

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

Riverview Properties, LLC
By: Robert M. Hurd, Member
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-299-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, Riverview Properties, LLC, by Robert M. Hurd, member. The Petitioner is requesting variance relief for property located at 5922 Old Frederick Road in the western area of Baltimore County. Variance relief is requested from Section 1B02.3.C (S-14, policy) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a buildable lot with a width of 50 ft. at the front building line and a side yard setback of 12.5 ft. on a corner lot in lieu of the minimum required 55 ft. and 25 ft. respectively.

The property was posted with Notice of Hearing on January 22, 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 January 27, 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

ORDER RECEIVED FOR FILING

Date

By

2/18/04

R. Hurd

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

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated January 7, 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 Richard Benson, Delmarva Development Corp., Builders and Robert Hurd, Riverview Property LLC, owner. James Pennington, neighbor and Laura Gilliam were present at the hearing in support of the Petition. The Petitioner was represented by Leslie Pittler, Esquire. There were no Protestants or citizens who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Amended Petition

At the beginning of this case, the Petitioner amended the petition to first clarify that it was asking approval of a buildable undersized lot pursuant to Section 304 of the B.C.Z.R. Secondly, the Petitioner clarified that it was asking for a variance of lot width of 45 ft. rather than 50 ft. as originally filed. In regard to the former, Section 304 of the B.C.Z.R. was inadvertently left out. In regard to the latter, Petitioner's Exhibit No. 1, the plat to accompany the Petition, shows the lineal distance across the subject lot along Old Frederick Road was 45 ft. rather than 50 ft. Consequently, the Petitioner requested 45 ft. in lieu of 55 ft. as required by the B.C.Z.R. for this DR 5.5 zoned property.

DATE 2/1/04
BY R. J. JAMES

Testimony and Evidence

Mr. Benson testified that the subject property is designated as lots 13 and 14 of the "Catonsville Pines" subdivision, which was recorded in the Land Records of Baltimore County in July 1929. See Petitioner's Exhibit No. 4. These lots together are approximately 57 ft. wide at the rear but only 45 ft. at the front on Old Frederick Road. DR 5.5 zoning, which requires a 55 ft. minimum lot width was imposed upon the old subdivision many years after the subdivision, was recorded. The Petitioners testified that they owned no other lots adjoining this property and, therefore, had no way to add to the width of these lots to avoid a variance. For example, the lot next door is owned by William and Dorothy Smith as shown on Petitioner's Exhibit No. 5 and is not for sale.

The Petitioner filed the original plat to accompany the request for variance as shown in Petitioner's Exhibit No. 1. Pursuant to the Office of Planning comments, the Petitioner was to show a two car parking area in the side yard, which the Petitioner agreed to do. Thus, Petitioner's Exhibit No. 2 replaces the original plat for purposes of this request.

In regard to side yard setbacks, the revised plat shows that the lot is 45 ft. wide at the front of the building line. Pursuant to the Baltimore County Zoning Regulations, the side yard setback away from the street is 10 ft. and 25 ft. on the Lincoln Avenue side. Thus, someone could build a 10 ft. wide home without a variance ($45 - 35 = 10$). Mr. Benson testified that a 10 ft. building width was not practical and more importantly would be wholly inconsistent with the existing neighborhood homes, which are 20 ft. wide or wider. Also one could ask for a lesser variance if the new home was not to be located in the center of the two lots, but this would also be inconsistent with the neighborhood homes which are primarily centered on their lots. A variance would still be required, however, even with an offset home.

In regard to Section 304 requirements, testimony also indicated that the owners desired to build a new single-family dwelling and that the subdivision in which this lot is located was created in 1929, and so prior to March 30, 1955. Testimony also indicated that the Petitioner owned no adjacent land by which lot line change would allow this owner to meet the minimum lot width. As stated, the lot next door is owned by Mr. and Mrs. Smith. See Petitioner's Exhibit No. 5.

In regard to the comments from the Office of Planning, the Petitioner agreed to each condition. As requested by the Office of Planning, the Petitioner modified Petitioner's Exhibit No. 1 to show the location of the parking and entrance for parking and said modification is now shown on Petitioner's Exhibit No. 2.

Findings of fact and conclusions of law

With regard to Section 304 "Use of Undersized Single Family Lots", upon review of the statute it is clear that Section 304 is an abbreviated alternative to a full variance procedure not an additional step as indicated at the hearing. The intent was to allow construction of single-family homes on undersized lots in an administrative procedure that would be less expensive and time consuming than the full variance procedure. It is only when a protest under Section 304 is made that a full hearing is required. While there are compatibility requirements, there are less stringent legal thresholds for this procedure as compared to a full variance. The Petitioners have filed for and have demonstrated that they should be granted a variance as set forth herein, so there is no need to find that they meet the requirements of Section 304.

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These circumstances and/or conditions were the imposition of DR 5.5 zoning on this 1929 subdivision. I further find that 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

ORDER RECEIVED FOR FILING

Date

2/18/04

By

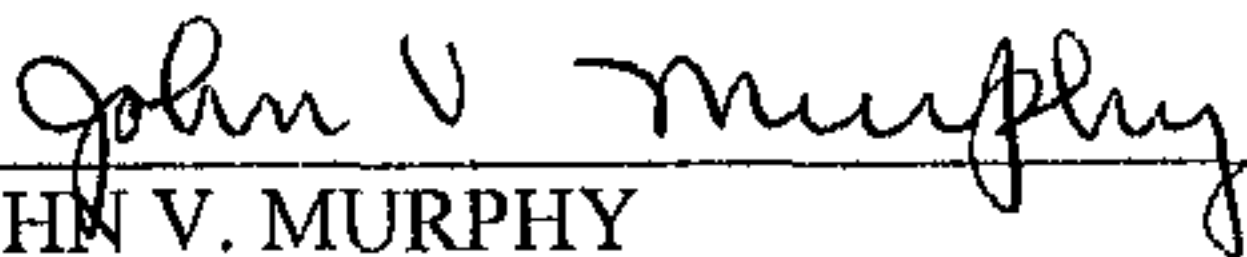
R. J. [Signature]

Regulations was requested nor will they be permitted as a result of granting these variances. Furthermore, I find that these variances can be granted in strict harmony within the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

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 requests should be granted.

THEREFORE, IT IS ORDERED, this 18 day of February, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B02.3.C (S-14, policy) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a buildable lot with a width of 45 ft. and a side yard setback of 12.5 ft. on a corner lot in lieu of the minimum required 55 ft. and 25 ft. respectively, be and is are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. The Petitioners shall comply with the recommendations made by the Office of Planning in their ZAC comments dated January 7, 2004, a copy of which is attached hereto and made a part hereof; and
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

JVM: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 18, 2004

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue
Towson, Maryland 21204

Re: Petition for Variance
Case No. 04-299-A
Property: 5922 Old Frederick Road

Dear Mr. Pittler:

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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Riverview Properties, LLC
c/o Robert Hurd
10220 S. Dolfield Road, Ste. 204
Owings Mills, MD 21117

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

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

Ms. Laura Gilliam
2 Joppawood Court
Baltimore, MD 21236

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





on check
Richard
Benson on
check

signed by General

Petition for Variance

Zoning Commissioner of Baltimore County

for the property located at 5922 Old Frederick Rd.
which is presently zoned DB-5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1302.3.C (S-14, Policy)

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

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

Cannot meet setback. Financial hardship to buy another lot.

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

Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

Diveview Properties LLC
Name - Type or Print
Signature
Robert M. Hurd, member
Name - Type or Print
Signature
10220 S. Dolfie Rd. #204 410/363-7425
Address Telephone No.
Owings Mills, MD 21117
City State Zip Code

Representative to be Contacted:

Richard Benson / Delmarva Development
Name
8101 Shore Rd. 410-960-8677
Address Telephone No.
Baltimore, MD 21222
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2 hr

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 12-18-03

ORDER RECEIVED FOR FILING
Date 2/18/04
Case No. 04-299-A
REV 9/9/98

Zoning Description

ZONING DESCRIPTION FOR 5922 Old Frederick Road .

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

299

11

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 31041

DATE 12/12/03 ACCOUNT 12001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Richard Benson Del Mar Va Dev.

FOR: Variance refile - 04-173

04-299-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
12/15/2003	12/12/2003	14:54:10	2
REG: WS02	MAIL	JEVA JEE	
RECEIPT #	311126	12/12/2003	UFLH
DEPT.	5	528 ZONING VERIFICATION	
CR. NO.	031041		

Recpt Tot \$65.00
\$00.00 OK \$65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 31802

DATE 12/12/03 ACCOUNT 001 006 6150

AMOUNT \$ 115.00

RECEIVED FROM: R Benson

FOR: Repay of 2 Bd chs
U 27492 + 25074

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIVED
TIME RECEIVED
BUSINESS - ALBA - PM - PM
12/15/2003 12:12:00 12/15/2003
RE: WSON WHEIN 0001 DMG
RECEIPT # 351885 12/15/2003
Dent 5 528 ZONING ULTIMATION
CR NO. 1166
Receipt for 11/15/03
BUD OK 11/15/03
BALTIMORE COUNTY'S RECEIPT

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 31803

DATE 12-12/03 ACCOUNT 001 006 3080

AMOUNT \$ 35.00

RECEIVED FROM: R Benson

FOR: Bad ch fee

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIVED
TIME RECEIVED
BUSINESS - ALBA - PM - PM
12/15/2003 12:12:00 12/15/2003
RE: WSON WHEIN 0001 DMG
RECEIPT # 351886 12/15/2003
Dent 5 528 RETURN FOR FEE
CR NO. 001803
Receipt for 11/15/03
BUD OK 11/15/03
BALTIMORE COUNTY'S RECEIPT

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: #04-299-A

5922 Old Frederick Road

N/West corner Old Frederick Road and Lincoln Avenue

1st Election District - 1st Councilmanic District

Legal Owner(s): Riverview Properties, LLC

Robert M. Hurd, Member

Variances: to allow a buildable lot with a width of 60 feet at the front building line and side yard setback of 125 feet on a corner lot in lieu of the minimum required 65 feet and 25 feet respectively.

Hearing: Wednesday, February 11, 2004 at 2:00 p.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 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-1/774 Jan. 27

0646777

CERTIFICATE OF PUBLICATION

1/30/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/27/2004.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

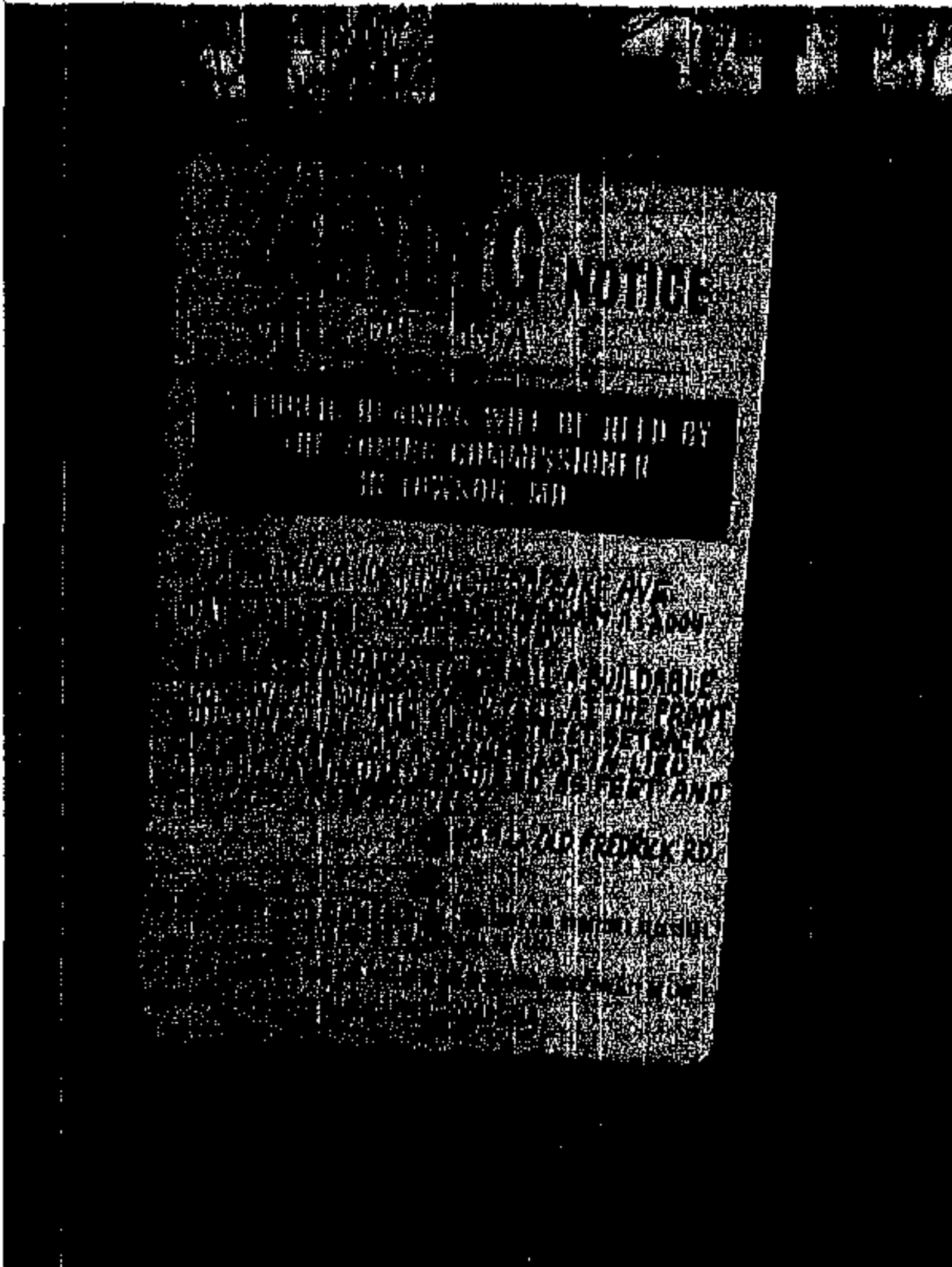
Date: January 26, 2004

RE: Case Number 04-299-A
Petitioner/Developer: RICHARD BENSON
Date of Hearing/Closing: FEBRUARY 11, 2004

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

The sign(s) were posted on

January 22, 2004
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

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

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

5922 Old Frederick Rd.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 27, 2004 Issue - Jeffersonian

Please forward billing to:
Richard Benson
Delmarva Development
8101 Shore Road
Baltimore, MD 21222

410-960-8677

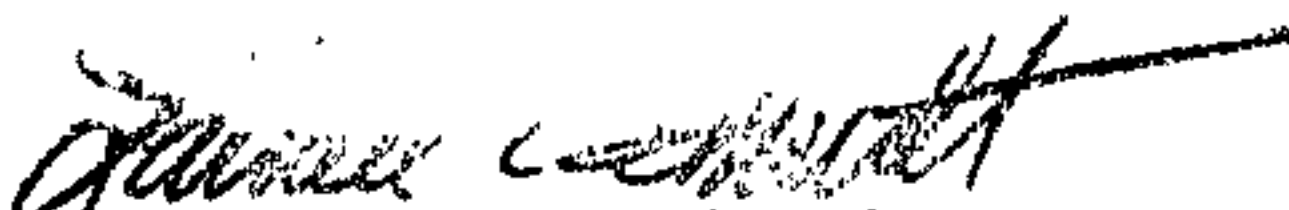
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-299-A
5922 Old Frederick Road
N/west corner Old Frederick Road and Lincoln Avenue
1st Election District – 1st Councilmanic District
Legal Owner: Riverview Properties, LLC, Robert M. Hurd, Member

Variance to allow a buildable lot with a width of 50 feet at the front building line and side yard setback of 125 feet on a corner lot in lieu of the minimum required 55 feet and 25 feet respectively.

Hearing: Wednesday, February 11, 2004 at 2:00 p.m. in Room 106, 111 W. Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



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 13, 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: 04-299-A

5922 Old Frederick Road

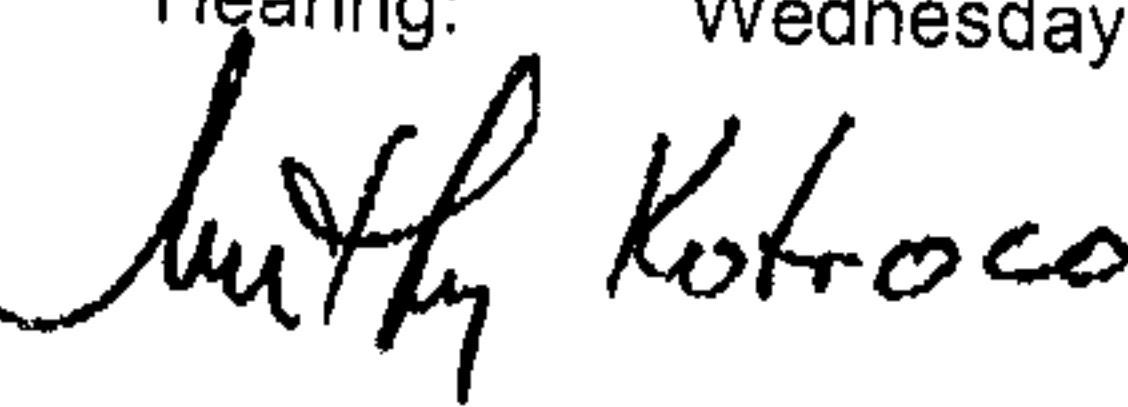
N/west corner Old Frederick Road and Lincoln Avenue

1st Election District – 1st Councilmanic District

Legal Owner: Riverview Properties, LLC, Robert M. Hurd, Member

Variance to allow a buildable lot with a width of 50 feet at the front building line and side yard setback of 125 feet on a corner lot in lieu of the minimum required 55 feet and 25 feet respectively.

Hearing: Wednesday, February 11, 2004 at 2:00 p.m. in Room 106, 111 W. Chesapeake Avenue


Timothy Kotroco
Director

TK:rlh

C: Riverview Properties, Robert M. Hurd, Member, 10220 S. Dolefield Road #204, Owings Mills 21117
Richard Benson, Delmarva Development, 8101 Shore Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 27, 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.

**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*

February 5, 2004

Robert Hurd
Riverview Properties, LLC
10220 S. Dolfield Road, Ste. 204
Owings Mills, MD 21117

Dear Mr. Hurd:

RE: Case Number: 04-299-A, 5922 Old Frederick Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 18, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Richard Benson, Delmarva Development, 8101 Shore Road, Baltimore 21222

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



**Baltimore County
Fire Department**

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

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

January 5, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: December 29, 2003

Item No.: 280-285, 287-299

6. 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: 1.7.04

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

RE: Baltimore County
Item No. 299 JJS

Dear Ms. Hart:

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

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

Very truly yours,

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 Phone 410.545.0300 www.marylandroads.com

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

Prepared by:

Mark A. Cunniff

VJW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 7, 2004

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

SUBJECT: 5922 Old Frederick Road

INFORMATION:

Item Number: 04-299

Petitioner: Emma Black Roberts

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

ORDER RECEIVED FOR FILING

Date 2/18/04

S. R. Gannon

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 2, 2004

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 5, 2004
Item Nos. 280, 281, 282, 284, 285, 286,
288, 289, 290, 291, 292, and 299

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

RWB:jrb

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE
5922 Old Frederick Road; NW corner Old *
Frederick Road & Lincoln Avenue * ZONING COMMISSIONER
1st Election & 1st Councilmanic Districts
Legal Owner(s): Riverview Properties, LLC, * FOR
Robert M Hurd, Member
Petitioner(s) * BALTIMORE COUNTY
* 04-299-

* * * * *

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of January, 2004, a copy of the foregoing Entry of Appearance was mailed to, Richard Benson, Delmara Development, 8101 Shore Road, Baltimore, MD 21222, Representative for Petitioner(s).

RECEIVED

JAN 05 2004

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 Zones, 50 feet in D.R.3.5 Zones and 40 feet in D.R.5.5 Zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefor in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 Zones respectively. [Resolution, November 21, 1956]

- 303.2 In B.L., B.M. and B.R. Zones, the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with permanent commercial buildings constructed of fire-resisting materials situate within 100 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above.

Section 304

Use of Undersized Single-Family Lots

[BCZR 1955; Bill No. 47-1992]

- 304.1 [Bill Nos. 64-1999; 28-2001] Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:
- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
 - B. All other requirements of the height and area regulations are complied with; and
 - C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.
- 304.2 Building permit application.
- A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Department of Permits and Development Management, at the time of application for a building permit, plans sufficient to allow the Office of Planning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Office of Planning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood.
 - B. At the time of application for the building permit, as provided above, the Director of the Department of Permits and Development Management shall request comments from the Director of the Office of Planning (the "Director"). Within 15 days of receipt of a request from the Director of the Department of Permits and Development Management, the Director shall provide to the

CASE NAME 04-299-A
CASE NUMBER 5922 DLA Federal Rd
DATE 2/11/04

PETITIONER'S SIGN-IN SHEET

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

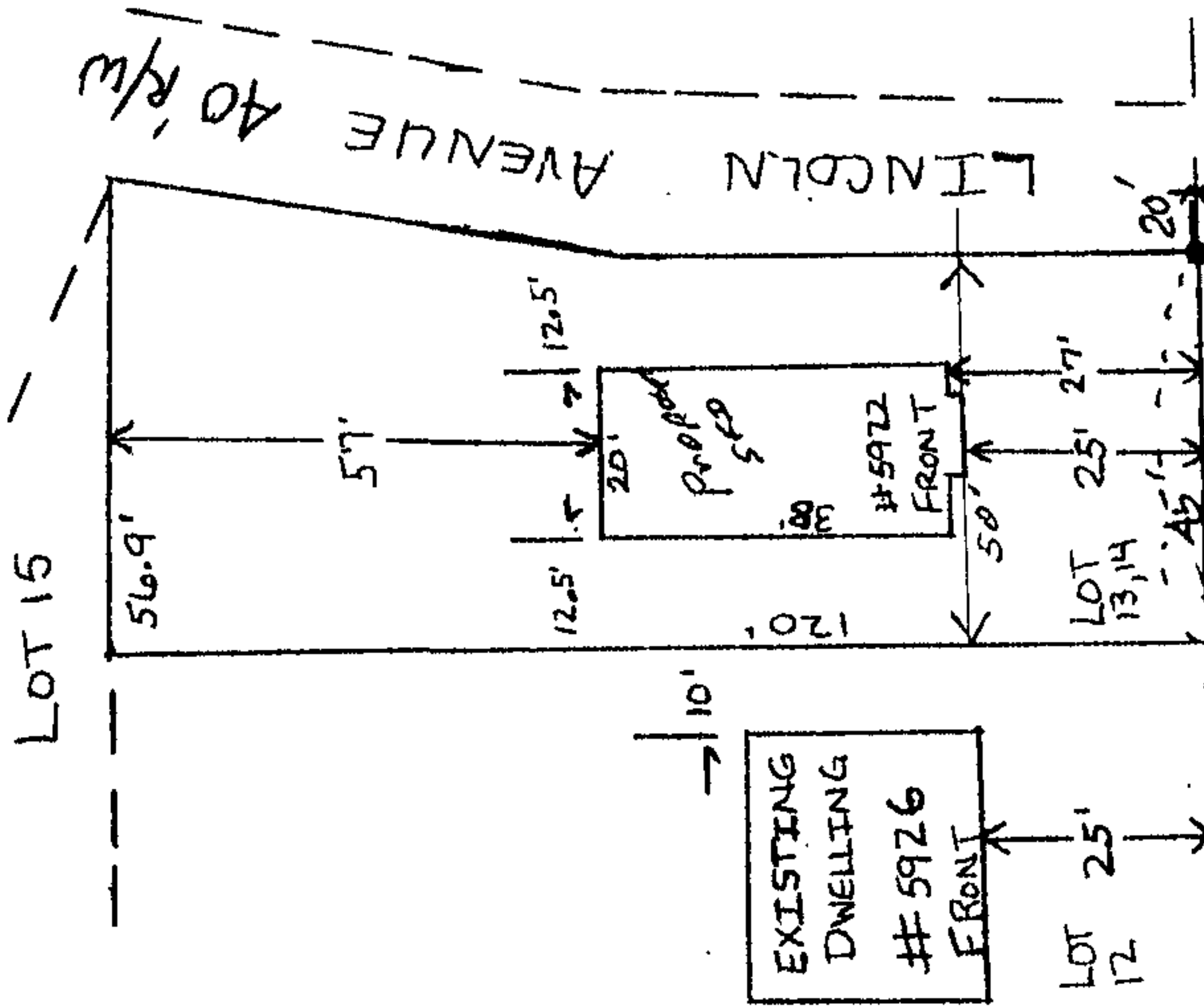
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 5922 Old Frederick Rd.

SUBDIVISION NAME CATONSVILLE PINES

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

OWNER Riverview Properties, LLC (Robert + Hurd, Member)



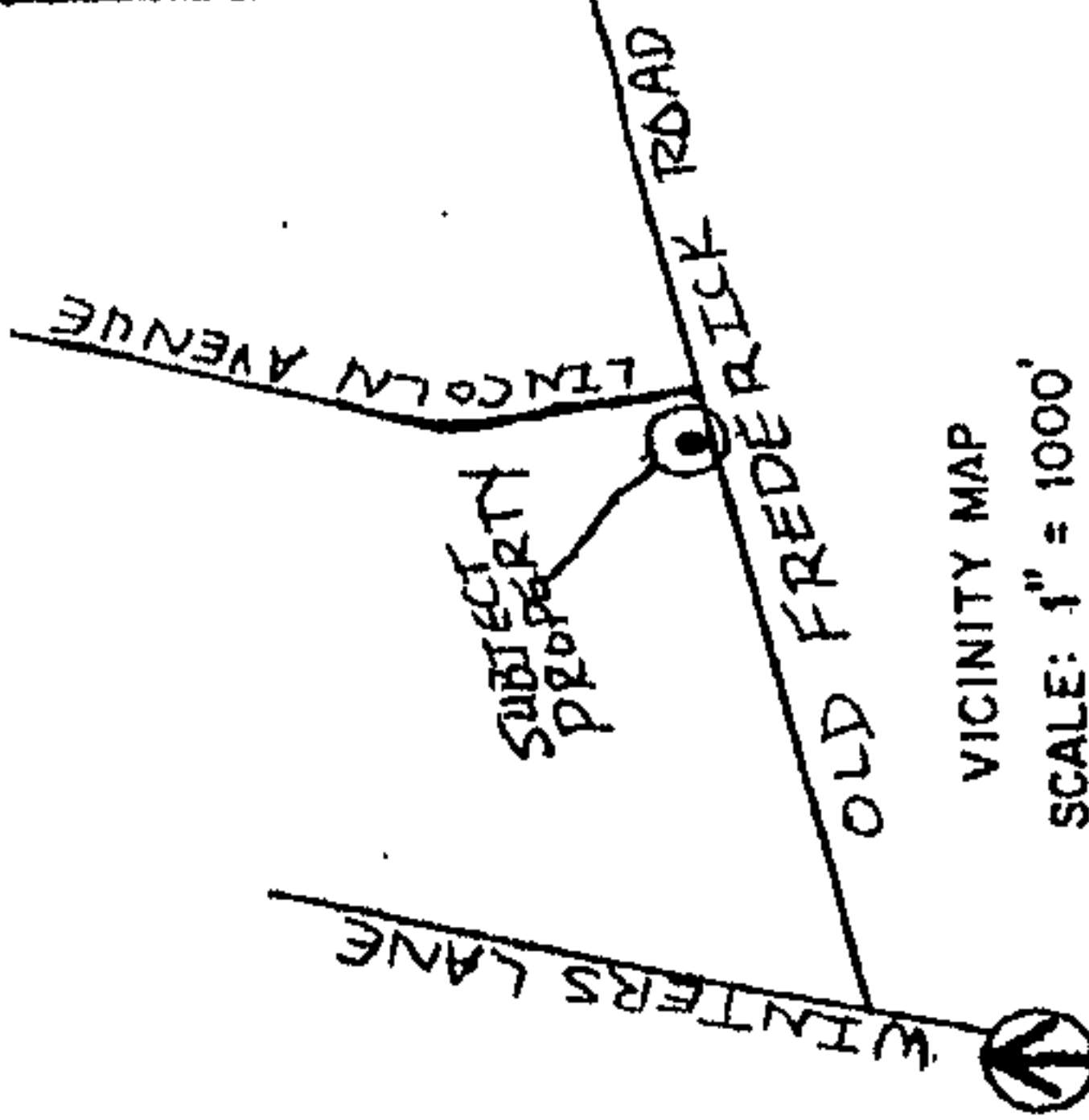
OLD FREDERICK RD. 40' R/W

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



PREPARED BY JRM

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 5 SW 2 F & G

ZONING DR 5.5

LOT SIZE 0.137 ACRES 6,000.00 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

YES ☐ NO ☒

CHESAPEAKE BAY CRITICAL AREA ☐ ☒

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING ☐ ☒

ZONING OFFICE USE ONLY CASE #

REVIEWED BY JRM ITEM # 299

DATE 2/27/17

Q2

Amended Exhibit A Case # 04-099-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ OF LUMINAL INFORMATION

PROPERTY ADDRESS 5922 Old Frederick Rd. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

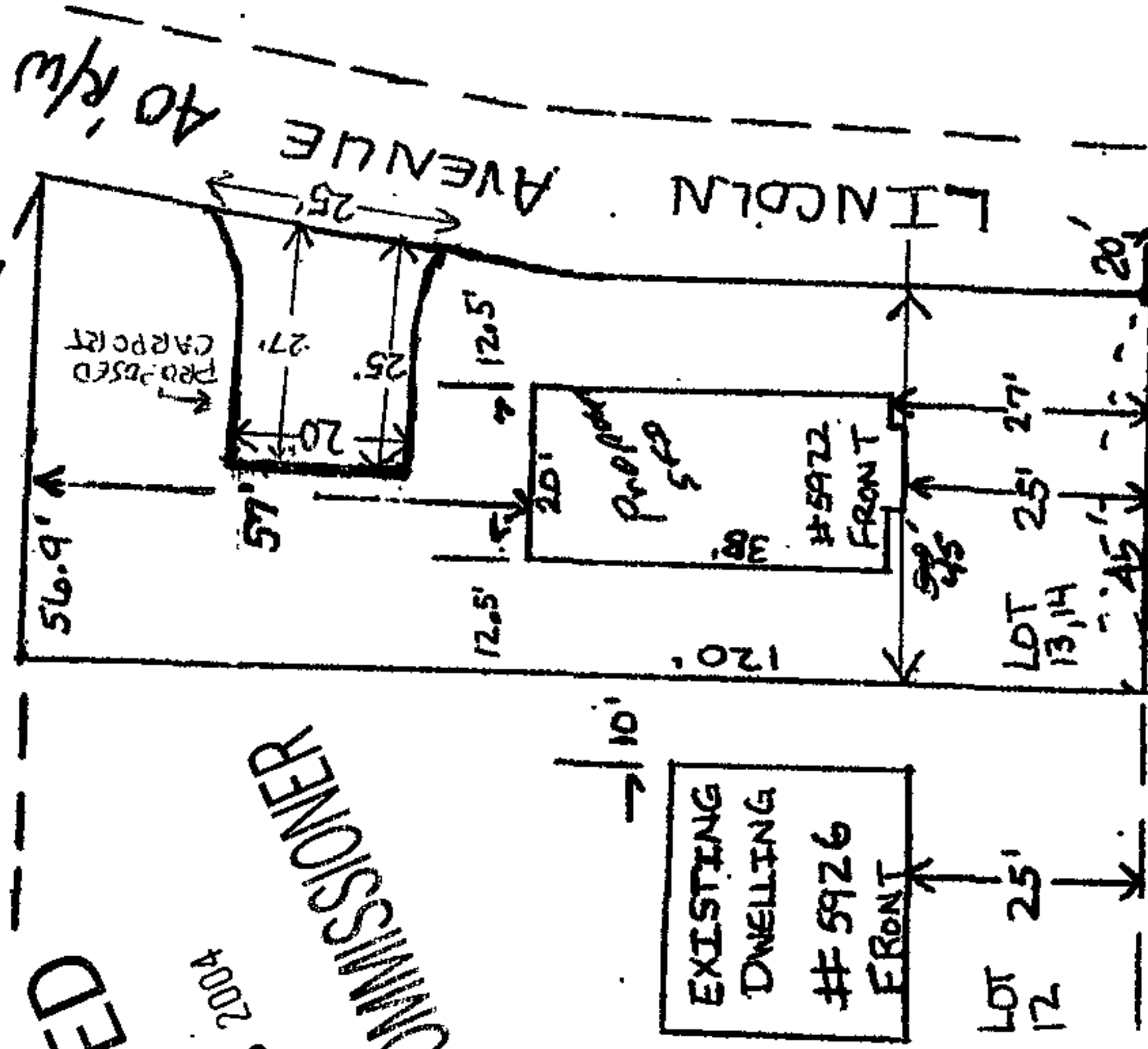
SUBDIVISION NAME CATONSVILLE PINES

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

OWNER Riverview Properties, LLC (Robert Hurd, Member)

LOT 15

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FEB 13 2004
ZONING COMMISSIONER



OLD FREDERICK RD. 50' 40' R/W

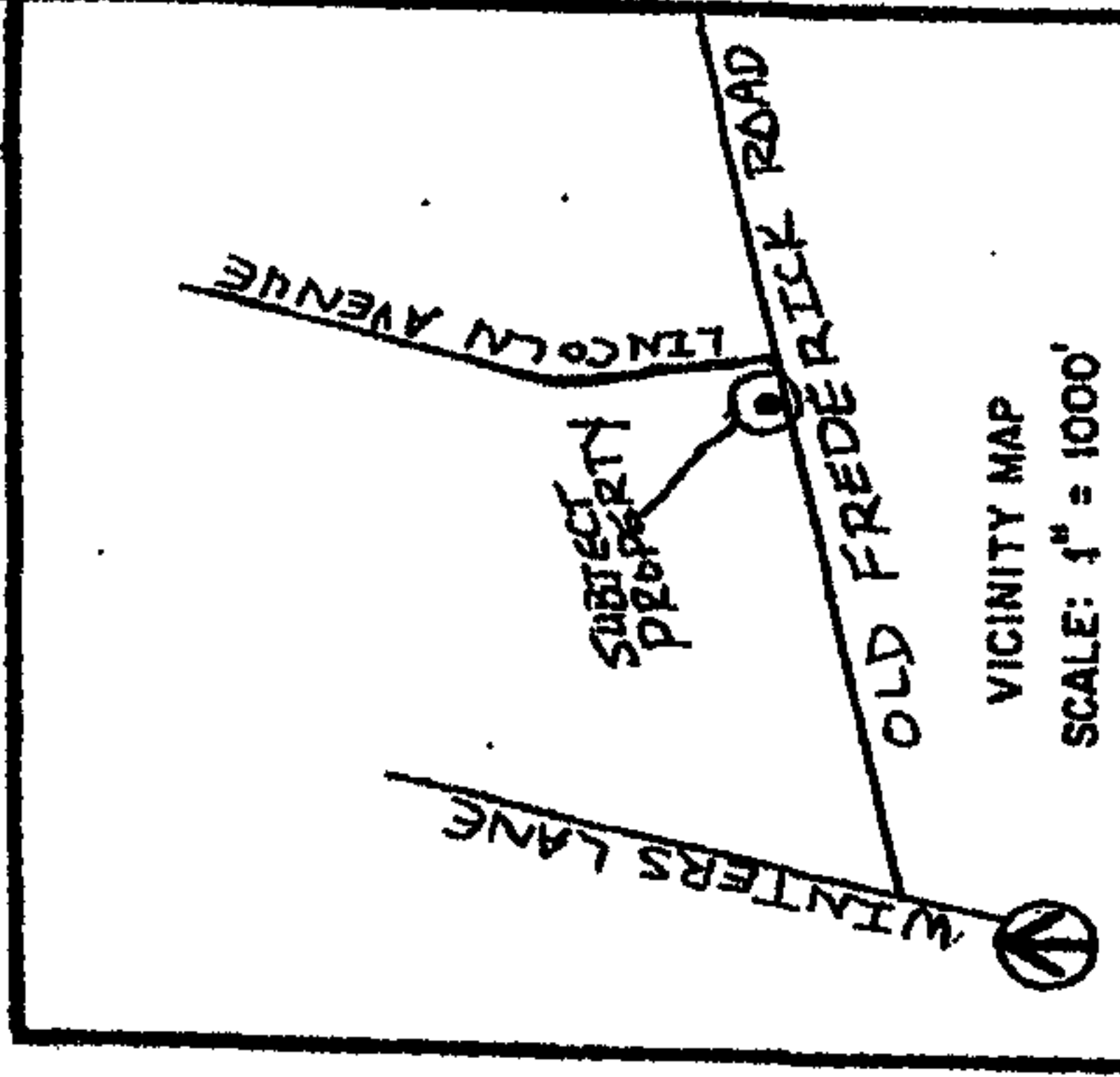
THE SETBACKS FOR FRONT STREET FOR ALL DWELLINGS WITHIN 200 FT. EACH SIDE OF SUBJECT SITE ARE 25 FT. OR LESS.
THERE HAS BEEN NO ADJACENT OWNERSHIP OF LOTS FOR THE PAST 20 YEARS ±



NORTH

PREPARED BY JRM

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # S 5W 2F & G

ZONING DR 5.5

LOT SIZE 0.137 ACRES 6,000.00 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE ☐
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN YES ☐ NO ☒
HISTORIC PROPERTY / BUILDING YES ☐ NO ☒
PRIOR ZONING HEARING YES ☐ NO ☒

ZONING OFFICE USE ONLY
REVIEWED BY Item # CASE # 2

173

Riverview Properties, L.L.C.

ARTICLES OF ORGANIZATION

THIS IS TO CERTIFY:

That the undersigned, Millard S. Rubenstein, whose Post Office Address is 200 E. Lexington Street, 1600 Court Square Building, Baltimore, Maryland 21202, being of full legal age and a citizen of the State of Maryland and of the United States, and being authorized by two (2) or more persons to execute and file these Articles of Organization for record with the Maryland State Department of Assessments and Taxation, hereby certifies that:

1. The name of the Limited Liability Company (hereinafter referred to as the Company) is Riverview Properties, L.L.C.

2. The latest date on which the Company is to dissolve is December 31, 2025.

3. The object and purpose for which, and for any of which this Company is formed and the business to be carried on or promoted by it are to do any or all of the following things:

A. To own and manage real estate; and

B. To conduct business in any state for any lawful purpose to the full extent set forth in Section 4A-201 of the Corporation and Association Article of the Annotated Code of Maryland, as amended from time to time (the Code).

In furtherance of the foregoing purposes, the Company shall have all of the powers set forth under Section 4A-203 of the Code.

4. The address of the principal office of the Company in this State is 10220 South Dolfield Road, Suite 200, Owings Mills, Maryland 21117. The Resident Agent of the Corporation is Millard S. Rubenstein, whose Post Office Address is 200 E. Lexington Street, 1600 Court Square Building, Baltimore, Maryland 21202. Said Resident Agent is a citizen of the State of Maryland and actually resides therein.

IN WITNESS WHEREOF, I have signed these Articles of Organization and acknowledged the same to be my act on this 29th day of March, 1995.

Millard S. Rubenstein

STATE DEPARTMENT OF ASSESSMENTS
AND TAXATION

APPROVED FOR RECORD

4/21/95 at 9:41 a.m.
3712 2943

Click here for a plain text ADA compliant screen.



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

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 01 Account Number - 0119511540

Owner Information

Owner Name: SMITH WILLIAM A
 SMITH DOROTHY M
Use: RESIDENTIAL
Mailing Address: 5926 OLD FREDERICK RD
 BALTIMORE MD 21228
Principal Residence: YES
Deed Reference: 1) / 2907/ 267
 2)

Location & Structure Information

Premises Address 5926 OLD FREDERICK RD
Zoning
Legal Description PT LT 11,12
 CATONSVILLE PINES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
95	19	42				A	11	80		9/ 41

Special Tax Areas
Town Ad Valorem Tax Class
Primary Structure Built 1941
Enclosed Area 788 SF
Property Land Area 4,600.00 SF
County Use 04
Stories 1 1/2
Basement YES
Type STANDARD UNIT
Exterior Siding

Value Information

	Base Value	Value As Of 01/01/2001	Phase-in Assessments As Of 07/01/2003	As Of 07/01/2004
Land:	24,500	24,500		
Improvements:	39,220	39,220		
Total:	63,720	63,720	63,720	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

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

Exemption Information

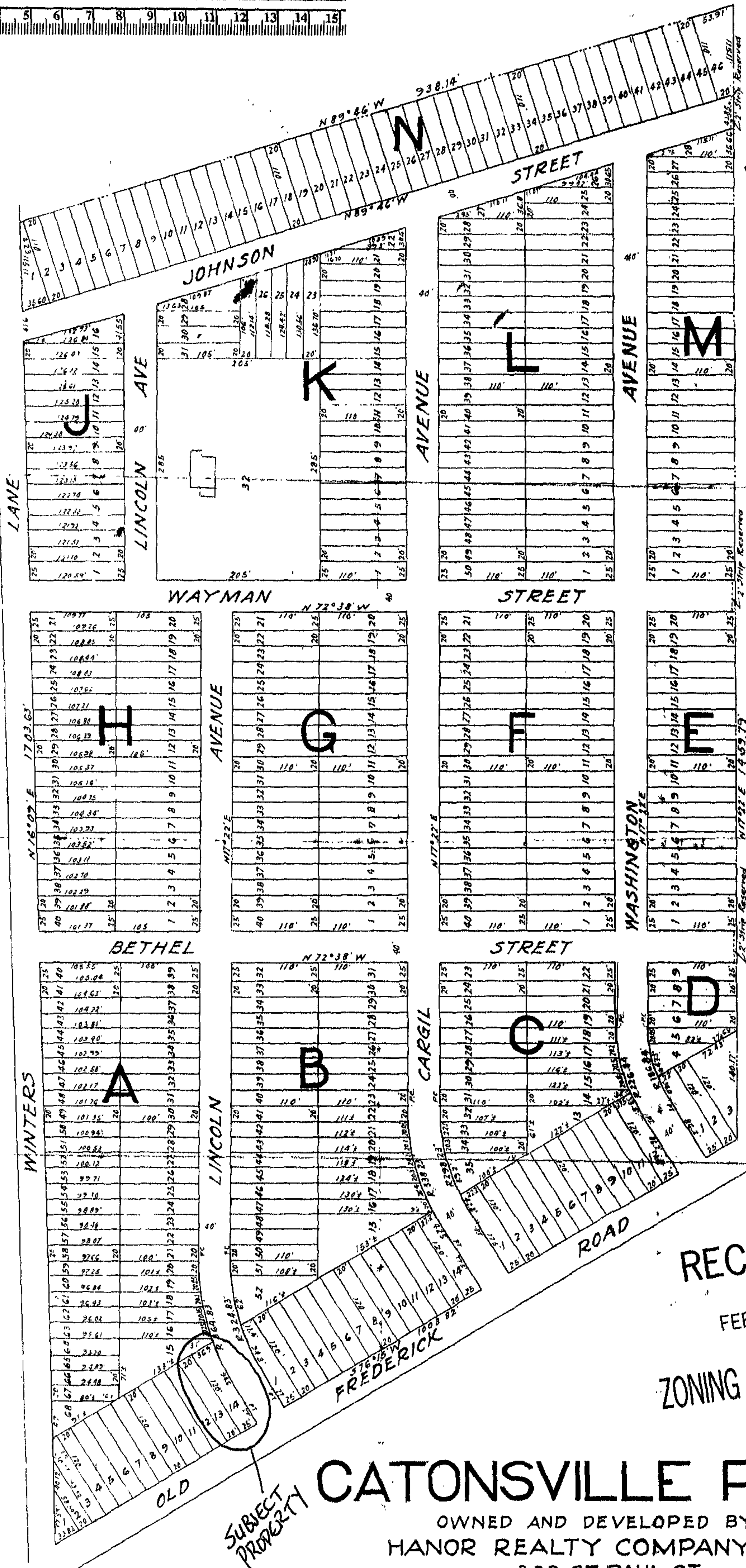
Partial Exempt Assessments	Class	07/01/2003	07/01/2004
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Pat #5



RECEIVED

FEB 13 2004

ZONING COMMISSIONER

CATONSVILLE PINES

OWNED AND DEVELOPED BY
HANOR REALTY COMPANY, INC.
332 ST. PAUL ST.
BALTIMORE, MD.

SURVEYED & LAIDOUT
BY

J. SPENCE HOWARD
CIVIL ENGR
SCALE 1"=100'
FILE BALTO. CO DIST 1-2
BALTO. MD.
JULY 1929.
BOOK 253.

Exhibit
4

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FEB 13 2004
ZONING COMMISSIONER

Case # 04-299-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 7, 2004

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

SUBJECT: 5922 Old Frederick Road

INFORMATION:

Item Number: 04-299

Petitioner: Emma Black Roberts

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

ORDER RECEIVED FOR FILING

DEC 21/18/04

by R. G. G. G. G.