IN RE: PETITION FOR VARIANCE

S/S Wilson Avenue, 400' W of the c/l

Carroll Street

(1213 Wilson Avenue)

1<sup>st</sup> Election District

1<sup>st</sup> Council District

P & S Homes, Inc. Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 04-184-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 owners of the subject property, P & S Homes, Inc., by Thomas Scherr, Vice President, through their attorney, D. Dusky Holman, Esquire. The Petitioners request a variance from Sections 1B02.3.C.1 and 1B02.3.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and the Zoning Commissioner's Policy Manual to permit a side street setback of 15 feet in lieu of the required 25 feet for a proposed dwelling. 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 Richard E. Matz, the Professional Engineer who prepared the site plan for this property, and D. Dusky Holman, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the southeast corner of Wilson Avenue and Prince George Street in the Catonsville Manor community of Catonsville. The property is 65 feet wide and 100 feet deep, and contains a gross area of 6,500 sq.ft. more or less, zoned D.R.5.5. The Petitioners are in the process of developing the subject property and three adjacent lots with single family dwellings. Although the subject lot meets all area requirements, a 25-foot setback from the right-of-way for Prince George Street is required due to its corner location. Thus, the requested variance is necessary. Testimony indicated that the proposed dwelling would be consistent with other houses in the community and provide similar setbacks as those on the adjacent lots.

Based upon the testimony and evidence offered, I am persuaded to grant the relief. The uniqueness of the property is its corner location. The actual distance from the house to the curb will be 25°

ORDER RECHIVED FOR FILING

feet; however, will be 15 feet from the right-of-way for Prince George Street. Moreover, testimony indicated that the Petitioners purposely made the subject lot larger to accommodate its corner location. I find that the relief requested is appropriate in this instance and can be granted without detrimental impact upon the health, safety or general welfare of the surrounding locale.

As noted above, no one appeared in opposition to the request, and there were no adverse Zoning Advisory Committee (ZAC) comments. However, as a condition of approval, the Petitioners shall comply with the recommendations made by the Office of Planning in their ZAC comment dated November 14, 2003, a copy of which is attached hereto and made a part hereof.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of December 2003 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 1B02.3.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and the Zoning Commissioner's Policy Manual, to permit a side street setback of 15 feet in lieu of the required 25 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comment submitted by the Office of Planning dated November 14, 2003, a copy of which is attached hereto and made a part hereof.

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.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

# 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 17, 2003

D. Dusky Holman, Esquire Gildea, LLC 301 N. Charles Street, Suite 900 Towson, Maryland 21204

RE: PETITION FOR VARIANCE

S/S Wilson Avenue, 400' W of the c/l Carroll Street

(1213 Wilson Avenue)

1<sup>st</sup> Election District — 1<sup>st</sup> Council District

P & S Homes, Inc. - Petitioners

Case No. 04-184-A

Dear Mr. Holman:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

Mr. Thomas Scherr, P & S Homes, Inc.
 701 Fern Valley Circle, Baltimore, Md. 21228
 Mr. Richard Matz, Colbert Matz Rosenfelt, Inc.
 2835 Smith Avenue, Suite G, Baltimore, Md. 21209
 Office of Planning; People's Counsel; Case File



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



# Petition for Variance

# to the Zoning Commissioner of Baltimore County.

for the property located at 1213 Wilson Avenue which is presently zoned D.R.-5.5

OFFICE USE ONLY

Date\_ 10/09

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING\_

Reviewed By \_\_\_\_\_

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 of thereof, hereby petition for a Variance from Section(s)

BCZR, Section 1B02.3.C.1 and Baltimore County Zoning Commissioner's Policy Manual, Section 1B02.3.C.1.a to permit a 15 foot side street setback in lieu of the required 25-foot setback.

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 presented at hearing.

ORDER

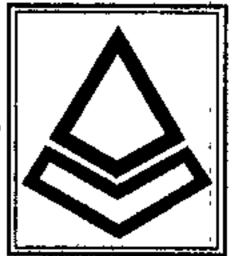
Property to be posted and advertised as prescribed by the zoning regulations.

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: <u>Legal Owner(s):</u> Thomas Scherr, Vice-President, P & S Homes, Inc. Name - Type or Print Name 7- Type or Print Signature Signatufe Address. Telephone No. Name - Type or Print Clty State Zip Code Signature Attorney For Petitioner: 701 Fern Valley Circle 410-744-8589 Address. Telephone No. D. Dusky Holman, Esq. Baltimore Md. 21228 Hame Type or Print City State Zip Code Representative to be Contacted: Signature **⊛**ildea, LLC Richard E. Matz, P.E. Ompany COLBERT MATZ ROSENFELT, INC (eve.) 410-484-8757 Charles St., Suite 900 410-234-0070 (day) 410-653-3838 2835 Smith Avenue, Suite G Telephone No. Address Telephone No. Baltimore MD 21201 MD 21209 REG City Zip Code State State Zip Code

# Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

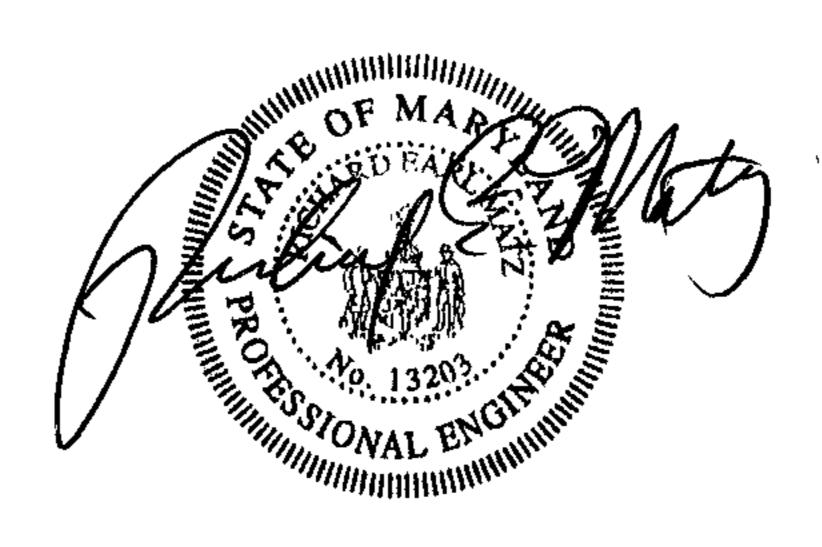


DA 18A A

# ZONING DESCRIPTION 1213 WILSON AVENUE

Beginning at a point on the south side of Wilson Avenue, which is 40 feet wide, at the distance of 400 feet, more or less, from the centerline of Carroll Street, which is 40 feet wide.

Being Lots 20, 21 and 22, Block 4, in the subdivision of Catonsville Manor, as recorded in Baltimore County Plat Book No. 6, folio 160 and containing 6,500 square feet. Also known as 1213 Wilson Avenue and located in the 1<sup>st</sup> Election District.



	B			
N N N N N N N N N N N N N N N N N N N				
ĝ Q				
	N S	8		
			5	

The Zoning Commissioner of Baltings County, by authority of the Zoning Act and Regulations of Baltin more Count will hold a public hearing in Towson. Maryland on the property identified hereings follows:

Case: #04-184-#.
1213 Wilson Nvene
S/west corner to Wilson
Avenue and Prince Seorges

Street

1st Election District
1st Councilmanic District
Legal Owner(s): Thomas
Scherr, Vice President P&S
Homes, Inc.
Variance: to permit a 15foot side street setbac, in
lieu of the required 25-bot
setback.

Hearing: Monday, Novenber 17, 2003 at 2:00 p.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-

**C634700** 3391. 10/476 Oct. 30

# VIE OF PUBLICATION

10 30 303

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing newspaper published in Baltimore County, Md., 03 in the following weekly once in each of СO

X The Jeffersonian

Arbutus Times

le Times Catonsvill

imes Towson T

Owings Mills Times

NE Booster/Reporter 

North County News

Mulusy

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: Petitioner/Developer: ZhomAS SCHERR PAS HOMES Date of Hearing/Closing: 1001/17, 2003 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Becky Hart {(410) 887-3394} 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: 213 WILSON AVE The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black CAST # 011-18-1-A A PHILL OR THE DRING HE STAINER A PHILLS AS A PHILL OF THE READ OF THE PROPERTY OF THE PROPERT (Print Name) PLACE TO THE OWNER OF THE PARTY 1508 Leslie Road DATE AND TIME PLACE LONDING TO A COLUMN At the structure to large a large and a second (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

# 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

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: 04-184-A

1213 Wilson Avenue

S/west corner of Wilson Avenue and Prince Georges Street

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Thomas Scherr, Vice President, P & S Homes, Inc.

Variance to permit a 15-foot side street setback in lieu of the required 25-foot setback.

Hearings:

Monday, November 17, 2003 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco Director

TK:rlh

C: D. Dusky Holman, Gildea, LLC, 301 N. Charles St., Suite 9000, Baltimore 21201 Thomas Scherr, Vice-President, P & S Homes, 701 Fern Valley Circle, Baltimore 21228

Richard Matz, P. E., 2835 Smith Avenue, Suite G, Baltimore 21209

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

Post-It® Fax Note	7671	Date 10/27 # of pages ✓
To Dusky	Holmen	From Beck
Co./Dept.		Co.
Phone #		Phone # \3391
Fax# 410-23	4-0073	Fax #

Visit the County's \



TO: PATUXENT PUBLISHING COMPANY

Thursday, October 30, 2003 Issue - Jeffersonian

Please forward billing to:

D. Dusky Holman Gildea, LLC

410-234-0070

301 N. Charles Street, Suite 900

Baltimore, MD 21201

### **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: 04-184-A

1213 Wilson Avenue

S/west corner of Wilson Avenue and Prince Georges Street

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Thomas Scherr, Vice President, P & S Homes, Inc.

Variance to permit a 15-foot side street setback in lieu of the required 25-foot setback.

Hearings:

Monday, November 17, 2003 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

lawrence E. Schwidt

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.

	Date	70127 1	of ages /
Post-it® Fax Note	1011		
To Suser Wills Co./Dept Servoria	* <del></del>	ne # ×33	
Phone # 2410 - 825			
Fax# 410-000			

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

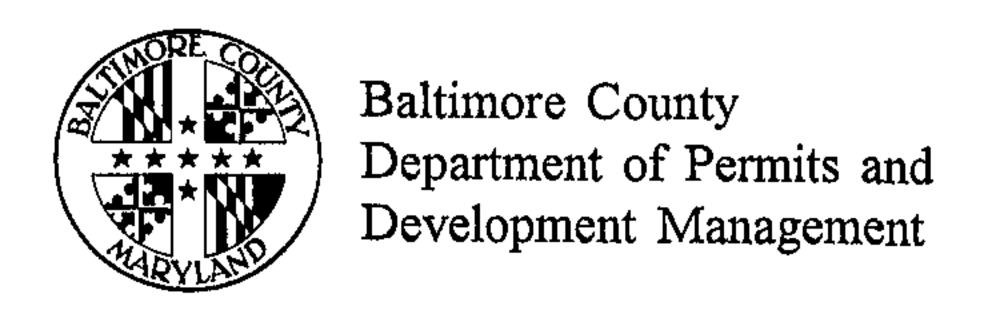
# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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>04-184A</u>
Petitioner: Pas Homes, Inc.
Address or Location: 1213 Wilson Ave.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Gildea, LLC
Address: 301 North Charles St. Suite 900
Baltimore, MD 21701
Telephone Number: <u>4/0 - 234 - 0070</u>



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

November 14, 2003

D. Dusky Holman Gildea, LLC 301 N. Charles Street, Ste. 900 Baltimore, MD 21201

Dear Mr. Holman:

RE: Case Number: 04-184-A, 1213 Wilson Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 9, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

U. Callibal)

WCR:klm

Enclosures

People's Counsel C: Thomas Scherr, P & S Homes, Inc., 701 Fern Valley Circle, Baltimore 21228 Richard Matz, Colbert, Matz & Rosenfelt, 2835 Smith Ave., Ste. G, Baltimore 21209



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 27, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 27, 2003

Item No.:

183-194

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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 14.28.03

**Baltimore County** 

Item No. 189

RE:

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

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

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** November 14, 2003

RECE/VET

ZONING COMMISSIONER

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

1213 Wilson Avenue

**INFORMATION:** 

Item Number:

04-184

Petitioner:

Thomas Scherr

Zoning:

DR 5.5

Requested Action:

Variance

### SUMMARY OF RECOMMENDATIONS:

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

- 1. The side building façade facing Prince George Street shall be articulated with such elements as windows, doors, a porch, etc, and shall not be a blank wall.
- 2. Provide landscaping along the side and front property lines.
- 3. Submit building elevations, and a landscape plan illustrating items 1 and 2 above.

For further information concerning the matters stated herein, please call Dennis Wertz at 410-<sub>4</sub>887-3480.

Prepared by:

of Films

**Dat**e

Section Chief:

AFK/LL:MAC:

## BALTIMORE COUNTY, MARYLAND

# INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 13, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 3, 2003 Items Nos. 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, and 194

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

RWB:CEN:jrb

cc: File

BEFORE THE PETITION FOR VARIANCE RE: 1213 Wilson Avenue; SW corner of Wilson

ZONING COMMISSIONER Avenue and Prince Georges Street 1<sup>st</sup> Election & 1<sup>st</sup> Councilmanic Districts \*

FOR Legal Owner(s): Thomas Scherr, V.P.,

P&S Homes, Inc **BALTIMORE COUNTY** \* Petitioner(s)

04-184-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

RECEIVED

CAROLE S. DEMILIO NOV 0 3 2003 Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue

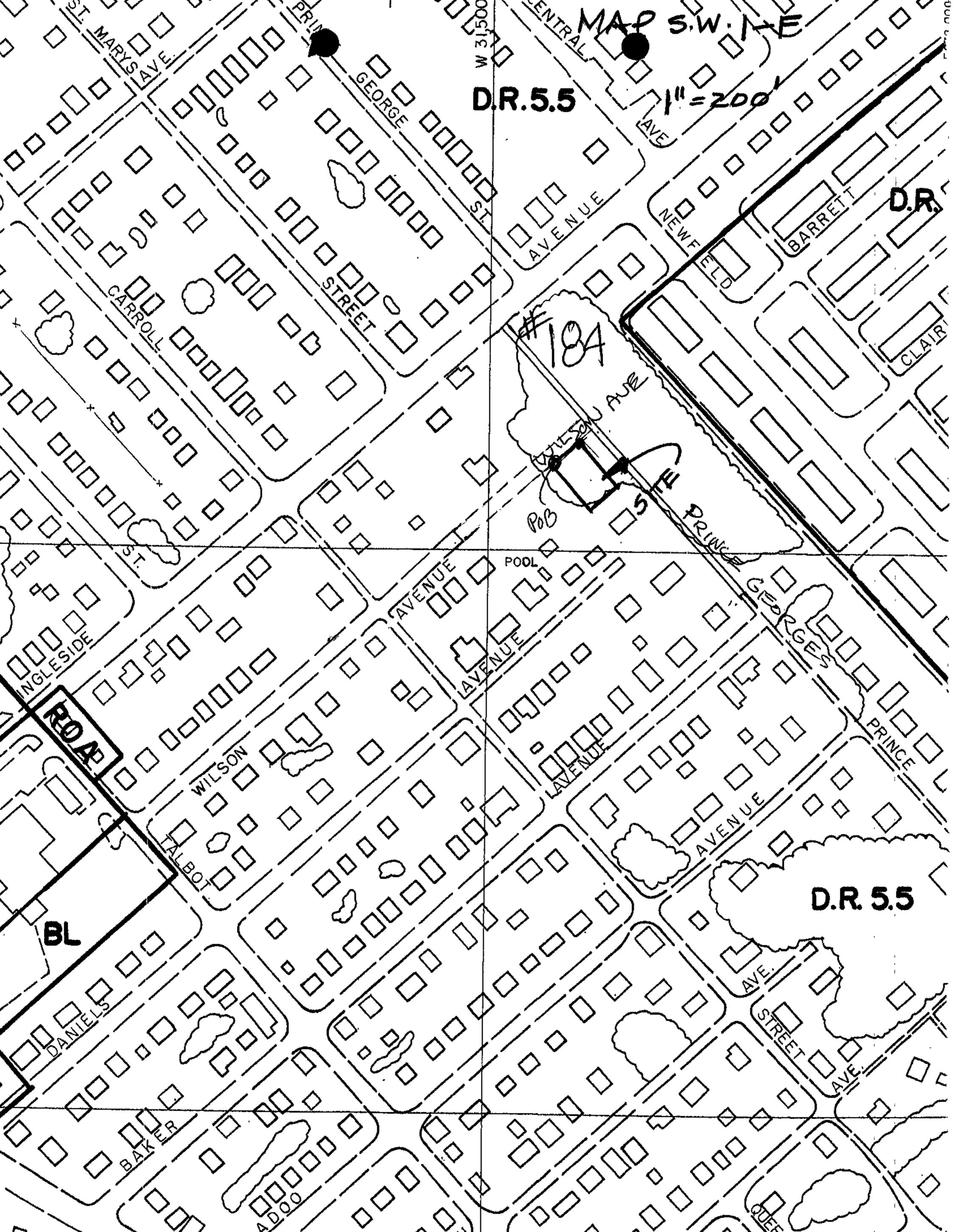
Towson, MD 21204 (410) 887-2188

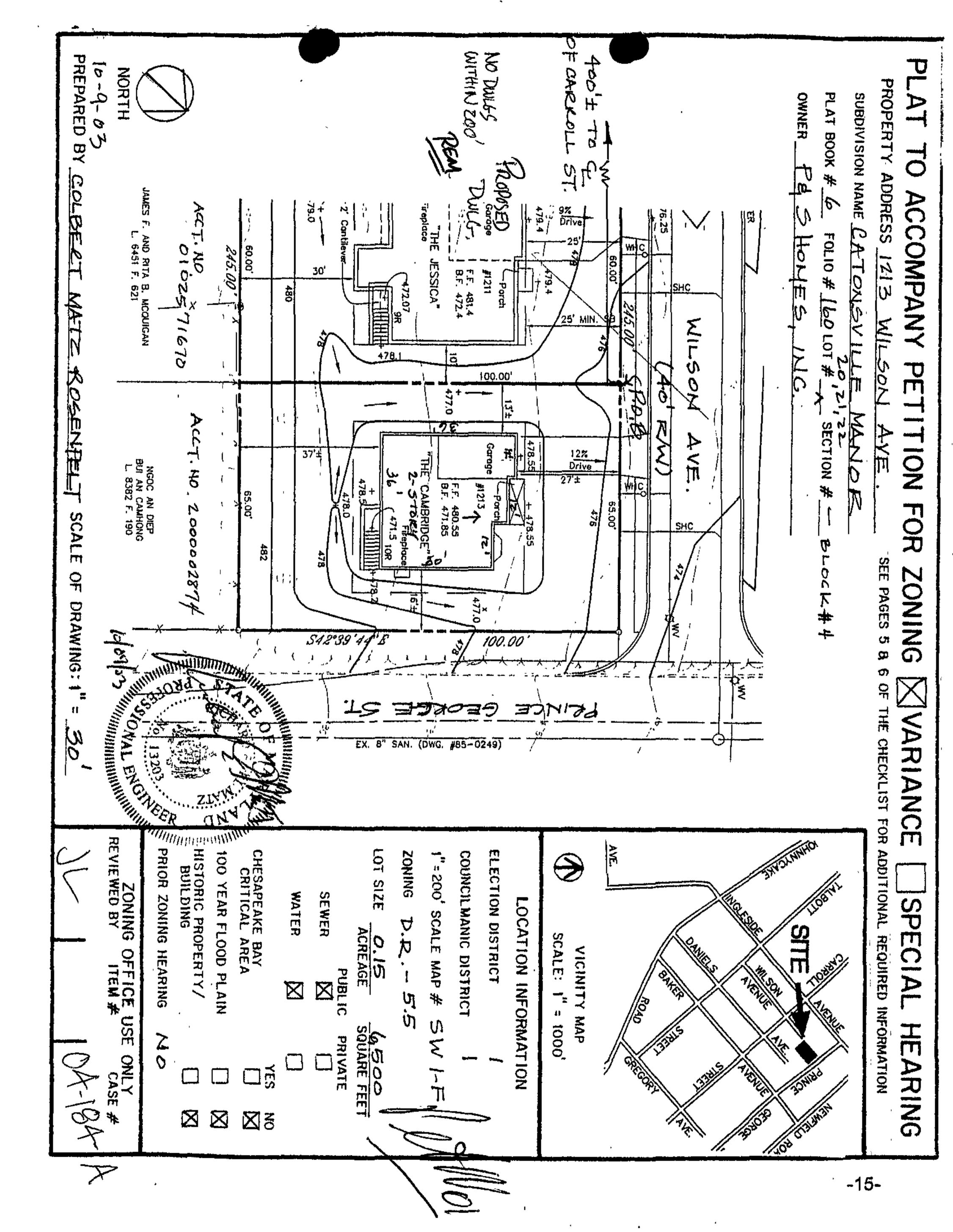
### CERTIFICATE OF SERVICE

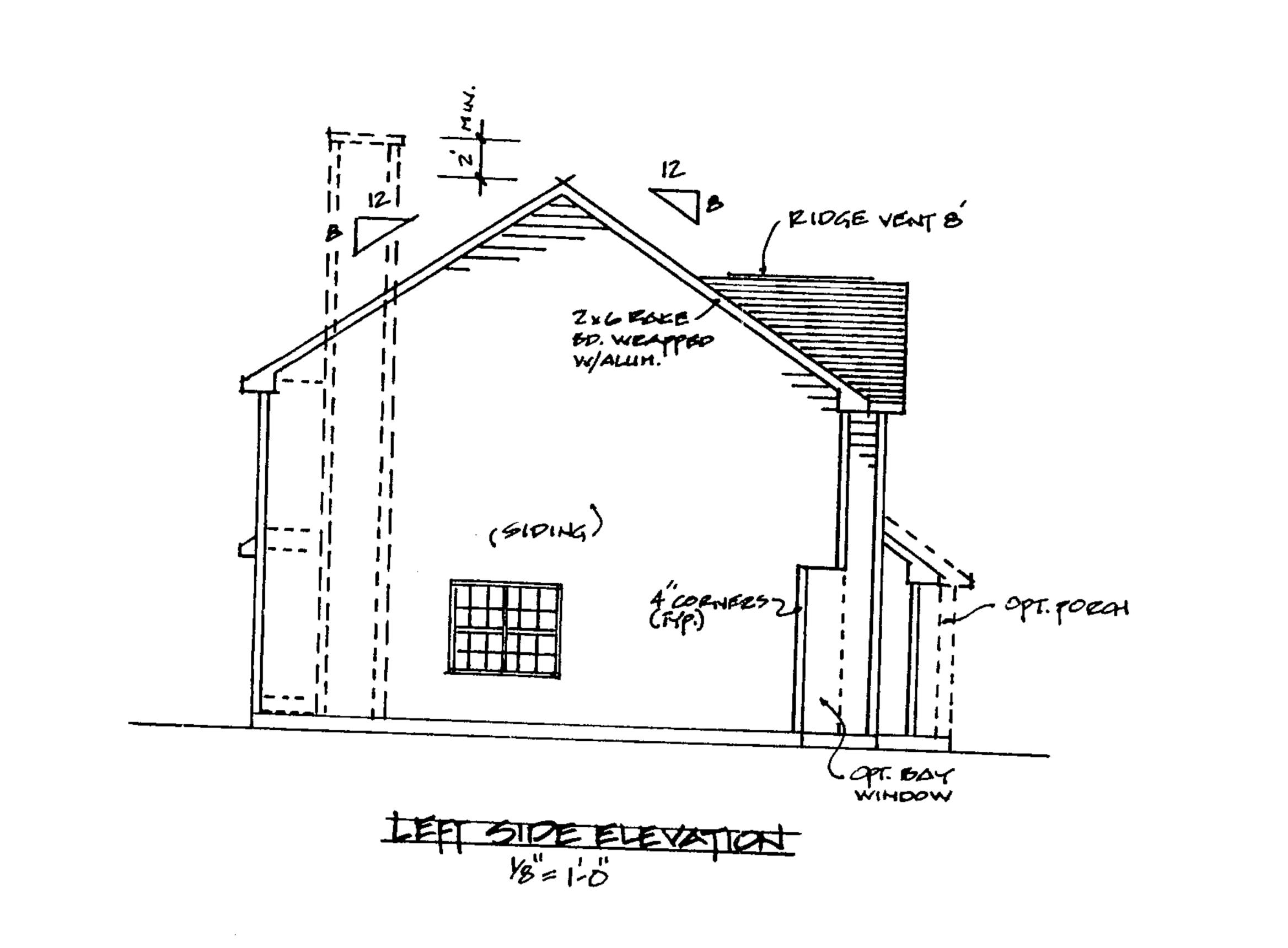
I HEREBY CERTIFY that on this 3<sup>rd</sup> day of November, 2003, a copy of the foregoing Entry of Appearance was mailed to, Richard E Matz, PE, Colbert, Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 & D. Dusky Holman, Esquire, Gildea, LLC, 301 N Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

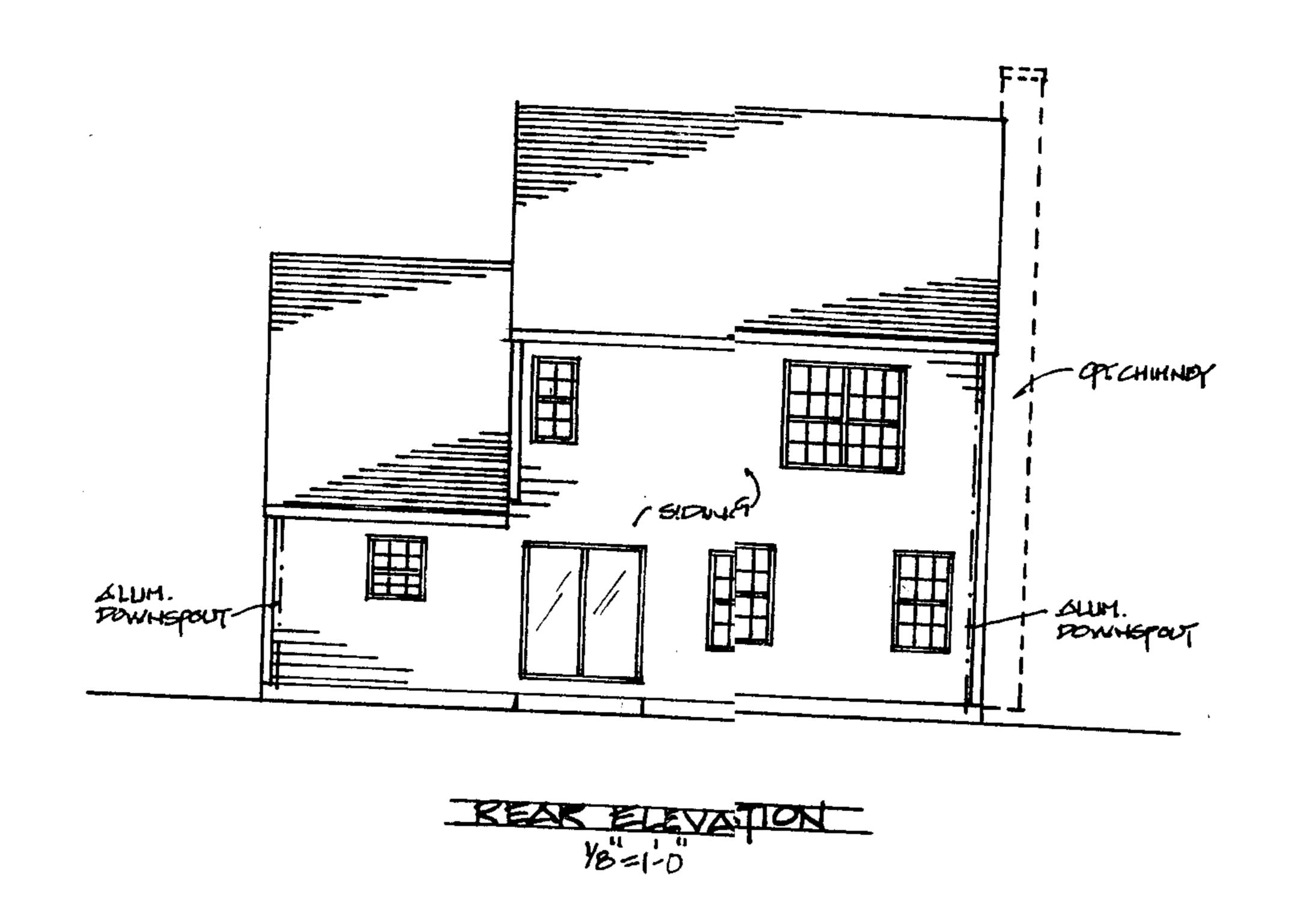
> 22 Max dimmerman PETER MAX ZIMMERMAN

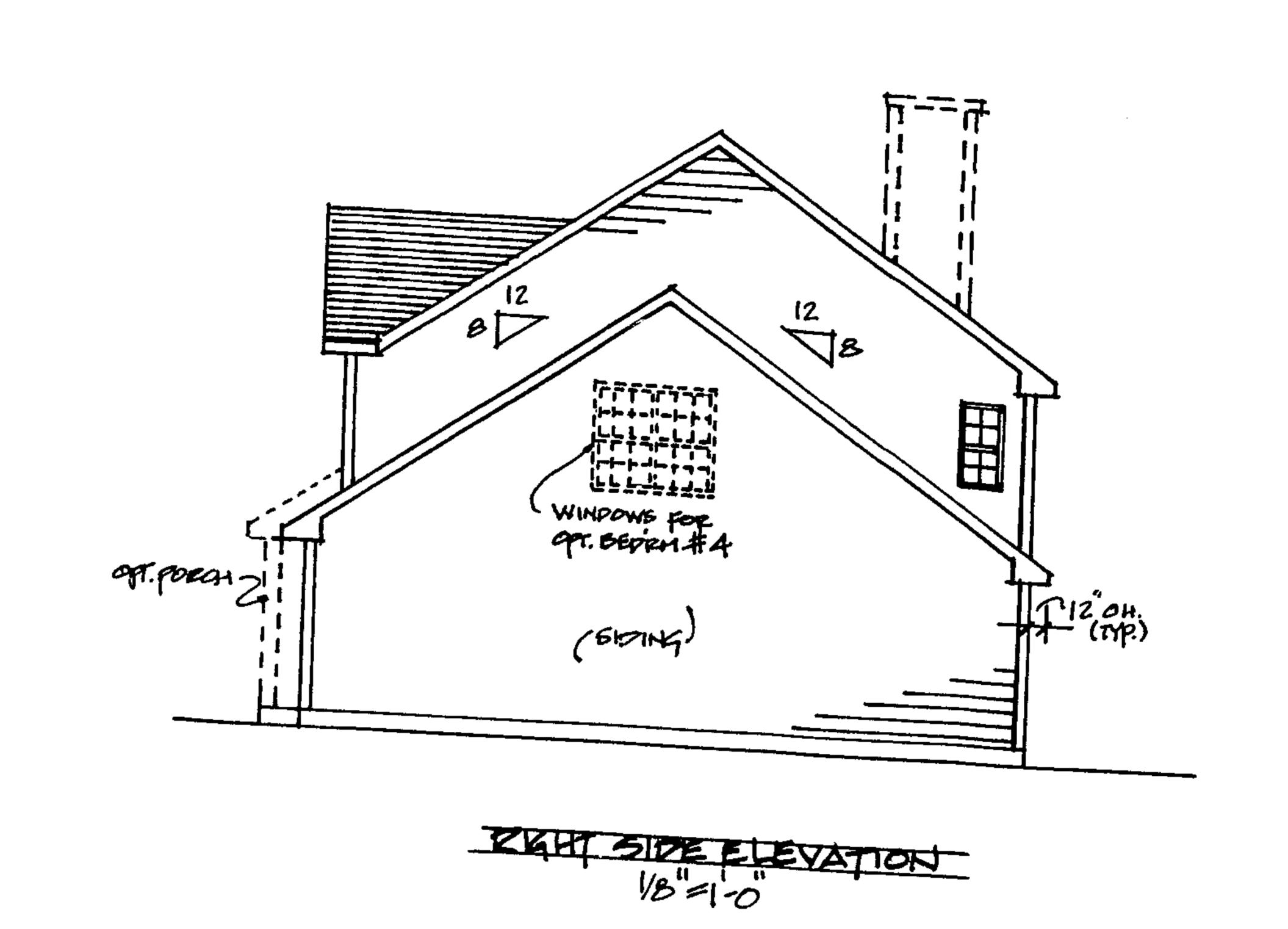
People's Counsel for Baltimore County

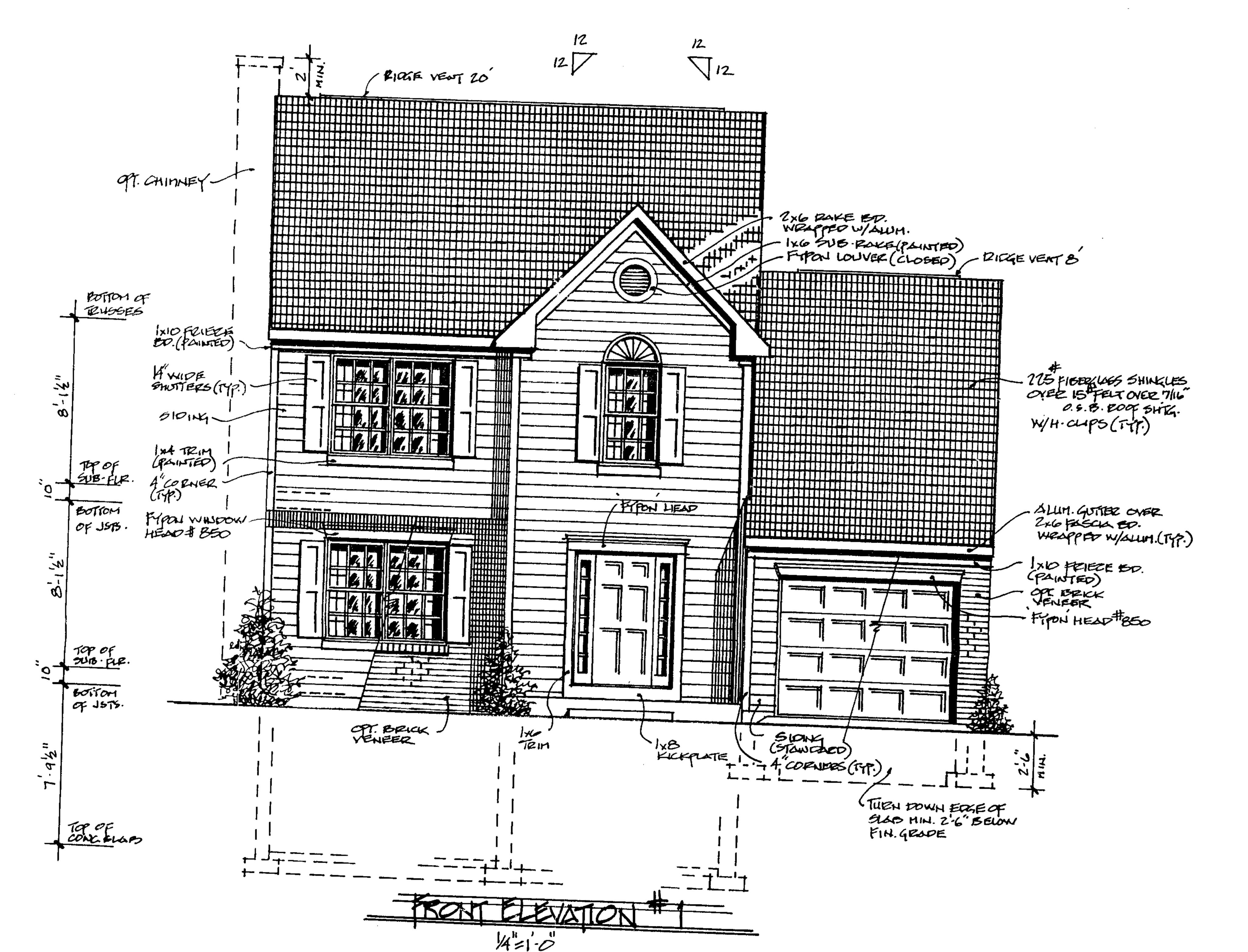


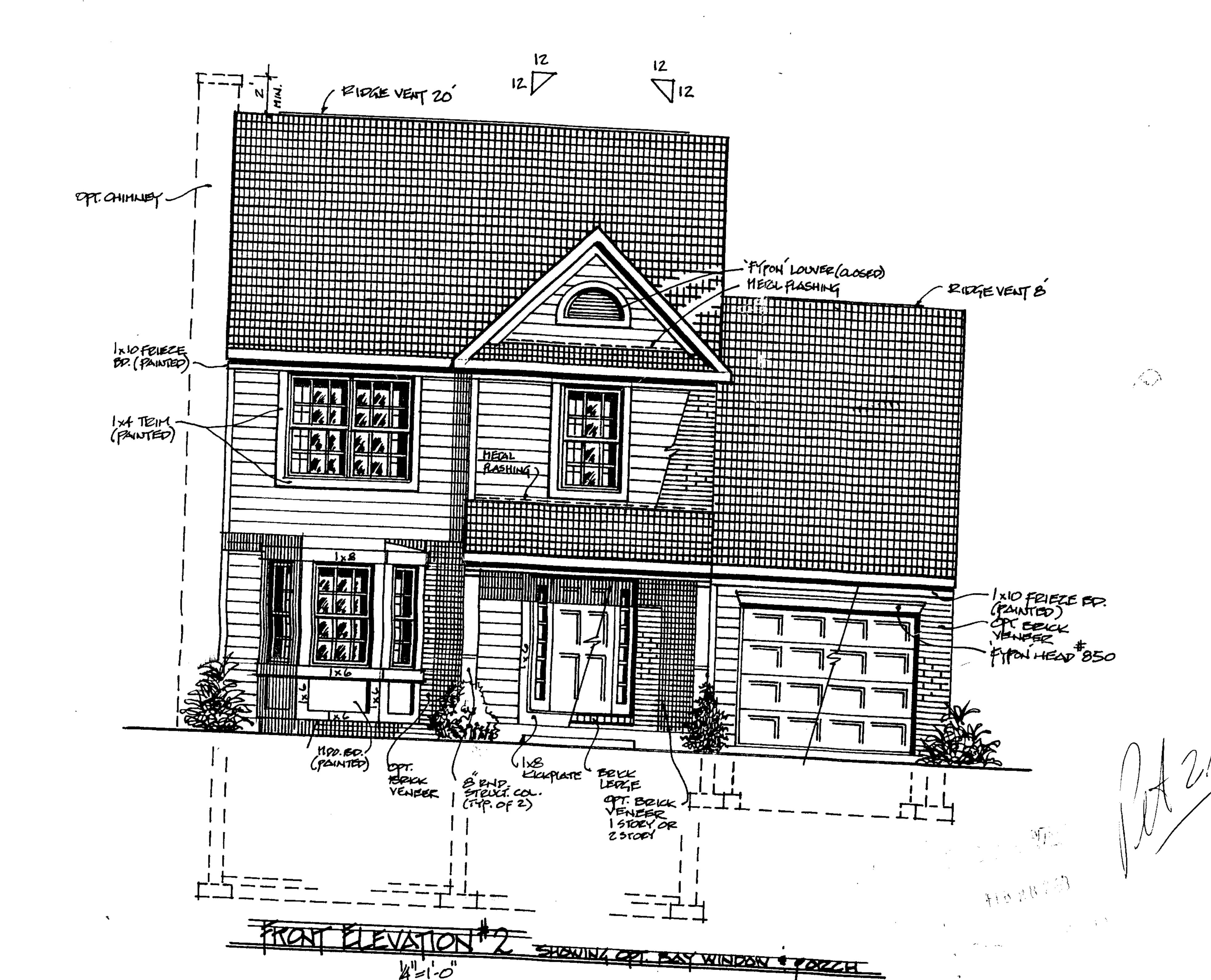














# CUSTOM DESIGNS UNLIMITED, INC. International

3565 Ellicott Mills Drive DATE:

5/17/99 Ellicott City, Md. 21043

DRAWING NO: 990517

PAGE NO: REVISIONS: Tel: (410) 750-8822
Fax: (410) 750-8866

NAME: THE CAMBRIDGE

F.S. PEYELOPHENT CO.