ORDER RECEIVED FOR FILING Date CANAD FOR FILING By Canada IN RE: PETITION FOR VARIANCE

W/S Hannah Avenue, 508' N of the c/l

Catanna Avenue

(1918 Hannah Avenue)

13th Election District
1st Council District

Pamela Matthews, Owner; Andy Terrell, Contract Purchaser * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 03-421-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Pamela Matthews, and the Contract Purchaser, Andy Terrell. The Petitioners seek variance relief from Section 1B02.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 25 feet and a rear yard setback of 35 feet in lieu of the required 40 feet each; side yard setbacks of 7 feet each in lieu of the minimum required 15 feet each; and a sum of the side yards of 14 feet in lieu of the required 40 feet for a proposed single family dwelling. In addition, the Petitioners request relief pursuant to Section 304 of the B.C.Z.R. to permit a lot width of 40 feet in lieu of the required 100 feet, a lot area of 4,000 sq.ft. in lieu of the minimum required 20,000 sq.ft., and to approve the subject property as an undersized lot, and any other variances deemed necessary by the Zoning Commissioner. The subject property and requested relief are 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 Pamela Matthews, property owner, and Andrew Terrell, Contract Purchaser. Appearing as Protestants were Carole Roos, Marcus and Latonya Jackson, adjacent property owners, and Will Jackson.

Testimony and evidence offered revealed that the subject property is an unimproved rectangular shaped parcel located on the west side of Hannah Avenue, approximately 508' north of Catanna Avenue in Halethorpe. The property is actually comprised of two lots, known as Lots 10

and 11 of Halethorpe Terrace, an older subdivision that was apparently platted many years ago with 20-foot wide lots. The subject two lots contain a combined gross area of 4,000 sq.ft., more or less, zoned D.R.2. Ms. Matthews testified that her family has owned the property for many years. Apparently her parents owned several of the lots in this community and at one time resided at 1914 Hannah Avenue. However, Ms. Roos now owns that property and the lots on either side of the subject property were sold to Marcus Jackson. In any event, Ms. Matthews has contracted to sell Lots 10 and 11 to Mr. Terrell, who proposes to develop the site with a single-family dwelling. Variance relief is necessary as set forth above in that none of the setback requirements can be met and the proposed building lot is undersized.

A site plan of the subject property and adjacent lots was submitted when the Petition was filed; however, at the hearing it was argued that the particulars of the site plan are erroneous. Specifically, some of the lots are misnumbered and apparently the distance between the proposed dwelling and Ms. Roos' house at 1914 Hannah Avenue is incorrectly shown. It is incumbent on the Petitioner to supply accurate information regarding the subject property and surrounding neighborhood.

More relevant is the fact that the relief requested in the instant case was previously sought for the subject property under prior Case No. 02-202-A. It is to be noted that a review of the case file in that matter indicates that the property was referred to as 23 Glenwood Avenue. This address appears in the caption of both decisions of the Deputy Zoning Commissioner and the County Board of Appeals; however, this designation is inaccurate and inexplicable. The location of the subject property is the same in both cases; i.e., it abuts the west side of Hannah Avenue and is 508' north of the centerline of Catanna Avenue. The property is also known as Lots 10 and 11 of Block/Section J of the subdivision known as Halethorpe Terrace.

In any event, that matter came before Deputy Zoning Commissioner Timothy Kotroco. Ms. Matthews appeared at that hearing along with her husband, David Matthews. In addition, Marcus Jackson, the adjacent property owner, appeared in opposition to the request, along with Donald Hawkins, President of the Halethorpe Civic League. By his Order dated February 6, 2001,

Deputy Commissioner Kotroco granted modified relief to allow a house to be constructed on the property. His approval was subsequently appealed by Marcus Jackson to the County's Board of Appeals. At the hearing before me, Ms. Matthews indicated that she did not appear before the Board and that the Petition was subsequently dismissed. However, a copy of the Board's decision was reviewed by the undersigned after the hearing. That decision indicates that Ms. Matthews did indeed appear at the hearing and was, in fact, represented by Counsel. By its Order dated December 3, 2002, the Board concluded, based upon testimony and evidence taken from both sides, that the Petitioners did not meet the burden as required under Section 307.1 of the B.C.Z.R. and the case law. Thus, Deputy Commissioner Kotroco's decision was reviewed and the Petition denied.

The matters before the Zoning Commissioner of Baltimore County are quasi-judicial in nature. Although the doctrine of res judicata is not strictly applied to administrative hearings, the principles of fundamental fairness do apply. There is simply no difference between the present proposal and what was requested in the prior case. The Board of Appeals determined that variance relief should not be granted. There was no rational basis offered in the instant case to set aside the Board's decision. The proper recourse for the Petitioners would have been to appeal the Board's decision to the Circuit Court of Maryland for Baltimore County. For whatever reason, they did not do so, and thus, the variance cannot be approved now.

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 denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June, 2003 that the Petition for Variance seeking relief from Section 1B02.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 25 feet and a rear yard setback of 35 feet in lieu of the required 40 feet each; side yard setbacks of 7 feet each in lieu of the minimum required 15 feet each; and a sum of the side yards of 14 feet in lieu of the required 40 feet for a single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

¹ The doctrine of res judicata prohibits a Court from rehearing an identical case between the same parties.

IT IS FURTHER ORDERED that approval of the subject property as an undersized lot, with a width of 40 feet in lieu of the required 100 feet and a lot area of 4,000 sq.ft. in lieu of the minimum required 20,000 sq.ft., pursuant to Section 304 of the B.C.Z.R., be and is hereby DENIED.

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT

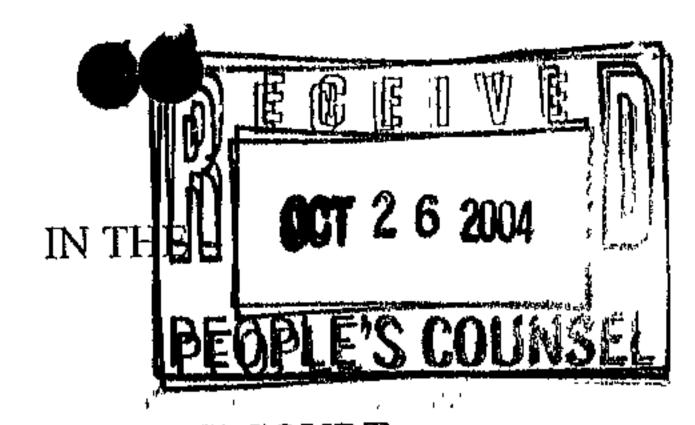
Zoning Commissioner for Baltimore County

LES:bjs

10/20/114



IN THE PETITION OF <u>PAMELA MATTHEWS</u>
FOR JUDICIAL REVIEW OF THE
DECISION OF THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



CIRCUIT COURT

IN THE CASE OF PAMELA MATTHEWS.

LEGAL OWNERS/PETITIONERS
FOR VARIANCE ON PROPERTY LOCATED ON THE *
W/S OF HAHNNAH AVE, 508' N of C/L CATINA AVE
(1918 HANNAH AVENUE)

FOR

13th Election District, 1st Councilmanic District

Case No. 03-421-A
Before the County Board of Appeals

BALTIMORE COUNTY

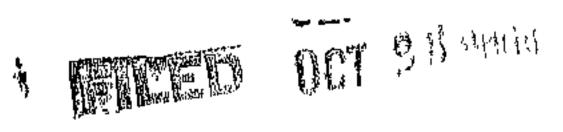
Case No.: 03-C-04-3473

ORDER

> JUDGE, CIRCUIT COUKT FOR BALTIMORE COUNTY

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IN THE PETITION OF PAMELA MATTHEWS

FOR JUDICIAL REVIEW OF THE

DECISION OF THE COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

* CIRCUIT COURT

IN THE CASE OF PAMELA MATTHEWS,

LEGAL OWNERS/PETITIONERS

FOR VARIANCE ON PROPERTY LOCATED ON THE *

W/S OF HAHNNAH AVE, 508' N of C/L CATINA AVE

(1918 HANNAH AVENUE)

*

13th Election District, 1st Councilmanic District * BALTIMORE COUNTY

Case No. 03-421-A * Case No.: 03-C-04-6086

Before the County Board of Appeals

* * * * * * * * *

People's Counsel for Baltimore County's Motion to Dismiss

People's Counsel moves, pursuant to Maryland Rules 7-203 and 7-207(d) to dismiss the petition for judicial review for failure to file in timely fashion the petition for judicial review and for failing to file a memorandum and to prosecute the case:

- 1. Pamela Matthews filed a Petition for Judicial Review of a County Board of Appeals ("CBA") decision May 6, 2004, denying proposed variances at her property at 1918 Hannah Avenue. People's Counsel duly filed a response.
- 2. The Circuit Court received the record from the CBA and gave notice of receipt on August 6, 2004.
- 3. Pursuant to Rule 7-207, Petitioner was required to file a memorandum within 30 days. Allowing for Labor Day, her memorandum was due September 7, 2004. It is now September 28, and no memorandum has been filed. A telephone call on or about

September 22 to the office of Marc Peitersen, Esq., Petitioner's counsel has gone unreturned. The case is scheduled for hearing November 16, 2004.

- 4. Under these circumstances, Petitioner's unexplained failure to file a memorandum in timely fashion warrants dismissal under Rule 7-207(d) because it prejudices People's Counsel's opportunity reasonably to prepare its memorandum and be ready for the hearing.
- 5. It may be that Petitioner is no longer interested in pursuing this case. Whatever her intent, it is appropriate pursuant to Rule 7-207(d) for the court to dismiss the petition for judicial review.

Wherefore, People's Counsel requests that the Court dismiss this action.

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 day of September, 2004, a copy of the foregoing People's Counsel for Baltimore County's Motion to Dismiss was mailed to Marc Peitersen, Esquire, 1055 Ingleside Avenue, Catonsville, MD 21228, Ronald R. Hogg, Esquire, 4012 College Avenue, Ellicott City, MD 21043, Mr. & Mrs. Marcus Jackson, 1924 Hannah Avenue, Baltimore, MD 21227 and to Kathleen Bianco, Administrator, County Board of Appeals, 400 Washington Avenue, Towson, MD 21204.

F

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

IN THE PETITION OF <u>PAMELA MATTHEWS</u>	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS	*	
OF BALTIMORE COUNTY		
•	*	CIRCUIT COURT
IN THE CASE OF <u>PAMELA MATTHEWS</u> , LEGAL OWNERS/PETITIONERS	*	
FOR VARIANCE ON PROPERTY LOCATED ON THE	*	FOR
W/S OF HAHNNAH AVE, 508' N of C/L CATINA AVE (1918 HANNAH AVENUE)	*	•
13 th Election District, 1 st Councilmanic District	*	BALTIMORE COUNTY
Case No. 03-421-A	*	Case No.: 03-C-04-3473
Before the County Board of Appeals * * * * * * * * * * * * * * * * * *	*	* * *
<u>ORDER</u>		
Upon review of the record, and court-ordered sched	ule, and	l having considered the
Motion to Dismiss filed by People's Counsel for Baltimore	County	, it is this day of
, 2004, by the Circuit Court for Baltin	nore Co	unty, ORDERED, that the
Petition for Judicial Review in this case be, and hereby is, I	DISMIS	SED under Rule 7-207(d) for
failure to file a timely memorandum required under Rule 7	-207.	
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JUDGE, CIR		COOKI

FOR BALTIMORE COUNTY

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel

September 28, 2004

CAROLE S. DEMILIO
Deputy People's Counsel

Chief Clerk, Civil Division Circuit Court for Baltimore County County Courts Building 401 Bosley Avenue Towson, MD 21204

Hand-delivered



BALTIMORE COUNTY BOARD OF APPEALS

Re:

Petition for Judicial Review of the Decision

of the County Board of Appeals
In the Matter of Pamela Matthews
Case Number: 03-C-04-6086

Dear Sir or Madam:

Enclosed please find the People's Counsel for Baltimore County's Motion to Dismiss to be filed with regard to this case. If you have any questions or concerns, please contact my office.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

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PMZ/rmw Enclosures

cc:

Marc Peiterson, Esquire Ronald R. Hogg, Esquire

Mr. & Mrs. Marcus Jackson

Kathleen Bianco, CBA Administrator

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:

PAMELA MATTHEWS

Legal Owner

910 Prestwood Road

Baltimore, MD 21228

FOR JUDICIAL REVIEW OF THE OPINION OF * THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY OLD COURTHOUSE, ROOM 49

400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

IN THE MATTER OF : PAMELA MATTHEWS

Legal Owner

1918 Hannah Avenue

Baltimore, MD 21227

ELECTION DISTRICT 1st COUNCILMANIC DISTRICT

CASE NO.: 03-421-A

CIVIL ACTION No. 3-C-04-6086

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

*

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the County Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

> ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT OF BALTIMORE COUNTY

Pamela Matthews / CBA No. 3-421-A Civil Action No.: C-04-6086

No. 03-421-A

March 12, 2003 Petition for Variance filed by Pamela Matthews to permit a single family

dwelling to have a front yard depth of 25'; rear yard depth of 35', side yard depth of 7' and a sum of side yards of 14' ilo the req'd 40', 40', 15' and 40' respectively. To permit a lot width of 40' ilo the req'd 100' and a lot are of

4000sf ilo req'd 20,000 sf. and to approve an undersized lot.

March 28 Entry of Appearance filed by People's Counsel for Baltimore County

April 11 Certificate of Posting.

April 24 Publication in newspaper

May 9 ZAC Comments.

May 12 Hearing held before the Deputy Zoning Commissioner

June 4 Findings of Fact and Conclusions of Law issued by the Zoning

Commissioner. Petition for Variance is DENIED.

June 9 Notice of Appeal filed by Andrew L. Terrell, Contract Purchaser.

January 13, 2004 Hearing held before the Board of Appeals.

Petitioner's Exhibits

- Entry of Appearance filed by Ronald R. Hogg, on behalf of the Contract Purchaser
- Maryland Department of Assessment and Taxation Real Property Data Search – District 13 – Account Number 1313750261
- Entry of Appearance filed by Marc N. Peitersen, on behalf of Pamela Matthews, the property owner
- 4 Land Plat for 1918 Hanna Ave
- 5 Plat from County Records
- 6 Zoning Description Lots 10 11 Hannah Avenue
- 7 Vicinity Map
- Plat of Halethorpe Terrace from 1923

9	Zoning Map from Baltimore County
10	Inter-Office Correspondence from Arnold F. "Pat" Keller III, Director, Office of Planning to Arnold Jablon, Director, PDM, dated April 3, 2003
11A – 11E	Two sheets of photographs
12	Maryland Department of Assessment and Taxation Real Property Data Search – District 13 – Account Number 2400004514 – 6 pages
January 29, 2004	Public Deliberation concluded by the Board.
May 6	Opinion and Order issued by the Board of Appeals; Petition for Variance is DENIED.
June 7	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Marc N. Peitersen, Esquire, o behalf of Pamela Matthews. Civil Action No.: C-04-6086
June 9 Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.	
June 9	Certificate of Notice sent to interested parties.
July 27 Transc	ript of testimony filed.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Record of Proceedings filed in the Circuit Court for Baltimore County.

Theresa R. Shelton, Legal Secretary

County Board of Appeals, Room 49 Basement Old Courthouse, 400 Washington Avenue Towson, Maryland 21204 (410-887-3180)

C: Marc N. Peitersen, Esquire Ronald R. Hogg, Esquire People's Counsel for Baltimore County

July 29

IN THE PETITION OF PAMELA MATTHEWS
FOR JUDICIAL REVIEW OF THE
DECISION OF THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE

*

* CIRCUIT COURT

IN THE CASE OF <u>PAMELA MATTHEWS</u>,

LEGAL OWNERS/PETITIONERS

FOR VARIANCE ON PROPERTY LOCATED ON THE *

W/S OF HAHNNAH AVE, 508' N of C/L CATINA AVE

(1918 HANNAH AVENUE) *

FOR

13th Election District, 1st Councilmanic District

BALTIMORE COUNTY

Case No. 03-421-A
Before the County Board of Appeals

Case No.: 03-C-04- 6 086

RESPONSE TO PETITION FOR JUDICIAL REVIEW

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, in accordance with Maryland Rule 7-204, submits this response to the Petition for Judicial Review filed PAMELA MATTHEWS and states that it intends to participate in this action for Judicial Review. The undersigned was a party to the proceeding before the County Board of Appeals.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Fit Hax Limmering

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 day of June, 2004, a copy of the foregoing Response to Petition for Judicial Review was mailed to Marc Peitersen, Esquire, 1055 Ingleside Avenue, Catonsville, MD 21228, Ronald R. Hogg, Esquire, 4012 College Avenue, Ellicott City, MD 21043, Mr. & Mrs. Marcus Jackson, 1924 Hannah Avenue, Baltimore, MD 21227 and to Kathleen Bianco, Administrator, County Board of Appeals, 400 Washington Avenue, Towson, MD 21204.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

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

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel

June 16, 2004

CAROLE S. DEMILIO
Deputy People's Counsel

Chief Clerk, Civil Division Circuit Court for Baltimore County County Courts Building 401 Bosley Avenue Towson, MD 21204

Hand-delivered



BALTIMORE COUNTY BOARD OF APPEALS

Re:

Petition for Judicial Review of the Decision

of the County Board of Appeals In the Matter of Pamela Matthews

Case Number: 3-C-04-6086

Dear Sir or Madam:

Please file the enclosed please find the Response to Petition for Judicial Review. If you have any questions or concerns, please contact my office.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Peter Mick Dimmerman Jam

PMZ/rmw Enclosures

cc:

Marc Peitersen, Esquire

Ronald R. Hogg, Esquire Mr. & Mrs. Marcus Jackson

Kathleen Bianco, CBA Administrator

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:

PAMELA MATTHEWS

Legal Owner

910 Prestwood Road

Baltimore, MD 21228

FOR JUDICIAL REVIEW OF THE OPINION OF *

THE COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

OLD COURTHOUSE, ROOM 49

400 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

IN THE MATTER OF

PAMELA MATTHEWS

Legal Owner

1918 Hannah Avenue

Baltimore, MD 21227

13th ELECTION DISTRICT
1st COUNCILMANIC DISTRICT

CASE NO.: 03-421-A

* * * *

CERTIFICATE OF NOTICE

*

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Marc N. Peitersen, Esquire 1055 Ingleside Avenue, Catonsville, MD 21228

Pamela Matthews 910 Prestwood Road, Baltimore, MD 21228

CIVIL ACTION No. 3-C-04-3473

Pamela Matthews / CBA No.: 421-A Civil Action No.: C-04-6086

Andy Terrell
2967 Gillis Falls Road, Mount Airy, MD 21771

Carole Roos 1914 Hannah Avenue, Baltimore, MD 21227

Mr. and Mrs. Marcus Jackson 1924 Hannah Avenue, Baltimore, MD 21227

Ronald R. Hogg, Esquire 4012 College Avenue, Ellicott City, Maryland 21043

Jim Hanna 1945 Hannah Avenue, Baltimore, MD 21227

Peter Max Zimmerman
People's Counsel for Baltimore County, Old Courthouse, Room 47,
400 Washington Avenue, Towson, Maryland 21204
125 Longview Drive, Catonsville Md 21228

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

Theresa R. Shelton, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Marc N. Peitersen, Esquire, 1055 Ingleside Avenue, Catonsville, MD 21228; Pamela Matthews, 910 Prestwood Road, Baltimore, MD 21228; Andy Terrell, 2967 Gillis Falls Road, Mount Airy, MD 21771; Carole Roos, 1914 Hannah Avenue, Baltimore, MD 21227; Mr. and Mrs. Marcus Jackson, 1924 Hannah Avenue, Baltimore, MD 21227; Ronald R. Hogg, Esquire, 4012 College Avenue, Ellicott City, Maryland 21043; Jim Hanna, 1945 Hannah Avenue, Baltimore, MD 21227; and Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204, this 9th day of June, 2004.

Theresa R. Shelton, Legal Secretary County Board of Appeals, Room 49

X1. 10001 1-4

Old Courthouse, 400 Washington Avenue

Towson, MD 21204 (410-887-3180)



County Board of Appeals of Baltimore County

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

June 9, 2004

Ronald R. Hogg, Esquire 4012 College Avenue Ellicott City, MD 21043

RE: Circuit Court Civil Action No. 3-C-04-6086

Petition for Judicial Review

Pamela Matthews 1918 Hannah Avenue Case No.: 03-421-A

Dear Mr. Hogg:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed on June 7, 2004, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to the Maryland Rules.

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, <u>must be filed under Civil Action No. 3-C-04-6086.</u>

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Theresa R. Shelton
Legal Secretary

/trs Enclosure

C: Marc N. Peitersen, Esquire
Pamela Matthews
Any Terrell
Carole Roos
Mr. and Mrs. Marcus Jackson
Jim Hanna
People's Counsel for Baltimore County

9/:199

IN THE MATTER OF THE APPLICATION OF

* BEFORE THE

PAMELA MATTHEWS - LEGAL OWNER;

* COUNTY BOARD OF APPEALS

ANDY TERRELL - Contract Purchaser

FOR VARIANCE ON PROPERTY LOCATED * OF

ON THE W/S HANNAH AVENUE AT THE

DISTANCE 508' N OF C/L CATANNA AVE * BALTIMORE COUNTY

(1918 HANNAH AVENUE)

* CASE NO. 03-421-A

13TH ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

* * * * * * *

OPINION

This case comes before the Baltimore County Board of Appeals on a timely appeal brought by the Petitioners, Pamela Matthews, owner of the subject property, and Contract Purchaser, Andrew L. Terrell, from a decision of the Zoning Commissioner to deny the Petition for Variance seeking relief from § 1B02.C.1 of the *Baltimore County Zoning Regulations* to permit a front yard setback of 25 feet and a rear yard setback of 35 feet in lieu of the required 40 feet; each; side yard setbacks of 7 feet each in lieu of the minimum required 15 feet each; and a sum of the side yards of 14 feet in lieu of the required 40 feet for a single family dwelling and to approve the subject property as an undersized lot with a width of 40 feet in lieu of the required 100 feet and a lot area of 4,000 sq. ft. in lieu of the minimum required 20,000 sq. ft., pursuant to § 304 of the BCZR and to approve any other variance deemed necessary by the Zoning Commissioner.

Pamela Matthews, Petitioner and legal owner of the subject property, was represented by Marc N. Peitersen, Esquire. Petitioner /Contract Purchaser, Andrew L. Terrell, was represented by Ronald R. Hogg, Esquire. Appearing as Protestants were

Case No. 03-421-A /Pamela Matthews - Legal Owner; Andy Terrell - C.P.

Marcus Jackson and Will Jackson, adjacent property owners, who appeared pro se.

Mrs. Matthews testified that she owns Lots 10 and 11 in Halethorpe Terrace. The lots are unimproved and have been in her family a long time. She is willing to sell the property to Mr. Terrell for him to construct a single-family home. Mr. Terrell is willing to buy the said property if variance relief is granted.

It was noted by the Chairman that this Board issued an Opinion and Order relative to this property on December 3, 2002 (Case No. 02-202-A) in which the address was stated as 23 Glenwood Avenue. The Board did not review that case but heard the present case *de novo*.

Testimony was given by Mrs. Matthews that the property was previously owned by her parents and that she inherited after their passing. It was her father's dream to one day build a house on Lots 10 and 11. She noted that there were homes built on the narrow lots in the past. The homes were narrow in nature due to lot size (Petitioner's Exhibit 11a and 11b). She was led to believe from her father that she would always be able to build on the lots. She testified that her lots were like all the other lots in the neighborhood.

Mr. Andrew L. Terrell testified that he was a Bonded and MHICH Master Plumber from Mt. Airy. He believes that the lots are buildable, but with no variance it would be shaped like a tower. He stated that, even if five lots were used, a variance would still be needed to satisfy § 304 of the BCZR on square footage. He testified that he was under contract to purchase land to build a house if the variance relief is granted.

Mr. Marcus Jackson testified for the Protestants. He testified that he owned

Case No. 03-421-A /Pamela Matthews - Legal Owner; Andy Terrell - C.P.

properties adjacent to the subject property. He stated that he had severe water problems from the water that flows from Lots 10 and 11. Mr. Jackson indicated that he was concerned about the effect on the value of his property if variances are granted.

Section 307 of the BCZR permits granting of a variance upon certain terms and conditions which in pertinent part, in this case, allows a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance request and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

The burden to establish special circumstances or conditions was clarified by the Court of Special Appeals in *North v. St. Mary's County*, 99 Md. App. 502 (1994) when Judge Cathell stated: "An applicant for variance bears the burden of overcoming the assumption that the proposed use in unsuited. That is done, if at all, by satisfying fully the doctrines of the statute authorizing the variance." Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md. App. 691, 651 A.2d 424 (1995) which sets forth the legal benchmark under which a variance may be granted, the Board of Appeals hearing the case de novo is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be property considered.

The first prong requires that the land itself of the subject property must be unique from others in the neighborhood to qualify for a variance. The testimony and evidence

Case No. 03-421-A /Pamela Matthews - Legal Owner; Andy Terrell - C.P.

offered by the Petition, Pamela Matthews, herself, is uncontradicted that 1918 Hannah Avenue is not different from the other lots in that neighborhood of Halethorpe Terrace. All of the plats and photographs introduced into evidence establish that neighboring lots all are 20 feet wide by 100 feet long. All are of similar topography and all are zoned D. R. 2.

After thorough review of the evidence and testimony, the Board finds that the Petitioner has not met the burden as required for a variance under BCZR § 307.1 and the standards of *Cromwell v. Ward*. Therefore, it is the decision of this Board that the requested variance relief from § 1B02.C.1 of the BCZR to permit a front yard setback of 25 feet and a rear yard setback of 35 feet in lieu of the required 40 feet each; side yard setbacks of 7 feet each in lieu of the minimum required 15 feet each; and a sum of the side yards of 14 feet in lieu of the required 40 feet for a single family dwelling, and, further, the requested approval of the subject property as an undersized lot with a width of 40 feet in lieu of the required 100 feet and a lot area of 4,000 sq. ft. in lieu of the minimum required 20,000 sq. ft., pursuant to § 304 of the BCZR, shall be denied, and we will so order.

ORDER

THEREFORE, IT IS THIS Let day of May of May of 2004 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for variance seeking relief from §

1B02.C.1 of the *Baltimore County Zoning Regulations* (BCZR) to permit a front yard

setback of 25 feet and a rear yard setback of 35 feet in lieu of the required 40 feet each; side yard setbacks of 7 feet each in lieu of the minimum required 15 feet each; and a sum of the side yards of 14 feet in lieu of the required 40 feet for a single family dwelling be and the same is hereby **DENIED**; and it is further

ORDERED that the requested approval of the subject property as an undersized lot with a width of 40 feet in lieu of the required 100 feet and a lot area of 4,000 sq. ft. in lieu of the minimum required 20,000 sq. ft., pursuant to § 304 of the BCZR, be and is hereby **DENIED**.

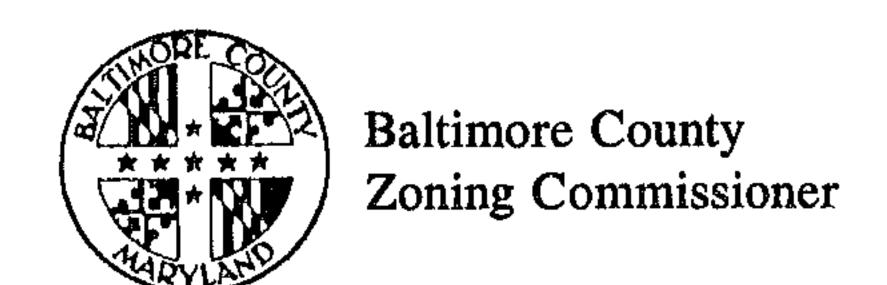
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman,

Lawrence M. Stahl

Edward W. Crizer, Jr.



June 4, 2003

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

Fax: 410-887-3468

Ms. Pamela Matthews 910 Prestwood Road Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE

W/S Hannah Avenue, 508' N of the c/l Catanna Avenue

(1918 Hannah Avenue)

13th Election District – 1st Council District

Pamela Matthews, Owner; Andy Terrell, Contract Purchaser - Petitioners

Case No. 03-421-A

Dear Ms. Matthews:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, 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

cc: Mr. Andy Terrell, 2967 Gillis Falls Road, Mt. Airy, Md. 21771

Ms. Carole Roos, 1914 Hannah Avenue, Baltimore, Md. 21227

Mr. & Mrs. Marcus Jackson, 1924 Hannah Avenue, Halethorpe, Md. 21227

Mr. Will Jackson, One Blackstone, Lutherville, Md. 21093

People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1918 Hannah Ave. Halethorp, 21227 which is presently zoned DR2 (lots 10-11 Blk.-J)

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.C.1 (BCZR) To Permit a Single Family Dwelling to have a Front yard depth of 25', Rear yard depth of 35', Side yard depth of 7' and a sum of Side yards of 14' in lieu of the required 40', 40', 15', and 40' respectively. To permit a lot width of 40' in lieu of the required 100' and a lot area of 4,000sf in lieu of the required 20,000sf. and to approve an undersized lot per section 304 and to approve any other variance deemed nesessary by the zoning commissioner.

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

To be discussed at the Hearing.

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

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

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

Contract Purchaser/Lessee:	A	Legal Owner(s):	
Andy Terrell	$\int_{\mathcal{S}} ds$	Pamela Matthews	
Name - Type or Print		Name Type or Print Pamela Matt	heus
Signature 2967 Gillis Falls Rd. 443	3 829 8890	Signature	
Address Mount Airy Md. 2	Telephone No 1771	Name - Type or Print	
City	Zip Code	•	
Attorney For Petitioner:		910 Prestwood Rd.	410 719 9593
		Address Catonsville Md.	Telephone No. 21228
Name - Type or Print		City	tate Zip Code
	······································	Representative to be Contac	<u>ted:</u>
Signature			
Company	······································	Name	<u> </u>
Address	Telephone No.	Address	Telephone No.
CIO State	Zlp Code	City	tate Zip Code
		OFFICE USE ON	LY
SeNo. 03-421-A		ESTIMATED LENGTH OF HEAR	ING
Gase No. <u>3-421-A</u> REV 9/ 5/98	Reviewed By	UNAVAILABLE FOR HEARING Date 3/2/0	3

Zoning Description

Lots 10 - 11 Hannah Ave (1918 Hannah Ave)

Beginning at a point on the West side of Hannah Ave which is 30 ft. wide at the distance of 508 ft. North of the centerline of the nearest improved intersecting street Catanna Ave which is 30 ft. wide. Being Lots # 10 - 11 Block J in the subdivision of Halethorpe Terrace as recorded in Baltimore County Plate Book # 7, Folio # 72 containing 4000 square feet, and located in the 13^{th} Election District, 1^{st} Council manic District.

MISCELLANEOUS RECEIPT OFFICE OF BUDGET BALTIMORE COUNTY, & FINANCE MARY

DATE 12-00 ACCOUNT

AMOUNT 4St

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RECEIVED

FROM:

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1.

FOR:

DISTRIBUTION
WHITE - CASHIER

PINK -AGENCY

- ACTTOM -CUSTOMER

> H IAN IAN

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND_
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

PINK - AGENCY

WHITE - CASHIER

No. 23 (77)

RECEIVED andrew J. Terrill

FOR: (Appeal DISTRIBUTION)

YELLOW - CUSTOMER

Bull the Charles , Barring

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: #03-421-A

1918 Hannah Avenue

W/side Hannah Avenue at the distance of 508 feet north

of the centerline of Catanna Avenue
13th Election District-1st Councilmanic District
Legal Owner(s): Pamela Matthews
Contract Purchaser: Andy Terrell
Variance: to permit a single-family dwelling to have a front yard depth of 25 feet; rear yard depth of 35 feet; side yard depth of 7 feet and a sum of side yards of 14 feet in lieu of the required 40 feet; 15 feet and 40 feet respectively. To permit a lot width of 40 feet in lieu of the required 100 feet and a lot area of 4,000 square feet in lieu of the regulared 20,000 square feet. To approve an underof the required 20,000 square feet. To approve an undersized lot and to approve any other variance deemed nec-

pesary by the zoning commissioner.
Hearing: Monday, May 12, 2003 at 9:00 a.m. in Ruom 407, County Courts Building, 401 Busley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. C599618 i

4/349 April 24.

CERTIFICATE OF PUBLICATION

424,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing
$n = \frac{11 - 21 + 1}{21 + 1},2003$
The Jeffersonian
Arbutus Times
Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
North County News

LEGAL ADVERTISING

Willingar

RE: Case No.: 03-421-A
Petitioner/Developer:
Andy Terrell
Date of Hearing/Closing: 5-12-03

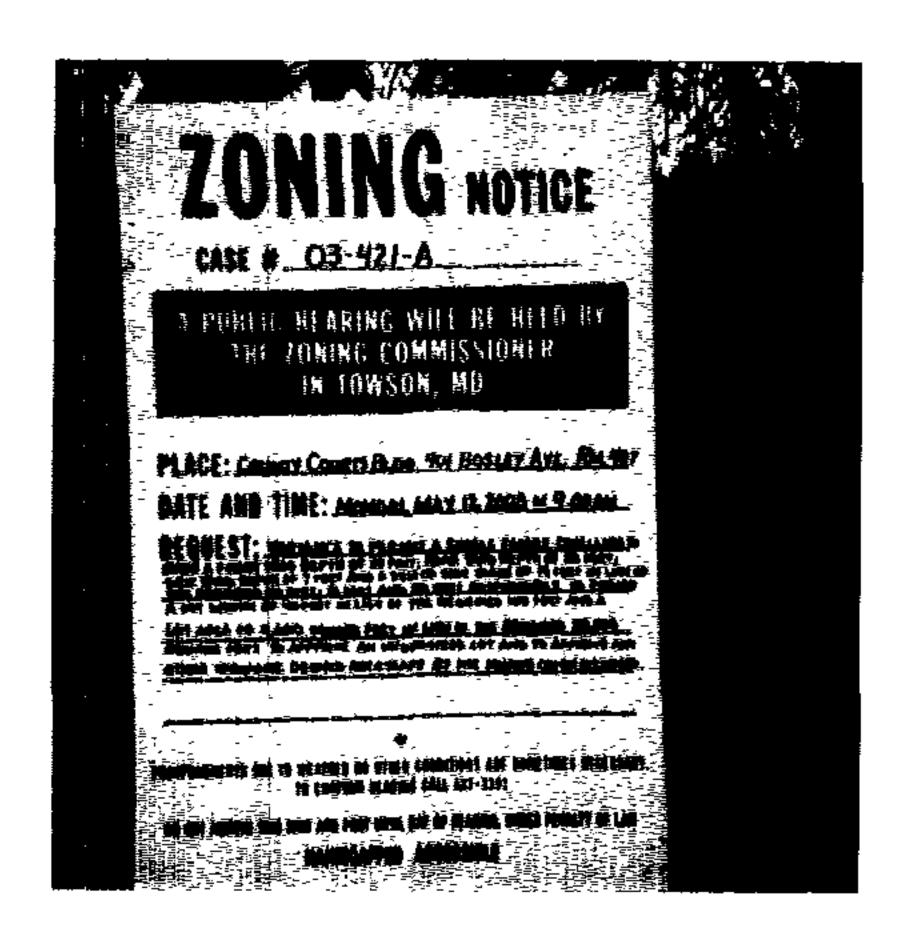
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

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 1918 Hannah Avenue.

Hale thorpe, MD 21227



cu at 17/1/ Million Avenue
•
·
<u> 2003</u>
Month, Day, Year)
Sincerely,
. V X/:
STACIN MINNER 2/1/11/02
(Signature of Sign Poster and Date)
(Signature of Sign Poster and Date)
$(11_{0,0}, 0)$
Stacy Gardner
SHANNON-BAUM SIGNS INC.
CHANNON DATIN CIONO 1810
SHAMMON DAUM SIGNS INC.
- 105 COMPETITIVE GOALS DR.
ELDERSBÜRG, MD. 21784
ELULISDUKU, MD. ZI/84
(City, State, Zip Code) -410-781-4100
2/11-181 1/11
110 101-7000

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-421-A

PAMELA MATTHEWS - LEGAL OWNERS

1918 HANNAH AVENUE

13TH ELECTION DISTRICT

APPEALED: 6/9/2003

ATTACHMENT - (Plat to accompany Petition - Petitioner's Exhibit No. 1)

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-421-A

PAMELA MATTHEWS - LEGAL OWNERS

1918 HANNAH AVENUE

13 TH ELECTION DISTRICT	APPEALED: 6/9/2003
ATTACHMENT - (Plat to accompany Petitic	on – Petitioner's Exhibit No. 1)
********COMPLETE AND RETUR	RN BELOW INFORMATION*****
CERTIFICATE	OF POSTING
TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204	
Attention: Kathleen Bianco Administrator	
RE: Case No.: 03-421-A	
Petitioner/Developer:	
This is to certify that the necessary appeal signocated at: 1918 Hannah	<u>-</u>
The sign was posted on $\frac{7/17}{4}$	
By: Stay Jung	
(Signature of Sign Poster) CAPY FREUND	
(Printed Name)	-

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

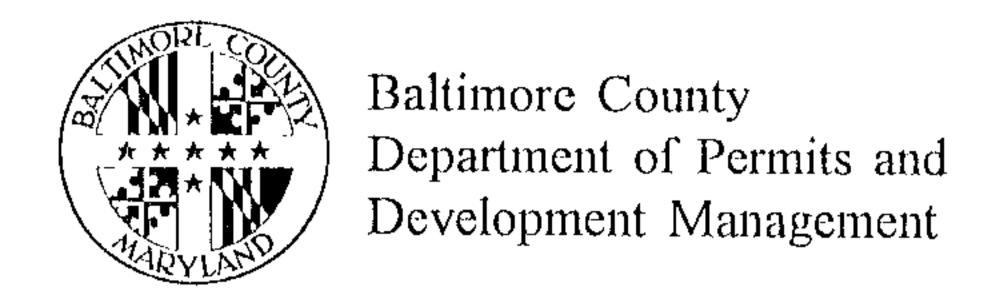
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: <u>63-421-4</u>
Petitioner: <u>Pamela Matthews</u>
Address or Location: 1918 Hannah Ave. Halethorp, 21227 (Lots 10-11 Block -
PLEASE FORWARD ADVERTISING BILL TO:
Name: Andy Terrell
Address: 2967 Gillis Falls Rd. Mount Airy, Md. 21771
Telephone Number: 443 829 8890

Revised 2/20/98 - SCJ



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

Fax: 410-887-5708

March 27, 2003

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: 03-421-A

1918 Hannah Avenue

W/side Hannah Avenue at the distance of 508 feet north of the centerline of Catanna Avenue 13th Election District – 1st Councilmanic District

Legal Owner: Pamela Matthews Contract Purchaser: Andy Terrell

Variance to permit a single-family dwelling to have a front yard depth of 25 feet; rear yard depth of 35 feet; side yard depth of 7 feet and a sum of side yards of 14 feet in lieu of the required 40 feet; 15 feet and 40 feet respectively. To permit a lot width of 40 feet in lieu of the required 100 feet and a lot area of 4,000 square feet in lieu of the required 20,000 square feet. To approve an undersized lot and to approve any other variance deemed necessary by the zoning commissioner.

Hearings:

Monday, May 12, 2003 at 9:00 in Room 407, County Courts Building, 401 Bosley Avenue AVOITOU AND THE REAL PROPERTY OF THE PARTY O

Arnold Jablon Director

AJ:rlh

C: Pamela Matthews, 910 Prestwood Road, Catonsville 21228 Andy Terrell, 2967 Gillis Falls Road, Mount Airy 21771

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 26, 2003.

- HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO:

PATUXENT PUBLISHING COMPANY

Thursday, April 24, 2003 Issue - Jeffersonian

Please forward billing to:

Andy Terrell 2967 Gillis Falls Road Mount Airy, MD 21771

443-829-8890

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: 03-421-A

1918 Hannah Avenue

W/side Hannah Avenue at the distance of 508 feet north of the centerline of Catanna Avenue 13th Election District – 1st Councilmanic District

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Hearings:

Monday, May 12, 2003 at 9:00 in Room 407, County Courts Building, 401 Bosley

Avenue

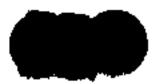
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LAWRENCE E. SCHMIDT

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.







County Board of Appeals of Baltimore County

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

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

September 2, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-421-A

IN THE MATTER OF: PAMELA MATTHEWS -Legal Owner; Andy Terrell -Contract Purchaser

> 1918 Hannah Avenue 13th Election District; 1st Councilmanic District

6/04/03 –Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR:

TUESDAY, January 13, 2004 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant /Petitioner /Contract Purchaser

Petitioner /Legal Owner

: Andrew L. Terrell

: Pamela Matthews

Carole Roos
Mr. and Mrs. Marcus Jackson
Will Jackson
Jim Hanna

People's Counsel for Baltimore County Lawrence E. Schmidt /Zoning Commissioner Pat Keller, Planning Director Timothy M. Kotroco, Director /PDM





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

January 15, 2004

NOTICE OF DELIBERATION

IN THE MATTER OF:

PAMELA MATTHEWS - Legal Owner **ANDY TERRELL - Contract Purchaser** Case No. 03-421-A

Having heard this matter on 1/13/04, public deliberation has been scheduled for the following date /time:

DATE AND TIME

THURSDAY, JANUARY 29, 2004 at 10:30 a.m.

LOCATION

Hearing Room 48, Basement, Old Courthouse

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco Administrator

c:

Counsel for Appellant /Contract Purchaser Appellant /Petitioner /Contract Purchaser

: Ronald L. Hogg, Esquire : Andrew L. Terrell

Counsel for Legal Owner Petitioner /Legal Owner

: Marc N. Peitersen, Esquire

: Pamela Matthews

Carole Roos Mr. and Mrs. Marcus Jackson Will Jackson Jim Hanna

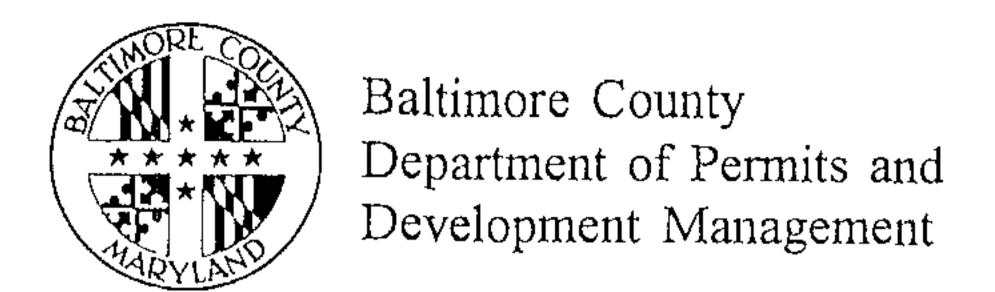
People's Counsel for Baltimore County Lawrence E. Schmidt /Zoning Commissioner

Timothy M. Kotroco, Director /PDM

Pat Keller, Planning Director

1 4 1

FYI: 4-2-7



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

May 9, 2003

Pamela Matthews 910 Prestwood Road Catonsville MD 21228

Dear Ms. Matthews:

RE: Case Number: 03-421-A, 1918 Hannah Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 12, 2003.

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,

U. Callibal D W Carl Richards, Jr.

Supervisor, Zoning Review

WCR:klm

Enclosures

People's Counsel Andy Terreil, 2967 Gillis Falls Road, Mount Airy MD 21771



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

JRF

o Oronkova a a a

RE.

3.25.03 Date:

Baltimore County

Item No. 421

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

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 (lgredlem@sha.state md.us).

Very truly yours.

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



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

County Office Building, Room 111 Iail Stop #1105 .11 West Chesapeake Avenue 'owson, Maryland 21204

March 26, 2002

TTENTION: Rebecca Hart

istribution Meeting of: March 24, 2003

tem No.: 407-418, 420-430

ear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by his Bureau and the comments below are applicable and required to orrected or incorporated into the final plans for the property.

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

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

:: File

Sem 5/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits and

Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

APR 3 2003

ZOWING COMMISSIONER

RECEIVED

DATE: April 3, 2003

SUBJECT: 1918 Hanna Avenue

INFORMATION:

Item Number: 03-421

Petitioner: Pamela Matthews

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The subject property was part of CZMP Issue 1-006 (1996) in which 167± acres of the Halethorpe Terrace subdivision were rezoned from DR 5.5 to DR-2. The Office of Planning submitted the rezoning petition in an attempt to have the zoning be more reflective of the actual land usage and to reduce the creation of additional impervious surfaces.

The subject site is the location of a Historical African American Settlement that has endured tremendous flooding for nearly 100 years due to a lack of modern intervention. Due to the fact that this settlement is located at lower elevations than the adjoining communities, when newer subdivisions are developed (in a number of instances without adequate storm water or sediment controls) water run-off from them would flood the settlement.

In an effort to alleviate the flooding problem, the Department of Public Works, the Office of Community Conservation, the Office of Planning and the Halethorpe Terrace Community Association (Halethorpe Civic League) worked together to develop and implement a plan of action. The storm water controls developed by the plan are still under construction and will in all probability not be completed for at least another year. The additional impervious surfaces associated with the undersized lot will further exacerbate current problems with flooding.

The Office of Planning received a status report on the Halethorpe community improvements from Stephen Emm of the Department of Public Works in November of 2002. The following list was transmitted from Stephen Emm to the Office of Planning via email.

- 1. Outfall improvements below Halethorpe Avenue to be completed within next 12 months (storm drain improvements at Woodside Avenue)
- 2. Roadway improvements to Spring Avenue Not Completed; not scheduled within next 5 years
- 3. Stream improvements up to Catana Avenue Complete
- 4. Roadway improvements to Woodside, Leola, Catana, Arline Complete
- 5. Stream improvements up to Washington Avenue Complete
- 6. Roadway improvements to Spencer Street, Northeast Avenue to be completed Jan 2004.
- 7. Roadway improvements to Washington Avenue Not Complete not scheduled within next 5 years

Substantial improvements in the community are complete, and items 1 and 6 are scheduled. Stephen Emm stated that the danger of allowing in-fill development is gone if not located within the floodplain.

No improvements are programmed for Hanna Avenue. Upstream improvements are complete. Downstream improvements are complete with the exception of Item 1.

The Office of Planning recommends that the undersized lot and associated variance requests at this location be approved subject to the following:

- 1. The minimum front yard shall be at least 30 feet. Hannah Avenue is a narrow road on a substandard 30-foot right-of-way. According to the Department of Public Works, the ultimate width of Hannah Avenue is a 30-foot road on a 50-foot right-of-way. If a 50-foot right-of-way is not feasible, the County will strive to achieve at least a 40-foot ultimate right-of-way. As such, the minimum front setback should be increased to at least 30 feet in to better accommodate future road widening.
- 2. The completion of the improvements outlined in Item 1 above.

Prepared by:

Section Chief:

AFK/LL:MAC:

Robert L. Ehrlich, Jr.



Audrey E. Scott Secretary

Michael S. Steele Lt. Governor

Florence E. Burtan Deputy Secretary

March 25, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 03/31/03 re: case numbers 03-407-SPH, 03-408-SPH, 03-409-A, 03-410-A, 03-411-A, 03-412-A, 03-413-A, 03-414-SPH, 03-415-A, 03-416-SPH, 03-417-SPH, 03-418-SPH, 03-419-SPHX, 03-420-A, 03-421-A, 03-422-A, 03-423-A, 03-424-SPH, 03-425-SPH, 03-426-SPH, 03-427-A, 03-428-SPHAHSA, 03-429-A, 03-430-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 03/25/03. 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,

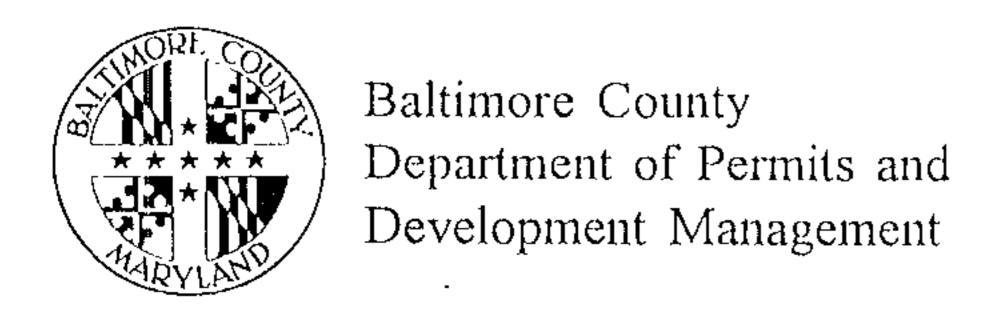
James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup



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

Fax: 410-887-5708

June 10, 2003

Mr. Andy Terrell 2967 Gillis Falls Road Mount Airy, MD 21771

Dear Mr. Terrell:

RE: Case No. 03-421-A

Please be advised that an appeal of the above-referenced case was filed in this office on June 9, 2003. 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.

Sinterely, Kotroco

Timothy Kotroco Director

KT:rlh

c: Lawrence E. Schmidt, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Pamela Matthews, 910 Prestwood Road, Catonsville 21228

APPEAL

Petition for Variance 1918 Hannah Avenue W/side Hannah Avenue at the distance of 508 feet north of the centerline of Catanna Ave. 13^{th} ED - 1^{st} CD

Legal Owner: Pamela Matthews Contract Purchaser: Andy Terrell

Case No.: 03-421-A

Petition for Variance (March 12, 2003)

Zoning Description of Property

Notice of Zoning Hearing (March 27, 2003)

Certification of Publication (The Jeffersonian issue April 24, 2003)

Certificate of Posting (on April 11, 2003 by Stacy Gardner)

Entry of Appearance by People's Counsel (March 28, 2003)

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' Exhibit

- 1. Plat to accompany Petition for Zoning Variance
- 2. Photographs

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibit

Zoning Commissioner's Order (June 4, 2003 - DENIED)

Notice of Appeal received on June 9, 2003

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Andy Terrell, 2967 Gillis Falls Road, Mount Air 21771
Pamela Matthews, 910 Prestwood Road, Catonsville 21228

date sent June 10, 2003, rlh

APPEAL

Petition for Variance 1918 Hannah Avenue

W/side Hannah Avenue at the distance of 508 feet north of the centerline of Catanna Ave.

13th ED – 1st CD

Legal Owner: Pamela Matthews Contract Purchaser: Andy Terrell

Case No.: 03-421-A

Petition for Variance (March 12, 2003)

Zoning Description of Property

√ Notice of Zoning Hearing (March 27, 2003)

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Entry of Appearance by People's Counsel (March 28, 2003)

✓ 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' Exhibit

V1. Plat to accompany Petition for Zoning Variance

V2. Photographs

Protestants' Exhibits: None

Miscellaneous (Not Marked as Exhibit Novel

V Zoning Commissioner's Order (June 4, 2003 - DENIED)

Notice of Appeal received on June 9, 2003 - feled by andrew L. Jerrell
Contract Furchise

People's Counsel of Baltimore County, MS #2010 Zoning Commissioner/Deputy Zoning Commissioner Timothy Kotroco, Director of PDM Andy Terrell, 2967 Gillis Falls Road, Mount Air 21771 Pamela Matthews, 910 Prestwood Road, Catonsville 21228

ANDY TERRELL 2967 GILLIS FALLS ROAD MOUNT AIRY MD 21771 APPELLANT/ **CONTRACT PURCHASER**

PAMELA MATTHEWS 910 PRESTWOOD ROAD CATONSVILLE, MD 21228 **APPLICANT**

1

CAROLE ROOS 1914 HANNAH AVENUE **BALTIMORE MD 21227**

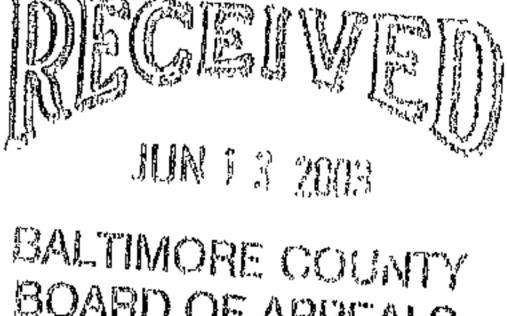
Ronald R. Hogg, Esquire Counsel for C.P. 4012 College Avenue Ellicott City, MD 21043

410-750-2401 410-465-6214 (FAX)

MR AND MRS MARCUS JACKSON 1924 HANNAH AVENUYE HALETHORPE MD 21227

Respondent to the state of WILL JACKSON

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BOARD OF APPEALS

orna

Marc N. Peitersen, Esquire 1055 Ingleside Avenue Catonsville, MD 21228

410-788-2010 FAX 410-788-2012



RE: PETITION FOR VARIANCE * BEFORE THE

1918 Hannah Avenue; W/side Hannah Ave,

508' N c/line Catanna Avenue *

13th Election & 1st Councilmanic Districts

Legal Owner(s): Pamela Matthews

Contract Purchaser(s): Andy Terrell

er(s): Anay Terrell
Petitioner(s)

ZONING COMMISSIONER

FOR

*

* BALTIMORE COUNTY

* 03-421-A

* * * * * * * * * *

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 Aday of March, 2003, a copy of the foregoing Entry of Appearance was mailed to, Pamela Matthews, 910 Prestwood Road, Catonsville, MD, 21228 and to Andy Terrell, 2967 Gillis Falls Road, Mount Airy, MD 21771, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



TO:	Director, Office of Planning & Community Conservation Attention: Jeffrey Long	Pern	nit or Case No.	03-421-4
	County Courts Building, Room 406			
	401 Bosley Avenue Towson, MD 21204		ŧ	
	10W3011, WID 2 12U4		<u>i</u>	Processing Fee Paid 50.00)
FROM:	Arnold Jablon, Director			
	Department of Permits & Development Management			by JEF
RE:	Undersized Lots		Date	3/12/03
Pursuant	to Section 304.2 (Baltimore County Zonne Dogulations) effective two or you			
the Office	to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1993 of Planning and Community Conservation prior to this office's approval of a dw	z, this office is req elling permit.	uesting recomme	endations and comments from
MINIMU	M APPLICANT SUPPLIED INFORMATION:			
	Andy Terrell 2967 Gillis Falls Rd. Mt. Airy, Print Name of Applicant Address			443 829 8890 Telephone Number
	Lot Address 1918 Hannah Ave. (Lots 10-11) Election District	13 Councilman	ic District 1st	Square Feet 4,000
Lot Loca	ation: NES W/side/corner of Hannah (street)	feet from N E	S W corner of	Catanna Ave.
Land Ov	vner: Pamela Matthews	Tax Account	Number <u>131</u>	(street) 3750261
Address	910 Prestwood Rd. Catonsville, Md. 21228	Telephone N		410 719 9593
	IST OF MATERIALS (to be submitted for design review by the Office of Plannin	ng and Community	Conservation)	
TO BE	FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELO	OPMENT MANAG	EMENT ONLY	
	· · · · · · · · · · · · · · · · · · ·	PROV	IDED?	
1. This R	ecommendation Form (3 copies)	YEŞ	NO	
2. Permit	Application		· · · · · · · · · · · · · · · · · · ·	
3. Site Pia	an erty (3 copies)			
•	Map (2 copies): <i>available</i> in Room 206, County Office Building - <i>(please label site clearly)</i>			
	ng Elevation Drawings			
_	raphs (please label all photos clearly) ng Buildings	 	······································	
Surroun	iding Neighborhood			
6. Curren	t Zoning Classification: DR2			
	TO BE FILLED IN BY THE OFFICE OF	DI ANNING ONI V		ومجبوب والمعادلات والمراجع بالمراجع والمراجع والم والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع والمراج
		PLANTING ONLY		
RECOMME	NDATIONS / COMMENTS:		•	
	Approval Disapproval Approval conditioned on required modificati	ons of the application	s to conform with th	e following recommendations
<u> </u>	Land Land			
Signed by				Date
C.grico oy	for the Director. Office of Planning and Community Conservation			

Revised 2/25/99





OFFICE OF PEOPLE'S COUNSEL

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

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

November 10, 2003

Lawrence Stahl, Chairman Board of Appeals for Baltimore County 400 Washington Avenue, Room 49 Towson, Maryland 21204

Re:

PETITION FOR VARIANCE

1918 Hannah Avenue; W/S Hannah Avenue, 508'N c/l Catanna Avenue

Legal Owner, Pamela Matthews; Contract Purchaser, Andy Terrell

Case No.: 03-421-A

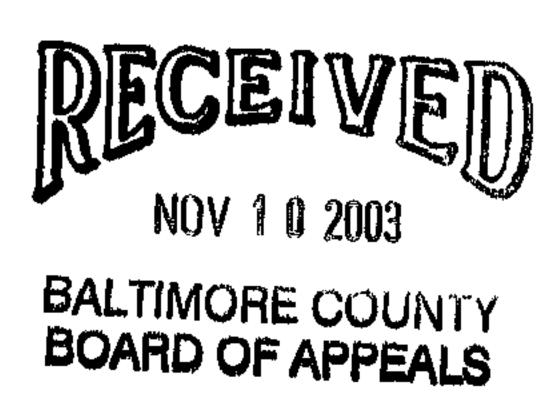
Dear Chairman Stahl:

This case is scheduled for January 13, 2003 before the County Board of Appeals upon appeal of the Zoning Commissioner's June 4, 2003 denial of variances. It involves an undersized lot in the Halethorpe area. The protestants below were Marcus Jackson and Latonya Jackson, and Carole Roos -- neighboring property owners -- and Will Jackson.

The property is the same property which was the subject of the previous request for the same variances in Case No. 02-202-A, albeit referred to there as 23 Glenwood Avenue. The Deputy Zoning Commissioner granted the variances, subject to conditions, in the enclosed decision dated March 5, 2002.

Upon appeal by Marcus Jackson to the County Board of Appeals, the CBA held a hearing. Petitioner was represented by counsel, and Mr. Jackson appeared on his own behalf in opposition. The CBA issued the enclosed Opinion and Order December 5, 2002 denying the variances. Our file does not show any further appeal.

Under these circumstances, the burden is on Petitioners to justify the new petition and to show why the outcome should be different from that made within the last year. We trust this information will assist the parties and the Board in the review of this case.



Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S Demilio, Esquire

Deputy People's Counsel for Baltimore County

PMZ/CSD/rmw Enclosuré

cc: Ms. Pamela Matthews

Mr. Andy Terrell Ms. Carole Roos

Mr & Mrs Marcus Jackson

Mr. Will Jackson



County Board of Appeals of Waltimore County

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

July 20, 2004

Marcus B. Jackson, Sr. 1924 Hannah Avenue Baltimore, MD 21227

RE:

In the Matter of: 1918 Hannah Avenue

Circuit Court Civil Action No.: 3-C-04-6086

Dear Mr. Jackson:

Enclosed is your correspondence to me with regards to the above captioned matter.

Please forward all correspondence to the Circuit Court for Baltimore County at the following address:

Clerk of the Court Circuit Court for Baltimore County Civil Division 401 Bosley Avenue Towson, MD 21204

The Circuit Court will be setting in the hearing on the above captioned matter and you should request that they add your name to be notified. The Board of Appeals will be forwarding its entire file to the Circuit Court on August 2, 2004; however, the Circuit Court has already opened a file under the number stated above.

If you have any questions, please do not hesitate to call me at 410-887-3180 or the Circuit Court at 410-887-2614.

Very truly yours,

Theresa R. Shelton

Legal Secretary

HOWEN

/trs

Enclosures

Printed with Soybean Ink. on Recycled Paper

Circuit Court for Baltimore County
County Board of Appeals of Baltimore Co.
Old Courthouse, Room 49
400 Washington Ave.
Towson, Maryland 21204

One Brookstone Court Lutherville, Maryland 21093 July 5, 2004

Ref: Circuit Court Civil Action No. 3-C-04-6086

Dear Mrs. Shelton:

Please accept this notice that I am oppose to the petition and or Civil Action No. 3-C-04-6086 take by Mrs. Pamela Matthews. I plan to attend any hearing on this matter and as I have done in the past I plan to oppose any change in variance on the property locate on the W/S of Hannah Ave., 508' N C/L Catina Ave. (1918 Hannah Ave.).

Thank you for your kind attention to this matter.

Sincerely,

Will D. Jac

cc:

Mr. & Mrs. Wallace Roos Mr. Donald S. Hawkins, President Halethorpe Community Assoc.

RECEIVED
JUL 0 7 2004

BALTIMORE COUNTY BOARD OF APPEALS Circuit Court for Baltimore County
County Board of Appeals of Baltimore Co.
Old Courthouse, Room 49
400 Washington Ave.
Towson, Maryland 21204

1924 Hannah Ave. Baltimore, Maryland 21227 July 5, 2004

Ref: Circuit Court Civil Action No. 3-C-04-6086

Dear Mrs. Shelton:

I am in receipt of your letter dated June 9th, 2004, where you notified me of the petition for Judicial Review in the Circuit Court for Baltimore County. Please accept this notice that I am oppose to the petition and or Civil Action No. 3-C-04-6086. I plan to attend any hearing on this matter and as I have done in the past I plan to oppose any change in variance on the property locate on the W/S of Hannah Ave., 508' N C/L Catina Ave. (1918 Hannah Ave.).

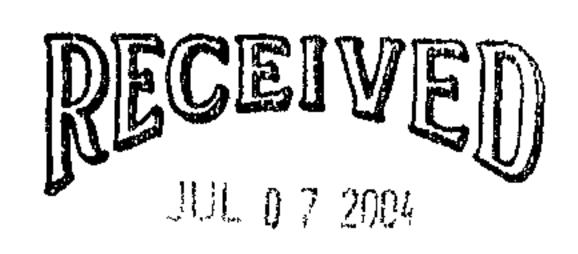
Thank you for keeping me informed regarding this matter.

Sincerely,

Marcus B. Jackson, Sr.

cc:

Mr. & Mrs. Wallace Roos Mr. Donald S. Hawkins, President Halethorpe Community Assoc.



BALTIMORE COUNTY BOARD OF APPEALS June 9, 2003

We are filling Appeal for Case No. 03 - 421 - A 1918 Hanna Ave.

13th Election District - 1st Council District

Thank You

PETITION OF:

PAMELA MATTHEWS

CIVIL ACTION NO.: 3-C-04-6086

MATTER OF: PAMELA MATTHEWS

RECEIVED FROM THE COUNTY BOARD OF APPEALS EXHIBITS AND THE BOARD'S RECORD EXTRACT AND TRANSCRIPT FILED IN THE ABOVE-ENTITLED CASE, AND ZONING COMMISSIONER'S FILE AND EXHIBITS.

CLERK'S OFFICE

DATE: July 29, 2004

June 9, 2003

We are filling Appeal for Case No. 03 - 421 - A 1918 Hanna Ave.

13th Election District - 1st Council District

Thank You

445-829.8890

July 27, 2003

Dear Dir:

to when the day is scheduled for a "Hearing date" re: Court # 03.421A (andy Terrell)

Skands: Variance case

Jam the Concerned property owner at:

Jenn Hanna
1945 Hannah ave
Halethorpe, Md. 21227
(410) 247-4520

John John

RECEIVED

BALTIMOHE COUNTY BOARD OF APPEALS IN THE MATTER OF
THE APPLICATION OF
PAMELA MATTHEWS –LEGAL OWNER
FOR VARIANCE ON PROPERTY
LOCATED ON THE W/S HANNAH AVE,
508' N C/L OF CATANA AVENUE
(23 GLENWOOD AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

- * BEFORE THE
- * COUNTY BOARD OF APPEALS
- * OF
- * BALTIMORE COUNTY
- * CASE NO. 02-202-A

<u>OPINION</u>

This case comes before the Baltimore County Board of Appeals on a timely appeal brought by the Protestant, Marcus B. Jackson, resulting from a decision by the Deputy Zoning Commissioner to grant the Petition for Variance seeking relief from § 1B02.C.1 of the *Baltimore County Zoning Regulations* (BCZR) to permit a proposed single-family dwelling to have a front yard depth of 25 feet, a rear yard depth of 35 feet, and a side yard depth of 7 feet, and a sum of the side yards of 14 feet in lieu of the required 40 feet, 15 feet and 10 feet respectively.

The Appellant /Protestant, Marcus Jackson, whose property is adjacent to the subject site, appeared pro se. The Petitioner, Pamela Matthews, owner of the subject site, was represented by Marc N. Peitersen, Esquire.

The subject property is located on the west side of Hannah Avenue in Halethorpe known as Lots 10 and 11. The subject property is unimproved at this time. Mrs. Matthews testified that the lots in question have been in her family for many years. She does not intend to build a house on this property at this time. She is interested in selling the property to Mr. Andy Terrell who intends to construct a home thereon. On the record, Mrs. Matthews amended her proposal from a 25-foot front setback to a 35-foot setback.

Testimony was given at length that various other lots on the street also were built with the same size lots and also the same types of setbacks that she is requesting. A planning and zoning map identifying the area was entered into evidence (Petitioner's Exhibit #1). She testified that the house that Mr. Terrell wants to build is consistent with the neighborhood. She also testified that nothing was unique with the neighborhood and her lot in particular. All the other lots were also smaller.

Case No. 02-202-A / Pamela Matthews - Owner; Andy Terrell CP

Marcus Jackson, adjacent property owner, appeared in opposition to the Petitioner's request. He testified that the house to be constructed on this narrow lot is too small and out of character with the existing homes in the surrounding community. He was concerned that a house of this nature would quickly lose its value over time and eventually become a detriment to the neighborhood. He also entered into evidence photographs showing water runoff and had concerns of construction of this house causing additional water runoff problems.

Section 307 of the BCZR permits granting of a variance upon certain terms and conditions which in pertinent part, in this case, allows a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance request and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

The burden to establish special circumstances or conditions was clarified by the Court of Special Appeals in North v. St. Mary's County, 99 Md. App. 502 (1994) when Judge Cathell stated: "An applicant for variance bears the burden of overcoming the assumption that the proposed use in unsuited. That is done, if at all, by satisfying fully the doctrines of the statute authorizing the variance." Under the Court of Special Appeals decision in Cromwell v. Ward, 102 Md. App. 691, 651 A.2d 424 (1995) which sets forth the legal benchmark under which a variance may be granted, the Board of Appeals hearing the case de novo is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be property considered.

The first prong requires that the land itself of the subject property must be unique from others in the neighborhood to qualify for a variance. The testimony and evidence offered by the Petition, Pamela Matthews, herself, is uncontradicted that 23 Glenwood Avenue is not different from the other lots in that neighborhood of Halethorpe Terrace. All of the plats and photographs introduced into evidence establish

that neighboring lots all are 20 feet wide by 100 feet long. All are of similar topography and all are zoned D. R. 2.

After thorough review of the evidence and testimony, the Board finds that the Petitioner has not met the burden as required for a variance under BCZR § 307.1 and the standards of *Cromwell v. Ward*. Therefore, it is the decision of this Board that the requested variance relief from § 1B02.C.3.1 of the BCZR to permit a proposed single-family dwelling to have a front yard depth of 35 feet, a rear yard depth of 35 feet, and a side yard depth of 7 feet shall be denied, and we will so order.

ORDER

THEREFORE, IT IS THIS IN day of Weem bet, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for variance seeking relief from § 1B01.C.3.1 of the Baltimore County Zoning Regulations to permit a proposed single-family dwelling to have a front yard depth of 35 feet, a rear yard depth of 35 feet, and a side yard depth of 7 feet be and the same is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chairman

C. Lynn Barranger

Melissa Moyer Adams

IN RE: PETITION FOR VARIANCE
W/S Hannah Avenue, 508' N
centerline of Catana Avenue
13th Election District
1st Councilmanic District
(23 Glenwood Avenue)

Pamela Matthews, Legal Owner and Andy Terrell, Contract Purchaser Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 02-202-A

: 20

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, Pamela Matthews and Andy Terrell, contract purchaser. The Petitioner is requesting a variance for property she owns located on Hannah Avenue in the Halethorpe area of Baltimore County. The variance request is from Section 1B02.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling to have a front yard depth of 25 ft., a rear yard depth of 35 ft. and side yard depth of 7 ft. and a sum of the side yards of 14 ft. in lieu of the required 40 ft., 40 ft., 15 ft. and 10 ft. respectively and to approve an undersized lot.

Appearing at the hearing on behalf of the variance request were Pam Matthews, owner of the property and her husband, David Matthews. Appearing in opposition to the Petitioner's request were Marcus Jackson, adjacent property owner and Donald Hawkins, President of the Halethorpe Civic League. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request is known as Lots 10 & 11, located on the west side of Hannah Avenue in Halethorpe. The subject property is unimproved at this time. Mrs. Matthews testified that the lots in question have been in her family for many years. She does not intend to build a house on this property at this time. She is interested in selling the property to a Mr. Andy Terrell, who intends to

construct a home thereon. In order to proceed with the construction of a home on this property, the variances are necessary, given that the zoning of the property has been changed to D.R.2.

It should be noted that many houses in this area of Halethorpe were once constructed on lots containing a lot width of 40 ft. The location of the house to be constructed on the lot is shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence at the hearing.

As stated previously, Marcus Jackson, adjacent property owner and Donald Hawkins appeared in opposition to the Petitioner's request. These gentlemen are concerned that the house to be constructed on this narrow lot is too small and out of character with the existing homes in the surrounding community. They are concerned that a house of this nature would quickly lose its value over time and eventually become a detriment to the neighborhood. These gentlemen would like to see this unimproved lot be combined with other property around it to make for a larger lot, thereby accommodating a larger home. However, Mrs. Matthews does not have this option in that she does not own any adjacent property to this lot.

The best case scenario would be for Mrs. Matthews and Mr. Jackson to discuss transferring some property between themselves. Mr. Jackson owns the lots on both sides of Mrs. Matthews' property. In the event the parties could reach an agreement between themselves, then the unimproved lot in question could be made larger, or Mr. Jackson could purchase the property from Mrs. Matthews and add it to his current land holdings. However, at the time of the hearing before me, the parties had not reached an agreement to that effect. Therefore, I must base my decision on the testimony and evidence offered at this time.

After considering the testimony regarding this variance request, I find that the variances should be granted to allow a house to be constructed on this property. The subject property has been a lot of record for many years. It is serviced by public water and sewer and is not situated within a floodplain. Therefore, I believe it is appropriate for a house to be constructed on this lot

consistent with the site plan submitted into evidence as Petitioners' Exhibit No. 1. It should also

be noted that the matter was referred to the Office of Planning, who has reviewed this request

and has recommended approval of this variance. However, the Office of Planning does request

that the front yard setback be increased to 30 ft. as opposed to the 25 ft. shown on the plan.

THEREFORE, IT IS ORDERED this $6^{1/4}$ day of February, 2001, by this Deputy Zoning

Commissioner, that the Petitioners' request for variances from Section 1B02.C.1 of the

Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling to

have a front yard depth of 25 ft., a rear yard depth of 35 ft. and side yard depth of 7 ft. and a sum

of the side yards of 14 ft. in lieu of the required 40 ft., 40 ft., 15 ft. and 10 ft. respectively and to

approve an undersized lot, 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 shall be required to increase the front yard setback to Hannah Avenue to 30

ft. in lieu of the 25 ft. shown. This will lessen the rear yard to a setback of 30 ft.

3. When applying for a building permit, the site 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

3

PLEASE PRINT CLEARLY

DATE	CASE NUMBER	CASE NAME

PELLICNER'S SIGN-IN SHEET

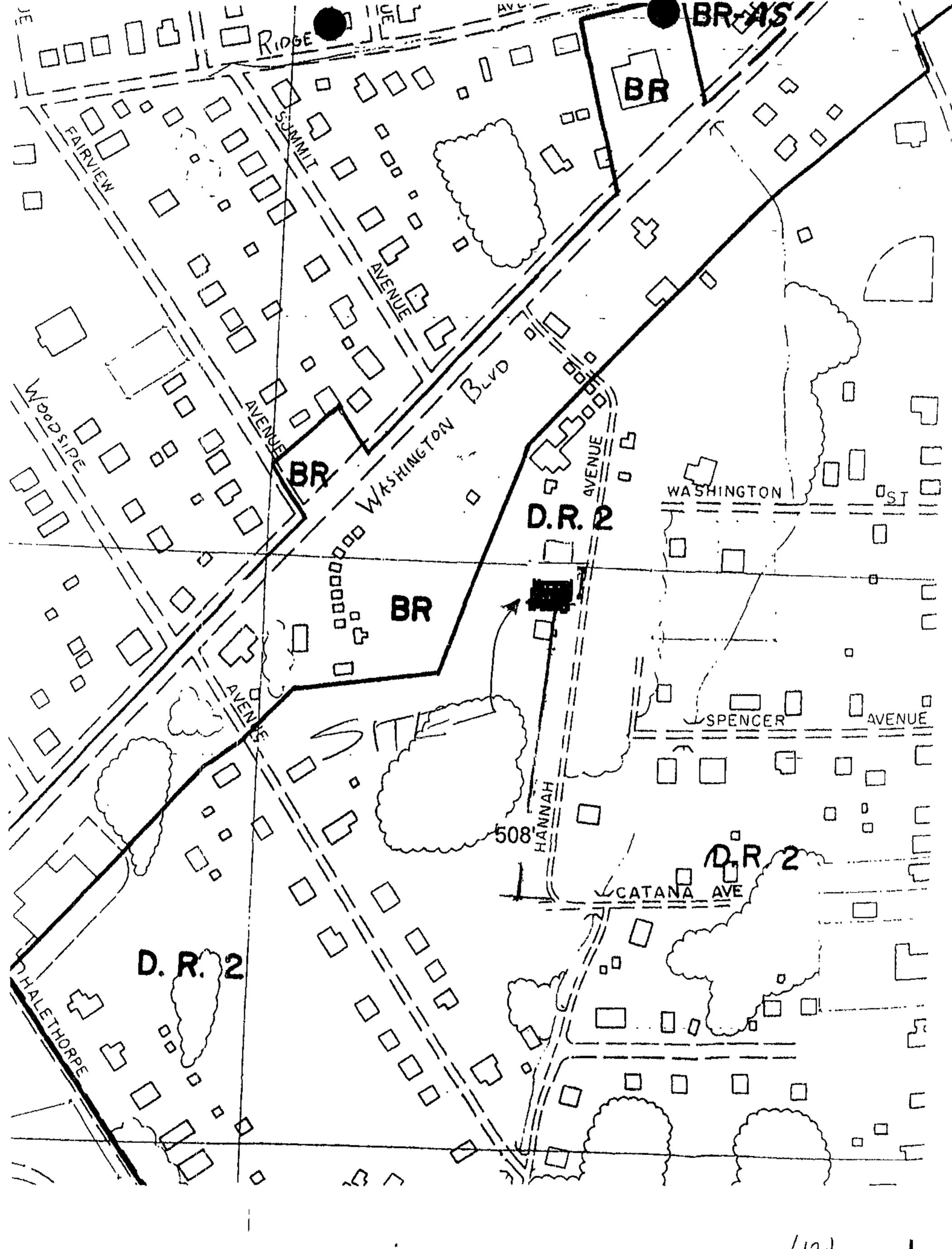
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									ナーインググンファ	ें	CITY, STATE, ZIP
										Omore Blanishort	E-MAIL

Case Number	
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PLEASE <u>PRINT</u> LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
CAROLE ROOS	1914 Hannah Ave	Baldo MD	21227
DIN TAdespa	ONG Bransione]	21093
Marcus Sackson	1924 Hannah Ave.	Hale thorpe jud.	21227
Latinja lacam	1924 Hannah Ave	Hatethorpe m	21.22-7
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	•	Revised 4/	17/00

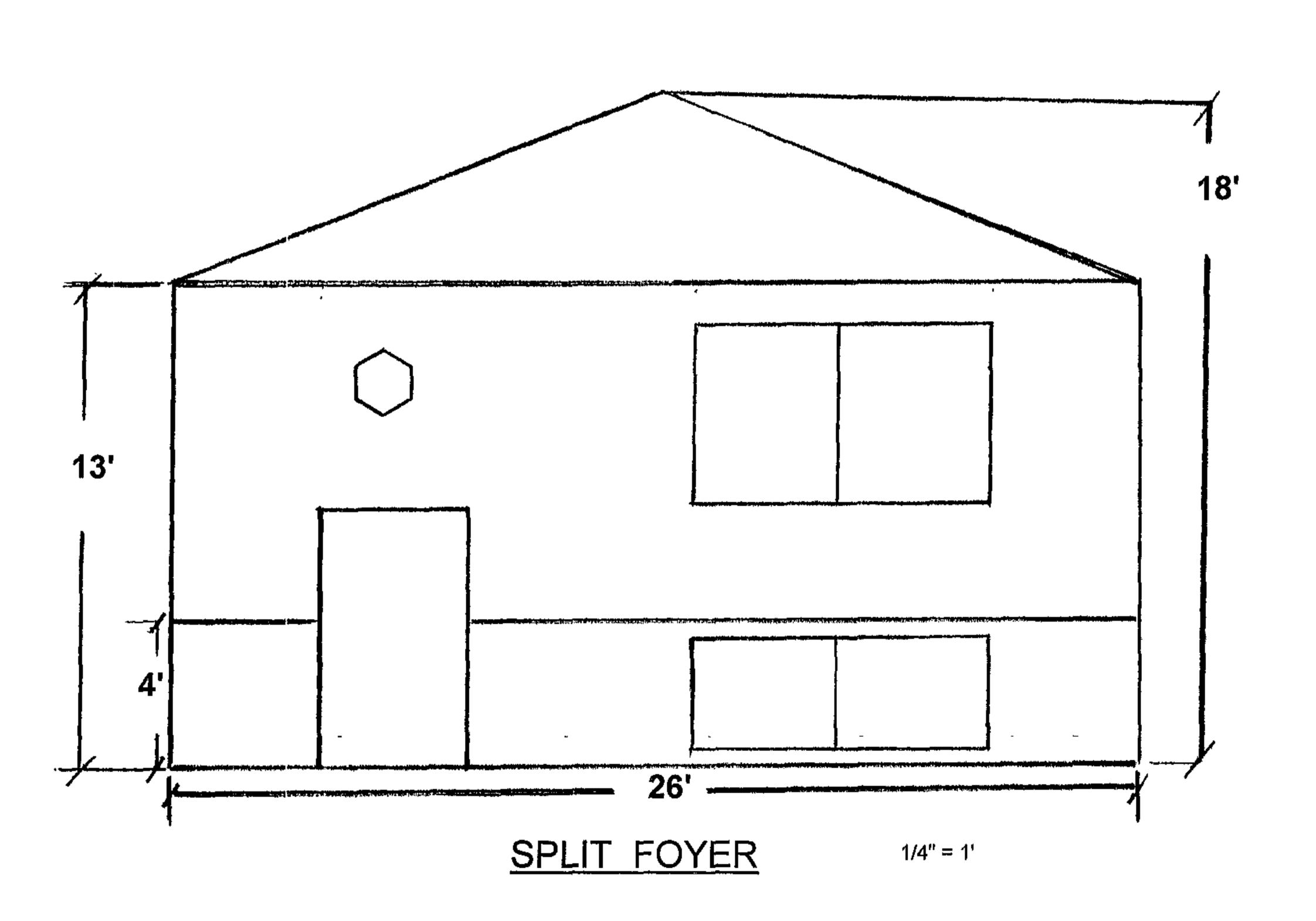


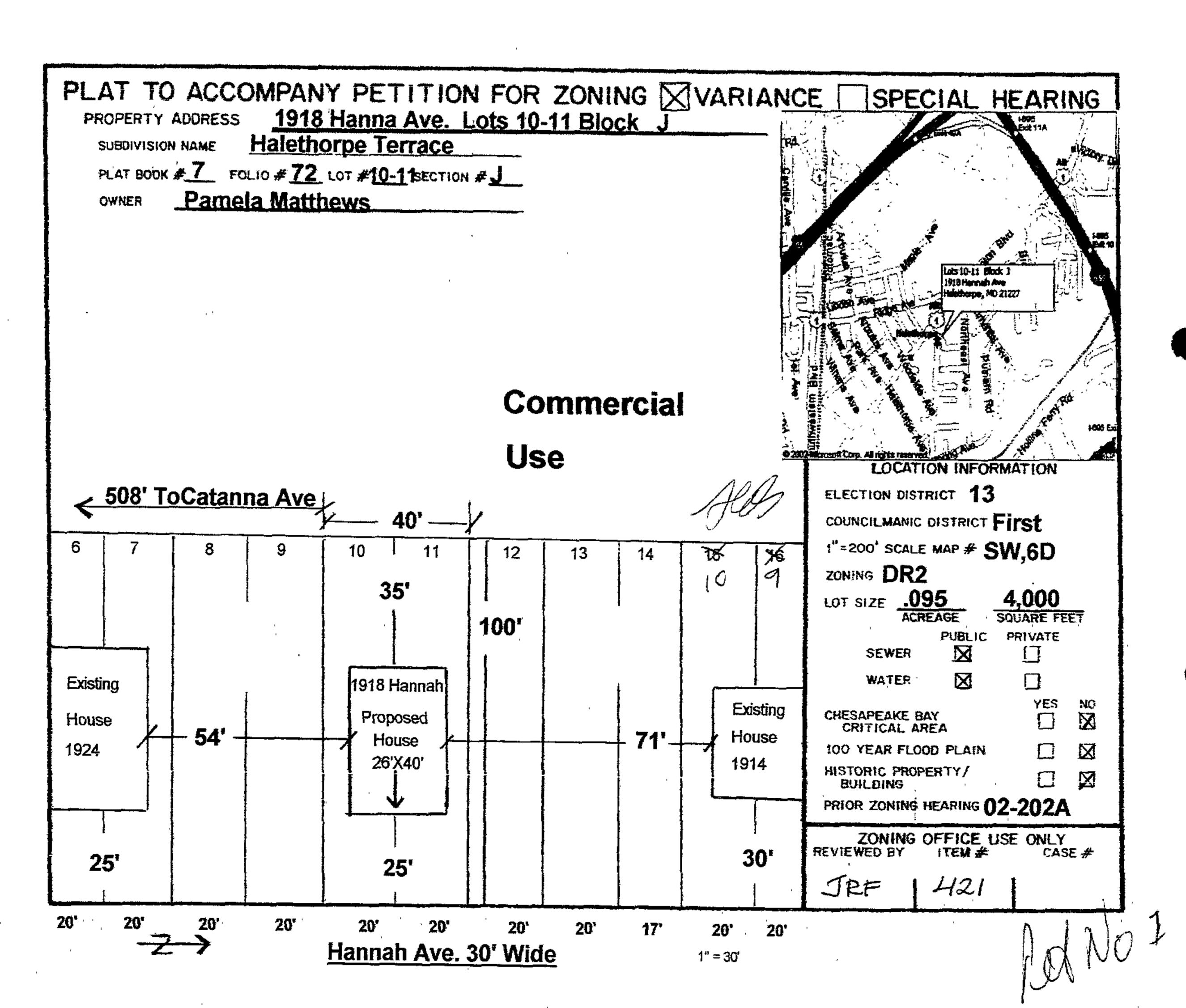
ELEVATION DRAWING

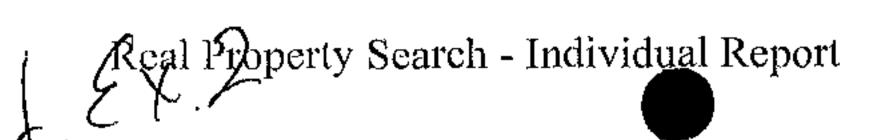
1918 HANNAH AVE

LOTS 10 - 11

BLOCK J







Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search

Go Back View Map New Search Ground Rent

Account Identifier:

District - 13 Account Number - 1313750261

Owner Information

Owner Name:

MATTHEWS PAMELA

Use:

RESIDENTIAL

Principal Residence:

NO

Mailing Address:

910 PRESTWOOD RD

BALTIMORE MD 21228-1222

Deed Reference:

1) /13587/ 507

2)

Location & Structure Information

Premises Address

HANNAH AVE

Zoning

Legal Description

LT 10,11

HALETHORPE TERRACE

Map Grid Parcel 108 12 144

Sub District

Subdivision

Section

Block Lot

Group Plat No: 80 Plat Ref:

__7/ 72

Special Tax Areas

Stories

Town Ad Valorem Tax Class

Primary Structure Built

Enclosed Area

Property Land Area 4,000.00 SF

County Use 04

0000

Basement

Type

Exterior

Value Information

Phase-in Assessments Base Value As Of As Of As Of Value 01/01/2004 07/01/2003 07/01/2004 6,000 6,000 Land: Improvements: 6,000 6,000 6,000 6,000 Total: Preferential Land:

Transfer Information

Seller: MOORE FRED

Type: NOT ARMS-LENGTH

Seller:
Type:

Date: 03/12/1999 Deed1: /13587/ 507 Date:

Deed1:

Deed1:

Date:

Price: \$0
Deed2:

Price: Deed2:

Price: Deed2:

Exemption Information

 Partial Exempt Assessments
 Class
 07/01/2003
 07/01/2004

 County
 000
 0
 0

 State
 000
 0
 0

 Municipal
 000
 0
 0

Tax Exempt: Exempt Class:

Seller:

Type:

NO

Special Tax Recapture:

* NONE *

Pet. Ex 3

LAW OFFICE

Marc N. Peitersen

1055 Ingleside Avenue Catonsville, Maryland 21228 (410) 788-2010 Fax (410) 788-2012

July 30, 2003

Baltimore County
Dept. of Permits & Development Mgmt.
Attn: Mr. Timothy Kotroco, Director
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case Number: 03-421-A

Dear Mr. Kotroco:

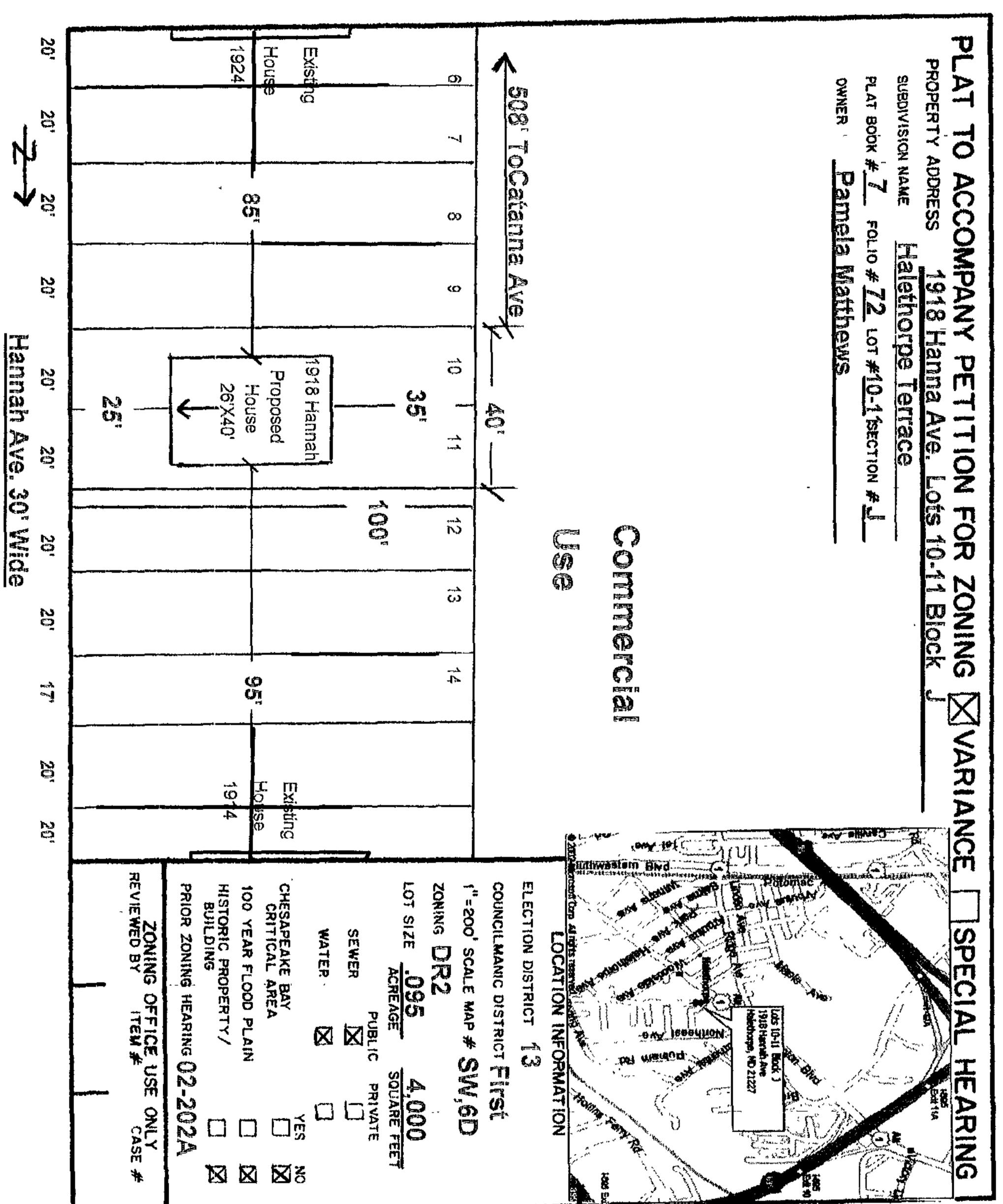
Please be advised that my office represents property owner, Pamela Matthews, in the above-captioned matter. Please notify me at the above address of any hearing dates.

Very truly yours,

Marc N. Peitersen

MNP/mds

1, x 3 3 0



PROPERTY Subdivision name: OWNER: plat book# ADDRESS: accompany ,lot# Petition \$ D B pages Variance of the CHECKLIST Election District: Councilmanic Lot size: Chesapeake reviewed by: Zoning 200 LOCATION Zoning scale additional Offic Вау District Hearings: Critica HEM INFORMATION square feet al Area: SEWER: USE у Мар WATER: quired information .000. Rillipau CASE#: ONLY!

-15-

Ret. Ex.6

Zoning Description

Lots 10 - 11 Hannah Ave (1918 Hannah Ave)

Beginning at a point on the West side of Hannah Ave which is 30 ft. wide at the distance of 508 ft. North of the centerline of the nearest improved intersecting street Catanna Ave which is 30 ft. wide. Being Lots # 10 - 11 Block J in the subdivision of Halethorpe Terrace as recorded in Baltimore County Plate Book # 7, Folio # 72 containing 4000 square feet, and located in the 13^{th} Election District, 1^{st} Council manic District.

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Pet, Ex. B

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 3, 2003

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1918 Hanna Avenue

INFORMATION:

Item Number:

03-421

Petitioner:

Pamela Matthews

Zoning:

DR 2

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The subject property was part of CZMP Issue 1-006 (1996) in which 167± acres of the Halethorpe Terrace subdivision were rezoned from DR 5.5 to DR-2. The Office of Planning submitted the rezoning petition in an attempt to have the zoning be more reflective of the actual land usage and to reduce the creation of additional impervious surfaces.

The subject site is the location of a Historical African American Settlement that has endured tremendous flooding for nearly 100 years due to a lack of modern intervention. Due to the fact that this settlement is located at lower elevations than the adjoining communities, when newer subdivisions are developed (in a number of instances without adequate storm water or sediment controls) water run-off from them would flood the settlement.

In an effort to alleviate the flooding problem, the Department of Public Works, the Office of Community Conservation, the Office of Planning and the Halethorpe Terrace Community Association (Halethorpe Civic League) worked together to develop and implement a plan of action. The storm water controls developed by the plan are still under construction and will in all probability not be completed for at least another year. The additional impervious surfaces associated with the undersized lot will further exacerbate current problems with flooding.

The Office of Planning received a status report on the Halethorpe community improvements from Stephen Emm of the Department of Public Works in November of 2002. The following list was transmitted from Stephen Emm to the Office of Planning via email.

- 1. Outfall improvements below Halethorpe Avenue to be completed within next 12 months (storm drain improvements at Woodside Avenue)
- 2. Roadway improvements to Spring Avenue Not Completed; not scheduled within next 5 years
- 3. Stream improvements up to Catana Avenue Complete
- 4. Roadway improvements to Woodside, Leola, Catana, Arline Complete
- 5. Stream improvements up to Washington Avenue Complete
- 6. Roadway improvements to Spencer Street, Northeast Avenue to be completed Jan 2004.
- 7. Roadway improvements to Washington Avenue Not Complete not scheduled within next 5 years

Substantial improvements in the community are complete, and items 1 and 6 are scheduled. Stephen Emm stated that the danger of allowing in-fill development is gone if not located within the floodplain.

No improvements are programmed for Hanna Avenue. Upstream improvements are complete. Downstream improvements are complete with the exception of Item 1.

The Office of Planning recommends that the undersized lot and associated variance requests at this location be approved subject to the following:

- 1. The minimum front yard shall be at least 30 feet. Hannah Avenue is a narrow road on a substandard 30-foot right-of-way. According to the Department of Public Works, the ultimate width of Hannah Avenue is a 30-foot road on a 50-foot right-of-way. If a 50-foot right-of-way is not feasible, the County will strive to achieve at least a 40-foot ultimate right-of-way. As such, the minimum front setback should be increased to at least 30 feet in to better accommodate future road widening.
- 2. The completion of the improvements outlined in Item 1 above.

Prepared by:

Section Chief:

AFK/LL:MAC:

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Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go B<u>ack</u> View Map New Search Ground Ront

Account Identifier:

District - 13 Account Number - 1304000280

Owner Information

Owner Name:

JACKSON MARCUS B

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address:

1924 HANNAH AVE

BALTIMORE MD 21227-4514

Deed Reference:

1) /15089/ 532

2)

Location & Structure Information

Premises Address 1924 HANNAH AVE Zoning

Legal Description

LT 5,6,7

1924 HANNAH AVE HALETHORPE TERRACE

Map Grid Parcel Sub District Subdivision Section Block

Block Lot Group Plat No: 5 80 Plat Ref:

_7/ 72

Special Tax Areas

12

144

Primary Structure Built

1954

108

Ad Valorem Tax Class

Town

Enclosed Area

1,917 SF

Property Land Area 6,100.00 SF County Use 04

Exterior

Stories 1 1/2

Basement YES Type STANDARD UNIT

SIDING

Value Information

	Base	Value	Phase-In Ass	essments
	Value	As Of	As Of	As Of
		01/01/2004	07/01/2003	07/01/2004
Land:	31,100	31,100		
Improvements:	88,280	104,330		
Total:	119,380	135,430	119,380	124,730
Preferential Land:	0	0	0	0

Transfer	Information
Hansier	THIOTHIBLION

04/03/2001 Price: \$115,000 Date: JACKSON WILL D, JR Seller: Deed2: **Deed1:** /15089/ 532 NOT ARMS-LENGTH Type: 06/28/1996 Price: \$20,000 JACKSON WYTHERS P Date: Seller:

 Type:
 NOT ARMS-LENGTH
 Deed1: /11678/388
 Deed2:

 Seller:
 DAVIS HERBERT A
 Date: 03/11/1980
 Price: \$0

 Type:
 NOT ARMS-LENGTH
 Deed1: /6143/533
 Deed2:

Exemption Information

Partial Exempt Assessments County	Class 000	07/01/2003 0	07/01/2004 0	
State Municipal	000 000	o o	0	

Tax Exempt: Exempt Class:

NO

Special Tax Recapture:

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Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search Ground Rent

Account Identifier:

District - 13 Account Number - 1315220001

Owner Information

Owner Name:

CARTER OCTAVIA L

Use:

RESIDENTIAL

Mailing Address:

898 TIMBER RIDGE DR HANOVER MD 21076-1507 Principal Residence:

NO

Deed Reference:

1) /12431/ 491

2)

		<u></u>	Lo	cation & Structure	Information				<u> </u>
Premis e HANNAH	es Addr I AVE	ess	Zonin	g		Legal D NES HAI 160 E W	A HANV		D
Map 108	Grid 12	Parcel 470	Sub District	Subdivision	Section	Block	Lot	Group 80	Plat No: Plat Ref:
Special	Tax Ar	eas	Town Ad Valor Tax Clas						
<u> </u>	Prima	ry Structure 0000	e Built	Enclosed Area	-	erty Land 5,120.00 9			County Use 04
S	tories		Basement	,	Туре			Ex	cterior

	Value Information				
	Base	Value	Phase-in Ass	essments	
	Value	As Of	As Of	As Of	
		01/01/2004	07/01/2003	07/01/2004	
Land:	26,530	26,530			
Improvements:	0	0			

Land:	26,530	26,530		
Improvements:	0	0		
Total:	26,530	26,530	26,530	26,530
Preferential Land:	0	0	0	0

eller: /pe:		Date: Deed1:	Price: Deed2:
pe:	NOT ARMS-LENGTH	Deed1: / 7740/ 233	Deed2:
	OGLESBY BEATRIA	Date: 12/03/1987	Price: \$0
/pe:	NOT ARMS-LENGTH	Deed1: /12431/ 491	Deed 2:
eller:	CARTER JAMES B	Date: 10/10/1997	Price: \$0

Transfer Information

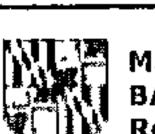
Exemption Information				
Partial Exempt Assessments	Class	07/01/2003	07/01/2004	
County	000	0	0	
State	000	0	0	
Municipal	000	0	0	

Tax Exempt: Exempt Class:

NO

Special Tax Recapture:

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Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map **New Search Ground Rent**

Account Identifier:

District - 13 Account Number - 2400004514

Owner Information

Owner Name:

ANDERSON GILBERT M

BALTIMORE MD 21227-4515

Use:

RESIDENTIAL

Mailing Address:

1953 HANNAH AVE

Deed Reference:

1) /16576/ 146

Principal Residence:

2)

YES

Location & Structure Information

Premises Address 1953 HANNAH AVE

Zoning

Legal Description

LTS 9-13

1953 HANNAH AVE ES HALETHORPE TERRACE

Group Plat No: Block Lot Section Subdivision **Sub District** Parcel Map Grid 7/ 72 **Plat Ref:** 9 80 H 12 144 108 Town

Special Tax Areas

Ad Valorem Tax Class

County Use Property Land Area Enclosed Area Primary Structure Built 04 10,000.00 SF 0000 **Exterior** Type **Basement Stories**

Value Information

	Base	Value	Phase-in Ass	essments
	Value	As Of	As Of	As Of
		01/01/2004	07/01/2003	07/01/2004
Land:	32,750	0		
Improvements:	75,980	0		
Total:	108,730	0	0	0
Preferential Land:	0	0	0	0

Transfer Information

Price: Date: Seller: Deed2: Deed1: Type: Price: Date: Seller: Deed2: Deed1: Type: Price: Date: Seller: Deed2: Deed1: Type:

Exemption Information

07/01/2004 07/01/2003 Class **Partial Exempt Assessments** 0 000 County 000 State 000 Municipal

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map New Search **Ground Rent**

Account Identifier:

District - 13 Account Number - 2000004256

Owner Information

Owner Name:

JACKSON WYTHERS P

JACKSON JENNIE E

Use:

RESIDENTIAL

Principal Residence:

NO

1924 HANNAH AV Mailing Address:

144

BALTIMORE MD 21227

Deed Reference:

1) / 6959/ 661

2)

Location & Structure Information

Premises Address HANNAH AVE

Zoning

Legal Description

PT LTS 12-14 .130 A HALETHORPE TERRACE

Parcel Map Grid

12

Sub District

Subdivision Section Block

Group

80

Plat No: 7/ 72 Plat Ref:

Special Tax Areas

Stories

108

Town **Ad Valorem**

Tax Class Enclosed Area

Property Land Area

5,652.00 SF

Lot

12

County Use

04

Primary Structure Built 0000

Basement

Type

Exterior

Value Information

	Base	Value	Phase-in Ass	essments
	Value	As Of	As Of 07/01/2003	As Of 07/01/2004
Land:	23,150	01/01/2004 23,150	07/01/2003	07/01/2004
Improvements:	0	0		
Total:	23,150	23,150	23,150	23,150
Preferential Land:	0	0	0	0

Transfer Information

Seller: BALTIMORE COUNTY MARYLAND Type: IMPROVED ARMS-LENGTH	Date: 07/24/1985 Deed1: / 6959/ 661	Price: \$4,000 Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments Class County 000 State 000 Municipal 000	07/01/2003 0 0 0 0	07/01/2004 0 0 0 0
---	--------------------------------	--------------------------------

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY Real Property Data Search**

Go Back View Map **New Search Ground Rent**

Account Identifier:

District - 13 Account Number - 1319890010

Owner Information

Owner Name:

ROOS WALLACE KENT, SR

ROOS CAROLE LYNN

Use:

RESIDENTIAL

NO Principal Residence:

Mailing Address:

1914 HANNAH AV

BALTIMORE MD 21227-4514

Deed Reference:

1) /14486/ 566

2)

Location & Structure Information

Premises Address HANNAH AVE

Zoning

Legal Description

LT 9,10

HALETHORPE TERRACE

Map Grid 12 108

Sub District Parcel 655

Subdivision

Section Block О

Lot 9

Plat No: Group 80 Plat Ref:

8/ 17

Special Tax Areas

Stories

Ad Valorem

Town

Tax Class

Enclosed Area

Property Land Area 6,480.00 SF

County Use

04

0000

Primary Structure Built

Basement

Type

Exterior

\$134,000

\$10,000

Value Information

	Base	Value	Phase-in Ass	essments
	Value	As Of	As Of	As Of
		01/01/2004	07/01/2003	07/01/2004
Land:	7,770	7,770		
Improvements:	0	0		
· Total:	7,770	7,770	7,770	7,770
Preferential Land:	0	0	0	0

Transfer Information

MOORE FRED Seller: Type: MULT ACCTS ARMS-LENGTH SVEHLA LEOBA J Seller:

NOT ARMS-LENGTH

SVEHLA JAMES Seller: NOT ARMS-LENGTH Type:

05/24/2000 Date: Deed1: /14486/ 566

Deed1: / 5828/ 449

Date:

07/09/1993 Date: **Deed1:** / 9880/ 112

11/22/1977

Price: Deed2:

Price: \$0

Deed2:

Price:

Deed2:

Exemption Information

Partial Exempt Assessments	Class 000 000 000	07/01/2003	07/01/2004
County		0	0
State		0	0
Municipal		0	0

Tax Exempt: **Exempt Class:**

Type:

NO

Special Tax Recapture:

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search Ground Rent

Account Identifier:

District - 13 Account Number - 1313750260

Owner Information

Owner Name:

ROOS WALLACE KENT, SR

ROOS CAROLE LYNN

Use:

RESIDENTIAL

OS CAROLE LIVIN

Principal Residence: Y

YES

Mailing Address:

1914 HANNAH AV

BALTIMORE MD 21227-4514

Deed Reference:

1) /14486/ 566

2)

Location & Structure Information

Premises Address 1914 HANNAH AVE Zoning

Legal Description

LT 1-8

1914 HANNAH AVE

HALETHORPE TERRACE

Section Block Lot Group Plat No: Subdivision **Sub District** Grid Parcel Map 8/17 80 Plat Ref: 0 12 655 108 Town

Special Tax Areas

Ad Valorem Tax Class

Primary Structure Built Enclosed Area
1982 2,184 SF

Property Land Area County Use 13,227.00 SF 04

StoriesBasementTypeExterior1 1/2YESSTANDARD UNITSIDING

Value Information

Phase-in Assessments Base Value As Of As Of As Of Value 07/01/2003 07/01/2004 01/01/2004 33,550 Land: 33,550 112,490 Improvements: 103,130 139,800 146,040 136,680 136,680 Total: Preferential Land:

Transfer Information

 Seller:
 MOORE FRED
 Date:
 05/24/2000
 Price:
 \$134,000

 Type:
 MULT ACCTS ARMS-LENGTH
 Deed1:
 /14486/566
 Deed2:

Seller:Date:Price:Type:Deed1:Deed2:Seller:Date:Price:Type:Deed1:Deed2:

Type:

Exemption Information

 Partial Exempt Assessments
 Class
 07/01/2003
 07/01/2004

 County
 000
 0
 0

 State
 000
 0
 0

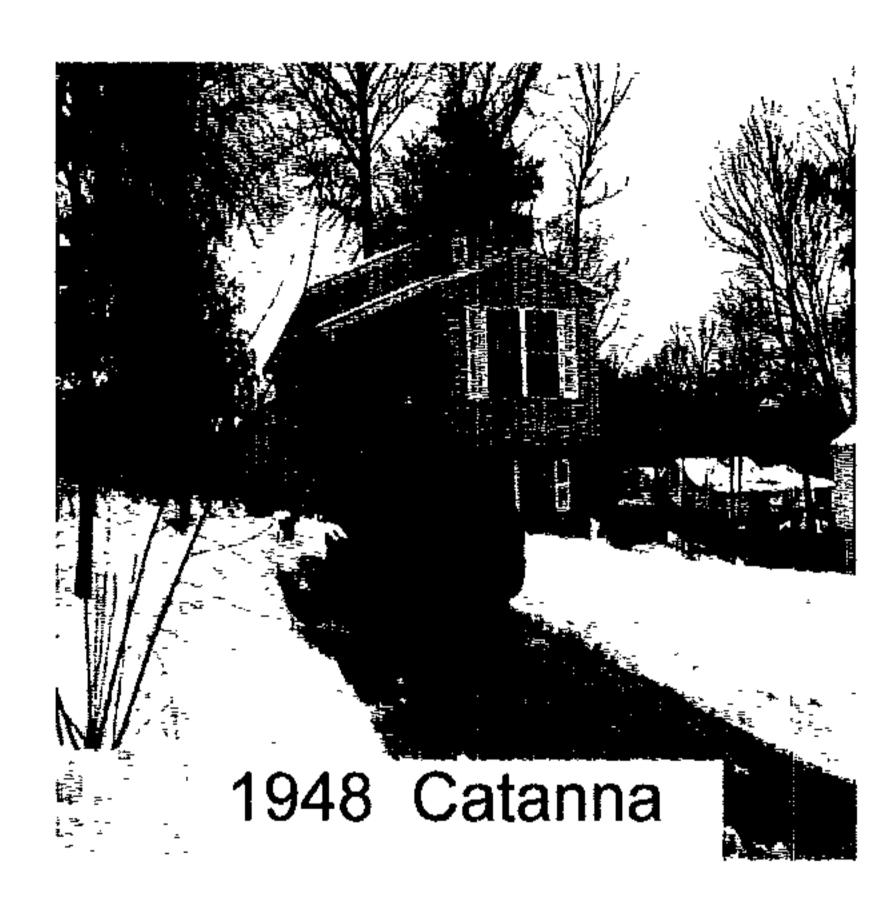
 Municipal
 000
 0
 0

Tax Exempt: Exempt Class:

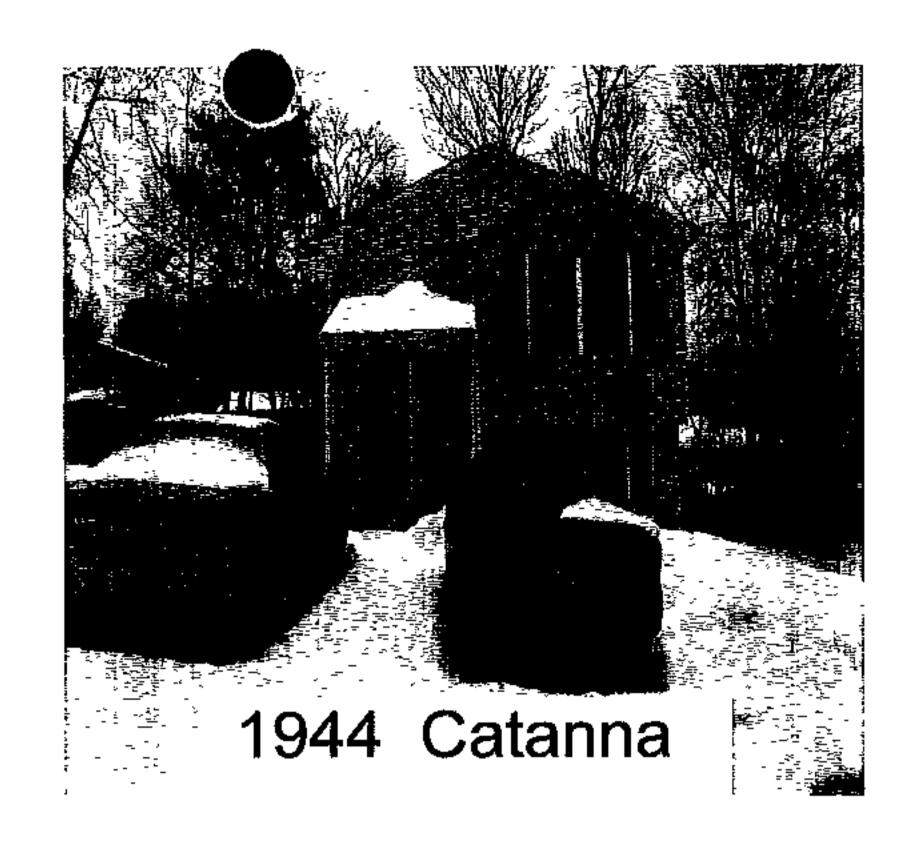
NO

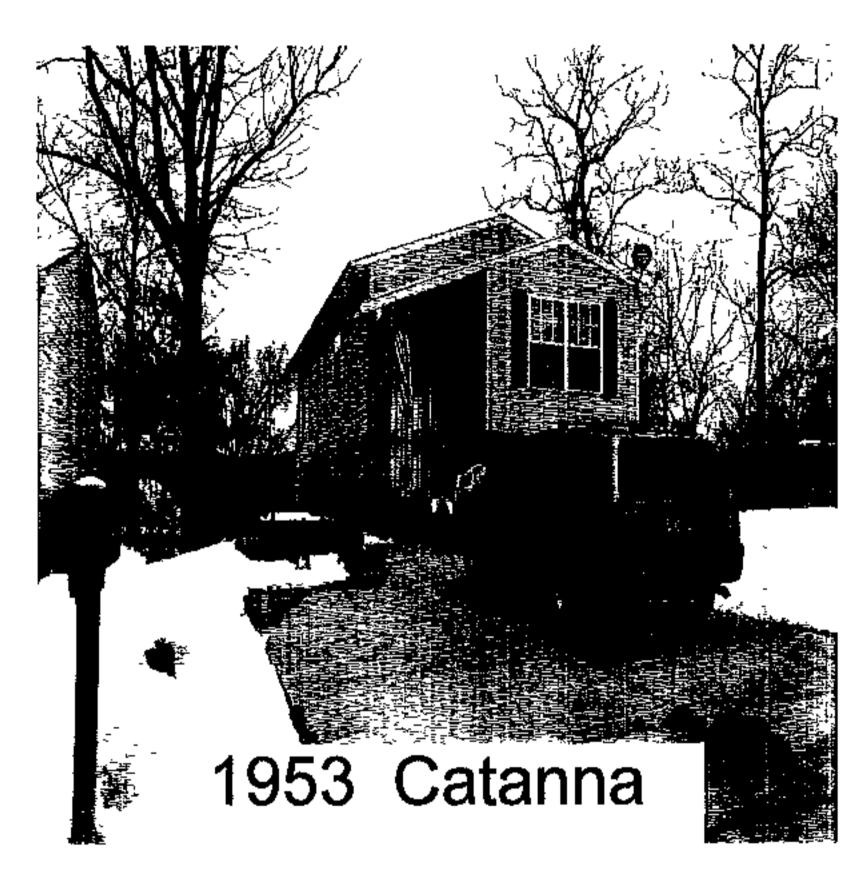
Special Tax Recapture:

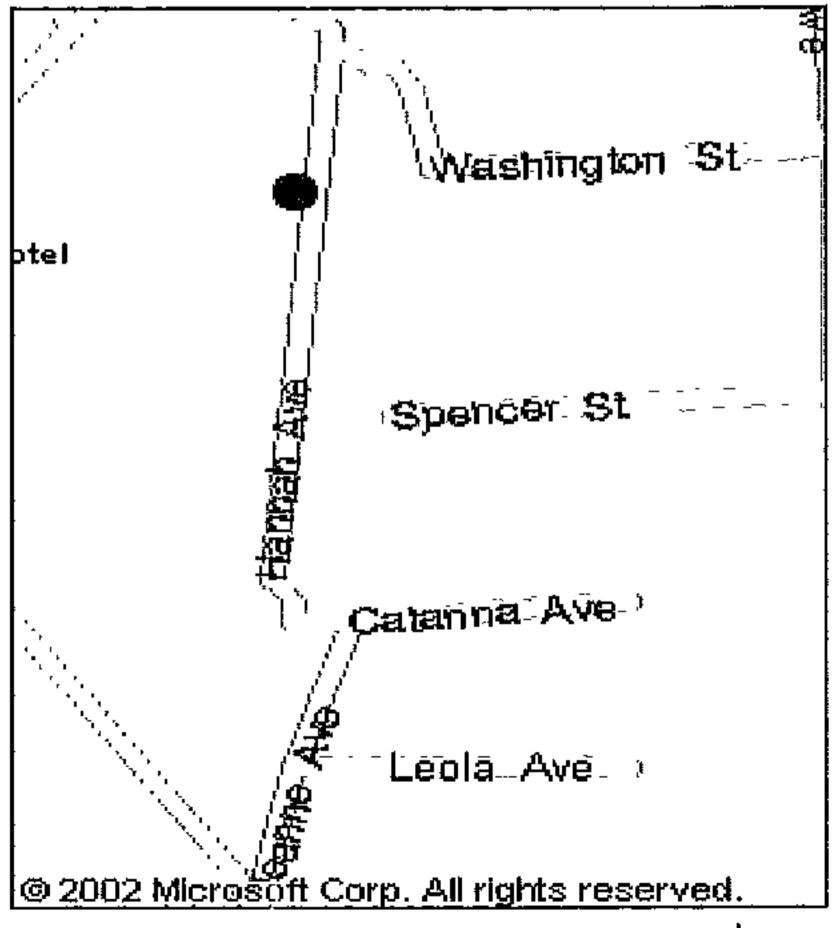












421 Ad NO2

IN THE MATTER OF:

* BEFORE THE

PAMELA MATTHEWS-Legal Owner - * COUNTY BOARD OF APPEALS

Andrew Terrell-Contract Purcahser* OF

1918 Hannah Avenue

* BALTIMORE COUNTY!

13th Election Distrct * CASE No. 03-421-A

1st Councilmanic District

* January 13, 2004

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, at 10 a.m., January 13, 2004.

ORIGINAL

Reported by:

C.E. Peatt

	Page 2		Page 4
1	BOARD MEMBERS:	1	MARCUS JACKSON: My name is Marcus Jackson. My
2		2	address is 1924 Hannah Avenue.
3	LAWRENCE S. WESCOTT	3	THE CHAIRMAN: All right, gentlemen. Mr. Hogg,
4	LAWRENCE M. STAHL	4	you're the petitioner.
5	EDWARD W. CRIZER, JR.	5	MR. HOGG: I'm not familiar with the Board's
6		6	procedure here, but could I call witnesses? Is that how
7		7	you proceed?
8		8	THE CHAIRMAN: If you want to make an opening
9		9	statement, or you don't have to, it's up to you.
10		10	MR. HOGG: I think it would be best if I reserved
11	APPEARANCES:	11	and just made a closing argument, and just proceed with
12	MARC N. PEITERSEN, Esquire On behalf of Petitioner	12	the witnesses.
13	RONALD R HOGG, Esquire	13	THE CHAIRMAN: Before we start, do you gentlemen
14	On behalf of Contract Purchaser	14	want to say anything by way of an opening statement before
15	MARCUS JACKSON and WILL JACKSON, Pro Se	15	we start?
16		16	WILL JACKSON: No, sir.
17		17	THE CHAIRMAN: Since you're not represented by
18		18	counsel, Mr. Hogg will call witnesses. You will have the
19		19	right to cross examine the witnesses, ask them questions.
20		20	After he is finished with his case, you will have
21		21	the right to present your case, call witnesses, and he
	D.,		Para 5
1	Page 3		Page 5
1	PROCEEDINGS		will the right to cross examine your witnesses.
1 2			
1 2 3		1 2	will the right to cross examine your witnesses.
	PROCEEDINGS * * * * *	1 2 3	will the right to cross examine your witnesses. At the end, we can have closing argument when we
4	PROCEEDINGS * * * * * THE CHAIRMAN: Good morning, ladies and gentlemen.	1 2 3	will the right to cross examine your witnesses. At the end, we can have closing argument when we are through. If you have any problems, we'll get it
5	PROCEEDINGS * * * * * THE CHAIRMAN: Good morning, ladies and gentlemen. This is a regular meeting of the County Board of Appeals	1 2 3 4 5	will the right to cross examine your witnesses. At the end, we can have closing argument when we are through. If you have any problems, we'll get it ironed out. Okay. Mr. Hogg?
4 5 6	PROCEEDINGS * * * * * THE CHAIRMAN: Good morning, ladics and gentlemen. This is a regular meeting of the County Board of Appeals of Baltimore County in Case No. 03-421-A, in the matter of	1 2 3 4 5 6	will the right to cross examine your witnesses. At the end, we can have closing argument when we are through. If you have any problems, we'll get it ironed out. Okay. Mr. Hogg? MR. HOGG: Our first witness, we would first call
4 5 6 7	PROCEEDINGS * * * * * * THE CHAIRMAN: Good morning, ladies and gentlemen. This is a regular meeting of the County Board of Appeals of Baltimore County in Case No. 03-421-A, in the matter of Pamela Matthews, legal owner, and Andy Terrell, contract	1 2 3 4 5 6	will the right to cross examine your witnesses. At the end, we can have closing argument when we are through. If you have any problems, we'll get it ironed out. Okay. Mr. Hogg? MR. HOGG: Our first witness, we would first call Pamela Matthews. Ms. Matthews, would you come forward,
4 5 6 7	PROCEEDINGS * * * * * * THE CHAIRMAN: Good morning, ladies and gentlemen. This is a regular meeting of the County Board of Appeals of Baltimore County in Case No. 03-421-A, in the matter of Pamela Matthews, legal owner, and Andy Terrell, contract purchaser, 1918 Hannah Avenue, in the 13th Election	1 2 3 4 5 6 7 8	will the right to cross examine your witnesses. At the end, we can have closing argument when we are through. If you have any problems, we'll get it ironed out. Okay. Mr. Hogg? MR. HOGG: Our first witness, we would first call Pamela Matthews. Ms. Matthews, would you come forward, please.
4 5 6 7 8 9	PROCEEDINGS * * * * * * THE CHAIRMAN: Good morning, ladics and gentlemen. This is a regular meeting of the County Board of Appeals of Baltimore County in Case No. 03-421-A, in the matter of Pamela Matthews, legal owner, and Andy Terrell, contract purchaser, 1918 Hannah Avenue, in the 13th Election District, 1st Councilmanic District.	1 2 3 4 5 6 7 8	will the right to cross examine your witnesses. At the end, we can have closing argument when we are through. If you have any problems, we'll get it ironed out. Okay. Mr. Hogg? MR. HOGG: Our first witness, we would first call Pamela Matthews. Ms. Matthews, would you come forward, please. PAMELAMATTHEWS,
4 5 6 7 8 9	PROCEEDINGS * * * * * * THE CHAIRMAN: Good morning, ladies and gentlemen. This is a regular meeting of the County Board of Appeals of Baltimore County in Case No. 03-421-A, in the matter of Pamela Matthews, legal owner, and Andy Terrell, contract purchaser, 1918 Hannah Avenue, in the 13th Election District, 1st Councilmanic District. This is an appeal from the Zoning Commissioner's	1 2 3 4 5 6 7 8	will the right to cross examine your witnesses. At the end, we can have closing argument when we are through. If you have any problems, we'll get it ironed out. Okay. Mr. Hogg? MR. HOGG: Our first witness, we would first call Pamela Matthews. Ms. Matthews, would you come forward, please. PAMELAMATTHEWS, having been called as a witness, was duly sworn, and
4 5 6 7 8 9	PROCEEDINGS * * * * * * THE CHAIRMAN: Good morning, ladies and gentlemen. This is a regular meeting of the County Board of Appeals of Baltimore County in Case No. 03-421-A, in the matter of Pamela Matthews, legal owner, and Andy Terrell, contract purchaser, 1918 Hannah Avenue, in the 13th Election District, 1st Councilmanic District. This is an appeal from the Zoning Commissioner's order of June 4, 2003, in which a petition for variance	1 2 3 4 5 6 7 8 9 10	will the right to cross examine your witnesses. At the end, we can have closing argument when we are through. If you have any problems, we'll get it ironed out. Okay. Mr. Hogg? MR. HOGG: Our first witness, we would first call Pamela Matthews. Ms. Matthews, would you come forward, please. PAMELAMATTHEWS, having been called as a witness, was duly sworn, and testified as follows:
4 5 6 7 8 9 10 11 12	PROCEEDINGS * * * * * * THE CHAIRMAN: Good morning, ladics and gentlemen. This is a regular meeting of the County Board of Appeals of Baltimore County in Case No. 03-421-A, in the matter of Pamela Matthews, legal owner, and Andy Terrell, contract purchaser, 1918 Hannah Avenue, in the 13th Election District, 1st Councilmanic District. This is an appeal from the Zoning Commissioner's order of June 4, 2003, in which a petition for variance was denied.	1 2 3 4 5 6 7 8 9 10	will the right to cross examine your witnesses. At the end, we can have closing argument when we are through. If you have any problems, we'll get it ironed out. Okay. Mr. Hogg? MR. HOGG: Our first witness, we would first call Pamela Matthews. Ms. Matthews, would you come forward, please. PAMELAMATTHEWS, having been called as a witness, was duly sworn, and testified as follows: THE CHAIRMAN: Mr. Hogg, we're going to enter
4 5 6 7 8 9 10 11 12	PROCEEDINGS * * * * * * THE CHAIRMAN: Good morning, ladics and gentlemen. This is a regular meeting of the County Board of Appeals of Baltimore County in Case No. 03-421-A, in the matter of Pamela Matthews, legal owner, and Andy Terrell, contract purchaser, 1918 Hannah Avenue, in the 13th Election District, 1st Councilmanic District. This is an appeal from the Zoning Commissioner's order of June 4, 2003, in which a petition for variance was denied. Will counsel please state their appearance, for	1 2 3 4 5 6 7 8 9 10 11 12 13	will the right to cross examine your witnesses. At the end, we can have closing argument when we are through. If you have any problems, we'll get it ironed out. Okay. Mr. Hogg? MR. HOGG: Our first witness, we would first call Pamela Matthews. Ms. Matthews, would you come forward, please. PAMELAMATTHEWS, having been called as a witness, was duly sworn, and testified as follows: THE CHAIRMAN: Mr. Hogg, we're going to enter your entry of appearance as Petitioner's No. 1. DIRECT EXAMINATION
4 5 6 7 8 9 10 11 12 13 14	PROCEEDINGS * * * * * * THE CHAIRMAN: Good morning, ladies and gentlemen. This is a regular meeting of the County Board of Appeals of Baltimore County in Case No. 03-421-A, in the matter of Pamela Matthews, legal owner, and Andy Terrell, contract purchaser, 1918 Hannah Avenue, in the 13th Election District, 1st Councilmanic District. This is an appeal from the Zoning Commissioner's order of June 4, 2003, in which a petition for variance was denied. Will counsel please state their appearance, for the record.	1 2 3 4 5 6 7 8 9 10 11 12 13	will the right to cross examine your witnesses. At the end, we can have closing argument when we are through. If you have any problems, we'll get it ironed out. Okay. Mr. Hogg? MR. HOGG: Our first witness, we would first call Pamela Matthews. Ms. Matthews, would you come forward, please. PAMELAMATTHEWS, having been called as a witness, was duly sworn, and testified as follows: THE CHAIRMAN: Mr. Hogg, we're going to enter your entry of appearance as Petitioner's No. 1. DIRECT EXAMINATION
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Page 6		Page 8
1 Q. Where did you live prior to that?	1	THE CHAIRMAN: When?
2 A. Colony Hill Court. It's an apartment complex,	2	MR. PEITERSEN: Right after initial decision, I
3 townhomes.	3	entered it in writing.
4 Q. You're currently the owner of 1918 Hannah Avenue?	4	THE CHAIRMAN: Which decision?
5 A. Yes, I am.	5	MR. PEITERSEN: The decision that is being
6 Q. Is that located in Halethorpe Terrace, the	6	appealed in this, that this is the appeal from.
7 subdivision known as Halethorpe Terrace?	7	THE CHAIRMAN: The Zoning Commissioner's
8 A. Yes.	8	decision?
9 Q. Do you know which lots you own there?	9	MR. PEITERSEN: Yes, sir.
10 A. Nine and ten.	10	THE CHAIRMAN: Did you represent Ms. Matthews at
11 Q. If I said it was ten and eleven, would you	11	that hearing?
12 disagree with me?	12	MR PEITERSEN: No. While he's continuing his
13 A. I'm sorry. Ten and eleven.	13	examination, I will find a copy of the letter I sent
14 Q. I show you your	14	entering my appearance.
MR. HOGG: If you want to have me marked now or	15	THE CHAIRMAN: Your name?
16 THE CHAIRMAN: If you're going to introduce it,	16	MR PIETERSEN: Marc Peitersen.
17 mark it as Petitioner's No. 2.	17	P-e-i-t-e-ţ-s-e-n.
MR. HOGG: Do you want to do that or me?	18	THE CHAIRMAN: All right. Continue.
19 THE CHAIRMAN: We can do it.	19	Q. Ms. Matthews, as you stated, you own lots ten and
Q. I show you what's been marked as Petitioner	20	eleven. How did you come to own lots ten and eleven?
21 Exhibit No. 2. Does that accurately reflect your tax	21	Give me the history there.
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Page 7		Page 9
Page 7 1 information that is held by the State of Maryland?	1	Page 9 A. My parents my mother, I inherited it from my
	1	
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		Page 10		Page 12
1	family home on the property?		1	MR. PIETERSEN: I have a couple.
2	A. Yes.		2	THE CHAIRMAN: Go ahead.
3	Q. You have seen his proposal for	the way the	3	FURTHER DIRECT EXAMINATION
4	structure would look, and it's in kee	ping with the other	4	BY MR. PIETERSEN:
5	homes in the area?		5	Q. Ms. Matthews, there are other lots similar or
6	A. Yes.		6	smaller in size than the lots that you own, is that right?
7	Q. Do you own any other propert	y in Halethorpe	7	A. Yes.
8	Terrace?		8	Q. They are all within just several hundred yards of
9	A. No. Just that one piece.		9	each other?
10	Q. If you're not granted this varia	nce, is there	10	A. Yes.
11	anything that you can do with the pr	operty?	11	Q. Those other small lots have been built on?
12	Λ. No, nothing I can do with it.		12	A. Yes.
13	MR. HOGG: That's all I have.		13	MR. PIETERSEN: No further questions at this
14	THE CHAIRMAN: You're not go	oing to ask her what	14	point.
15	kind of variance she's after?		15	THE CHAIRMAN: Mr. Jackson?
16	MR. HOGG: Pardon?		16	CROSS EXAMINATION
17	THE CHAIRMAN: Are you goin	g to ask her about the	17	BY WILL JACKSON:
18	variance that she's asking for?		18	Q. What is the sale price of the land that you're
19	Q. You understand we are here to	day to request a	19	proposing to sell, those two lots?
20	variance of certain front, back, side	setbacks and a rear	20	A. The sale price? What do you mean, because l
21	setback?		21	really don't know what you mean.
		Page 11		Page 13
1	A. Yes.		1	Q. What do you stand to gain of selling those two
2	Q. That a building basically w	on't fit on that	2	lots?
3	property without those setback v	ariances, do you	3	A. I don't gain anything really.
4	understand that?		4	Q. You don't gain anything?
5	A. Yes.		5	A. No.
6	Q. You want those variances to	occur and be granted?	6	Q. What did Mr. Terrell propose to pay you for those
7	A. Yes.		7	two lots?
8	Q. By this Board?		8	A. \$20,000.
9	A. Yes.		9	Q. \$20,000?
10	Q. Then that would make it po	ssible for you to sell	10	A. Yes.
11	the property to Mr. Terrell?		11	Q. I understand you to say there's nothing that you
12	A. Yes.		12	can do with those lots if you don't sell them to Mr.
13	Q. So he could build on it, and	that's one of the	13	Terrell, is that correct?
14	conditions of the contract, is it n	ot, should you be	14	A. Yes, that's correct.
15	granted these variances?		15	Q. Have you been offered a lesser sum by some other
16	A. Yes.		16	people to sell those lots?
17	Q. So the contract will not go	through unless that	17	A. No, but one.
18	happens?		18	Q. I'm sorry?
19	A. Right.		19	A. No, but one.
20	MR. HOGG: That's all I hav	re.	20	Q. No, but one?
21	THE CHAIRMAN: Any quest	tions?	21	A. Well, only one person offered me a less amount.
	· · · · · · · · · · · · · · · · · · ·		-	

Page 14

- 1 Q. What was that amount?
- 2 A. 2,000.
- Q. My daughter-in-law didn't offer you any?
- 4 A. No.
- 5 Q. Did she ask you if you wanted to sell?
- 6 A. She asked me if wanted to sell, yes.
- Q. So if I'm correct then, your only motivation is
- 8 profiting, am I correct?
- 9 A. No, you're not.
- 10 Q. So what other motivation do you have?
- 11 A. I have no other motivations but to sell my land
- 12 and to move on, without fighting you all over it.
- 13 Q. So if ---
- 14 A. Because this has been going on for three years.
- 15 Q. I understand. Now, you have no interest in
- 16 whether the property values go up or down in that
- 17 particular community or not? You don't live there, is
- 18 that correct? Right?
- 19 A. That is correct, but I did live there as a child.
- 20 I did live there and I grew up in that area, and I stayed
- 21 there until my parents passed away.

Page 15

- And until my father moved before he passed-- a
- 2 year before he passed, I was in and out of that area. I
- 3 grew up in that area, and I know that area like the back
- 4 of my hand because that was my home for a very long time,
- 5 ever since I was thirteen years old. I lived in that area
- 6 ever since I was thirteen, and I am now fifty-seven.
- 7 Q. Since you know the property so well, do you know
- 8 what the value of the two houses on each side of those two
- 9 lots that you own, do you know the value of those homes?
- 10 A. I can imagine what the value of those homes are,
- 11 yes.
- 12 Q. Tell the Commission what the value might be.
- 13 A. When my parents bought that house, it was a
- 14 little two-bedroom, one kitchenette and bathroom, so it
- 15 wasn't valued at that much.
- And down the road where we lived was owned by Mr.
- 17 and Mrs. Herbert Davis. Mr. Davis moved out and sold
- 18 their home to Mr. Jackson's father.
- My parents decided to build, and they built a
- 20 home. They had the other home tore down and they built
- 21 another home there. So before my father passed, he sold

- 1 his home. The value of the property was about a hundred
- 2 thousand dollars or more.
- Q. What you think my son's home is worth?
- 4 A. Probably a hundred thousand after you all
- 5 remodeled it, probably a hundred thousand, same as my
- 6 parents owned.
- 7 Q. Would you be surprised if I told you the bank
- 8 appraised it for a hundred sixty?
- 9 A. No, I wouldn't be surprised. But a home value
- 10 also goes up when you build, or when you build now homes
- 11 as well. As you add to homes, the home value goes up.
- 12 Building a new home in that area would also add the value
- 13 to your house as well as all the other houses around
- 14 there.
- So the more you do to a home on the outside, the
- 16 more the value goes up as well.
- 17 Q. I understand. I guess our concern is the
- 18 property, the type of home, whether or not it would be
- 19 consistent with the homes that are on each side of those
- 20 two lots.
- Do you see a problem with taking off five lots --

- 1 because there's a total of five lots. You have two and I
- 2 own three!-- with putting those five together and building
- 3 a home that would be comparable to what's already there so
- 4 the home owner would not lose anything in the process?
- 5 A. Well, I don't think the homeowners would lose
- 6 anything in the process of me selling my lots and building
- 7 a home there. Whether you add the five lots or whether
- 8 you deduct one lot, how are you losing? You're gaining,
- 9 as far as I; see.
- If you build one big home or one small home,
- 11 you're still gaining. So I don't see where you're losing.
- 12 Whether you build one big house there or whether you build
- 13 a small house there, you're still gaining on either side.
- And you have houses there that are small in value
- 15 as well as small, and their value is still steady going up
- 16 as well. So I don't see the difference either way.
- 17 Q. Would you think it would be reasonable to assume
- 18 that someone building on five lots would build a much more
- 19 expensive home than one building on two lots, would that
- 20 sound reasonable to you?
- A. It may sound reasonable, yes, it could.

Page 18

- 1 WILL JACKSON: That's all I have.
- 2 MR. PEITERSEN: I do have a copy of the letter
- 3 that I sent entering my appearance.
- 4 THE CHAIRMAN: Okay.
- 5 MR. PEITERSEN: It's a photocopy, so I am adding
- 6 a signature.
- 7 MR. HOGG: I have a few questions of Ms.
- 8 Matthews.
- 9 THE CHAIRMAN: Well, the entry of attorneys was
- 10 sent to Mr. Kotroco, it wasn't to the Board.
- MR. PEITERSEN: That's where the file was at the
- 12 time.
- THE CHAIRMAN: We'll enter that as Petitioner's
- 14 No. 3.
- MR. HOBB: I have a few questions, if
- 16 appropriate, based on what was previously asked.
- 17 REDIRECT EXAMINATION
- 18 BY MR. HOGG:
- 19 Q. I want to clarify the offer Mr. Jackson spoke
- 20 about. Someone offered you \$2000 dollars for the
- 21 property, is that correct?

- 1 this property about three to four times at the most, and
- 2 each time, the stakes were pulled up.
- 3 So my parents, before my mother died, when my
- 4 husband and I moved from Alabama to Baltimore, my mother
- 5 told us that she was going to build us a home there so we
- 6 could be close to my mom and my dad.
- 7 Q. Who lived on Hannah Avenue?
- 8 A. Yes.
- 9 Q. Right next to this property?
- 10 A. Right. So after my mother had passed, or before
- 11 she had passed, she had gave the property to me, her and
- 12 my dad, but the official signing of the property didn't
- 13 take place until February of 1999.
- 14 And Mr. Jackson, apparently -- my dad told me I
- 15 was going to have trouble with him, and I told him I
- 16 already knew that,
- So, apparently, Mr. Jackson did not know that my
- 18 dad had given the property to me, and he had went to my
- 19 dad and asked my dad about him selling his property to
- 20 him.
- And my dad had told him that he had turned the

Page 19

ana darem tha

- 1 A. Yes.
- Q. Who was that?
- 3 A. Mr. Jackson himself.
- 4 Q. What did Mr. Terrell offer you?
- 5 A. \$20,000.
- 6 Q. Where does Mr. Jackson live?
- 7 A. Well, at the time, I assume he lived at the
- 8 address his son owns now, 1924 Hannah Avenue.
- 9 Q. Did you get any offers from anybody else?
- 10 A. Yes, I did.
- 11 Q. Who did you get an offer from?
- 12 A. From someone at Remax. That was way before.
- Q. You said there's been a fight going on for three
- 14 years. Can you tell the Board about that?
- 15 A. Well, Mr. Jackson -- as a matter of fact, this
- 16 fight about this property have been going on as long as I
- 17 can remember between Mr. Jackson's father and my father
- 18 over this property.
- My dad -- Mr. Jackson's father had claimed that
- 20 that property was his, and my father tried to tell him it
- 21 was not. So my father had the county come out and survey

- 1 property over to me. And I happened to be there down the
- 2 road looking at the land, trying to get a feel of what's
- 3 what, and Mr. Jackson approached me and had told me that
- 4 he had heard from my dad that the property was turned over
- 5 to me, and I told him yes.
- And he asked me was I going to sell it? I said,
- 7 Yes, I was. So at first he offered -- he had asked me how
- 8 much was I going to sell it for, and I told him thirty,
- 9 because my mother and my father told me the property was
- 10 worth \$30,000.
- And they had suggested that I take the money and
- 12 pay off my bills and pay off my school loan and, you know,
- 13 whatever. So that was the suggestion.
- So he told me he would offer me \$2000 for it, and
- 15 I told him no, I would not accept \$2000.
- Q. Did he say anything in response to that?
- 17 A. No. He told my dad -- according to my dad -- I'm
- 18 repeating what my dad told me -- he said that he would
- 19 make sure that I would never sell it.
- 20 And I told my dad if I have to, I will try to
- 21 sell it, if I have to fight him over it, I will.

Page 25

Page 22

- 1 Q. That's the same Mr. Jackson asking you these
- 2 questions?
- 3 A. Yes.
- 4 MR. HOGG: I have no further questions.
- 5 MR. PEITERSEN: I have no further questions.
- 6 THE CHAIRMAN: Let me ask, what is the difference
- 7 between 1918 Hannah Avenue and 23 Glenwood Avenue? This
- 8 case has been before the Board, the Zoning Commissioner,
- 9 and it was listed as 23 Glenwood Avenue.
- MR. HOGG: I have an explanation of that. I
- 11 think it's addressed in one of the decisions. I spoke
- 12 with the staff the other week about the discrepancy.
- 13 Apparently, there's no explanation for it. We really
- 14 don't know where that came from. It should have been
- 15 1918. No one really knows why, and it was a source of
- 16 confusion.
- MR. STAHL: Both cases, it's the same property?
- MR. HOGG: I believe so. In essence, it's the
- 19 same property.
- THE CHAIRMAN: Well, there's a decision of the
- 21 Board dated December 3, 2002, with respect to property at

- 1 considered by the Board before.
- THE CHAIRMAN: We don't have a copy of any plan.
- 3 We don't have a plat or anything like that to show us what
- 4 the property looks like, other than what is in the file
- 5 from below.
- And what I see below, the lots all look pretty
- 7 much the same.
- 8 MR. HOGG: I'm going to call Mr. Terrell. I do
- 9 have a plat and a lot of other information for you that
- 10 he's more prepared to address. So I don't have anymore
- 11 questions.
- 12 THE CHAIRMAN: Thank you.
- 13 MR. HOGG: The petitioner would call Andy
- 14 Terrell, the contract purchaser.
- 15 ANDREW TERRELL,
- 16 having been called as a witness, was duly sworn and
- 17 testified as follows:
- 18 DIRECT EXAMINATION
- 19 BY MR. HOGG:
- 20 Q. Mr. Terrell, could you state your name and
- 21 address for the record, please.

- 1 Glenwood Avenue in which the variance was denied based on
- 2 the fact that the property was not unique.
- Is there anything different about the property
- 4 now than there was back in December of 2002?
- 5 MR. HOGG: Well, it's one of the notations in one
- 6 of the decisions, res judicata, the fact you may have
- 7 ruled on it before based on what you heard before really
- 8 doesn't apply in a situation like this, and it was filed
- 9 with the Zoning Commissioner, who heard the appeal. Then
- 10 it was some time passed, another petition was filed.
- The Zoning Commissioner heard it, denied it, and
- 12 that's why we're here today. I'm sure you're hear
- 13 different arguments, a different set of facts, or some
- 14 facts that are different with some emphasis based on facts
- 15 you already heard that would cause you to think
- 16 differently in this case and perhaps grant the variance.
- So I don't think we are precluded from being here
- 18 today. The fact that you already ruled on it may be a
- 19 problem for the petitioner, but I would hope you keep an
- 20 open mind, listen to council, and I will address the
- 21 uniqueness argument and maybe something that hasn't been

- 1 A. Andrew Terrell, 2967 Gillis Falls Road, Mt.
- 2 Airey, Maryland 21771.
- 3 Q. Is Gillis G-i-l-i-s?
- 4 A. Yes.
- 5 Q. Falls, F-a-1-1-s?
- 6 A. Two words.
- 7 Q. What kind of business are you in, Mr. Terrell?
- 8 A. Homebuilding, also plaster plumber, and home
- 9 remodeling business. Also have a remodeling license and
- 10 plumbing, master plumber's license.
- 11 Q. So you have an MHIC license?
- 12 A. Yes,
- 13 Q. How long have you been opening these businesses?
- 14 A. The plumbing business, since 1988. The building
- 15 business, just about then. The home improvement has been
- 16 a little more recent, within the last year.
- 7 Q. Have you have entered into a contract of sale to
- 18 purchase the property located at 1918 Hannah Avenue in
- 19 Baltimore County?
- 20 A Yesi
- Q. That is owned by Pamela Matthews?

Matthews	Multi	-Pa	Page ^{1M} 1/13/04
	Page 26		Page 28
1 A. Yes.		1	MR. HOGG: I offer that as the petitioner's next
2 Q. And as far as you know, you	i're buying lots ten	2	exhibit.
3 and eleven?		3	If I could have this marked as Petitioner's No,
4 A. Yes.		4	4 5?
5 Q. You're under contract to buy	v?	5	Q. I show you what been marked as Petitioner's No. 5
6 A. Yes.		6	and ask you if you can identify that?
7 Q. That contract is contingent u	pon a variance being	7	A. It's the plat from the county records where I got
8 granted		8	this information for these lots.
9 A. Yes.		9	enter a company of the company of th
10 Q to allow you to build dow:	n there?		a letter?
11 A. Yes.		11	. • •
12 A. Are you familiar with the size	ze of the lots?	12	T. 1 (1 + 1) (2
13 A. They are two, twenty-foot lo	1	13	~
14 hundred.		14	Q. It's in Halethorpe Terrace?
Q. I will show you what's being	g marked as	15	
16 Petitioner's No. 4, and ask you if	-	16	Q. Shown on there is lots ten and eleven. That's
17 Can you tell me what that is?		17	the lots ten and cleven we are talking about?
18 A. It is the plat showing the pro	posed house and how	18	
19 far away the houses are on both s		19	MR. HOGG: I'd offer this as Petitioner's Exhibit
Q. This is the proposed size of		20	0 6.
21 would like to build?		21	Q. I show you what's being marked as Petitioner No.
	Page 27		Page 29
1 A. Yes.			1 6 and ask if you can identify that?
2 Q. It shows the setback, front and	rear setback	2	2 A. It's a legal description.
3 requirements that you're requesting a		3	Q. To lots ten and eleven on 1918 Hannah Avenue?
4 A. Yes.		4	4 A. Yes.
5 Q. The side yard?		5	MR. HOGG: 1'd offer that as Petitioner's No. 6.
6 A. Yes.		6	THE CHAIRMAN: Accepted.
7 Q. The eighty-five feet and ninety-	-five feet,	7	7 MR. HOGG: 1'd offer this as Petitioner's No. 7.
8 that's the distance between the two h	ouses on either side?	8	Q. I show you what's been marked Petitioner's No. 7
9 A. Yes.		9	and ask if you can identify that?
10 Q. How do you know those are ac	curate?	10	O A. That's sort of what they would call a vicinity
11 A. They are approximate within a	foot or so. I	11	1 map. It's a street map showing the area that off Route 1.
12 measured them myself with a 200-for	ot tape measure.	12	Q. Is that Hannah Avenue?
Q. Hannah Avenue is shown there	at the bottom?	13	3 A. Hannah Avenue.
14 A. Yes.		14	Q. With the dot with the circle around it is the
Q. So does this fairly and accurate	ly depict what	15	5 approximate location of the property?
16 the proposed home would be cited or	-	16	

17

19

18 No. 7.

21 1923.

Q. The existing houses shown on either side, there's

20 nothing in between those existing houses, is that correct?

17 eleven at Halethorpe Terrace?

A. That is correct.

A. Yes.

18

19

21

MR. HOGG: I'd offer that as Petitioner's Exhibit

1 offer this as Petitioner's Exhibit No. 8 which

20 is the plat of Halethorpe Terrace which was filed July 18,

Page 33

Page 30

- 1 Q. You have had an opportunity to look at
- 2 Petitioner's No. 8?
- 3 A. Yes.
- 4 Q. You're familiar with that?
- 5 A. Yes.
- 6 Q. It shows a plat of Halethorpe terrace as it is
- 7 recorded among the Land Records of Baltimore County?
- 8 A. Yes.
- 9 MR. HOGG: I offer that as Petitioner's Exhibit
- 10 No. 8.
- I'd ask this be marked as Petitioner's Exhibit
- 12 No. 9, which is a zoom map of Baltimore County. I direct
- 13 the Board members' attention to the area here to the left
- 14 showing the D.R. 2 and D.R. 5.5 over here.
- 15 Q. You have had an opportunity to review the
- 16 Petitioner's Exhibit No. 9, have you not?
- 17 A. Yes.
- 18 Q. That's the zoning map of Baltimore County?
- 19 A. Yes.
- MR. HOFF: I'd offer that as Petitioner's No. 9.
- 21 Finally, I would ask this be marked -- I think this is

- 1 purposes of purposes of this hearing as Petitioner's
- 2 Exhibit 11A and 11B, and ask you if you can identify them.
- 3 You're referring to 11A at this time?
- A. 11A, those are other houses that are built on the
- 5 same size lots in that neighborhood. It would be the type
- 6 of house close in front elevation, what would be put up
- 7 there.
- 8 Q. So your proposal is to build a home, that's what
- 9 you would be doing, and you're telling the Board you would
- 10 build a home similar to the ones shown?
- 11 A. Yes. Gable entry home.
- 12 Q. I show you -- I think it's 11B. Can you tell me
- 13 what that is?
- 14 A. That's the actual lot with just the houses on
- 15 either side, and one right across the street.
- THE CHAIRMAN: We've marked that as 11A.
- Q. This is 11A, so 11A shows up in the upper left
- 18 hand -- when you were referring to 11A before, it was
- 19 really 11B. So I show you what's correctly marked 11A.
- 20 That shows the lot?
- 21 A. The lot itself.

- 1 part of the court file already -- Petitioner's Exhibit No.
- 2 10, I offer that at this time and ask the court to take
- 3 notice of it.
- 4 It's a letter from the Office of Planning which
- 5 was generated after this petition was filed. The Office
- 6 of Planning approved the requested --
- 7 MR. STAHL: What's the date?
- 8 MR. HOGG: April 3, 2003. I would offer that as
- 9 Petitioner's Exhibit No. 10.
- 10 Q. This area, to the best of your knowledge -- you
- 11 have done research on this -- is public water and sewer
- 12 available down there?
- 13 A. Yes.
- 14 Q. That's what makes it attractive to you as a
- 15 builder?
- 16 A. One of them, yes.
- 17 Q. It's not in a floodplain?
- 18 A. Correct.
- 19 Q. I'm going to show you some pictures which I would
- 20 ask be marked as 11A and 11B.
- Q. I show you what's being marked for identification

- 1 Q. What's the condition of the property at this
- 2 point in time?
 - A. Just a small bit of wood on it.
- 4 Q. Is it basically covered with trash, or is there a
- 5 lot of trash?
- 6 A. A little bit of trash that needs to be removed.
- 7 Q. Is the notations next door, across the street,
- 8 next door, same neighborhood, those are accurate --
- 9 A. Yes'.
- 10 Q. -- designations?
- 11 A. Yes.
- 12 Q. Can you say the same for 11B?
- 13 A. 11B was around the corner and within the same
- 14 neighborhood, a couple different streets, right in that
- 15 neighborhood.
- MR, HOGG: I offer 11A and 11B.
- 17 Q. Are you interested in buying this property if
- 18 this variance is not granted?
- 19 A. No.
- 20 Q. As a builder, based upon your experience of being
- 21 in the building trade for many years, would the lot be of

Page 37

Page 34

- 1 value to any builder or to anyone who wants to build a
- 2 home there without these variances?
- Λ. No.
- 4 Q. Can you build a house there without the
- 5 variances?
- 6 A. It wouldn't be -- well, with square footage, you
- 7 couldn't anyway. If you didn't take the setbacks, it
- 8 would be turned into a tower.
- 9 Q. So you would need an area variance at the
- 10 minimum?
- 11 A. Yes.
- Q. But the setbacks would be so confining, you would 12
- 13 have to build a tower?
- 14 A. Yes. It would be unattractive.
- MR. HOGG: That's all I have.
- MR. PEITERSEN: Just a couple very brief
- 17 questions.
- 18 FURTHER DIRECT EXAMINATION
- 19 BY MR. PEITERSEN:
- Q. The house you propose to build in this area would
- 21 be comparable with other houses in the neighborhood?

1 house in the front?

- 2 A. I mean, the way it's proposed now, it's
- 3 twenty-six by forty, which makes a nice starter home, a
- 4 three-bedroom, two-bath home.
- If you -- in other words, if you're saying if it
- 6 had to be five foot shorter, it might turn it into a
- 7 two-bedroom home with something in the basement.
- 8 Q. You could squeeze something in there, but it
- 9 wouldn't necessarily be in keeping with the other houses
- 10 in the neighborhood?
- 11 A. Yes.
- MR. HOGG: That's all.
- 13 MR. PEITERSEN: Nothing from me.
- 14 THE CHAIRMAN: Mr. Jackson?
- WILL JACKSON: Yes.
- 16 CROSS EXAMINATION
- 17 BY MR. WILL JACKSON:
- 18 Q. Mr. Terrell, was there ever an occasion when you
- 19 and I had a conversation about the three lots I own?
- 20 A. Yes.
- Q. Would you tell the court what that conversation

- A. Yes.
- 2 Q. Would it be comparable in value with the other
- 3 houses in the neighborhood?
- 4 A. Yes. If I could add, quickly, the value thing,
- 5 you can only put a house worth so much in a neighborhood.
- 6 So adding an extra lot to a particular house
- 7 wouldn't necessarily add value to a house. You can build
- 8 a house that's worth \$125,000 and you added another lot
- 9 next to it and add twenty more foot, what they were asking
- 10 about, it wouldn't add any value to the home.
- You can only build what the neighborhood is going
- 12 to bring. It wouldn't decrease anything. And you put a
- 13 new home into the neighborhood, it always raises the value
- 14 of the surrounding houses.
- 15 Q. (MR. HOGG) Would you make use of the public
- 16 water and sewer obviously there in the neighborhood?
- 17 A. Yes.
- 18 Q. Any possibility that -- I think the letter in
- 19 Exhibit 10 talks about an additional five-foot setback in
- 20 the front of the property. If the other variances were
- 21 granted, could you live without an additional five feet of

- 1 comprised of?
- 2 A. The realtor that I was working with at the time
- 3 went through a lot of trouble, met with you and other
- 4 neighbors, and went over a whole lot of stuff, and then
- 5 presented a contract.
- And then you kind of disappeared on everybody,
- 7 wouldn't return phone calls. Then I tried it the same way
- 8 by myself and presented a contract, and you kind of
- 9 stalled around, said you needed more time, was given more
- 10 time, and I never heard back from you, so the offers were
- 11 made and not accepted.
- 12 Q. Did I offer to sell you the property?
- 13 A. No, actually.
- 14 Q. You said no?
- 15 A. No.
- Q. Did we ever agree on a price?
- 17 A. We were trying to.
- 18 Q. Do you remember what the price was?
- 19 A. No, sir, not at the moment.
- 20 Q. You don't recall that there was some problem when
- 21 I got my money as to the reason why the deal fell through?

- 1 A. No. Like I said --
- THE CHAIRMAN: It really isn't relevant to this
- 3 situation, Mr. Jackson.
- 4 WILL JACKSON: Well, I guess the point I'm trying
- 5 to make, I tried to sell the property to him.
- 6 THE WITNESS: That would be incorrect.
- 7 THE CHAIRMAN: It really doesn't make any
- 8 difference, to tell you the truth.
- 9 THE WITNESS: It would be a lie.
- 10 Q. The problem, can you state for us what the
- 11 problem is with building one house on five lots, because 11
- 12 you wouldn't need a variance if you used all five lots?
- 13 A. Wrong.
- 14 Q. Is that correct?
- 15 A. That's not correct.
- 16 Q. You still need a variance if you had all five
- 17 lots?
- 18 A. Yes, sir.
- 19 Q. Well, what would be the problem with building one 19
- 20 house on five lots? Can you explain that to us?
- 21 A. It wouldn't be a problem.
- Page 39
- Q. Why would you choose not to build one house as
- 2 opposed --
- 3 THE CHAIRMAN: Excuse me. He hasn't said he
- 4 wouldn't. He's talking about the two lots that he's got
- 5 here.
- Whether or not he could build a house on five
- 7 lots, you know, I assume he could build some sort of house
- 8 on five lots, but that's not the issue.
- The issue is whether or not these twos lot should
- 10 be granted the variance.
- WILL JACKSON: Okay. I guess that's all I have
- 12 then.
- MR. HOGG: Just a follow-up question.
- 14 WILL JACKSON: I have one question.
- MR. HOFF: I'm sorry.
- 16 Q. In these photos, I noticed that there's several
- 17 houses on that particular street of Hannah Avenue that do
- 18 not appear in this photograph, and for some reason you
- 19 went to Kenneth (phonetic) Avenue, which is around the
- 20 corner.
- Is there any reason why you didn't pick any of

- 1 other houses that's on Hannah Avenue?
- 2 A. I'm trying to show the type of house we would be
- 3 building, that there are some on that street and some in
- 4 the neighborhood. There are some houses there that aren't
- 5 gable entry houses, but there are some that are.
- 6 Q. Built on much larger lots?
- 7 A. Bigger lots. Some are sixty-foot wide, which
- 8 would require a variance, and there's a house that went up
- 9 there recently I think on a sixty-foot lot that must have
- 10 needed a variance.
 - But the reason for those pictures were to show
- 12 the type of house that I would be building.
- 13 WILL JACKSON: That's all I have. I'm sorry
- 14 FURTHER REDIRECT EXAMINATION
- 15 BY MR. HOGG:
- 16 Q. Just by way of clarification, you said you would
- 17 still need a variance even if five lots. Why would you
- 18 need a variance?
- 9 A. It would be more the square footage.
- Q. So it would be an area variance problem?
- 21 A. Area variance, yes.
 - Page 41 MR. HOGG: Okay. That's all I have. I do have
- 2 one other exhibit that I'd like to submit. I would offer
- 3 this as petitioner's last exhibit. I forget what we are
- 4 up to.
- 5 These are the State Department of Assessment and
- 6 Taxation records, the property on Hannah Avenue, which I
- 7 would like to present at this time.
- 8 THE CHAIRMAN: This is Exhibit 12. This is for
- 9 all the properties on Hannah Avenue?
- 10 MR. HOGG: I don't know if all the properties.
- THE CHAIRMAN: You've got Timber Ridge Road --
- MR. HOGG: Some of them, that's where the owner
- 13 lives. The property address is here, so they are all
- 14 Hannah Avenue -- I don't think -- give me a second.
- THE CHAIRMAN: It's a tax report on various
- 16 properties.
- 17 MR. HOGG: That's all I really have.
- 18 MR. CRIZER: A through F.
- MR. HOGG: That's all I have, and I have no other
- 20 witnesses and no other exhibits. Thank you.
- 21 THE CHAIRMAN: Mr. Peiterson?

		Page 42		Page 44
1 MR. PETTE	RSEN: Nothing. He	already called my	1	A. Yes, and heat.
2 one witness.			2	Q. Is that part of the renovation?
3 THE CHAIR	MAN: The petitioner	has finished their	3	A. Yes, that was part of the renovations done.
4 case. Do you ha	ive witnesses?		4	Q. Is it safe to say even though you only spent
5 WILL JACK	SON: I'm going to l	et my	5	s about \$20,000, you have a lot more invested than the
6 THE CHAIL	MAN: You're excus	ed, Mr. Terrell.	6	initial \$20,000 you actually put in the house?
7 M A	RCUSJACKS	O N,	7	7 A. Yes. That doesn't cover all my renovations.
8 having been call	ed as a witness, was	duly sworn and	8	Q. What did the bank say when you got the mortgage's
9 testified as follo	ws:		9	A. When I got the mortgage in the year 2000, the
10 THE WITN.	ESS: I need to state n	ny name?	10	house was valued at \$160,000.
11 THE CHAIL	RMAN: Yes, sir.		11	Q. So it's safe to say it's worth a lot more now?
12 THE WITN	Ess: My name is Ma	rcus Jackson. 1924	12	2 A. Yes.
13 Hannalı Avenue	, Halethorpe, Maryla	nd 21227.	13	Q. Is your wife in the courtroom?
14 DIR	ECT EXAMINATION		14	
15 BY MR. WILL JAC	CKSON:		15	Q. How many children do you have?
16 Q. Marcus, fe	or the sake of the Co	mmission, can you	16	6 Λ. I have two, and one on the way.
17 tell us somethin	g about yourself, how	w you came about to	17	Q. So is it safe to say you are a family man, and
18 own the propert	y you own?		18	8 you pay taxes?
19 A. I initially	purchased the proper	rty that I own in	19	9 A. Yes.
20 1924 from my g	grandparents. I pure	hased it at \$115,000. I	20	Q. How much do you pay on property taxes?
21 was actually pla	nning to improve th	e house, which I have	21	1 A. I think last year, property tax for me was
		Page 43		Page 45
1 actually been de	ing over the past fev	v years, and just	1	1 roughly \$3000 for all my lots.
2 basically try to	bring up the value of	my property and	2	Q. What did your mortgage run?
3 essentially just	o have a nice home.		3	3 A. My mortgage is currently running me about \$1400.
4 Q. How muc	h money how you al	ready put in the home	4	4 Q. Are you employed?
5 before you mov	ed it in?		5	5 A. Yes, with the Code of Imaging.
6 A. To bring to	he house up to value	to be able to	6	6 Q. What do you do there?
7 actually be able	to purchase the hom	e, I actually put in	7	7 A. I am a senior software analyst, basically. I
8 \$20,000 of imp	rovement before I ac	tually moved.	8	8 don't think you need a history of my background.
9 Q. Did you o	o a lot of work your	self?	9	Q. For the Commission, can you sort of shed some
10 A. Yes. To s	ave money, I ended	up doing a lot of	10	0 light, give your concerns, about passing a variance like
11 the work mysel	, and had also hired	subcontractors for all	11	1 this, why you have concerns, and maybe you might be able
12 the work I had	o do.		12	2 to voice some concern that Mrs. Rouse (phonetic) voiced to
13 Q. What did	you do to the house?)	13	3 you as well?
14 A. I ended up	totally renovating t	he house, ended up	14	4 A. Mrs. Rouse and I have actually a couple of main
15 converting it from	om oil base heating t	o forced hot air,	15	5 concerns. One is we would actually like to keep the
1	ed the upstairs and d		1	6 properties in our community consistent, if possible, just
17 the whole house	, added a whole por	ch.	17	7 to make sure everybody's land value actually stays like in
1	in see in one of exhil		18	8 our community.
19 all the way acre	ss the front side of t	he house, and I	19	
20 replaced a lot o	f windows, so forth,	so on.	20	
21 Q. Do you h	ave central air now?		21	1 the documentations submitted, one of the concerns, I
Baltimore Com	ity Board of An	neals		Page 42 - Page 4.

Page 49

Page 46

- 1 believe, was to the initial variances was that this was
- 2 actually in a known -- this property had known flooding
- 3 issues.
- I had submitted in the previous appeal, pictures
- 5 that basically depicted one incident in flooding. I
- 6 couldn't actually say anything back then because I didn't
- 7 have an expert, but the pictures did show there was water
- 8 problems with water coming across the land, as well I was
- 9 concerned, curbs have not been put onto Hannah Avenue as
- 10 well.
- I believe curbs would help prevent water from
- 12 coming across the land, since the property is on an
- 13 incline, and water would basically come across the front
- 14 yard of the property.
- 15 Q. Now, if you look at the back portion of those two
- 16 lots, what's back there?
- 17 A. I own the property behind the two lots and beside
- 18 the two lots.
- 19 Q. But behind that?
- A. Behind the lot is actually a very large hill that
- 21 leads up to a motel. And from what I have seen, while I

- 1 leads up to a motel, and then it will hit Route 1.
- 2 Q. So you own fifteen, also?
- A. That is correct.
- 4 Q. Fifteen, sixteen and seventeen?
- A. That's correct.
- 6 Q. You own eight and nine also?
- 7 A. That is correct.
- 8 Q. And five, six and seven?
- 9 A. Yes. And three and four,
- 10 Q. So how much square feet do you own, do you know?
- 1 A. I want to say roughly 30,000 square feet.
- WILL JACKSON: I'm sure it's more than that,
- 13 probably about an acre and a quarter.
- 14 THE CHAIRMAN: Well, we've got the lot numbers.
- 15 THE WITNESS: There's also lot numbers not
- 16 included.
- 17 Q. So your concerns are the consistency of housing
- 18 in the neighborhood?
- 19 A. Yes.
- 20 Q. Land value and water drainage?
- 21 A. That's correct.

- 1 have lived at 1924 Hannah Avenue, basically, the water
- 2 comes down that hill, and there's nothing to prevent water
- 3 from coming across lots nine, ten and eleven, I guess you
- 4 could say.
- 5 WILL JACKSON: That's all have.
- 6 CROSS EXAMINATION
- 7 BY MR. HOGG:
- 8 Q. Mr. Jackson, you said you own property behind
- 9 lots ten and eleven?
- 10 A. That is correct.
- Q. Did you own other lots back there? What's back
- 12 there?
- 13 A. Currently, it's just flat grassland.
- Q. Does that border on Route 1, Washington
- 15 Boulevard?
- 16 A. No. It actually stops at -- I would have to look
- 17 at the deed.
- 18 Q. Look at seventeen, sixteen, fifteen on this plat.
- 19 I think those are the lots --
- 20 A. My land stops at lot seventeen, the highest one,
- 21 and then right at lot seventeen, it starts a hill that

- Q. The consistency, there's a picture of five or six
- 2 homes that were presented as petitioner's exhibits. If
- 3 one was built along those lines, that would be consistent
- 4 with the neighborhood, correct?
- 5 A. I wouldn't imagine it would be consistent with
- 6 the neighborhood just due to -- I think it's only like one
- 7 or two -- well, there's one house that's actually off
- 8 Hannah Avenue, and then I think the rest of the houses
- 9 were far down the street, I believe.
- 10 Q. But is there --
- 11 A. I guess if you considered a community in that
- 12 fact, then, yes.
- 13 Q. Can you describe your home?
- A. My home is actually -- let's see. You would
- 15 start at the front. Actually, the picture that's shown is
- 16 showing a very narrow view of my home, because my home was
- 17 actually added to several times.
- If it was shown with a side view, you would
- 19 actually see the home is roughly 2,900 square feet.
- Q. So it's the one marked next door?
- 21 A. That's correct.

Page 53

Page	50
:O-	

- 1 Q. Up on the top?
- 2 A. It's actually one that should be shown as 1924
- 3 Hannah.

Matthews

- 4 Q. Which exhibit are you looking at?
- 5 A. Actually, on exhibit -- I think it's this one,
- 6 1A -- I'm sorry -- 11A.
- 7 Q. So you say that --
- 8 A. On Exhibit 11A, it's in the upper right-hand
- 9 corner.
- 10 Q. With the porch and lattice work?
- 11 A. Yes.
- 12 Q. Two-story. How many bedrooms?
- 13 A. Two-story. We have three bedrooms.
- 14 Q. Are there any other houses in the neighborhood
- 15 like yours?
- 16 A. I think the closest would be 1914.
- Q. Other than those two, the rest of the homes in
- 18 your area are pretty much like the ones that are pictured
- 19 on 11B?
- 20 A. No.
- 21 Q. They are all a little different?

- 1 A. I'm sorry. Could you say that again?
- 2 Q. A wider home with more square footage so it would
- 3 be of more value, correct?
- 4 A. Yes, I guess so.
- 5 Q. Let's move onto the water drainage. If through
- 6 the engineering that could be done -- and I'm not an
- 7 engineer -- but if the water drainage problem could
- 8 somehow be alleviated or lessened, or even reduced from
- 9 what it is now by building on that property, would that be
- 10 something you would like to see?
- 11 A. Yes.
- MR. HOGG: That's all I have.
- 13 THE CHAIRMAN: Mr. Peitersen?
- 14 FURTHER CROSS EXAMINATION
- 15 BY MR. PEITERSEN:
- 16 Q. Starting now to duplicate questions. Mr.
- 17 Jackson, there's -- at least from the exhibit -- there's
- 18 at least five houses in the neighborhood that are similar
- 19 in style as to what Mr. Terrell is proposing, is that
- 20 correct? At least these five are consistent with what Mr.
- 21 Terrell is proposing?

Page 51

- A. They are actually -- most of the homes, I guess,
- 2 in my neighborhood, are actually placed on three lots, and
- 3 their houses are actually a little bit larger.
- 4 Q. So you're looking for a larger home, is that what
- 5 you are looking for?
- 6 A. Actually, I was just looking for a home that
- 7 would compare with the rest of the homes in the
- 8 neighborhood.
- 9 Q. So which one of these would you like to look
- 10 like?
- 11 A. I guess my main concern is more --
- 12 Q. Square footage?
- 13 A. I guess it's a combination of square footage as
- 14 well as the drainage.
- Q. So if it was less of a variance, Mr. Terrell
- 16 could build a slightly larger home, that would be to your
- 17 satisfaction?
- 18 A. That would satisfy the consistency, but you would
- 19 still have the drainage problem.
- Q. So you would like to see if he could build a home
- 21 there, you would like to see ---

- THE CHAIRMAN: You're showing him exhibit what?
- 2 MR. PEITERSEN: I'm referring to 11A, but he's
- 3 got this one, 11b.
- 4 Q. So at least these five are consistent and they
- 5 are all in the general neighborhood of the lots, is that
- 6 correct?
- 7 A. Yes.
- 8 Q. Although you would like to see it a little bit
- 9 larger, is that correct? I think that was your testimony
- 10 earlier?
- 11 A. Yes.
- Q. Now, you don't have a degree in engineering or
- 13 geology?
- 14 A. Not geology.
- Q. Do you have any reports from any geologists or
- 16 civil engineers that would indicate that building would
- 17 make the drainage problems or water problems worse over
- 18 this land?

21

- 19 A. No. Actually, my testimony was that basically
- 20 there was, as I stated, there was drainage problems.
 - Q. So if the builder Mr. Terrell were able to have a

Page 54 Page 56 1 design and engineer to come in to alleviate that problem, WILL JACKSON: That's all. 2 that could be a benefit to your property? THE CHAIRMAN: Anything further? A. It may not be benefit to mine, because it's not WILL JACKSON: No. Thank you, sir. 4 actually going to touch my property. THE CHAIRMAN: Do you have any other witnesses? Q. It would satisfy your concern? WILL JACKSON: No. That's it. A. That would satisfy my concern. THE CHAIRMAN: All right. Do you want to do 6 Q. Now, Mr. Terrell testified by building a house on 7 closing argument? 8 that currently vacant lot that, in his opinion, it would MR. HOGG: If I could. We have a situation here 9 actually increase the land value for the neighboring 9 where we'd be happy to comply with Mr. Jackson's concerns. 10 houses, so that would satisfy your third concern about 10 I know that creates a problem for the Board. land value? 11 If we had no setbacks or side setbacks, we would A. It may increase, but how can you actually say --12 12 build a larger home and satisfy his concerns, so I think Q. You're not in the business, the real estate 13 we are allikind of on the same page. We are willing to 14 business? 14 live with what we petitioned for as far as the setbacks, A. I can't really say whether it will actually 15 the front and rear setbacks and side setbacks. 16 increase or decrease. But if the protestants would like less setbacks, 16 Q. But Mr. Terrell, who's in the business, would 17 that's fine with us, although we are willing to live with 18 probably know what he's talking about, correct? 18 that. A. I would assume so. 19 So you have the protestants actually coming in 19 MR. PEITERSEN: I have no further questions. 20 wanting to enhance our petition for variance and increase 20 THE CHAIRMAN: Mr. Jackson? 21 the variance, which I think is an unusual situation, and 21 Page 55 Page 57 1 we are perfectly happy to go along with it. REDIRECT EXAMINATION And then you have the petition which was set out 2 BY WILL JACKSON: Q. Marcus, is your concern really size as opposed to 3 by the testimony and the documents and the petition that's 4 comparable value? Are you more concerned with comparable 4 been submitted. What we do have a problem with and I see as a 5 value as opposed to size? A. Actually, my main concern would be more towards 6 problem in the county regulations, as I see it, I am 7 comparable value. 7 familiar that Cromwell is a case that's often cited, and Q. Now, when you look at these houses, would you 8 we have to overcome the hurdle. 9 tell the Commission how many houses are missing that are I think the second step, which is set forth in 10 not comparable to these matchboxes that they are proposing 10 the regulations, 307.1, that undue hardship and practical 11 to build? 11 difficulty is evident because the property is virtually A. That would actually be the remaining houses on 12 useless without these variances, you can't do anything 1924 Hannah Avenue. 13 with it, maybe plant tomatoes and potatoes, but I don't 14 think that's what the county had in mind. Q. How many? 14 A. Roughly, there are six or seven houses on Hannah 15 15 And the assessment of \$6000, if that's the case, 16 Avenue. 16 that's ludicrous, because it's not worth \$6000 to anybody. Q. Do you think \$160,000 would be unreasonable to 17 Maybe somebody wants a small plot of land. So that would 18 ask for, you know, comparable house in value, to keep or 18 be something for another day. 19 make sure your house and the neighbors' houses don't lose But Halethorpe Terrace goes back to 1923, it's an 20 older neighborhood, obviously, provided affordable 20 value, would that be unreasonable? A. That's not unreasonable. 21 housing, I'm assuming then and now, to the people who may 21

Page 58

1 want to live there.

Various owners have increased the ownership of

various lots down there so they can build larger homes

4 then what appears down there on some of the lots.

The zoning obviously changed down there over the 5

6 years, so now it's D.R. 2, and you will see by the plat

7 there's a huge area of D R. 5.5, which is the residential

8 density, so I will tie this altogether at the end.

So the neighborhood, that little particular

10 neighborhood, what do you call the heighborhood? Is it

11 the street where we live, where the property is located,

12 that has various size lots down there, various size square

13 footage as property owners have increased their holdings,

14 and that's reflected on the tax bills and tax assessment

15 reports that I submitted. There's various lot sizes.

So the property is unique in some respect that it 16

17 is one of the smaller lots on the street compared to the

18 other ones that I submitted. And this court, Halethorpe

19 Terrace, has a huge area of 5.5, so is Halethorpe Terrace

20 the neighborhood, or is that whole area shown on the

21 zoning map the neighborhood?

Page 59

So I will get to that in a minute, but that goes

2 to the uniqueness of it. So what is unique here? We can

3 argue that it's unique, that Halethorpe Terrace is unique

4 in that it is virtually covered on one side by the 5.5.

You have the 2.2 in that area, but on that

6 street -- and Cromwell talks about that, surrounding

7 properties -- and on that street, you have bigger lots.

So just from that standpoint, if you're looking

9 for a uniqueness factor, there are several to pick from,

10 the whole area shown on the zoning map, the Halethorpe

11 Terrace, and that street. So the practical hardship, the

12 second part of the Cromwell prong, I think is eminently

13 satisfied, the difficulties and hardship that we have

14 shown.

So let me touch on uniqueness. I know that's 15

16 talked about a lot here. The Cromwell case, I would like 16 construction, and the Office of Planning took a look at

17 to give you my thoughts on that.

All these cases that talk about uniqueness, all 18

19 of them, in the North, and Cromwell, and A.D. Soil, the

20 three I have here today, the properties were otherwise in

21 compliance.

In Cromwell, the building was too high. They

2 built it too high and said, Geez, we need a variance, we

3 built it too high. Well, they could have built it to the

4 correct height to comply with the zoning regulations.

North, a person wanted to build a gazebo in the 5

6 wetlands, and you had a huge rancher on the property that

7 in compliance with the zoning regulations, and they wanted

8 to do something on the wetlands. They said, well, you

9 can't do that, we are not going to grant a variance for

10 that.

Same with A.D. Soil with the sewage sludge 11

12 storage. It was otherwise possible to have the sewage

13 sludge in Queen Anne County on the property in compliance

14 with the zoning regulations.

Well, that's not possible here. We can't do 15

16 anything on that property that would be in compliance with

17 the zoning regulations, and that's what I argue would make

18 this unique, that the zoning regulations have come in and

19 made this property, along with other properties down

20 there, arguably different, but I know all those properties

21 are unique, and that's how we differentiate Cromwell and

Page 61

1 A.D. Soil and North as far as the uniqueness factor is

2 concerned.

The statute, as I said, doesn't go that far. The

4 307.1 of the Baltimore County zoning regulations just has

5 a standard of compliance with the zoning regulations would

6 result in practical difficulty or unreasonable hardship,

7 so that's all you have to show without Cromwell, the other

8 cases, but Cromwell says you have to show the uniqueness.

And my argument it is unique from the standpoint

10 of where you look at the neighborhood, it's certainly

11 unique with the surrounding properties, abutting

12 properties, and the fact that it otherwise complies with

13 the zoning regulations.

There's public water and sewer down there. It's 14

15 not under a floodplain. The variances would allow for

17 this and said, yes, it's fine.

All the things I said. There's no floodplain, 18

19 there's public water, sewer, but we want an additional

20 setback, and I asked Mr. Terrell about that. He says he

21 can do that, it would be a lesser property, and certainly

Page 65

Page 62

- 1 not be something the protestants want, so we would ask you
- 2 to grant the variance in compliance with our request.
- 3 Certainly, a lot of case law talks about
- 4 practical hardship and the practical difficulty and
- 5 unreasonable hardship. A lot of talk about injustice, and
- 6 that's certainly true here.
- 7 To not grant this variance would result in an
- 8 unjust decision, I would argue, case law talks about that,
- 9 I believe, and an injustice would be placed on this woman
- 10 Ms. Matthews, and she would not have any property that she
- 11 could do anything with, not be able to sell it to anybody
- 12 for any reasonable amount of money other than the limited
- 13 potential for buyers like Mr. Jackson, and we know what he
- 14 offered for the property, which was a very little amount.
- The North case, I know the Board is familiar with
- 16 all these cases, but even in the North case, it talks
- 17 about the practical restrictions. One of the zoning
- 18 concepts of unique aspects talks about practical
- 19 restrictions imposed by abutting properties or other
- 20 similar restrictions.
- It also talks about the narrowness of property,


- It's just the uniqueness factor that everybody
 - 2 gets caught up on, and I think that can be overcome with
 - 3 the arguments I have made and all these cases involving
 - 4 property that otherwise would be in compliance, and we
 - 5 cannot, and that's what makes us unique. That's all I
 - 6 have.
 - 7 THE CHAIRMAN: Mr. Peitersen?
 - 8 MR. PEITERSEN: I will be short since I believe
 - 9 counsel for Mr. Terrell has probably gone over just about
 - 10 every argument I can possible think of.
 - What you have here is essentially lots that were,
 - 12 at the time they were subdivided and divided, it was legal
 - 13 to build on half the size lot, and somewhere along the
 - 14 line, it changed, and then two of the lots now needs a
 - 15 variance in order to build on.
 - But as you can see by the tax reports that have
 - 17 been submitted into evidence as well the pictures, there
 - 18 are similar size lots that have been allowed to build
 - 19 somewhere in the course of time, so this is unique in the
 - 20 fact this is a person trying to build a consistent home on
 - 21 a consistent lot and uniquely is not being able to do it


- 1 that if there's a narrow piece of property that you can't
- 2 do anything with it, that would amount to a uniqueness.
- 3 So I think I have given the Board several
- 4 different ways to go, if it wanted to overcome that
- 5 uniqueness requirement to help Ms. Matthews and really do
- 6 something with the property.
- 7 I don't think Baltimore County is interested in
- 8 having nothing being done down there and not being able to
- 9 build on it in a way that would be in compliance with
- 10 other houses in the neighborhood.
- I Don't think that's what the county wants. I
- 12 think the county wants the Board to exercise reasonable
- 13 power to preclude an injustice being imposed upon Ms.
- 14 Matthew, and Mr. Terrell, ultimately.
- 15 So I'm asking the Board to grant the variance,
- 16 reconsider what the Commissioner did and, hopefully, you
- 17 have heard something today that I have said today that
- 18 would overcome this uniqueness problems, because I think
- 19 everything else is there to satisfy the protestants, and
- 20 to satisfy the second prong of Cromwell, the hardship, the
- 21 injustice prong.

- 1 because of a change in the zoning laws.
- The greater good in the neighborhood, obviously,
- 3 is for something to be done with the lot, rather than
- 4 remain in its overgrown state as is shown in the one
- 5 exhibit. There are problems that the builder can address
- 6 here very simply. He wants to bring in a more expensive
- 7 house.
- Well, if the Board allows more setbacks than
- 9 petitioned for, he can build a bigger house. Certainly
- 10 the testimony of Mr. Terrell was the value of the
- 11 neighborhood including the neighbor's house is going to be
- 12 increased by not having the vacant lot there, but by
- 13 having an improved, brand new home sitting there.
- Water problems, certainly a structural engineer
- 15 is going to be able to alleviate the drainage problems.
- 16 Mr. Terrell is an experienced developer. He certainly has
- 17 the capabilities of designing a house not having those
- 18 problems, and taking care of the land as well.
- 19 Again, it will actually increase the land value.
- 20 The protestants don't have a report saying otherwise, and
- 21 the evidence shows otherwise.

		Page 66		Page 6
1	In fact, the damage to the other	r neighbors is	1	further, then the hearing will be closed.
2	going to be to leave this lot as unim	proved and overgrown.	2	The Board will deliberate this matter in public.
3	With that, I would just join in	all the other	3	You will all be notified of the date of the deliberation.
4	arguments made by counsel, and I v	yould ask the variances	4	You're certainly allowed to come in and sit and view the
5	be granted.		5	deliberation, but you cannot participate in the
6	THE CHAIRMAN: Thank you.	Do you want to make a	6	deliberation in any way.
7	closing?		7	After the deliberation, the Board will make its
8	WILL JACKSON: Yes, your Ho	nor. First of all, I	8	decision and then write an opinion, which you all will
9	want to say we're most definitely no	ot on the same page.	9	receive a copy of, and if either side is dissatisfied with
10	We are vehemently opposed to this	variance, and if you	10	the opinion of the Board, you have the right to appeal to
11	check the record, you will find out	not only we're opposed	11	the Circuit Court for Baltimore County in accordance with
12	to it, but neighbors on both sides of	the lot. Mrs.	12	the Maryland rules. There being nothing further, we are
13	Rouse, she went on record and is op	posed to it. I am	13	adjourned. Thank you very much.
14	opposed to it. My son is opposed to	it. And even the	14	(Hearing concluded.)
15	community association went on reco	ord in the beginning as	15	* * * *
16	being opposed to the granting of the	se variances.	16	
17	We don't have a problem with	the house being put	17	
18	there. We'd love to have a house pr	at there.	18	
19	Our problem is that we don't	want something	19	
20	that's going to take away from the r	eighborhood. We want	20	
21	something that's going to enhance the	e neighborhood.	21	
		Page 67		Page 6

	Page 67		Page 69
1	And I think to grant this variance would simply	1	1 INDEX
2	be an injustice to the community. It would be an	2	2 Witness Direct Cross Redirect Recross
3	injustice to the people who have invested in their homes	3	3 Pamela Matthews 5 12 18
4	and in their community.	4	4 Andrew Terrell 24 36 40
5	Furthermore, not only would it be an injustice to	5	5 Marcus Jackson 42 47 55
6	them, but the only purpose of granting a variance like	6	6
7	this would do would simply put money in Ms. Matthews'	7	7 EXHIBITS
8	pocket.	8	8 Petitioner Ex. No. Page
9	Mrs. Matthews got that land free and clear.	9	9 No. 1 5
10	Anything she makes on it is extra profit. She's trying to	10	10 No. 2
11	profiteer on this land. I don't think her father paid	11	11 No. 3 18
12	more than \$500 for the two lots.	12	12 No. 4 26
13	All of a sudden, now it's supposed to be worth	13	13 No. 5 28
14	\$30,000. I offered her \$2000. That's three times or four	14	14 No. 6 29
15	times what it actually cost her dad.	15	15 No. 7 29
16	I don't see any reason to grant this variance for	16	16 No. 8 29
17	the sake of someone making a couple extra dollars. That's	17	17 No. 9 30
18	all I have.	18	18 No. 10 31
19	THE CHAIRMAN: Is there anything further?	19	19 No. 11A, 11B 31
20	MR. HOGG: No. Thank you.	20	20 No. 12A-F 41
21	THE CHAIRMAN: All right. If there's nothing	21	21





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