entire tract and built the shed some time ago. They later conveyed a portion of their property to Mr. & Mrs. Friedman; however, the strip on which the shed is located was part of that conveyance. It is also to be noted that there is a well on this strip that serves the Wood property. In order to accurately reflect the use of the respective parcels and conditions on site, the Petitioners propose conveying this strip to Mr. & Mrs. Wood. Upon completion of that conveyance, Mr. & Mrs. Wood's lot will be 2.861 acres in area, and the Friedman property will be 1.373 acres in area. Under the R.C.2 zoning classification, the minimum lot size is 1.0 acres; thus, both lots will meet the minimum area requirements.

Mr. Wirtanen resides on property that abuts the rear of the subject lots. He does not object, per se, to the proposed conveyance; however, indicated that he believes Mr. & Mrs. Wood are using the shed improperly. In this regard, he indicated that Mr. Wood is a homebuilder and he

believes that the shed is used in connection with that business. As I explained at the hearing, the use of the property is not the subject of the matter before me; however, Ms. Wood was advised that the use of her property must be residential in nature and in compliance with the R.C.2 use regulations. The operation of a business or the storage of materials related thereto onsite would be inappropriate. The undersigned further advised that the Code Enforcement Division of the Department of Permits and Development Management would be contacted to investigate Mr. Wirtanen's complaint.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. In my judgment, the grant of the special hearing is appropriate and meets the requirements set out in Section 502.1 of the B.C.Z.R. That is, there is no indication that the proposed lot line adjustment and land conveyance would be detrimental to the health, safety or general welfare of the locale. Having found that the special hearing relief should be granted, the variance is no longer necessary, thus, the Petition for Variance shall be dismissed as moot.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted as set forth above.

TNEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_\_ day of November, 2002 that the Petition for Special Hearing seeking approval of a lot line adjustment between two existing lots, each improved with a single family dwelling so as to correspond to existing and actual use of all improvements; to find that the proposed reconfiguration of existing lines of division meets the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.) for pre-existing lots of record, allowing the reasonable use of the and for all existing improvements; and, for such further relief as the nature of this request may require, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

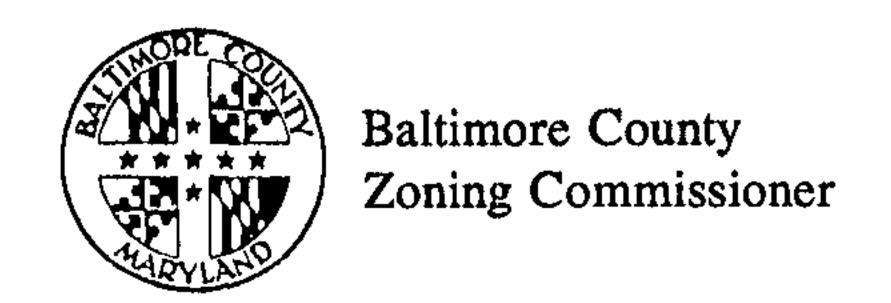
- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits and within sixty (60) days of the date of this Order, the Petitioners shall record new deeds in the Land Records of Baltimore County referencing this case and the terms and conditions of this Order.
- 3) The subject properties and improvements thereon must be used for residential purposes in accordance with the R.C.2 use regulations.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A03.4.B.1a of the B.C.Z.R. to permit a lot line adjustment on two existing lots of record, each improved with a single family dwelling, respectively comprised of 2.0 acres (13450 Blenheim Road) and 2.861 acres (13460 Blenheim Road), resulting in two lots of record comprised of 1.373 acres and 2.861 acres, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT
Zoning Commissioner

for Baltimore County

LES:bjs



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

Fax: 410-887-3468

November 14, 2002

Howard L. Alderman, Jr., Esquire Levin & Gann 502 Washington Avenue, 8<sup>th</sup> Floor Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE W/S Blenheim Road, 110' N of the c/l Blenheim Farm Lane (13450 & 1346) Blenheim Road) 10<sup>th</sup> Election District – 6<sup>th</sup> Council District Kevin Friedman, et ux & Michael A. Wood, et ux - Petitioners Case No. 03-143-SPHA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the Petition for Variance dismissed, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

Mr. & Mrs. Kevin Friedman, 13450 Blenheim Road, Phoenix, Md. 21131 Mr. & Mrs. Michael Wood, 13460 Blenheim Road, Phoenix, Md. 21131 Mr. Robert Wirtanen, 38/10 Blenheim Road, Phoenix, Md. 21131

People's Counsel; Case/File



ORDER THE

### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	13450 & 13460	Blenheim Road
which is	presently zoned	RC-4

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

\* Please see attached

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

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

	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:	Legal Owner(s): L. (410) 593-9945
N/A	Michael A. Wood and Phyllis Wood
Name - Type or Print	Name-Type or Print Name-Type or Print NO KEMIN FULFOURN O TRUL- EAN FULFOUR
Signature	Signature 13450 Blenheim Road, Phoenix, MD 21131
Address Telephone No.	Nevin Friedman and Toni Jean Friedman
· · · · · · · · · · · · · · · · · · ·	- Pull Dui / M
City State Zip Code	
Attorney For Petitioner:	218 Longwood Road
Uber mare 1 7 A 1 a 1 7 Yrs	Address Baltimore, MD 21210
Howard L. Alderman, Jr., Esq.  Name-Type or Print  Claude Claude  Standard	City State Zip Code  Representative to be Contacted:
Signature	Gry C. Ward, R.S., Associate
Company Nottingham Centre 8th Floor	McKee & Associates, Inc.
Levin and Gann, P.A.  Company Nottingham Centre, 8th Floor  502 Washington Avenue (410) 321-0600	5 Shawan Road, Suite 1 (410) 527-1555
Address Telephone No. Towson MD 21204-2661	Address Cockeysville, MD 21030
City State Zip Code	le City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 03-143-5PHA	UNAVAILABLE FOR HEARING
QE 9/15/98	Reviewed By D.THOMPSON Date 9/19/02

### Attachment 1

### PETITION FOR SPECIAL HEARING

CASE NO: 03- 1식으 -SPHA

Address:

13450 & 13460 Blenheim Road

Legal Owners: Kevin & Toni Jean Friedman (13450)/Michael & Phyllis Wood (13460)

Present Zoning:

RC-4

### REQUESTED RELIEF:

"why the Zoning Commissioner should" [1] approve a lot line adjustment between two, existing lots, each improved with a single family dwelling, to correspond to existing and actual use of all improvements; [2] find that the proposed reconfiguration of existing lines of division meets the spirit and intent of the BCZR for pre-existing lots of record, allowing the reasonable use of the land all existing improvements; and [3] for such further relief as the nature of this request may require.

### FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 8th Floor, Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com



### Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 13450 & 13460 Blerheim Road

which is presently zoned \_\_\_

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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)

\* Please see attached

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

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.

				is the subject of this Petition,		4
Contract Purchaser/Less	see:			Legal Owner(s): MA	IN	BUNDAN
	<del></del>			Legal Owner(s): MAL 13460 Blenheim Road, Phoe	hix, MD 2	<b>1131 (410) 593-9945</b>
N/A				Michael A. Wood and Phyll	is Wood	, ,
Name - Type or Print	<u>, , , , , , , , , , , , , , , , , , , </u>		Name - T	vpe or Print		
h <u>ar-j</u>			-	> Kevin Fruender Roa Signature 13450 Blenheim Roa	× TOI	VI-JEHN PMEN
Signature				Signature 13450 Blenheim Roa	d, Phoeni	x, MD 21131
			_	Kevin Friedman and Toni J	ean Fried	man C
Address		Telephone No.		Name - Type or Print	STA	4 X119-
City	State	Zlp Code	•	Signature	7 ( )(	<del>/\\</del>
Attorney For Petitioner:		·		21.8 Longwood Road		( )
7	<b>T7</b>			Address		Telephone No.
Howard L. Alderman, Jr.,	rsq.			Baltimore, MD 21210		
Howard L. Alderman, Jr., Name - Type or Print  Cle Signature	derwa L		City	Representative to be Con	tacted:	Zip Code
Levin and Gann, P.A.				Gly C. Ward, R.S., Associates, Inc.	and	
Company Nottingham Centre	8th Floor	······································	-	Name		· · · · · · · · · · · · · · · · · · ·
502 Washington Avenue	(410) 321-060	0		5 Shawan Road, Suite 1	(410) 5	27-1555
Address		elephone No.	-	Address		Telephone No.
Towson, MD 21204-2831				Baltimore, MD 21030		-
City	State	Zip Code	-	City	State	Zlp Code
				OFFICE USE ON	ĽΥ	
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### Attachment 1 PETITION FOR VARIANCE

CASE NO: 03-14-3-SPHA

Address:

13450 & 13460 Blenheim Road

Legal Owners: Kevin & Toni Jean Friedman (13450)/Michael & Phyllis Wood (13460)

Present Zoning:

RC-4

### REQUESTED RELIEF:

If deemed necessary after consideration of the companion, Special Hearing relief petitioned, from: i) BCZR § 1A03.4B.1.a to permit a lot line adjustment on two, existing lots of record, each presently improved with a single family dwelling, respectively comprised of 2.0 acres (13450) and 2.234 acres (13460), resulting in two lots of record comprised of 1.373 acres (13450) and 2.861 acres (13460), all as shown more particularly on the Plat to Accompany this Petition.

### JUSTIFICATION:

- 1. Existing, accessory improvements determined to be located on wrong lot as constructed;
- 2. Impracticality of moving improvements; and
- 3. For such further reasons that will be presented at the hearing on this Petition.

### FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.

8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com

### Zoning Description for 13460 Blenheim Road

Beginning at a point on the West side of Blenheim Road which is 20 feet, +/-, wide At a distance of 110 feet North of the centerline of the nearest improved street Blenheim Farm Lane which is 20 feet, +/- wide, as recorded in deed liber 15108 folio 272, thence running for the four bearings and distances as follows:

- 1. North 12 degrees 06 minutes 00 seconds west 207.25 feet,
- 2. South 69 degrees 19 minutes 30 seconds West 425.13 feet,
- 3. South 12 degrees 06 minutes 00 seconds East 255.75 feet,
- 4. North 63 degrees 00 minutes 00 seconds East 435.00 feet to the place of beginning containing 97,316 S.F.+/-, or 2.234 acres,+/-.

Also know as 13460 Blenheim Road and located in the 10<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.

### Zoning description for 13450 Blenheim Road

Beginning at a point on the West side of Blenheim Road which is 20 feet, +/-, wide At a distance of 110 feet North of the centerline of the nearest improved street Blenheim Farm Lane which is 20 feet, +/- wide, as recorded now or formerly in deed liber 6166 folio 222 thence running for the four bearings and distances as follows:

- 1. South 63 degrees 00 minutes 00 seconds West 435.00,
- 2. South 12 degrees 06 minutes 00 seconds East 207.25 feet,
- 3. North 63 degrees 00 minutes 00 seconds East 435,00 feet,
- 4. North 12 degrees 06 minutes 00 seconds west 207.25 feet to the place of beginning containing 87,120 S.F.+/, or 2.00 Acres, +/-.

Also being know as 13450 Blenheim Road and locted in the 10<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.

FROM: MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARYLAND RECEIVED FOR: DISTRIBUTION
WHITE - CASHIER PINK - AGENCY ACCOUNT\_ AMOUNT YELLOW - CUSTOMER :11 40 0 

Legan Samuel Sam

## 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: #03-143 SPHA
13450 & 13460 Blenheim Road
W/side of Blenheim Rd. 110' feet north of center line of Blenheim Farm, Lane
10th Election District — 6th Councilmanic District Legal Owner(s): Kevin and Toni Jean Friedman and Michael and Phyliss Wood

Special Hearing: to approve 1) a lot line adjustment between two. existing lots, each improved with a single-family dwelling, to correspond to existing and actual use of improvements, 2) find that the proposed reconfiguration of existing lines of division meets the spirit and intent of the BCZR for pre-existing lots of records, allowing the reasonable use of the land all existing improvements; and, for such further relief as the nature of this request may require. Variance: to permit a lot line adjustment on two existing lots of record, each presently improved with a single-family dwelling, respectively comprised of 2.0 acres (13450) and 2.234 acres (13460), resulting in two lots of record comprised of 1.373 acres (13450) and 2.861 (13460); all as shown more particularly on the Plat. 10 (13460); all as

### 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/10/708 Oct. 8 <u>C567780</u>

in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, that the annexed advertisement was published ,2002 successive weeks, the first publication appearing <u>, 2002</u>

LEGAL ADVERTISING 1 Smy my

RE Case No 03-143-SPHA

Petitioner/Developer. WOOD, ETAL

M= KEE

Date of Hearing/Closing: 10/23/07

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

Attention Ms. Gwendolyn Stephens & GEORGE ZAHNER

Ladies and Gentlemen.

brand fax transmittal memo 7671

From

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 #13450 - 60 - BLEWHEIM ROHD

The sign(s) were posted on	1	D	15	102
	( Month, Day, Yo	ear		

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

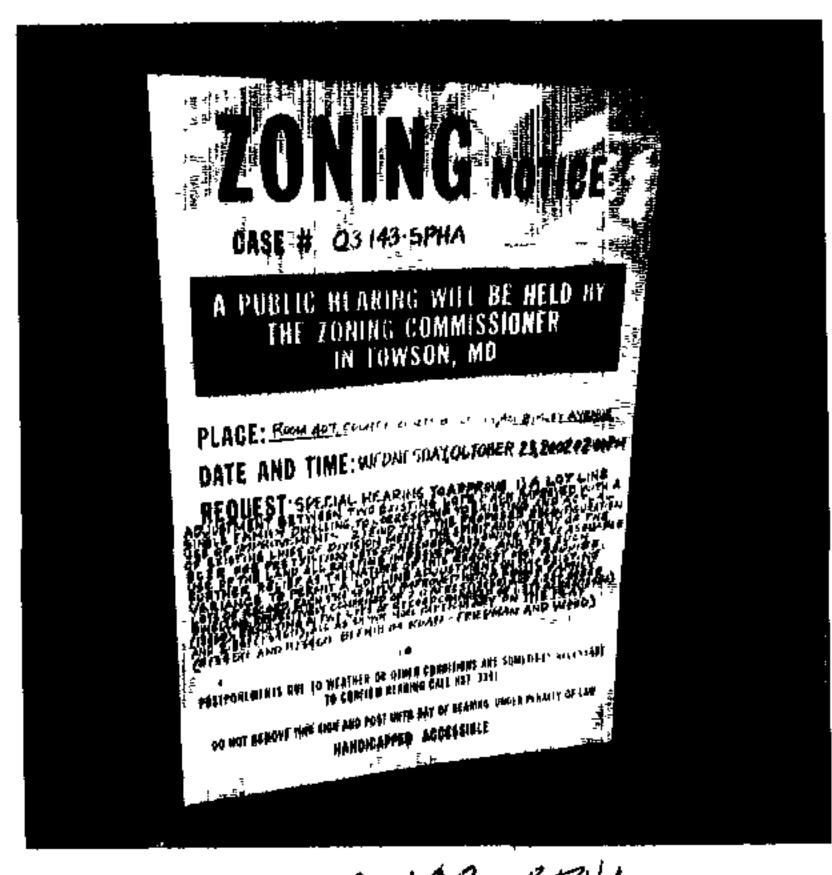
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

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

(Telephone Number)



#13450/#13460 BLENGEIM RD.
10/23/02
10/23/02

Post-it® Fax Note	7671	Date	# of pages
То		From	Pages
Co /Dept.	<del></del>	Co.	<del></del>
Phone #	<del></del>	Phone #	
Fax #	·····	Fax #	

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

13450 & 13460 Blenheim Road

110' north of ctrl of Blenheim Farm Lane

10<sup>th</sup> Election District 6<sup>th</sup> Councilmanic

District

Legal Owner: Kevin & Toni Jean Friedman \*

Michael & Phyllis Wood

Petitioner(s)

BEFORE THE

\* ZONING COMMISSIONER

\* FOR

**BALTIMORE COUNTY** 

03-143-SPHA

\* \* \* \* \* \* \* \* \*

### **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

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 2<sup>nd</sup> day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., LEVIN & GANN, P.A., 502 Washington Avenue, Nottingham Centre, 8<sup>th</sup> Floor, Towson, MD. 21204 Attorney for Petitioner(s).

PETER MAX ZIMMERMA

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY Tuesday, October 8,2002– Jeffersonian

Please forward billing to :Michael A. Wood

410-893-9945

13460 Blenheim Rpad Phoenix, MD 21131

### **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: 03-143 SPHA 13450 & 13460 Blenheim Road

W/side of Blenheim Rd. 110' feet north of center line of Blenheim Farm Lane

Election District 10th - Councilmanic District 6th

Legal Owner: Kevin and Toni Jean Friedman and Michael and Phyliss Wood

SPECIAL HEARING to approve 1) a lot line adjustment between two, existing lots, each improved with a single-family dwelling, to correspond to existing and actual use of improvements; 2) find that the proposed reconfiguration of existing lines of division meets the spirit and intent of the BCZR for pre-existing lots of records, allowing the reasonable use of the land all existing improvements; and, for such further relief as the nature of this request may require. VARIANCE to permit a lot line adjustment on two existing lots of record, each presently improved with a single-family dwelling, respectively comprised of 2.0 acres (13450) and 2.234 acres (13460), resulting in two lots of record comprised of 1.373 acres (13450) and 2.861 (13460), all as shown more particularly on the Plat.

HEARING: Wednesday, October 23, 2002 at 2:00 pm in Room 407, County Courts

Building, 401 Bosley Avenue

awrence B. Schmidt

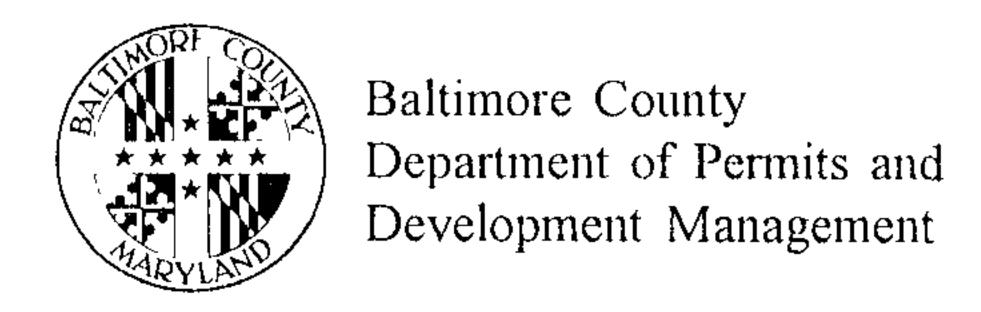
LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

Fax: 410-887-5708

September 27, 2002

### **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: 03-143 SPHA 13450 & 13460 Blenheim Road

W/side of Blenheim Rd. 110' feet north of center line of Blenheim Farm Lane

Election District 10th - Councilmanic District 6th

Legal Owner: Kevin and Toni Jean Friedman and Michael and Phyliss Wood

SPECIAL HEARING to approve 1) a lot line adjustment between two, existing lots, each improved with a single-family dwelling, to correspond to existing and actual use of improvements; 2) find that the proposed reconfiguration of existing lines of division meets the spirit and intent of the BCZR for pre-existing lots of records, allowing the reasonable use of the land all existing improvements; and, for such further relief as the nature of this request may require. VARIANCE to permit a lot line adjustment on two existing lots of record, each presently improved with a single-family dwelling, respectively comprised of 2.0 acres (13450) and 2.234 acres (13460), resulting in two lots of record comprised of 1.373 acres (13450) and 2.861 (13460), all as shown more particularly on the Plat.

HEARING: Wednesday, October 23, 2002 at 2:00 pm in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon⊸

Director

Cc: Michael A. Wood and Phyllis Wood 13460 Blenheim Road Phoenix, MD 21131 Kevin Friedmen and Toni Jean Friedmen 218 Longwood Road Baltimore, MD 21210

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Tuesday, October 8, 2002.

- (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.

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

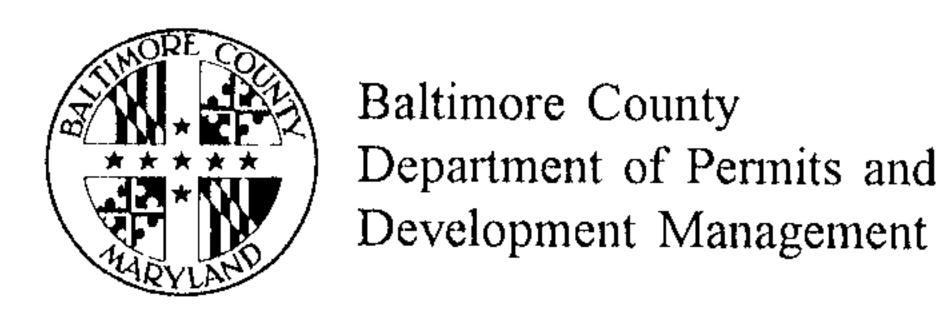
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign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

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

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

For Newspaper Advertising:										
Item Number or Case Number: 03-143-SPHA.  Petitioner: Michael A Wood & Phyllis Wood; Kevin and Tini Jean Friedman										
Address or Location: 14 13450 \$ 13466 Blenheim Rd Ed. 10										
Phoenix Md 21131										
PLEASE FORWARD ADVERTISING BILL TO:										
Name: Michel A Wood  Address: 13460 Blankein Rd.										
Phyenic Md. 21131										
Telephone Number: <u>4เจ.ซีดิว - 994</u>										

Revised 2/20/98 - SCJ



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

October 17, 2002

Howard L. Alderman, Jr., Esquire Levin and Gann, P.A. Nottingham Centre, 8<sup>th</sup> Floor 502 Washington Avenue Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 03-143-SPHA, 13450 & 13460 Blenheim Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 19, 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.

Supervisor, Zoning Review

W. Carl Bichards, Jr.

WCR:rlh

Enclosures

Mr. and Mrs. Michael Wood, 13460 Blenheim Road, Phoenix 21131 Mr. and Mrs. Kevin Friedman, 218 Longwood Road, Baltimore 21210 Guy C. Ward, R.S. Associate, McKee & Associates, Inc., 5 Shawan Road Suite 1, Cockeysville 21030 People's Counsel



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

September 27, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

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, in reference to the following items: 131-146

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.

### BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

DATE: November 14, 2002

TO: James H. Thompson, Supervisor

Code Enforcement Division

Department of Permits & Development Management

FROM: Lawrence E. Schmidt

Zoning Commissioner

SUBJECT: Petition for Special Hearing & Variance

W/S Blenheim Road, 110' N of the c/l Blenheim Farm Lane

(13450 & 13460 Blenheim Road)

10<sup>th</sup> Election District – 6<sup>th</sup> Council District

Kevin Friedman, et ux & Michael A. Wood, et ux - Petitioners

Case No. 03-143-SPHA

Enclosed for your reference is a copy of the Order issued in the above-captioned matter, which involved a lot line adjustment for the property known as 13460 Blenheim Road, owned by Mr. & Mrs. Wood. During the course of the hearing, a neighbor (Robert Wirtanen) appeared in opposition to the request, not so much as to the subject of the hearing, but as to the use of a shed on the property by Mr. Wood. Mr. Wirtanen contends that Mr. Wood is using the property as a contractor's equipment storage yard. He claimed that Mr. Wood is a home improvement contractor by trade and that he is using the property for his business. Although I advised all parties present that the use of the property was not an issue in the hearing before me, I indicated that I would request an investigation into the matter by your office.

Therefore, please send an inspector out to the site to determine whether a violation exists and advise Mr. Wirtanen of your findings.

Thank you for your attention in this matter.

LES:bjs

cc: Mr. Robert Wirtanen

/3810 Blenheim Road, Phoenix, Md. 21131

File

Jun 23

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 30, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

7 - 3 Zuz

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-139, & 03-143

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:

Section Chief:

AFK/LL:MAC



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 10.1.02

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

RE: Balt

Baltimore County

Item No. 143

DT

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,

f. f. Hoedle

10

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

PLEASE PRINT CLEARLY

CASE NAME 03- 425-SPHT CASE NUMBER 12450 & 13460 & Bd. Pd. DATE 10-23-02

# PETITIONER'S SIGN-IN SHEET

Scwo referre con pewood 2 convast. net	Valdey wand Sevin Sann Cor				
CITY, STATE, ZIP -2103C Program, Md 21131	John Sear MD 20004				
1346 Blewein Rd Lein Gen M.	3				
MAME OUT WARD MINISTER MOSSING					

CASE NAME CASE NUMBEROS\_ 143\_SPHA DATE

## CITIZEN'S SIGN-IN SHEET

E- MAIL	WIRTANTHE BOPL, Not										
CITY, STATE, ZIP	Phoenix, Mid 21131										
ADDRESS	3810 BLENhEIM Rd.										
NAME	BoBERT WINDEN										



Parris N Glendening Governor Kathleen Kennedy Townsend 1.1. Governor

Roy W' Kienitz Secretary Mary Abrams Deputy Secretary

September 27, 2002

Mr. George Zahner
Baltimore County Dept. of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 10/7/02 re: case numbers 03-131-A, 03-132-A, 03-133-SPHXA, 03-134-A, 03-135-A, 03-136-SPH, 03-137-SPHA, 03-138-SPH, 03-139-SPH, 03-140-A, 03-141-A, 03-142-SPHA, 03-143-SPHA, 03-144-A, 03-145-A, 03-146-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 9/26/02. 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

### This Deed, Made this

day of April, 1952 - -

in the year one thousand nine hundred and fifty-two - -, by and between ROBERT J. DAVIS and LBABELLA R. DAVIS, his wife, Grantors - -

of Baltimore County - - - - in the State of Maryland, of the first part, and WILLIAM EDWARD PATTERSON and LOUISE AGNES PATTERSON, his wife, Grantees of the second part.

do grant and convey unto the said Grantees, as tenants by the entireties, their

heirs and assigns, in fee simple, all that parcel - - of ground, situate, lying and being in the County

Tenth Election District of Baltimore/, aforesaid, and described as follows, that is to say:—

Beginning for the same at a point in the center of the Blenheim Road distant North 12 degrees 06 minutes West 621.75 feet from the beginning of the last line of a parcel of land firstly described in a Deed dated September 13, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1404 folio 305 which was conveyed by Jennie Fort, widow, to Roy A. Ford and wife, said place of beginning also being at the beginning of a parcel of land which by Deed dated April 12, 1952 and recorded among the Land Records of Baltimore County prior hereto was conveyed by Roy A. Ford and wife to Robert J. Davis and wife and running thence with and binding on a part of the first line of said last montioned parcel of land and binding in the center of the Elenhein word, as the courses are referred to the magnetic meridian of 1951, North 12 degrees 06 minutes West 207.25 feet, thence leaving said "oad and outline and running for a line of division South 69 degrees 19 minutes 30 seconds West 425.13 feet to a pipe set in the third line of the aforesaid parcel of land which was conveyed by Ford to Davis and thence running with and binding on a part of said third line and on the last line of said parcel of land the two following courses and distances viz: South 12 degrees 06 minutes East 255.75 feet to a pipe and North 63 degrees East 435 feet to the place of beginning.

Containing 2.23 Acres of land more or less.

BEING a part of a parcel of land which by Deed dated April 12, 1952 and recorded among the Land Records of Baltimore County prior hereto was conveyed by Roy A. Ford and wife to Robert J. Davis and wife.











### UBER 2105 PAGE 220

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 Grantees, as tenants by the entireties, their -

heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that the y 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 hands and seals of said grantor s.

TEST:

Lucy L. Proaduell

Robert J. Down (SEAL)

Isabella R. Davis

STATE OF MARYLAND, COUNTY OF BALTIMORE

, to wit:

I HEREBY CERTIFY, That on this

in the year one thousand nine hundred and fifty-two - - , before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Robert J. Davis and Isabella R. Davis, his wife, Grantors-

they acknowledged the foregoing Deed to be their act. Ahn ahovexnamonk grantons, and

As Witness my hand and Notarial Seal.

Lucy L. Treadwell Notary Public:

REC'D FOR RECORD May 2, 1952 — 1/A.M. & RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, LIBER G.L.B.2105 FOLIO 2/9 GEORGE L. SYERLY, CLERE;

### UBER 2096 PAGE 230

THIS DEED made this /2 day of April, 1952, by and between ROY A. FORD and BERTHA E. FORD, his wife, of Baltimore County in the State of Maryland of the first part and ROBERT J. DAVIS and ISABELLA R. DAVIS, his wife, of Baltimore County in the State of Maryland of the second part.

WITNESSETH that for and 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 parties of the first part grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns in fee simple all that parcel of land situate, lying and being in the Tenth Election District of Baltimore County and described as follows:

BEGINNING FOR THE SAME AT a point in the center of the Blenheim Road distant North 12 degrees 06 minutes west 621.75 feet from the beginning of the last line of a parcel of land firstly described in a Deed dated September 13, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1404 folio 395 which was conveyed by Jennie Ford, widow, to Roy A. Ford and wife and running thence with and binding on a part of said last line and binding in the center of the Blenheim Road, as the courses are referred to the magnetic meridian of 1951, North 12 degrees 06 minutes west 414.50 feet, thence leaving said road and outline and running for lines of division the three following courses and distances viz: South 69 degrees 19 minutes 30 seconds west 425.13 feet to an iron pipe south 12 degrees 06 minutes east 463 feet to an iron pipe and north 63 degrees east 435 feet to the place of beginning. Containing 4.23 acres of land more or less.

BEING a part of the firstly described land in a Deed dated September 13, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1404 folio 395 which was conveyed by Jennie Ford, widow, to Roy A. Ford and Bertha E. Ford, his wife.

TOGETHER WITH the buildings and improvements thereon 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 unto and to the use and benefit of the said Robert J. Davis and Isabella R. Davis, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns in fee

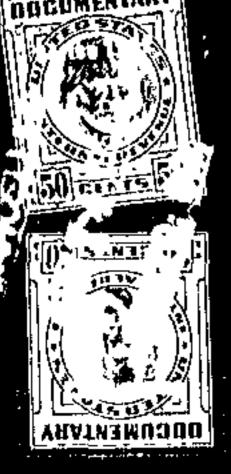


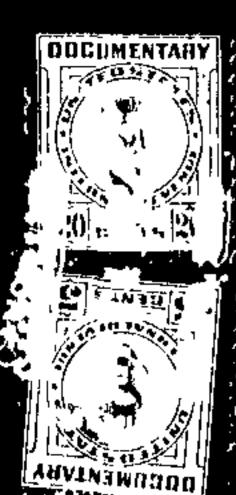












simple.

LIBE 2096 PAGE 231

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.

WITNESS the hands and seals of the said parties of the first part.

TEST:

Dorothy J. Jackson Roy A. Ford

DOROTHY T. JACKSON

(SEAL)

Bertha E. Ford

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 12 day of April, 1952, before me the subscriber, a Notary Public of the State of Maryland, in and for the place aforesaid personally appeared Roy A. Ford and Bertha E. Ford, his wofe, and they acknowledged the foregoing Deed to be their act.

As witness my hand and Notarial Seal.

Lucy & Treadwell Notary Public.

REC D FOR RECORD April 14,1952 - 2.10P v & RECORDED IN THE LAND RECORDS OF BALLTIMORE COUNTY, LIE. .L.b. 2096 FOLIO 230 GEORGE L. BYERLY, CLERE!

