

IN RE: PETITION FOR VARIANCE
NW/Corner of Old Frederick Road
and Lincoln Avenue
1st Election District
1st Councilmanic District
(5922 Old Frederick Road)

Emma Black Roberts
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-173-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Emma Black Roberts. The Petitioner is requesting variance relief for property located at 5922 Old Frederick Road in the western area of Baltimore County. Variance relief is requested from Section 1B02.3.C (S-14, policy) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a buildable lot with a width of 50 ft. at the front building line and a side street setback of 12.5 ft. on a corner lot in lieu of the minimum required 55 ft. and 25 ft. respectively.

The property was posted with Notice of Hearing on November 20, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 20, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-

12/9/03
R. Jameson

street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated October 29, 2003, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Richard Benson, Delmarva Development Corp, Builders, Robert Hurd, Riverview Property LLC, claiming ownership, James Pennington, neighbor and John Schmansky. The Petitioner was represented by Leslie Pittler, Esquire. Protestants were Ennise Black Bloom and Audrey Coe, Neighborhood Pines Association. Protestants were represented by Joel Sauer, Esq. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Motion to Dismiss

Mr. Sauer proffered that he represented Ennise Black Bloom, who is the daughter of Emma Black Roberts, the named petitioner. Mr. Sauer advised that Emma Black Roberts is a very elderly person residing in a nursing home and did not sign the petition. Ms. Bloom indicated that she had been taking care of her mother's affairs as her mother is no longer able to handle her own affairs.

Mr. Pittler proffered that he represented Riverview Properties, LLC who is the legal owner of the subject property as the result of a foreclosure action against Ms. Roberts. He agreed that Emma Black Roberts did not sign the petition. He indicated that the petition was signed by Richard Benson who explained that he had originally requested a variance in the name of Riverview, but

that the land records of Baltimore County still indicated that Emma Black Roberts owned the property. As a result, the intake person told him to place Emma Black Roberts' name on the petition and to list his name as the representative to be contacted.

A long discussion then ensued as to whether Riverview fairly had obtained title to the property. This is clearly a circuit court question far beyond this Commission's jurisdiction. However, it was suggested that all parties might want to go ahead with the zoning case, assuming that Ms. Bloom would ultimately want the variance to allow the undersized lot to be used for building. However, after consultation, Mr. Sauer indicated that his client would not join in an amendment to the petition, which would allow the zoning case to continue.

Findings of fact and conclusions of law

There was no disagreement that Emma Black Roberts had not signed the petition. As explained at the hearing, whatever decision is made on a zoning issue, there must be someone (either real or corporate) who can be bound by the decision. In this case there was no one who would be bound by the zoning decision, as there was no agreement to amend the petition to allow Riverview to proceed. Consequently, the petition was dismissed without prejudice to allow the Petitioner leave to refile under a proper petitioner's name.

THEREFORE, IT IS ORDERED, this 9 day of December, 2003, by this Deputy Zoning Commissioner, that the Protestant's Motion to Dismiss is hereby Granted without prejudice allowing the Petitioners to refile the petition under its proper name.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

December 9, 2003

Ms. Emma Black Roberts
7123 Brompton Road
Baltimore, Maryland 21207

Re: Petition for Variance
Case No. 04-173-A
Property: 5922 Old Frederick Road

Dear Ms. Roberts:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been dismissed in accordance with the enclosed Order.

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

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info



Copies to:

Leslie M. Pittler, Esquire
29 W. Susquehanna Ave., Ste 610
Towson, MD 21204

Joel M. Sauer, Esquire
1300 Marigold Court
Belcamp, MD 21017

Richard Benson
8101 Shore Road
Baltimore, MD 21222

Ennise Black Bloom
4711 Duncan Road
Pikesville, MD 21208

Robert M. Hurd
10220 S. Dolfield Road, #209
Owings Mills, MD 21117

Col. James R. Pennington
5915 Old Frederick Road
Baltimore, MD 21228

John Schmansky
7461 E. Furnace Branch Road
Glen Burnie, MD 21060

Audrey B. Coe
5911 Old Frederick Road
Baltimore, MD 21228



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 5922 Old Frederick Rd.
which is presently zoned DR-5.5

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) 1B02.3A (S-14, Policy)

To allow a buildable lot with a width of 50 ft. at the front building line and a side setback ^{of 12.5 ft} on a corner lot in lieu of the minimum required ~~55 ft~~ and 25 ft, respectively.

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

Cannot meet setback. Financial hardship to buy another lot.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Case No. 04-173-A

Legal Owner(s):

Emma Black Roberts

Name - Type or Print

Signature

Name - Type or Print

Signature

7123 Brompton Rd.

Address Telephone No.

Baltimore, MD 21207

City State Zip Code

Representative to be Contacted:

Richard Benson / Delmarva Development Corp

8101 Shore Rd. 410-960-8677

Address Telephone No.

Baltimore, MD 21222

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1.00 hr

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 10-6-03

EV 9/15/98

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Chk No. 27492
04-173-A

DATE 10-06-03 ACCOUNT R-POI-006-6150

AMOUNT \$ 65.00

RECEIVED FROM Delmarva Development

FOR Residential Variances Filing Fee
10-5922 Old Frederick Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

POI
MAILED
10/07/2003
RECEIVED
10/07/2003
115
1316

Zoning Description

ZONING DESCRIPTION FOR 5922 Old Frederick Road .

Beginning at a point on the northwest corner of the intersection of Old Frederick Rd. and Lincoln Ave. Being lots 13 & 14 in the subdivision of Catonsville Pines as recorded in Plat Book 9, Folio 41. Being 6,000 square feet in the first election district and first council district.

#173

**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: #04-173-A
5922 Old Frederick Road
N/West corner of Old Frederick Road and Lincoln Avenue
1st Election District
1st Councilmanic District
Legal Owner(s): Emma Black Roberts

Variances: to permit a buildable lot with a width of 50 feet at the front building line, and a side street setback of 12.5 feet on a corner lot in lieu of the minimum required 55 feet and 25 feet respectively.

Hearing: Monday, December 8, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

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

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

11/185 Nov. 20 C637721

CERTIFICATE OF PUBLICATION

Nov. 20, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 20, 2003

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: BECKY HART.

Date: 11/22/03

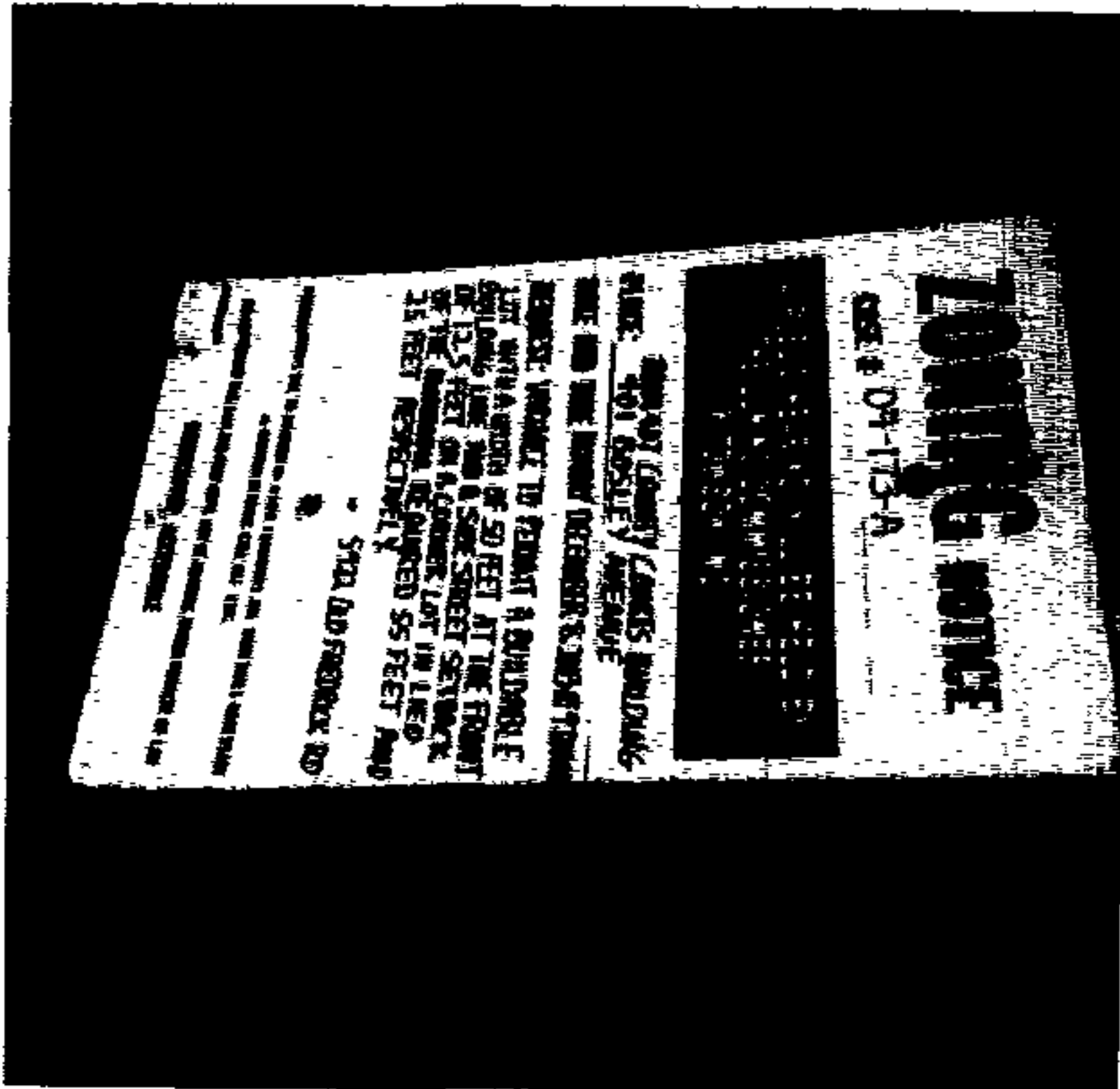
RE: Case Number 04-173-A

Petitioner/Developer: RICHARD BENSON/ETAL.

Date of Hearing/Closing: DECEMBER 8, 2003

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 5922 OLD FREPRICK ROAD

The sign(s) were posted on NOVEMBER 20, 2003
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

RECEIVED

NOV 25 2003

DEPT. OF PERMITTING
DEVELOPMENT MANAGEMENT

RE: PETITION FOR VARIANCE
5922 Old Frederick Road; NW corner Old
Frederick Rd & Lincoln Avenue
1st Election & 1st Councilmanic Districts
Legal Owner(s): Emma Black Roberts
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 04-173-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.

RECEIVED

OCT 24 2003

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to, Richard Benson, Demarva Developmetn Corp. 8101 Shore Road, Baltimore, MD 21222, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 20, 2003 Issue - Jeffersonian

Please forward billing to:

Richard Benson, Delmarva Development Corp.
8101 Shore Road
Baltimore, MD 21222

410-960-8677

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: 04-173-A

5922 Old Frederick Road

N/west corner of Old Frederick Road and Lincoln Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Emma Black Roberts

Variance to permit a buildable lot with a width of 50 feet at the front building line and a side street setback of 12.5 feet on a corner lot in lieu of the minimum required 55 feet and 25 feet respectively.

Hearings: Monday, December 8, 2003, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Laurence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

October 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: 04-173-A

5922 Old Frederick Road
N/west corner of Old Frederick Road and Lincoln Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Emma Black Roberts

Variance to permit a buildable lot with a width of 50 feet at the front building line and a side street setback of 12.5 feet on a corner lot in lieu of the minimum required 55 feet and 25 feet respectively.

Hearings: Monday, December 8, 2003, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Emma Black Roberts, 7123 Brompton Road, Baltimore 21207
Richard Benson/DelMarva Development Corp., 8101 Shore Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 22, 2003.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Visit the County's Website at www.baltimorecountyonline.info



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 04-173-A
Petitioner: Emma B. Roberts
Address or ^{site} Location: 5922 Old Frederick Rd.

PLEASE FORWARD ADVERTISING BILL TO:
Name: Richard Benson, Development CORP. ^{Pelmarva}
Address: 8101 Shore Rd.
Balto, Md. 21222
Telephone Number: 410-960-8677

Revised 2/20/98 - SCJ

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

December 5, 2003

Emma Black Roberts
7123 Brompton Road
Baltimore, MD 21207

Dear Ms. Roberts:

RE: Case Number: 04-173-A, 5922 Old Frederick Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 6, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Richard Benson, Delmarva Development Co., 8101 Shore Road, Baltimore 21222
Emma Black Roberts, 7123 Brompton Road, Baltimore 21207

Visit the County's Website at www.baltimorecountyonline.info





**Baltimore County
Fire Department**

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 22, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 20, 2003

Item No.: 170-¹⁷³175, 177-181

Dear Ms. Hart:

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

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

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

cc: File



Jack
12/9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 29, 2003

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

SUBJECT: 5922 Old Frederick Road

INFORMATION:

Item Number: 04-173

Petitioner: Emma Black Roberts

Zoning: DR 5.5

Requested Action: Variance

RECEIVED

NOV 3 2003

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Submit building elevations to this department for review and approval prior to the issuance of any building permits. The proposed dwelling shall be similar in architectural character, and exterior materials as the existing dwellings in the immediate vicinity.
2. The side of the proposed dwelling that faces Lincoln Avenue shall be articulated with windows and shall not be left as a blank facade.
3. Revise the site plan to show the location of the proposed driveway. Said driveway should be such that it accommodates two off-street parking spaces in the side yard. A two-car parking pad in the front yard is unacceptable.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunniff

Section Chief: Lynne L. Lubeck

AFK/LL:MAC:

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.21.03

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

RE: Baltimore County
Item No. 173 JJS

Dear Ms. Hart:

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

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

Very truly yours,

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

TO: OFFICE OF PERMITS AND DEVELOPMENT MANAGEMENT
FROM: NEIGHBORHOOD PINES ASSOCIATION
5907 OLD FREDERICK RD.
410-747-6329
DATE: NOVEMBER 3, 2003

TO BRUNO RUDAITIS,

THIS LETTER IS TO ADDRESS THE PURSUANT TO SECTION 304.2 BALTIMORE COUNTY ZONING REGULATIONS IN REGARDS TO THE BUILDING OF TWO HOUSES ON UNDER SIZED LOTS IN THE FIFTY NINE HUNDRED BLOCK OF OLD FREDERICK RD. CATONSVILLE MARYLAND. THE ADDRESSES OF THE PROPERTIES ARE 5928 AND 5924. THE LATTER HAS A VARIANCE CASE NUMBER OF 04173A AND A HEARING DATE OF DECEMBER 8, 2003 AT 9:00 A.M.

AFTER SEVERAL CONVERSATIONS WITH THE HOME OWNERS OF THE NEIGHBORHOOD PINES ASSOCIATION, THERE EXIST MANY MIXED FEELINGS REGARDING THIS PROPOSED PROJECT. AS PRESIDENT OF THE COMMUNITY, I WANTED TO CONVEY THE ASSOCIATIONS FEELINGS AND OPINIONS TO THE APPROPRIATE BALTIMORE COUNTY OFFICIALS.

AFTER SURVEYING THIRTY THREE HOME OWNERS IN THE IMMEDIATE AREA THE RESULTS WERE AS FOLLOWED: 78% WERE OPPOSED TO HAVING A HOUSE BUILT ON 5928 OLD FREDERICK RD. 56% WERE OPPOSED TO HAVING HOUSES BUILT ON 5928 OR 5924 VARIANCE 04173A. 21% APPROVE OF THE CORNER LOT ONLY IF THE FRONT OF THE HOME FACES LINCOLN AVENUE, AND 21% APPROVE FOR BOTH OF THE LOTS MENTIONED ABOVE TO BUILD HOUSES.

ON NOVEMBER 3, 2003 THERE IS A MEETING TO DISCUSS THE PARTICULARS REGARDING THIS PROJECT AND SOME OF THE RESIDENT'S DECISIONS MAY CHANGE. HOWEVER, THERE IS A NOVEMBER 3, 2003 DEADLINE SO THIS INFORMATION NEEDED TO BE SHARED.

I HAVE COPIED THE SIGNED RESPONSES OF MANY OF THE RESIDENTS AND HAVE ADDED TWO VERBAL RESPONSES TO COMPILE MY STATISTICAL DATA. THIS DATA REPRESENTS THE RESPONSES OF THE NEIGHBORHOOD PINES ASSOCIATION AND DOES NOT REFLECT THE ENTIRE BANNEKER COMMUNITY DEVELOPMENT ASSOCIATION.

SINCERELY,

Calvin W. Dholston

NEIGHBORHOOD PINES PRESIDENT

R

Brown Co.

12/16/03

DHR - Rick Benson and I spoke about
~~Grant~~ how to proceed. you may recall

the variance was filed in the name of
Sarah Brown when in fact Rick's company
claimed title to the property. I dismissed the
case with leave to refile under the proper name.
He wanted to short cut the process and simply
reschedule the hearing. I told him I thought
was a mistake and that he should refile in

his company's name.

He will.

a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments received from the Office of Planning dated October 22, 2003, a copy of which is attached hereto and made a part hereof. ZAC comments received from the Bureau of Development Plans Review dated November 12, 2003. In addition, ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM).

Interested Persons

Appearing at the hearing on behalf of the variance request were _____

People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request is

Findings of fact and conclusions of law

04-173-4

TO: OFFICE OF PERMITS and
Development MANAGEMENT

FROM: NEIGHBORHOOD PINES
Association

ATTN: BRUNO RUDAITIS

RE: VARIANCES For Under-sized
Lots

DATE: November 3, 2003

FAX # 410-887-5708

Resting

	NAME	ADDRESS	APPROVE	DISAPPROVE	PHONE NO
1	John Quarles	5910 OLD FREDERICK R		✓	410-744-3382
2	Bill Bradley	2 Caryll Avenue		✓	410-788-8296
3	Mike Olcott	4 Caryll Ave.		✓	410-869-7969
4	John F. Hawthth	5904 Old Frederick		✓	410-744-8760
5	Walter W. Foyne	5901 Old Frederick		✓	410-747-6719
6	Bullett Hebron	5900 Old Frederick		✓	410-788-3658
7	James Carroll	5914 Old Frederick Rd	✓		410-744-4325
8	Walter W. Foyne	5933 Old Frederick Rd		✓	410-869-8776
9	John F. Hawthth	5934 Old Frederick Rd	✓		410-747-7752
10	Andy Bogle	5930 Old Frederick Rd	✓		4
11	Joe Wood	6 Lincoln Ave	✓		410-747-1640
12	John Shepherd	6 Lincoln Ave	✓		410-747-1640
13	William W. Foyne	11 Lincoln Ave		✓	410-747-1643
14	John F. Hawthth	5900 Old Frederick Rd	✓		410-747-3467
15	Samy Stanford	5909 Old Frederick Rd		✓	410-747-1825
16	Donald J. Stanford	5909 Old Frederick Rd		✓	410-747-1825
17	Donald J. Stanford	5911 Old Frederick Rd		✓	

	NAME	ADDRESS	APPROVE	DISAPPROVE	PHONE NO
1	Louis H. Hickey	5898 Old Frederick Rd	yes for corner	lot only w/	
2			frontage on Annapolis only		
3			no for old Frederick Rd lot		
4	M. T. HESBURN	5416 OLD FREDERICK RD		*	410-744-3532
5	M. Wilson	1 Carnegie	Approve		410-744-5941
6	J. Farnwell	5914 Old Frederick Rd	ADD	DISAPPROVE	410-747-9285
7	H. Williams	5914 Old Frederick Rd		DISAPPROVE	410-747-9285
8	Stanley Michael Nickles	5916 Old Frederick Rd.	YES only corner frontage on line only	No between Old Frederick Rd & Frederick Rd	410-747-5874
9	Frank Fleming	5917 Old Frederick Rd	Yes only corner only	No between Old Frederick Rd & Frederick Rd	410-747-5217
10	William Smith	5926 Old Frederick Rd		NO ON BOTH	410-747-3639
11	Theresa M. Smith	5906 Old Frederick Rd		✓	410-747-3023
12	Leslie J. Bailey	3 Lantry Ave		✓	410-747-1323
13	Leslie J. Bailey	3 Washington Ave		✓	410-744-3405
14	Chris J. Smith	18 Carnegie Dr 21228	Approve corner	Disapprove corner	410-744-3068
15			Approve corner		
16	Jeffrey E. Hickey	5 Lincoln Ave 21228	Approve corner		unlisted
17	Mrs E. Hickey	7 Lincoln Ave 21228	Approve corner		410-747-2157

CASE NAME 5922 Old Frederick Rd
CASE NUMBER 04-173-A
DATE 12/8/03

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME 5922 Old Frederick Rd
CASE NUMBER 04-173-A
DATE 12/8/03

PETITIONER'S SIGN-IN SHEET

[illegible]

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 04-173-A

Date Completed/Initials

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

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

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

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

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

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

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

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

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

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

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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

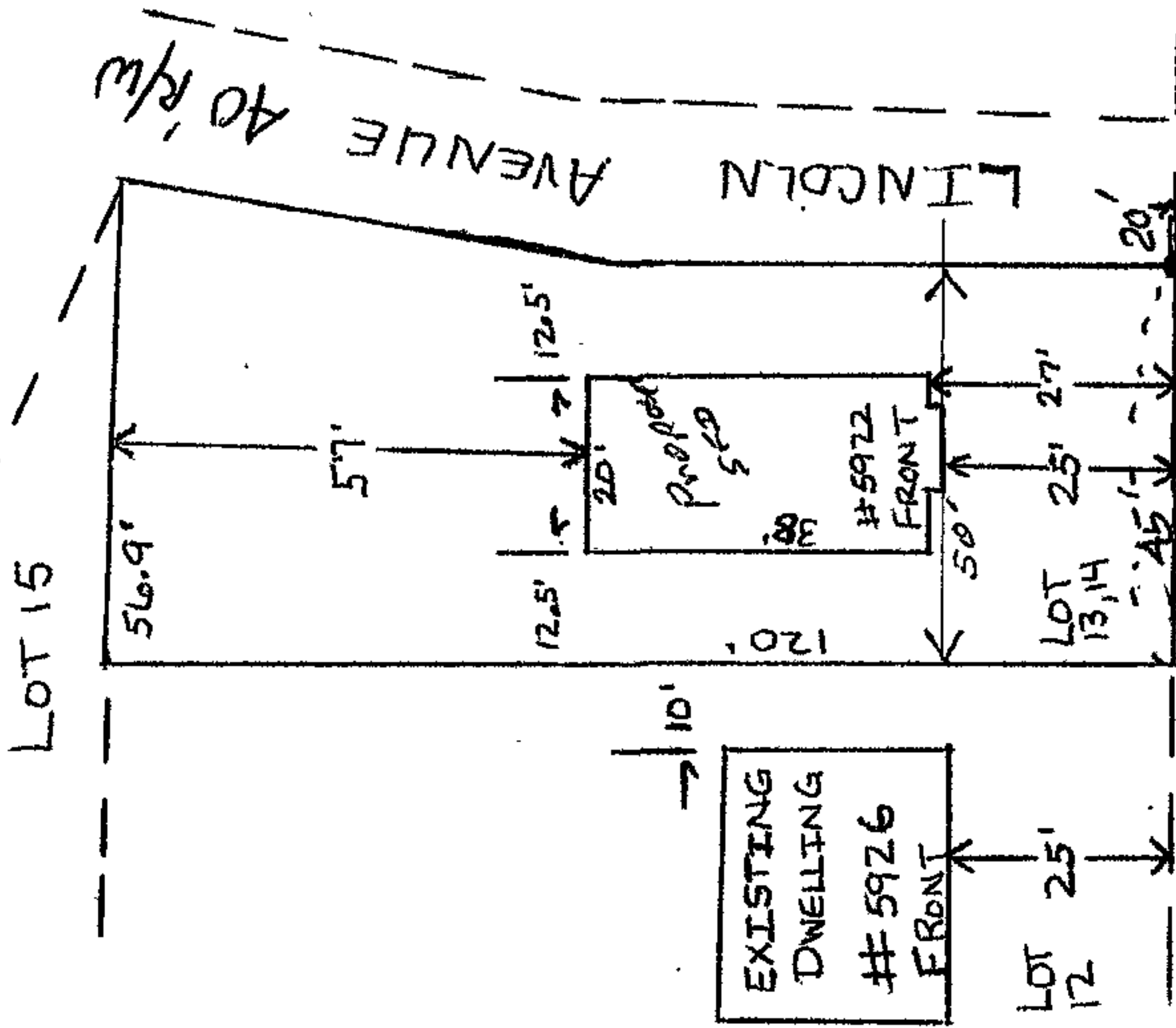
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 5922 Old Frederick Rd.

SUBDIVISION NAME CATONSVILLE PINES

PLAT BOOK # 9 FOLIO # 41 LOT # 13 SECTION # 4

OWNER Emma Black Roberts



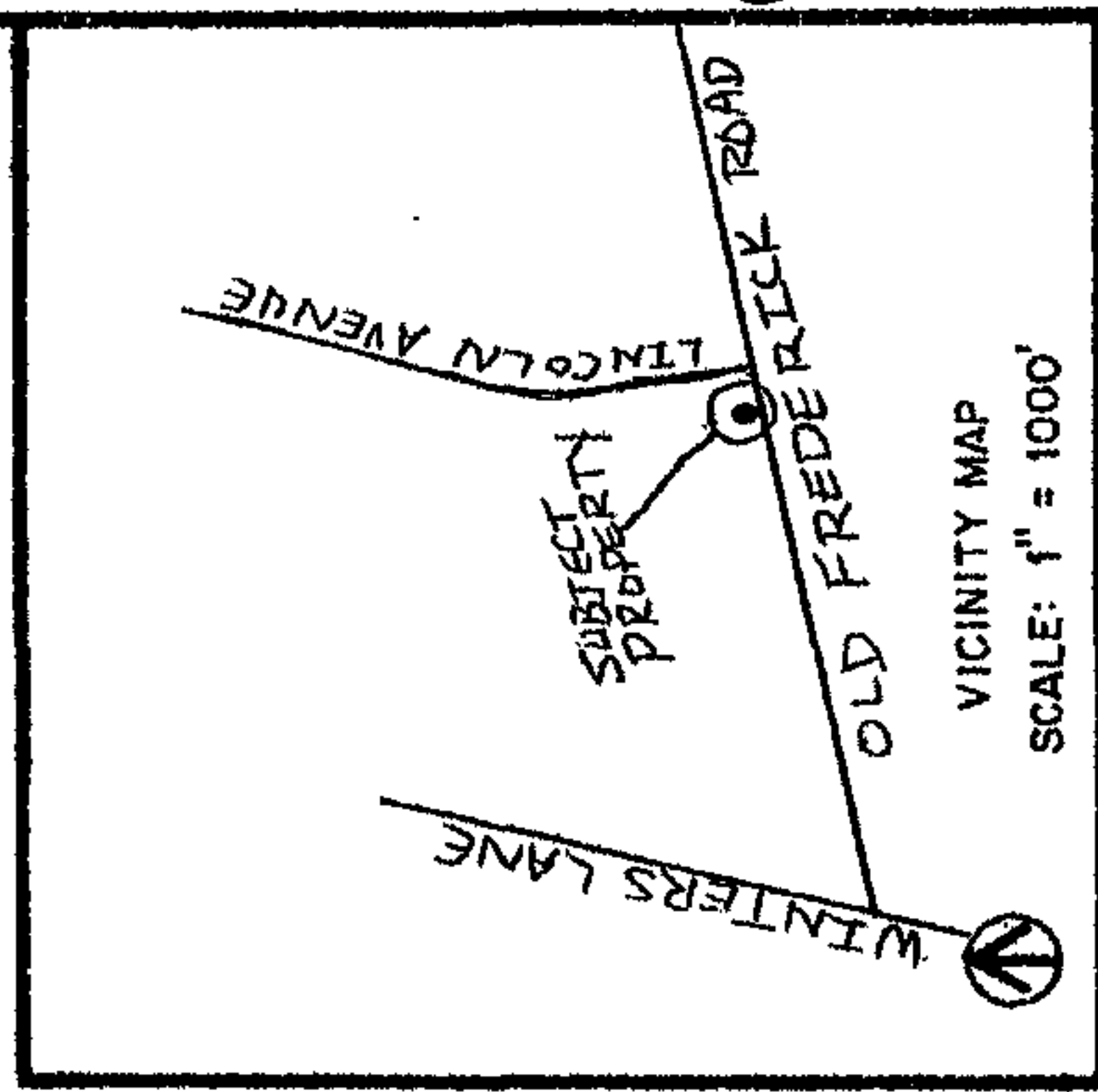
OLD FREDERICK RD. 56.9' 120' 13.14' 25' 25' 20' 40' R/W

THE SETBACKS FOR FRONT STREET FOR ALL DWELLINGS WITHIN 200 FT. EACH SIDE OF SUBJECT SITE ARE 25 FT. OR LESS. THERE HAS BEEN NO ADJACENT OWNERSHIP OF LOTS FOR THE PAST 20 YEARS ±



PREPARED BY JRM

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # S 51 2 F & G

ZONING DR 5.5

LOT SIZE 0.137 ACRES 6,000.00 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY / BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING YES ☐ NO ☒

ZONING OFFICE USE ONLY

REVIEWED BY [Signature] ITEM # 173 CASE # 173





Prop.
SFD

OLD FREDERICK RD

DO NOT
ENTER





Lot 1 3000 ft
side setback
Existing
Adjacent str



PROP
SFD

OLD Fredrick
Rt