IN RE: PETITION FOR VARIANCE

E/S of Susquehanna Avenue, 740 ft. N

centerline of Chesapeake Avenue

15th Election District

6th Councilmanic District

(1107 Susquehanna Avenue)

Cynthia Ralston

Petitioner

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-276-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, Cynthia Ralston. The Petitioner is requesting variance relief for property located at 1107 Susquehanna Avenue in the eastern area of Baltimore County. Variance relief is requested from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 50 ft. in lieu of 70 ft. (if necessary, since no adjacent ownership) and a side yard setback of 12 ft. in lieu of 15 ft. and a sum of side yards of 22 ft. in lieu of 25 ft. and to approve an undersized lot.

The property was posted with Notice of Hearing on February 2, 2004, 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 February 3, 2004 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-

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CALLES AND FOR FILES

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 Department of Environmental Protection & Resource Management (DEPRM) dated January 13, 2004, 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 Vince Moskunas on behalf of Site Rite Surveying, Inc., the firm that prepared the site plan of the property. There were no protestants or citizens at the hearing. 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 a 15,000 sq. ft vacant lot zoned D.R.3.5 in the Bowley's Quarters section of the County. The Petition inadvertently indicated the zoning was DR 5.5 but the zoning map attached to the Petition indicates the area is zoned DR 3.5. This is consistent with the relief requested.

Mr. Moskunas proffered that the property is the north portion of Lot 95 of the "Long Beach Estates" subdivision which was recorded in 1910. This subdivision laid out 100 ft. x 300 ft. lots on the east side of Susquehanna Avenue. At least by April 9, 1954, Lot 95 was further subdivided into two 50 ft. wide lots as shown by Petitioner's Exhibit Nos. 1 and 2. This was the first further subdivision of these 100 ft. wide lots on this east side of Susquehanna Avenue. From Petitioner's

exhibits 1 (plat) and 3 (photographs), it is apparent that the east side of Susquehanna Avenue actually has been developed on as 100 ft. lots in this general area. Lot 96 and the southern half of Lot 95 are owned by Jerome and Susan Cusic. Mr. Moskunas points out, however, that the west side of Susquehanna Avenue is developed primarily as 50 ft. wide lots because this waterfront area is more densely developed. Finally, Mr. Moskunas notes that there is no property on either side of the subject property that is either owned by the Petitioner or available to the Petitioner for purchase so as to be available to conform to the width requirements of the DR 3.5 zoning. The subject property is served by public water and sewer.

Regarding density, the lot is 15,000 sq. ft. on which one home would be built. DR 3.5 zoning indicates 3.5 dwelling units per acre or 0.285 acres per dwelling unit. The 15,000 sq. ft. is 0.34 acres for one dwelling unit or 2.94 dwelling units per acre. So, even without considering the density of the neighborhood generally, the addition of the home would not increase the density beyond that allowed by the regulations.

Mr. Moskunas also proffered that the proposed new home on this lot would be 28 ft. wide. Thus, the home would have a 22 ft. sum of side yard setback in lieu of the required 25 ft. sum of side yard setbacks and, therefore, requires a variance. Said another way, a home of 25 ft. width could be built without a variance. Mr. Moskunas indicated that the owner proposed a "standard" 28 ft. wide home to be better compatible with the neighborhood's existing homes in size and amenities. The Petitioner also asks for a variance of 12 ft. side yard setback in lieu of the required 15 ft. This is exactly the same issue as immediately mentioned above.

Findings of fact and conclusions of law

At first glance this is an easy case. The lot, although only 50 ft. in width, was recorded as a separate lot at least by 1954 which was prior to the DR 3.5 zoning being imposed upon it. Thus, there appears to be special circumstances peculiar to the land (the later zoning) which indicate one

On balance, I find that the detriment to the character of the neighborhood will be minimal and so I will grant the variance as requested but will require full compatibility as noted in the Planning Office comments.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this <u>34</u> day of February, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 50 ft. in lieu of 70 ft. (if necessary, since no adjacent ownership) and a side yard setback of 12 ft. in lieu of 15 ft. and a sum of side yards of 22 ft. in lieu of 25 ft. 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 Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the ZAC comments made by DEPRM dated January 13, 2004, 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.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

HOLOGO JOH: raj

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

February 19, 2004

Ms. Cynthia Ralston 2415 Estelle Avenue Sparrows Point, MD 21219

Re: Petition for Variance
Case No. 04-276-A
Property: 1107 Susquehanna Avenue

Dear Ms. Raiston:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted 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,

John V. Murphy

Deputy Zoning Commissioner

John musply

JVM:raj Enclosure

c: Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson, MD 21286



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



Oate

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1107 SUSAUL MAUNIA ARKHUL

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal currents 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) | 802.3.C. | and 304 BC212

To purmit a lot with it 604. In live of 704 (if neusram, since no adjacent ownership)

MA SILL YMM SHOWLE OF 124. In live of 164. And a sum of sideywas of 224.

IN I'M of the Zoning Regulations of Baltimore County, to the zoning lew of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

- 1. This is a lot of record since April 1954 and has been held under the same ownership since 1994.
- 2. There is no contiguous ownership to meet the requirements of B.C.Z.R.; however, within the spirit and intent of such requirements.
- 3. Strict compliance with B.C.Z.R. would unreasonably prevent the permitted use of this site.

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 Beltimore County adopted pursuant to the zoning law for Beltimore County.

I/No do solemnly declare end affirm, under the penalties of penjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: RALSTON CYNTHIA Name - Type or Frint Name - Type of Print Signature Signature Telephone No. Name - Type or Print Address Zip Code Signature State City 410 477-0558 ESTELLE AUE. Attorney For Petitioner: l'elephorie No. Address 21219 PARROWS GINT Z's Coss Charle. City Nume - Type or Print Representative to be Contacted: Signature te Rite Surveying, Inc. Company E. Joppa Telephone No.0060 Telephone No. Address Address 21286 MP OWISON Zip Code State Zip Code div SHA OFFICE USE ONLY Case No. 04 2 76 ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING REV 9/15/98



ZONING DESCRIPTION FOR 1107 SUSQUEHANNA AVENUE

BEGINNING at a point on the East side of Susquehanna Avenue which is 40 feet wide at the distance of 740 feet north of the centerline of Chesapeake Avenue which is 40 feet wide. Being part of Lot No. 95, in the subdivision of Long Beach Estates as recorded in Baltimore County Plat Book No. 4, Folio No. 131, containing 15,000 square feet. Also known as #1107 Susquehanna Avenue and located in the 15th Election District, 6th Councilmanic District.



Michael V. Moskunas

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towson MD 21286 (410) 828-9060

BALTIMORE COUNTY, MARYLAND No. 29910	
OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	HORES ATIN THE RE
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FOR: Box Cart & MANNINGER LAND	
DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER	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: #04-276-A

1107 Susquehanna Avenue

E/side of Susquehanna Avenue, 740 feet north of Chesapeake Avenue

15th Election District
6th Councilmanic District
Legal Owner(s): Cyrithia Raiston

Variance: to permit a lot width of 50 feet in lieu of 70 feet (if necessary, since no adjacent ownership) and a side yard setback of 12 feet in lieu of 15 feet and a sum of sideyards 22 feet in lieu of the 25 feet and to approve an undersize lot.

Hearing: Wednesday, February 18, 264 at 9:08

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.

JT/2/601 Feb. 3 C647933

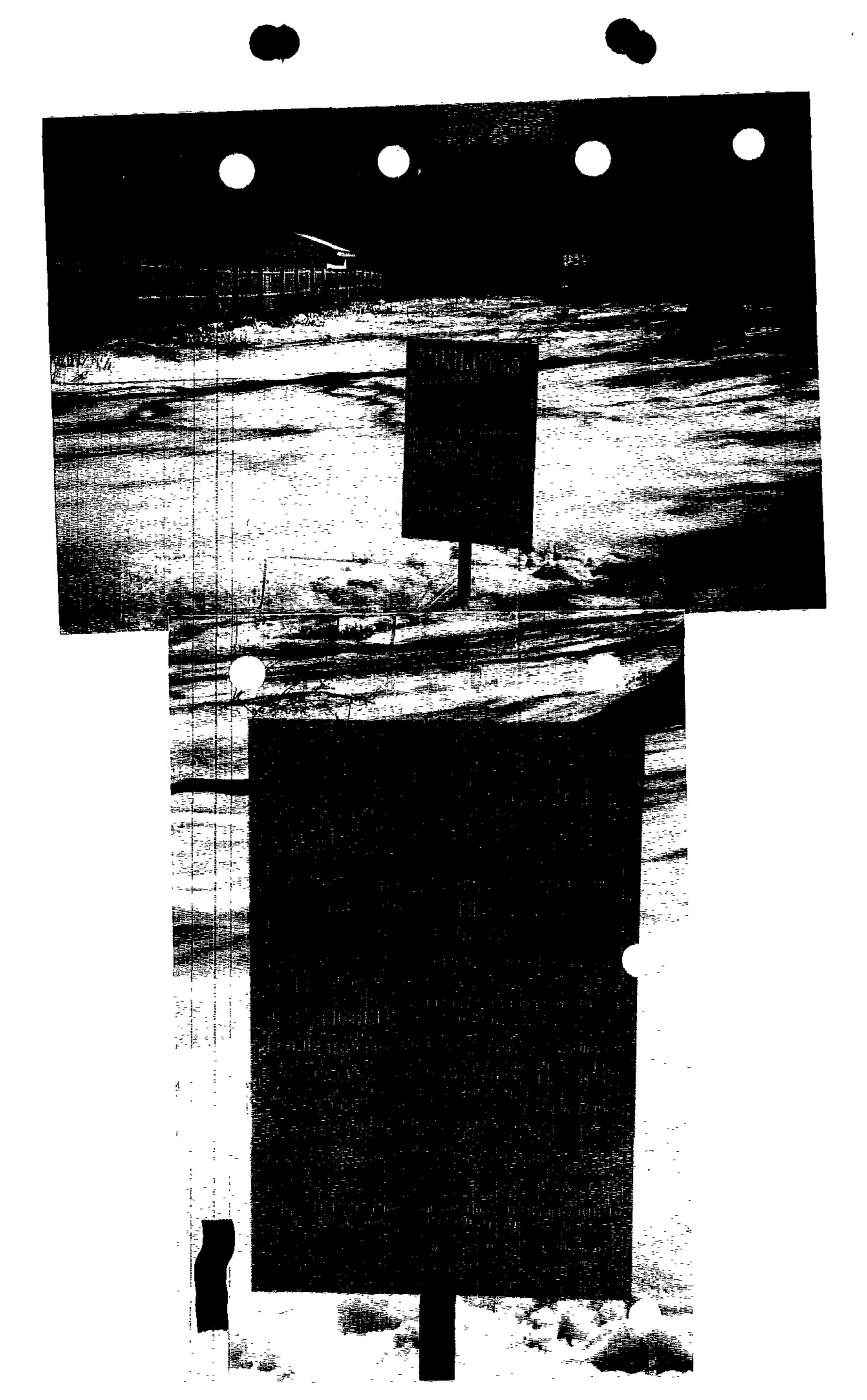
CERTIFICATE OF PUBLICATION

214,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing on 22 , 3 , 3
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News
S. WUKINST. LEGAL ADVERTISING
FEGUE VENTIONS

CERTIFICATE OF POSTING

	RE: Case No.: 04-276-A
	Petitioner/Developer: CYNTBIA PALST
•	Date of Hearing/Closing: FB-18, Z00
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Becky Hart	
Ladies and Gentlemen: This letter is to certify und	der the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property lo	cated at 1107 SUSQUEHANNA AVE,
T.	
The sign(s) were posted on	5-2, 7004 (Month, Day, Year)
	Sincerely,
	Signature of Sign Poster and Date)
	GARLANDE, Moores (Printed Name)
	3225 RYERSON CIRCLE (Address)
	13AUT/11/10RE, MD. 21227 (City, State, Zip Code)

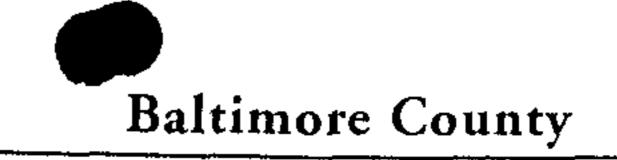
(Telephone Number)



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

January 5, 2004

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: 04-276-A

1107 Susquehanna Avenue

E/side of Susquehanna Avenue, 740 feet north of Chesapeake Avenue 15th Election District – 6th Councilmanic District

Legal Owner: Cynthia Ralston

Variance to permit a lot width of 50 feet in lieu of 70 feet (if necessary, since no adjacent ownership) and a side yard setback of 12 feet in lieu of 15 feet and a sum of sideyards 22 feet in lieu of the 25 feet and to approve an undersize lot.

Hearing: Wednesday, February 18, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco Director

TK:klm

C: Cynthia Ralston, 2415 Estelle Avenue, Sparrows Point 21219 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 TUESDAY, FEBRUARY 3, 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
Tuesday, February 3, 2004 Issue - Jeffersonian

Please forward billing to:

Mark Fuchslayer Carpentry Unlimited P.O. Box 16638 Baltimore, MD 21221

443-463-4972

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: 04-276-A

1107 Susquehanna Avenue

E/side of Susquehanna Avenue, 740 feet north of Chesapeake Avenue

15th Election District – 6th Councilmanic District

Legal Owner: Cynthia Ralston

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Hearing: Wednesday, February 18, 2004, 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 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

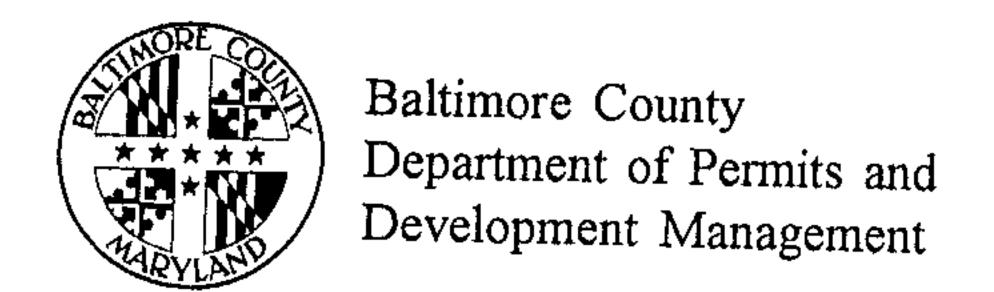
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

Item Number or Case Number:
Address or Location: 1107 SMSQUUNANNA AVUME
PLEASE FORWARD ADVERTISING BILL TO: Name: <u>Mark Fuchslager Go Campenty Unhuntice</u> Address: P.O. Box 16638 Balting MD 2121
Telephone Number: 443-463-4972



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

February 13, 2004

Cynthia Ralston 2415 Estelle Avenue Sparrows Point, Maryland 21219

Dear Ms. Ralston:

RE: Case Number: 04-276-A, 1107 Susquehanna Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 5, 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)

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12.16.63

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

RE:

Baltimore County

Item No. 274

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,

L

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

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RECEIVED

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

January 13, 2004

SUBJECT:

Zoning Item

04-276

Address

1107 Susquehanna Avenue

Ralston Property

Zoning Advisory Committee Meeting of December 15, 2003

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer:

Keith Kelley

Date: December 23, 2003

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Development Management

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: December 22, 2003

RECEIVED

DEC 2 3 2003

SUBJECT:

Zoning Advisory Petition(s): Case 04-276

ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Section Chief:

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 29, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 22, 2003

Item No. 276

The Bureau of Development Plans Review did not receive drawings for the above-mentioned zoning item.

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE

1107 Susquehanna Ave; E/side Susquehanna
Avenue, 740' N of Chesapeake Avenue * ZONING COMMISSIONER

15th Election & 6th Councilmanic Districts
Legal Owner(s): Cynthia Ralston * FOR

Petitioner(s)

* BALTIMORE COUNTY

* 04-276-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 <u>Carole S. Demilio</u>

DEC. 1 / 2003

CAROLE S. DEMILIO

Deputy People's Counsel

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th 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

Land Owner: Cynthun Palston Tax Account Number 15 1200 0890 Address: 2415 PStelle Avenue Baltimore MO 2129 Telephone Number (443, 463-49-72 CHECKLIST OF MATERIALS. (to be submitted for design review by the Office of Planning and Community Conservation) TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY PROVIDED? YES NO	Sent By: 0;	THE PROPERTY OF THE PROPERTY AND ASSOCIATION OF THE PROPERTY O	Dec-23-03 12:19PM;	Page 1/1
RE: Understand for Permits & Development Management RE: Understand Lots Pursuant to Section 304.2 (Battimore County Zoning Regulations) effective June 25, 1992, the office is requesting recommendations and comments from the Office of Planning and Community Comments from the Office of Planning permit. RININIMIA RELECTION STATEMENT OF THE OFFICE OF PLANNING STATEMENT OF THE CHILD IN	401 Bosley A Towson, MD	Per Planning & Community Conservation Rey Long	Permit or Case No.	4 276 A
Pursuant to Section 242 (destinence County Zoning Regulations) effective June 25, 192, this office is requisiting recommendations and comments from the office of Planning and Community Commanyston prior to this effects expressed of a detelling period. NRINIMUM APPLICANT SUPPLIED INFORMATION: (Na. 6)4 Sit Ray Sumvative Julic 20 E Juliph Pould TWKON MD 2126 40 818-9060 Period Name of Applicant Lex Address Juli 2 Supplied 10 Countermant District 6 Square Feet 12 000 Lot Location: (1)5 Sy Whiteleformer of MSANUMUMA ARCHIVE 1400 Land Owner CAN MA PAISTO 1400 Test Recommendation For Countermant District 6 Square Feet 12 000 0890 Test Account Number 15 12 00 0890 Test Acc	FROM: Amold Jablon Department o		(\$50.0	JL
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SECTION 304 -- USE OF UNDERSIZED SINGLE-FAMILY LOTS - Prior to the application for a building permit, the applicant must provide satisfactory documentation. The applicant may be required to furnish:

- a. a copy of the pre-1955 deed or subdivision plat;
- b. (no additions)
- c. contiguous ownership

It is obvious that Section 304 of the Baltimore County Zoning Regulations recognizes the existence of parcels of property that did not meet the minimum lot sizes mandated at the time the minimum lot size regulations were passed. To do otherwise would have the effect of rendering such undersized lots useless, and such legislation would be unconstitutional.

- Section 304 B.C.Z.R., however, is silent as to when contiguous ownership would serve as a bar to its implementation, i.e., contiguous ownership in existence only at the time this regulation was passed or contiguous ownership in existence at that time and at any time thereafter.
- It is therefore important to consider the intent of the owner who attempts to invoke the applicability of Section 304 BCZR. Each situation must be judged individually by the particular facts and circumstances presented. If the intent to avoid the regulations is obvious, Section 304c. cannot be invoked and variances must be required. An obvious method used is called "checkerboarding". The owner of a tract of land consisting of undersized lots makes conveyances of certain lots in order to create a pattern of ownership which qualifies each parcel as an undersized lot in a single and separate ownership, thereby avoiding the necessity of public hearing and notice for a variance. Often this is done by transferring title to members of the owner's family or to his business associates, e.g., to officers of the corporation which purchased the tract. Another method is to sell adjoining undersized lots which were recently purchased to individual, bona fide buyers. This would permit the new owner of a single undersized lot to build without a variance, where such permission would not have been granted to the owner of the entire tract.
- 3. If a single owner of contiguous undersized lots has purchased the property in good faith and without any intent to avoid the area requirements, 304c. may be used to allow the owner to build pursuant thereto. Good faith also must be determined by the facts and circumstances of each situation, but such factors as dates of purchase of the purcels, the purpose of the purchase, the intent of the purchase, can be utilized to so determine. This office has traditionally applied the "six year rule" to determine good faith, and that rule shall be one criteria to be used. The rule holds that if the single owner of an undersized lot contiguous to another parcel owned by him has transferred ownership of one to another, 304c. would apply if such new ownership has been held for a period of at least six years. This rule shall not preclude exceptions where it is clear, and equitable, that single ownership of contiguous property was not intended to avoid area requirements.
- 4. Ownership Information Including:
 - (i) a property tax computer printout for all adjacent properties, in addition to the subject property;
 - (ii) copies of the deeds for all adjacent properties, in addition to the subject property; and
 - (iii) a notarized affidavit stating that the applicant has had no financial interests for the prior six years in any adjacent properties.

Interpretation: The Zoning Commissioner retains the right Section 500.6 B.C.Z.R. to interpret whether the spirit and intent of these Regulations are being adhered to on a case-by-case basis (see Section 101 - Ownership Z.C.P.M., Page 1-23)

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. DH-276-A

Date Completed/Initials	
1-5-04	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)
<u></u>	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)
2/3/04	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)
2/13/02P	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

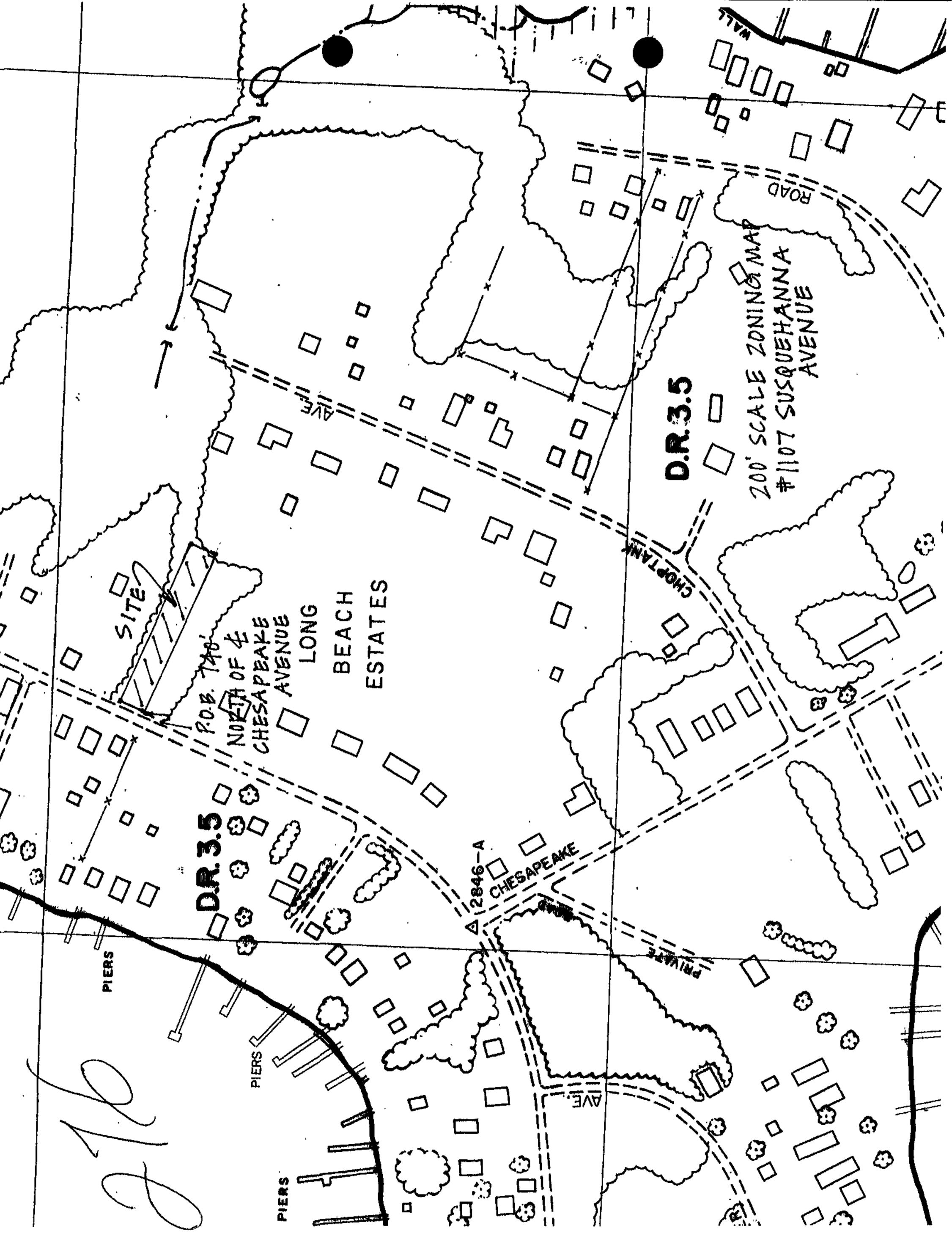
hearings to zoning commissioner's office by noon on Friday and files for administrative

on Tuesday morning)

CASE NAME 1107 SUSQUEHANN	4 4 VO
CASE NUMBER 04-276-A	_
DATE 2/18/04	

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
SITE KITE SURVEYING, INC. VINCENT J. MOSKUNAS	200 E. JOPPA RO.	TOWSON, MD. 21286	VIM MVM & AOL - Comm
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THIS DEED, Made this 30 day of March, in the year one thousand nine hundred and ninety-four, from SHIRLEY CASALENA, Personal Representative of the Estate of Flossie M. Lawrence, party of the first part, to CYNTHIA RALSTON, party of the second part.

WHEREAS, Flossie M. Lawrence departed this life on or about November 30, 1988, leaving a Last Will and Testament whereby she appointed the party of the first part as Personal Representative.

WHEREAS, by Order of Court dated February 4, 1994, the said party of the first part was appointed Personal Representative.

WHEREAS, the said party of the first part has sold unto the said party of the second part, at and for the sum of Seven Thousand One Hundred Dollars (\$7,100.00) the property hereinafter described.

NOW, THEREFORE, In consideration of the sum of Seven Thousand One Hundred Dollars and other good and valuable considerations and in pursuance of powers, the said party of the first part does hereby grant and convey unto the said party of the second part, her personal representatives and assigns, in fee simple, all that lot of ground, situate, lying, and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the Southeast side of Susquehanna Avenue at the corner of the Lot no. 96, thence Southwesterly along Lot No. 95 fifty feet, thence Southeasterly parallel to the Northeast line of Lot No. 95 and parallel to the Southwest line of Lot No. 95 three hundred feet to the dividing line between Lots Nos. 95 and 117, thence Northeasterly along the dividing line between Lots Nos. 95 and 117 fifty feet to Lot No. 96, thence Northwesterly along the dividing line between Lots Nos. 95 and 96 three hundred feet to the place of beginning. Being the Northestern half of Lot No. 95 as laid out on the Plat of Long Beach Estates, subdivided by the Cityco Realty Company of Baltimore City and recorded among the Land Records of Baltimore County in Plat Book WPC No. 3 folio 178. The improvements thereon being known as No. 1107 Susquehanna Avenue.

BEING the same lot of ground described in a Deed dated April 9, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2461, folio 218, which was granted and conveyed by Paul Matthew Isley and Lois E. Isley, his wife, to Hobart Lawrence and Flossie Lawrence, his wife. The said Hobart Lawrence departed this life on or about the Johnday of December

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; HELLINGO FOR TRANSFEL

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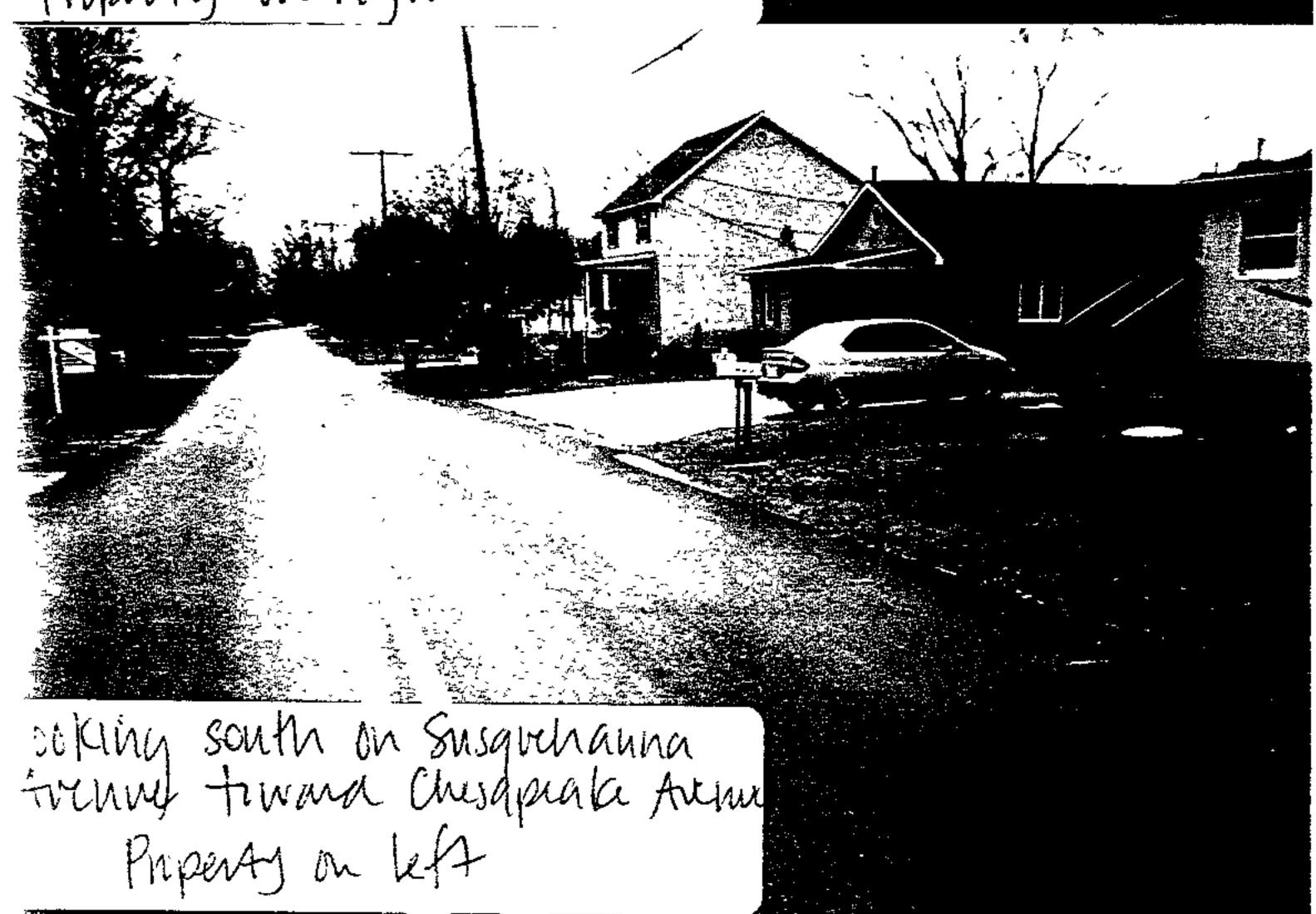
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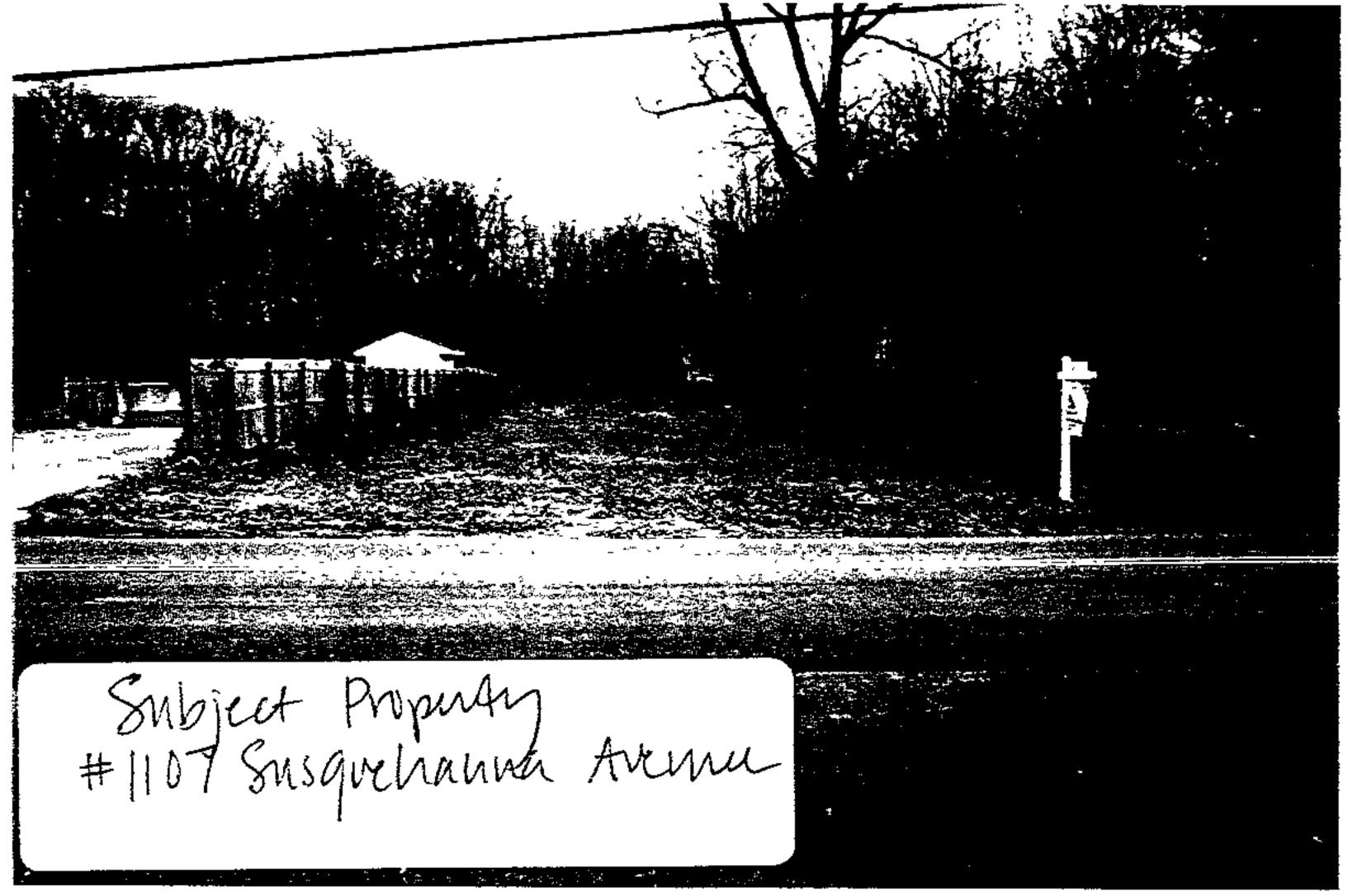
State Department of

Book 10437 Page 154



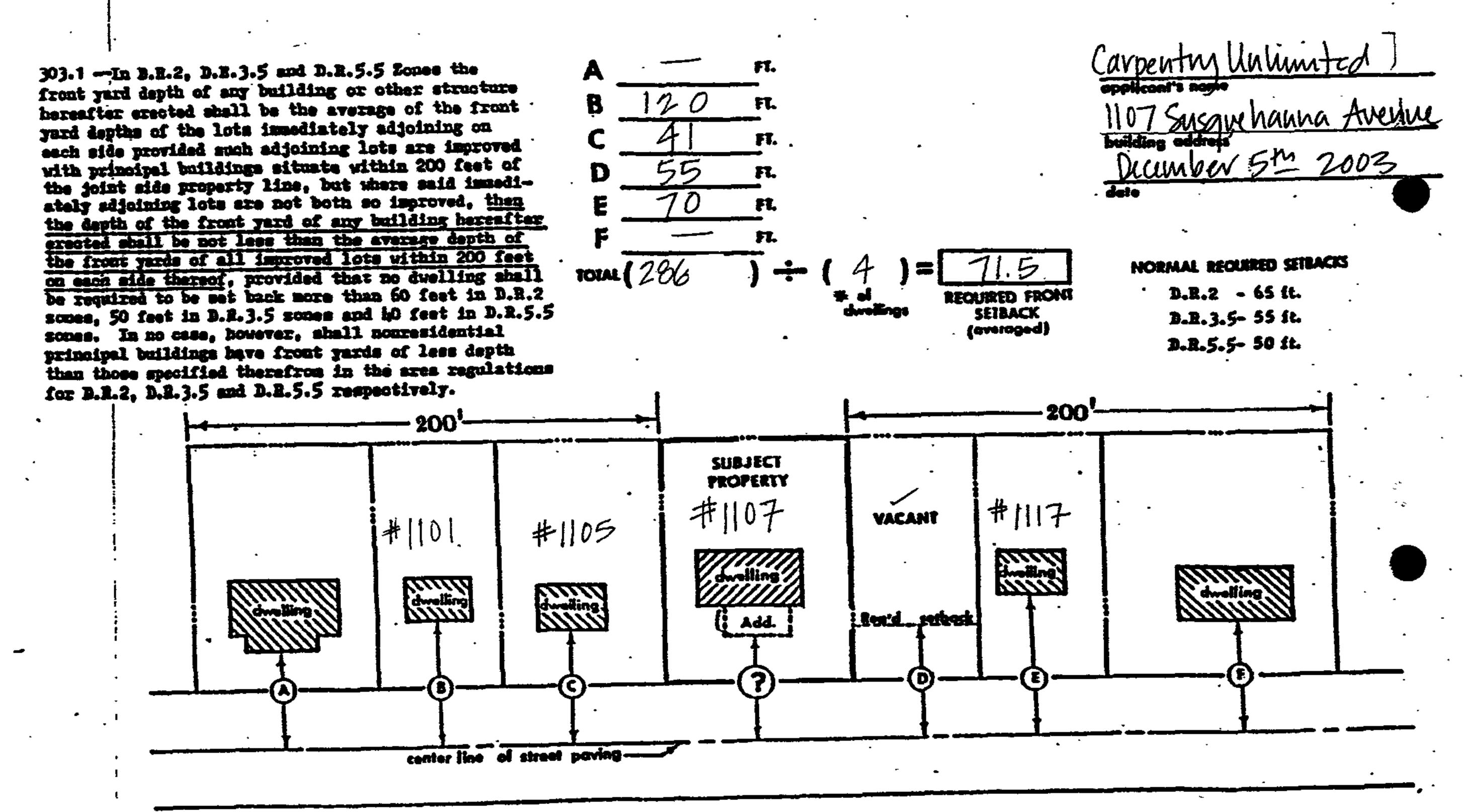




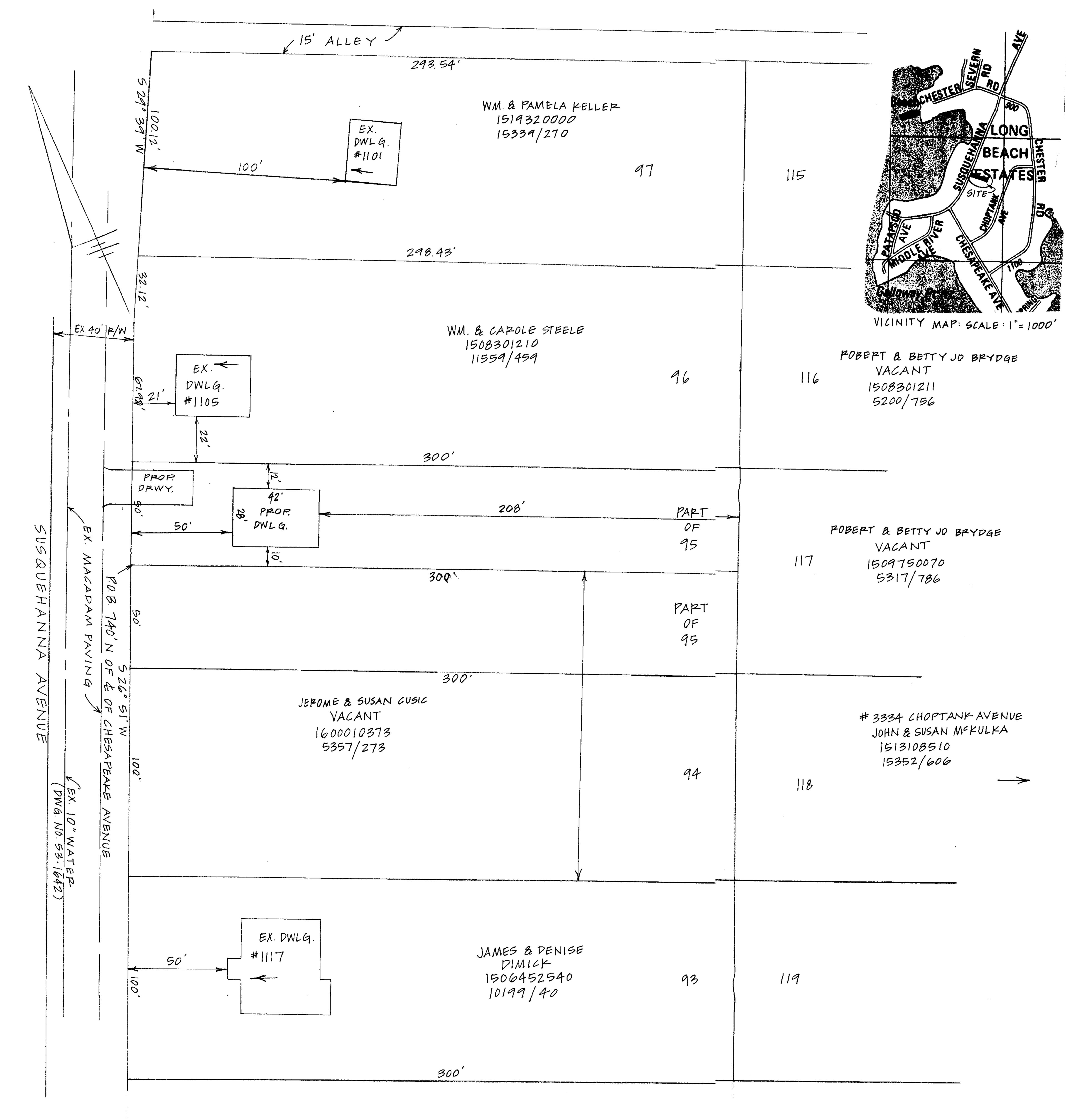


Colonia (1)

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED Reference - Section 303.1 Baltimore County Zoning Regulations



Ret H.



GENERAL NOTES:

1. EXISTING ZONING: D.R. 3.5

2. 200' SCALE MAP: N.E. 2-K

3. LOT AREA: 15,000 S.F. OR 0.34 AC.+/-

4. PUBLIC WATER AND SEWER

5. LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA 6. NOT LOCATED IN THE 100 YEAR FLOOD PLAIN AREA COMMUNITY PANEL NO.: 240010 0435B ZONE: "C"

7. NOT LOCATED IN A HISTORIC AREA

8. NO PRIOR ZONING HEARING

9. EXISTING USE: VACANT

PROPOSED USE: SINGLE FAMILY DWELLING

10. RECORD PLAT DATED 1910

11. LOT OF RECORD SINCE APRIL 9,1954

OWNER: CYNTHIA PALSTON 2415 ESTELLE AVENUE BALTIMOPE, MD 21219 TAX MAP: 98 GPID: 4 PAPCEL: 203 TAX ACCT. NO. 1512000840 DEED PEF: 10437/154

PLAT TO ACCOMPANY PETITION FOR VARIANCE AND AN UNDERSIZE LOT APPLICATION #1107 SUSQUEHANNA AVENUE PART OF LOT NO. 95 "LONG BEACH ESTATES" 4/131 ELECTION DISTRICT NO. 15 COUNCILMANIC DISTRICT NO. 6 BALTIMORE COUNTY, MARYLAND SCALE; 1" = 30' DECEMBER 5,2003

8629

Site Rite Surveying, Inc. 200 E. Joppa Road Shell Building, Room 101 Towson, MD 21286 (410)828-9060

can now look to determine whether or not there is hardship or practical difficulty. The latter seems easily satisfied by the fact that the lot width is 50 ft. and there is no more land available to allow the owner to conform to the required 70 ft. lot width requirement.

It appears from the size of the lot as shown on Petitioner's Exhibit No. 1 that if the variance were granted this would not increase the area density more than already allowed. As shown above, the density considering this lot is only 2.94 dwelling units per acre. From Petitioner's Exhibit No. 1, the neighborhood appears to be developed on 100 ft. lots and so clearly the addition of one home will not push the overall density beyond that "otherwise allowed".

The problem is that this will be the first 50 ft. lot developed on the east side of Susquehanna Avenue and this gives me concern that it may adversely impact the general welfare of the neighborhood. Neighborhoods take on their character from many features including the density of development. My concern is that granting the undersized lot at half the size of the lots on this side of Susquehanna Avenue may well start a whole series of such requests which could have a detrimental effect on the character of the existing neighborhood.

On the other hand, denying the variance would have the effect of making the lot unusable for building a home. Public water and sewer are available so it is not necessary to be concerned about a well and septic being located on a 50 ft. lot. Immediately next door to the south, the Cusic lots have 150 ft. in width for two lots, which can meet the 70 ft. lot width requirement of DR 3.5 zoning. I see little likelihood that they would be successful in subdividing further. Lots 93 and 97 have homes located in the middle of the lot, so again there is little likelihood of further subdivision. The home on Lot 96 appears to be located closer to the boundary with Lot 95 and could be a problem, but it is already very close to the road as compared to the other homes in the area and a new home behind it on Lot 95 does not appear to be out of character with this home.