IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – W/S Hilltop Avenue, 125' W of the c/l Ingleside Avenue (5902 Hilltop Avenue)

1st Election District
1st Council District

Warren G. Grill, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-270-SPHA

-

ORDER OF DISMISSAL

WHEREAS, this matter was scheduled for a public hearing on February 6, 2004 to consider Petitions for Special Hearing and Variance filed by the owners of the subject property, Warren G. Grill and his wife, Carole L. Grill. The Petitioners sought special hearing and variance relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the proposed development of the subject property with a single-family dwelling. Specifically, relief was requested to permit a lot width of 40 feet in lieu of the required 55 feet and side yard setbacks of 6 feet each in lieu of the required 10 feet, respectively, and to approve the subject property as an undersized lot.

Pursuant to a letter dated February 2, 2004 received from Bernadette L. Moskunas, Vice President of Site Rite Surveying, the consultants who prepared the site plan for this property, the Petitioners requested a withdrawal of the Petitions.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of February 2004 that the Petitions for Special Hearing and Variance in the above-

captioned matter, be and the same are hereby DISMISSED AS MOOT.

AWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

Mr. & Mrs. Warren G. Grill
6220 Rolling View Drive, Sykesville, Md. 21784
Ms. Bernadette L. Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, #101, Towson, Md. 21286
People's Counsel; Case File

IN THOMEN FOR FILING



OR FILING

ORDER RE

Petition for Variance

i/We do colemnity decions and affirm, under the penalties of

to the Zoning Commissioner of Baltimore County for the property located at 5902 HILLTOP AVE.

which is presently zoned DE 6.5

This Petition shall be filled with the Department of Parmits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plet attached hereto and made a part hereof, hiproby petition for a Variance from Bection(s) | BO2.3.C 1 AND 304 TBCZR
TO PERMIT A LOT WIDTH OF 40 FT, AND SIDE YARD SETBACKS OF 6FT. (EACH) IN LIE W OF THE REQUIRED 55 FT. AND 10 FT. (EACH SIDE) RESPECTIVELY, AND TO APPRINE AN WIDERSIZED LOT.

of the Zoning Requisitoris of Baltimore County, to the zoning law of Baltimore County, for the following mesons: (Indicate hardship or practical difficulty)

- 1. All lot widths are 20' as recorded on a plat of "Catonsville Gardens" dated October 1918.
- 2. There is no contiguous ownership to meet setback and lot width requirements per B.C.Z.R.
- 3. Strict compliance with such requirments would unreasonably prevent the permitted use of the property.

Properly 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 Saltimore County adopted pursuant to the zoning law for Baltimore County.

peduty, that I'we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lossee: Local Owner(s): WARREN G. GRILL Name - Type or Print Name - Type op Print ZNUM Signature CONTRACTOR GRILL AROLE Address Interlance No. NEWDO - TYPE OF Print CKY State Zip Code Bigriffund 6220 ROLLINE VIEW JR. 410,795. 2598 Attorney For Petitioner: Address Telephone No. SYKESYILLE IY Name - Type or Pitel Zip Code City Representative to be Contected: MWWIM M COMPANY 410828-9060 KM10 Address Telephone No. Lickes Telephone No. $\mathsf{C}\mathsf{W}\mathsf{A}$ City 包括技 Zip Code Zp Code State OFFICE USE ONLY -270-SPHA EXTINATED LENGTH OF HEARING Case No. UNAVAILABLE FOR HEARING

20

ZONING DESCRIPTION FOR #5902 HILLTOP AVENUE

BEGINNING AT A POINT ON THE NORTHEAST SIDE OF HILLTOP AVENUE
WHICH IS 40 FEET WIDE AT THE DISTANCE OF 150 FEET NORTHWEST OF
THE CENTERLINE OF INGLESIDE AVENUE WHICH IS 50 FEET WIDE. BEING
PART OF LOT NOS. 51 AND 52, BLOCK 10, IN THE SUBDIVISION OF
"CATONSVILLE GARDENS" AS RECORDED IN BALTIMORE COUNTY PLAT
BOOK NO. 6, FOLIO NO. 157, CONTAINING 6,005 S.F. ALSO KNOWN AS #5902
HILLTOP AVENUE AND LOCATED IN THE 1ST. ELECTION DISTRICT, *FH. 197.

COUNCILMANIC DISTRICT.

MICHAEL V. MOSKUNAS

SITE RITE SURVEYING, INC. 200 E. JOPPA ROAD SUITE 101 TOWSON, MD 21286 (410)828-9060

					Ž	
					3	
			35			
					3	
2		京				
					6	
					YELOW CUSTOMER	
2						
	3 8					
E H						
					PINK ASPICE	
	J.					
COUNTY MARYLAND SOUS FECEIPT Y						
E OF BE						
E SE					METE CAS	
			26		制量	

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: #04-270-SPHA
5902 Hilltop Avenue
N/east side of Hilltop Avenue, 150 feet n/west of Ingleside

Avenue

1st Election District - 1st Councilmanic District
Legal Owner(s): Warren and Carole Grill
Variance: to permit a lot width of 40 feet and side yard setbacks of 6 feet (each) in lieu of the required 55 feet and 10 feet (each side) respectively, and to approve an under-sized lot.

Hearing: Friday, February 6, 2004 at 11:00 a.m. in Hours 106, County Office Building, 111 W. Cheapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handleapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4388.

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

1/334 Jan. 22

C645796

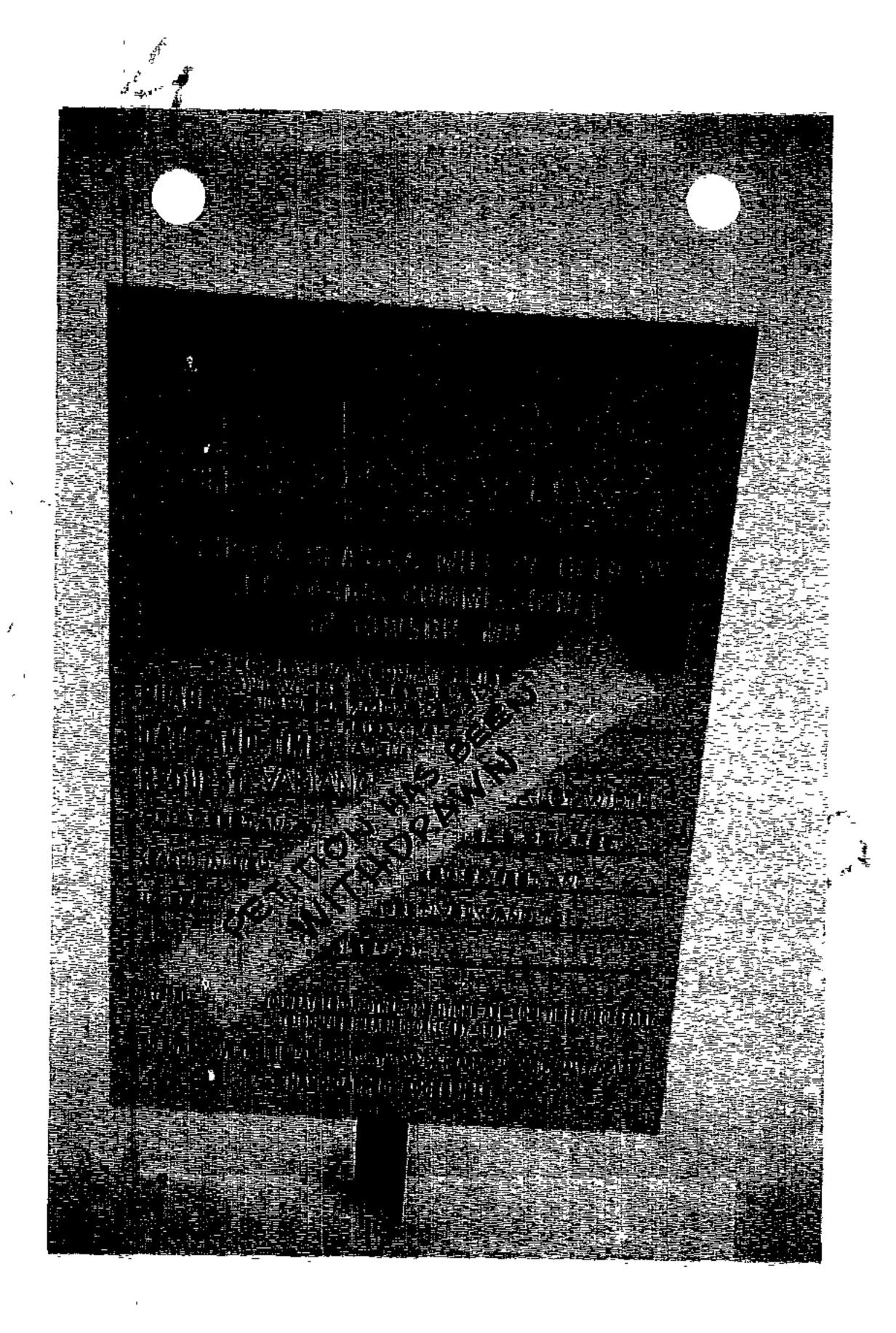
CERTIFICATE OF PUBLICATION

LEGAL ADVERTISING

	Date of Hearing/Closing: FEV-6, 7004
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Towson, MD 21204	
Attention: Becky Hart	
Ladies and Gentlemen: This letter is to certify un	der the penalties of perjury that the necessary sign(s) required by
	ocated a \$5902 HILLTOP AVE
0	
	WETHDRAWAC
The sign(s) were posted on A. Z.	2004, POSTED FEB. 2, 2000
	(Month, Day, Year)
	Sincerely,
. 200	Signature of Sign Poster and Date)
	GARLANDE, Moores (Printed Name)
	3225 RYERSON CIRCLES (Address)
	PAUTINIARE, MD. 21227 (City, State, Zip Code)
	(410) 242-4263
•	(Telephone Number)
₹	·

RE: Case No.: 04) - 770 - 9PMA

Petitioner/Developer: STOVE SMITH



A Constant Constant

.

•

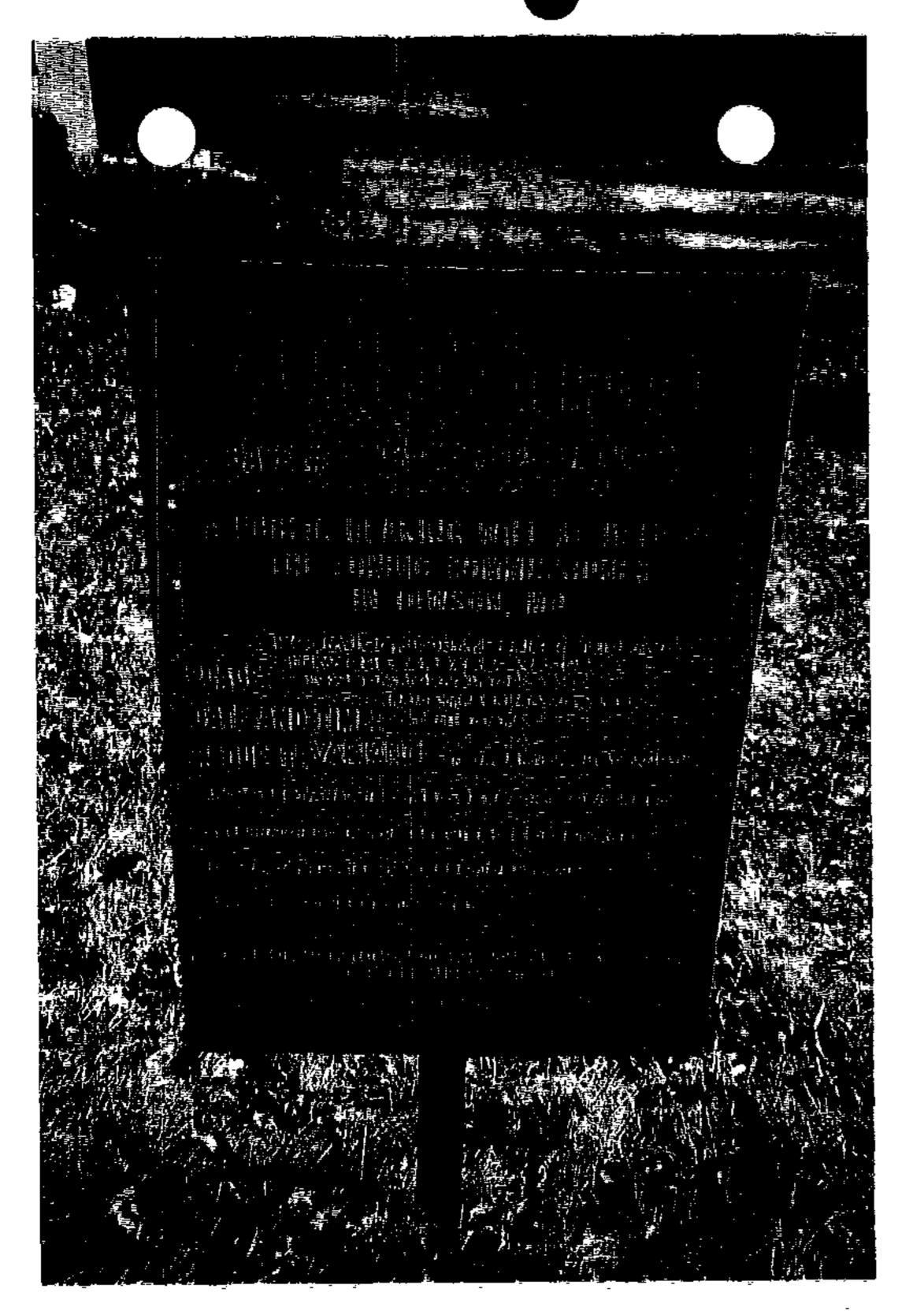
CERTIFICATE OF POSTING

altimore County Department of ermits and Development Management	•
ounty Office Building, Room 111 11 West Chesapeake Avenue	
owson, MD 21204	
ttention: Becky Hart	
adies and Gentlemen: This letter is to certify under	the penalties of perjury that the necessary sign(s) required by
w were posted conspicuously on the property local	ted at #5002 HILLTOP AVE.
he sign(s) were posted on JAM, 21, 2	001
ne sign(s) were posted on(1	Month, Day, Year)
	Sincerely,
	Ma Can
	(Signature of Sign Poster and Date)
	GARLANDE. MOORE
	(Printed Name)
	3225 RYERSON CIRCLES (Address)
	BAUTIMORE, MD. 21227
	(City, State, Zip Code)
	(410) 242-4263
	(Telephone Number)

RE: Case No.: 04-270-5014

Petitioner/Developer: STEVE SIVITH

Date of Hearing/Closing: FEB, 6, 7004

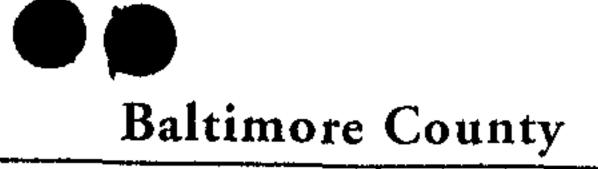




Department of Permits and Development Management

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





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

December 26, 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: 04-270-SPHA

Muthy Kotroco

5902 Hilltop Avenue
N/east side of Hilltop Avenue, 150 feet n/west of Ingleside Avenue

1st Election District – 1st Councilmanic District
Legal Owners: Warren and Carole Grill

Variance to permit a lot width of 40 feet and side yard setbacks of 6 feet (each) in lieu of the required 55 feet and 10 feet (each side) respectively, and to approve an undersized lot.

Hearing: Friday, February 6, 2004, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco Director

- .. - 0.0,

TK:klm

C: Warren and Carole Grill, 6220 Rolling View Dr., Sykesville 21784 Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 22, 2004.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, January 22, 2004 Issue - Jeffersonian

Please forward billing to:

Steve Smith 8008 Solley Road Glen Burnie, MD 21060

443-463-3444

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: 04-270-SPHA

5902 Hilltop Avenue N/east side of Hilltop Avenue, 150 feet n/west of Ingleside Avenue 1st Election District – 1st Councilmanic District Legal Owners: Warren and Carole Grill

<u>Variance</u> to permit a lot width of 40 feet and side yard setbacks of 6 feet (each) in lieu of the required 55 feet and 10 feet (each side) respectively, and to approve an undersized lot.

Hearing: Friday, February 6, 2004, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

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

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: 04-270-SPHA
Petitioner: Warren and Carok Grill
Address or Location: 5902 Hilltop Avenue
PLEASE FORWARD ADVERTISING BILL TO:
Name: Stw Smith
Address: 8008 Sollen Road
Glen Burnie, MD 21060
Telephone Number: 443-463-3444

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

January 30, 2004

Mr. Warren Grill Mrs. Carol Grill 6220 Rolling View Drive Sykesville, Maryland 21784

Dear Mr. and Mrs. Grill:

RE: Case Number: 04-270-SPHA, 5902 Hilltop Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 4, 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.

W. Carl Richal D.

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel Site Rite Surveying, Inc 200 E. Joppa Road Rm. 101 Towson 21286



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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: /2.16.63

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

RE:

Baltimore County

Item No.

270

JLL

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,

La

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

file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 30, 2003

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

DEC 3 1 2003

ZONING COMMISSIONER

SUBJECT:

5902 Hilltop Avenue

INFORMATION:

Item Number:

04-270

Petitioner:

Warren G. Grill

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and recommends that it be DENIED due to the following:

- 1. The proposed dwelling to be located on the subject lot does not comply with Section 304.2.B.2 of the Baltimore County Zoning Regulations (BCZR). The architectural design for the proposed dwelling is inconsistent with the architectural design of existing houses in the neighborhood.
- 2. The proposed side yards do not comply with the minimum width requirement specified in Section 1B02.3.C.1 of the BCZR.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: December 29, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM: /

Robert W. Bowling, Supervisor
Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For December 22, 2003 Item Nos. 267, 269, 270, 271, 272,

273, 274, 275, 279, and 283

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

RWB:CEN:jrb

cc: File

DATE: December 23, 2003

BALTIMORE COUNTY, MARYLAND

-0;

INTER-OFFICE CORRESPONDENCE

To:

John Lewis

Department of Permits and Development Management

Zoning

FROM:

Lynn Lanham

Development Review Section

Office of Planning

SUBJECT:

Undersized Lot

5902 Hilltop

ZAC Item # 04-270 SPHA

The Office of Planning has reviewed the request for an undersized lot and recommends denial for the following reasons:

- The proposed dwelling to be located on the subject lot does not comply with Section 304.2.B of the BCZR. The architectural design of the proposed dwelling is inconsistent with the architectural design of existing houses in the neighborhood.
- 2. The proposed side yards do not comply with the minimum width requirement specified in Section 1B02.3.C.1 of the BCZR.

LL:

	County Courts Building, 401 Bosley Avenue	すること しゅうてきる		4 14 4 4 5 1 16 4 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			04-270-5	
	Towson, MD 21204	رون دوغون مورش	n at medicine the				rocessing Fee Paid (0.00)	į Į
OM:	Amold Jabion, Director Department of Permits 6		* ,	•		Accepted b	10A/03	
	Undersized Lots	•	1	, <u>*</u>		landa arra da Maria da Landa da Landa	(, 	
want (Office	o Section 304.2 (Baltimore of Planning and Communit	County Zoning Regulary Conservation prior to	this office's approvi	25,-1992, this o	office is reque: ornit	sting recomme	ndations and commen	us from
	a amou loubert di 1901 (5	en interiorial		·			•	•
•	SIK RIK SULVEYING	ng luc. 200 E	Joppa Road	Towson 1	ND 2112	96	410 828-1060 Telephone Num	
f	Print Name of Applicant	Line Andread				rate the	square Feet 6009	
1	Lot Address 5902 Hil	II TILL A	- 1	on DistrictC			natural Av	enul.
Loca	tion: (NEB Waldercomer	or thilltop two	(ofreet)		. 4 60			· · · · · · · · · · · · · · · · · · ·
	nor. Warren & Car	_ · · · ·	-	7	ex Account N	lumber 22	00018018	
	6220 Rolling-V	_		, 	rejephone Nu	mber (410	, 195-2598	
11444	SMICESVINO	MD 21784				i		
ECKLI	ist of materials—, (10 p	& SODITHING IN HOUSE		O PANEL DOME	NTMANAGE	MENT ONLY		
O SE	FILLED IN BY ZONING R	EVIEW, DEPARTMEN	T OF PERMITS AN			DED?		
hie R	econimendation Form (3	copies)	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ين من	E.S.		; · ·	
	Application .			-		The second second		Ē
ite Pi	,		•					ī
	erty (3 copies)			 امادادا]	TOP B P D	()/7 FP
		DEN SCHOOL CONTRACTOR						
	ng Elevation Drawings						DEC - 7	2003
hośo Adiole	graphs (please labél all p ing Buildings	hotos clearly)	•	, 				2000
	inding Neighborhood						OFFICE OF PI	ANNING
	nt Zoning Classification:	D.P. 5.6		·		Art yl 		
		.	Post-It F	ax Note 7	671 Date	12/27/19	ges -2	
1	•	TO BE FR	To of		Prom	Free	Takka	
COM	MENDATIONS / COMMENTE:	· •	Collidert.	Zorna	Co. Phon	e + 24	ioni	tations :
	Approval Disap	Appro	Phone #	2021	Fax #			-
		, .		<u> 7007 — </u>			1	ı
			i	-		;	•	- ,
			، (مهر	1		;	1 . 1	
		· //				Ι,	1-2/2	シ/ハン
	and a second	and the same of th	War.				Date:	
igned b	Vi man transfer dente of the	nning and Community Con	nuervation	ı ,			Date: Contract	
igned ti	tor the Oirector, Office of Pie	nning and Community Co.	naervation	,				ed 2/25/99

Sent By: 0;

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

5902 Hilltop Avenue; NE/side Hilltop

Avenue, 150' NW Ingleside Avenue

1st Election & 1st Councilmanic Districts

Legal Owner(s): Warren G & Carole L Grill

vner(s): warren G & Carole L Grin
Petitioner(s)

FOR

BALTIMORE COUNTY

BEFORE THE

ZONING COMMISSIONER

04-270-SPHA

* * * * * * * *

ENTRY OF APPEARANCE

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

RECEIVED

DEC 17 2003

Per....

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carde 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 17 day of December, 2003, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Room 101, Towson, MD 21286, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Baltimore County, Marylana



OFFICE OF PEOPLE'S COUNSEL

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

FEB - 2 2004

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

ZOWNG COMMISSIONE DEMILIO Deputy People's Counsel

PETER MAX ZIMMERMAN
People's Counsel

February 2, 2004

Lawrence E. Schmidt Zoning Commissioner for Baltimore County 401 Bosley Avenue, 4th Floor Towson, Maryland 21204

Re:

Warren & Carole Grill

Case No.: 04-270-SPHA

Dear Mr. Schmidt:

Enclosed please find opinions from the Zoning Commissioner, Board of Appeals, Circuit Court and the Court of Special Appeals with regard to a prior case at this same address. The courts affirmed the County Board of Appeals' denial of a building permit on the same property in Case No. CBA-94-163, on April 28, 1995.

At the time of the 1995 decision, the Grills owned contiguous lots on Hilltop Avenue (Lots 51 and 52), on Ingleside Avenue (Lots 57-60), and backing up to these lots (parts of Lots 25 and 26). Review of the current site plan suggests that the Grills sold off Lots 57-60 and parts of Lots 25 and 26, leaving them with the Hilltop Avenue lots and parts of Lots 25 and 26. This sale does not justify any change from the 1995 denial. If anything, it amounts to a "self-created difficulty."

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw Enclosures

cc: Warren & Carole Grill

IN RE: HEARING ON UNDERSIZED LOT W/S Hilltop Avenue, 125' W of

Ingleside Avenue (5902 Hilltop Avenue) Ist Election District

1st Councilmanic District

Warren and Carole Grill Applicants BEFORE THE

ZONING COMMISSIONER

OF BAUTIMORE COUNTY

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner pursuant to a for a public hearing to determine the appropriateness of a building permit application for the proposed development of the subject underknown as 5902 Hilllop Avenue, located in the Catonsville area sized lot, of southwestern Paitimore County. The request for public hearing was filed numerous residents of the Catonsville Gardens community by letter received in the Office of Planning and Zoning on January 12, 1994. Subseto the receipt of said letter, the property was posted and a public hearing scheduled before me on February 24, 1994. The property is owned by Warren and Carole Grill who seek to develop the site with a single Samily dwelling.

Appearing at the public hearing on behalf of the application were the property owners, Warren and Carole Grill, and their attorney, C. Victor McFarland, Esquire. Appearing in opposition were Joseph Lotz, an adjacent property owner, James Hannon on behalf of the Catonsville Gardens community, and James Scrofo.

As noted above, this matter comes before the Zoning Commissioner pursuant to Section 104.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). Unlike the vast majority of cases which are heard before this Office, the matter is not before me as a Petition for Special Hearing,

IN THE MATTER OF
WARREN GRILL, ET UX - Pelitioners
WEST SIDE HILLTOP AVENUE,
125' WEST OF INGLESIDE AVENUE
(5902 HILLTOP AVENUE)
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

ZONING COMMISSIONER'S
APPROVAL\BUILDING PERMIT
APPLICATION

RE:

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO: CBA-94-163

OPINION

This case comes before the Board on appeal from the decision of the Zoning Commissioner dated July 29, 1994 approving a building permit application for the proposed development of an undersized lot known as 5902 Hilltop Avenue (the "Property"). The Zoning Commissioner, pursuant to Section 304.4 of the BCZR, determined that the proposed development of the subject undersized lot was appropriate and approved the proposed dwelling. On appeal, the Board must now review this matter de novo.

Section 304 governs the use of undersized single family lots. That Section provides a property owner with the right to construct a one-family detached or semi-detached dwelling on an undersized lot (i.e. a lot having a substandard area or width at the building line less than that required by the regulations), provided the property owner meets the requirements of a three-pronged test set forth therein. One, the property must be duly recorded, either by deed or a validly approved subdivision, prior to March 30, 1955, the date of the first adopted comprehensive zoning regulations of Baltimore County. Secondly, the Petitioners must demonstrate that all other requirements of the height and area regulations can be

PETITION OF WARREN GRILL: IN THE CIRCUIT COURT

AND CAROLE GRILL, HIS WIFE : FOR BALTIMORE COUNTY

FOR JUDICIAL REVIEW OF THE:

DECISION OF THE COUNTY : 111/136/95CV4581

BOARD OF APPEALS OF :

BALTIMORE COUNTY : CBA CASE NO. 94-163

OPINION OF THE COURT

Warren and Carole Grill have petitioned for judicial review of the denial by the County Board of Appeals ("CBA") of their request for permission to build a dwelling upon an undersized plot of ground located in the 1918 recorded subdivision of Catonsville Gardens, in the First Election District of Baltimore County. Zoning Commissioner Lawrence Schmidt held a public hearing on the request for a permit after a number of other residents of the community protested the proposed construction, on February 24, 1994, and subsequently, by Order of July 29, 1994, approved the permit pursuant to Section 304 of the Baltimore County Zoning Regulations ("BCZR").

The Protestants, Joseph Lotz, James Hannon on behalf of the Catonsville Gardens community, and James Scrofo, appealed Mr. Schmidt's Order to the CBA, which in a divided decision filed in April of 1995, reversed. This triggered the Petitioners' seeking of judicial review.

Harry Blackburn, the great uncle of Mrs. Grill, acquired several lots in the subdivision in 1927. The lots which comprise most of the subject property of this case are Lots 51 and 52, each 20 feet wide and fronting on Hilltop Avenue. They were acquired by Blackburn along with Lots 57 through 60 at that time. Later, in 1943, Blackburn purchased the rear portions of Lots 25 and 26 which abutted the rear of Lots 51 and 52, as well as the rear of Lots 58, 59 and 60, and constructed a home on Lots 57-60. At some

UNREPORTED

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

No. 268

SEPTEMBER TERM, 1996

WARREN GRILL, et ux.,

V.

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Fischer,
Hollander,
Bishop, (Ret.'d,
Specially Assigned)
JJ.

PER CURIAM

Filed: November 1, 1996



200 E. Joppa Road Shell Building, Suite 101 Towson, MD 21286

tel. 410.828.9060 fax. 410.828.9066

February 2, 2004

www.siteritesurveying.com

Mr. Timothy M. Kotroco:
Dept.of Permits and Development Mgmt.
Development Processing
Court Office Building
111 W. Chesapeake Avenue
Towson MD 21204

Case No. 04-270-SPHA 5902 Hilltop Avenue

Dear Mr. Kotroco:

Due to circumstances beyond our control, we will have to withdraw the petition request for the hearing scheduled for Friday, February 6th at 11:00 am in Room 106, County Office Building, 111 W. Chesapeake Avenue.

Sincerely,

Bernadette L. Moskunas

Baradottel Moduman

Vice President

CC: Betty

Zoning Commissioner's Office

MON., DEC. 8, 2003 (Cont.)

No. To From Subject

- 03-5987 TK/WCR Zoning verification; 111 Mellor Ave.; \$50 check Leonard Sutton
- 03-5988 E. Creed/JT FAX 17 Maple Rd., Catonsville; copy of electrical invoice for smoke detectors Villa Nova/Jack & Geri Schleicher
- 03-5989 Code Enf./JT FAX Old York Rd. opposite Houcks Mill Rd.; contractor dumping debris on farm DEPRM
- 03-5990 E. Creed/JT FAX 518 Main St., Reisterstown; property sold; new owner is Stuart Pollack Ernest John Weiss, Jr., Esq.
- 03-5991 TK/JT 3015 Rolling Rd.; wishes direction to appeal Final Order of Code Enf. Hearing Officer Willie Mae Clay and Bryce Peterson
- 03-5992 Code Enf./JT FAX BGE utility property, adjacent to 1508 Woodlawn Dr.; trash and debris, Minda Gross, Emmes Realty Services overgrown
- 03-5993 Zoning/WCR/JA Email; zoning verification; Windswept Farm Estate, 97 acres; subdivision into two lots Jason Mills no check
- 03-5994 WCR/JS Zoning verification; Colgate Business Park; requests \$50 check waiver David Iannucci, Ec, Dev.
- 03-5995 TK/WCR Spirit and intent; 40 West Shopping Center, U.S. Rt. 40 and Rolling Rd.; \$50 check Judy Floam, Colbert Matz Rosenfelt, Inc.
- 03-5996 Code Enf./JT 22 Fullerton Heights Ave.; violations corrected, requests inspection Teri Grant, Chase Manhattan
- 03-5997 S. Jennings/JT 9807 Langs Rd.; request for extension De'Ione Vessels, Sawyer Realty Holdings
- 03-5998 J. Radcliffe/JT 9656 Belair Rd., 21236; violations corrected J. Neil Lanzi, Esq.
- 03-5999 Philip Stewart, WCR C: TK; Letter issuing Certificate of Approval; Colonial Christian Academy, Nancy Grasmick 9411 Liberty Rd., 21133
- 03-6000 D. Propalis/JT 7266 Gough St., 21224; violation corrected Odell Phipps
- 03-6001 JT

 10439 Falls Rd. untagged school bus; 4084 Piney Grove Rd. junk and debris;

 Jack Dillon, Valleys Planning Council

 3510 Belmont Ave. house converted from garage without proper approvals
- 03-6002 K. Wood FAX Case #03-8939; problems with Erskines, tenants; no address

 Jens Martin Hansen

TUES., DEC. 9, 2003

No. To From Subject

03-5932 J. Rosendale/JT FAX – Invoice copies of corrections at Fairways at Towson Lenny

03-5933a WCR James M. Haines property, SW side of Windy Hill Rd.; copies of plats and Keith Heindel, Carroll Land Survey preliminary plan

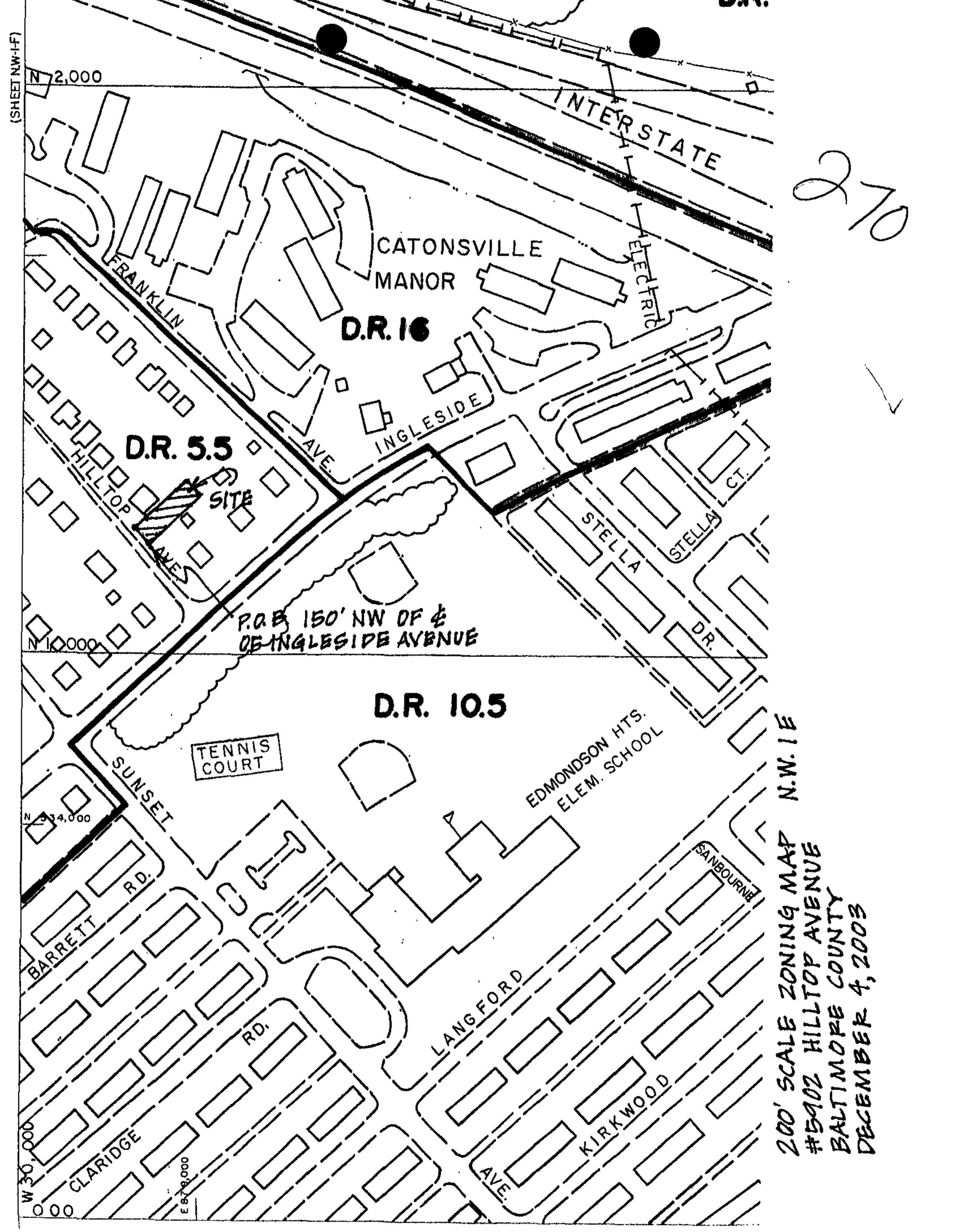
TRANSMISSION VERIFICATION REPORT

TIME: 12/11/2003 15:46

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

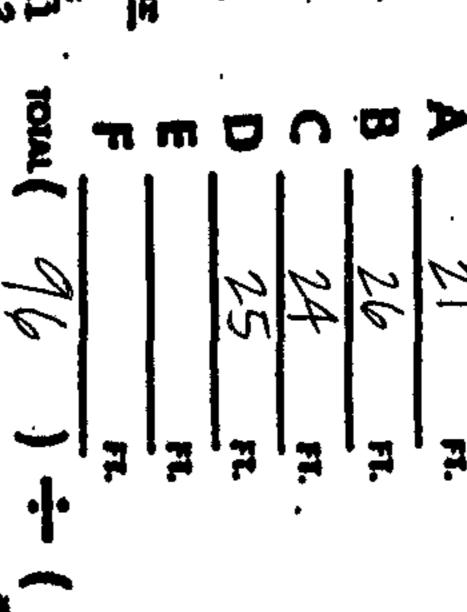
12/11 15:46 13016943040 00:00:00 00 BUSY STANDARD

BUSY: BUSY/NO RESPONSE



겅 BE USED FEER Section SHIL HMEDIATE ADJOINING LOTS ARE on 303. I Baltimore County TERMINING FRONT YARD DEPTHS IN MOT IMPROVED Zoning Regulations RESILENCE ZONES

front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots issediately adjoining on each side provided such adjoining lots are improved the joint side property line, but where said issediately adjoining the stall be front yard of any building hereafter the depth of the front yard of any building hereafter exected shall be not less than the average depth of the front yards of all improved lots within 200 feet the front yards of all improved lots within 200 feet the required to be set back some than 60 feet in D.R.2 somes, 50 feet in D.R.3.5 somes and 10 feet in D.R.2.5 somes, In no case, however, shall nonresidential principal buildings have front yards of less depth than the average depth.



Stre Smith
Spot Hilltop Awar J
Dramber 4, 2003

•	6
•	اب ا•
	(4)
RECOURED FROM	24

NORMAL RECURRED STRACES

D.R.2 - 65 ft.

D.R.3.5- 55 ft.

D.R.5.5- 50 ft.

EXAMPLA Example 1 to 1 t	0	· .	义	<u>2</u>	for P.P.
# \$708 # \$700 # \$704 subject houx faul houx faul				0	
# 5406 # 5404 SUBJECT HOUSE FOULS WASHINGTON TO STRING HOUSE FOULS WASHINGTON TO STRING HOUSE A STRING OF STRING PORTING CONTINUE THAT OF STRING PORTING CONTINU		- B		#5108	and D.R.5.5 res
# 5/104 subject Nowx fours was proving The state of the s	- 1			#5906	tively.
may since the state of the stat	9			#5904·	
200				PROPERTY	
		G		Industina Industria	
				•	200

1-93TAW "8 .X3 Y-- -----· b7MO 7ESI# The state of the s 29 95 LS 85 ,57 ,081 ,08 Lt. 821 ______ Control of the second s 120.10 ,58.621

PLAT TO ACCOMPANY PETITION FOR VARIAI

AND AN UNDERSIZE LOT APPLICATION

#5902 HILLTOP AVENUE

LOT NOS. 51 AND 52

"CATONSVILLE GARDENS" 6/157

ELECTION DISTRICT NO. 1

ELECTION DISTRICT NO. X | V

COUNCILMANIC DISTRICT NO. X | V

BALTIMORE COUNTY, MARYLAND

OWNER: WARREN AND CAROLE GRILL
6220 ROLLING VIEW DRIVE
SYKESVILLE, MD 21784
TAX MAP: 95 GRID: 9 PARC

Site Rite Surveying, Inc. 200 E. Joppa Road Shell Building, Room 101 Towson, MD 21286