

IN RE: PETITION FOR VARIANCE  
S/S of Delaware Avenue, 90.97 ft.  
S of Delaware Avenue  
15th Election District  
7th Councilmanic District  
(420 Riverside Drive)

Walter P. Kemp  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 04-472-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for approval of an undersized lot filed by the legal owner of the subject property, Walter P. Kemp. The property is located at 303 Riverside Drive in the eastern area of Baltimore County. Approval of the undersized lot was made pursuant to Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) for application to construct a dwelling on an undersized lot. The property was posted with Notice of Hearing on April 1, 2004 and a formal Demand for Hearing was subsequently filed on April 14, 2004 by Larry Simmons, an adjacent property owner. Pursuant to the statute the case was set for hearing before this Commission on June 22, 2004.

The property was posted with Notice of Hearing on June 7, 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 June 8, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 304 .1 and 304. 4 of the Baltimore County Zoning Regulations

Sec. 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

ORDER RECEIVED FOR FILING  
Date 6/25/04  
By R. J. [Signature]



C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

Sec. 304.4 Public hearing. Within the fifteen-day posting period: (1) Any owner or occupant within 1,000 feet of the lot may file a written request for a public hearing with the Department of Permits and Development Management, or (2) the Director of Permits and Development Management may require a public hearing. The Department of Permits and Development Management shall notify the applicant within 20 days of the receipt of a request for a public hearing. A hearing before the Zoning Commissioner shall be scheduled within 30 days from receipt of the request for public hearing. At the public hearing, the Zoning Commissioner shall make a determination whether the proposed dwelling is appropriate.

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

#### **Interested Persons**

Appearing at the hearing on behalf of the variance request were Les and Linda Isenock on behalf of the Petitioner Walter Kemp. There were no persons in opposition to the variance request who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### **Testimony and Evidence**

Linda Isenock identified herself as the daughter of the Petitioner, Walter P. Kemp. She indicated that she is able to represent him on the basis of his power of attorney dated October 17, 1991 which is in the file. She indicated that Mr. Kemp is 92 years old, in hospice care, and had expressed his desire to sell this lot located at 303 Riverside Drive. Apparently, Mr. Kemp's address is 420 Riverside Drive. The Petition was amended accordingly.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 10,274 sq. ft., more or less, zoned DR 5.5. The subject property is presently vacant but the Petitioner is requesting approval of the undersized lot for the construction of a single family home. The lot dimensions meet all of the requirements of Section 1B02.3.C.1 for a DR



3.5 lot, except that the lot width varies between 53.38 feet and 50 feet. The required lot width is 55 feet.

The Petitioners introduced the Petitioner's deed documenting Mr. Kemp's name being added to the title of the lot which refers to 303 Riverside Drive as Lot 2 A of the "Plat of Essex". The deed also indicates that one half interest in this lot was conveyed to Mr. Kemp's wife Margaret in 1950 implying that the lot existed at that time. The Petitioners indicated that neither Mr. Kemp or anyone in his family or under his control owned adjoining land at all, much less sufficient land to conform to the width requirement by lot line adjustment. Apparently, Mr. Kemp's home is located down the street at 420 Riverside Drive.

Finally, the Petitioners indicated that they spoke to Mr. Simmons who filed the demand for hearing and he dropped his opposition to the approval as evidenced by not attending the hearing. Also, Petitioner's Exhibit No. 2 shows the original layout for the Essex subdivision in which the subject lot is shown in red as one half a 100 ft wide lot. From this plat and Petitioner's Exhibit No. 1, the larger lots shown in the area of the subject property were subdivided further than as shown on Exhibit No. 2. Generally, these lots were 50 ft. wide as were the remaining portions of Exhibit No. 2.

**Findings of fact and conclusions of law**

Taking Exhibit Nos. 1 and 2 together, it appears that the lots in the area were generally 50 ft in width, whether from the original layout for Essex or resubdivided larger lots. I note this fact because approving this lot would add one more 50 ft lot that could be developed. Said another way, from the evidence presented the development of this 50 ft. lot would not change the character of the neighborhood. I also find that the deed creating this lot existed at least back to 1950, thereby qualifying for Section 304 approval. I further find that the proposed home on this lot meets all the DR 5.5 regulations as shown in Section 1B02.3.C.1, including lot area per

ORDER RECEIVED FOR FILING  
Date 6/25/04  
By J. J. J. J.

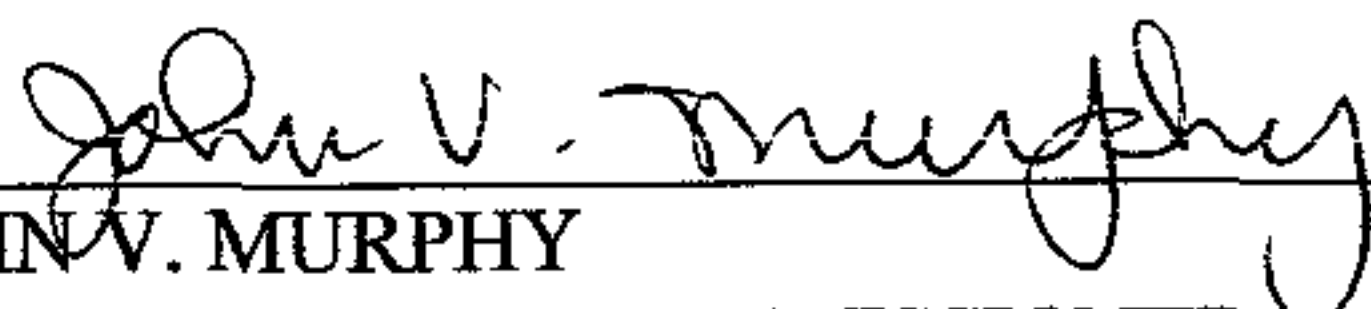


dwelling unit because the lot contains 10,000 sq. ft of area and 6,000 sq. ft. is required. The only dimension that the lot does not meet is the 55 ft. lot width, but only by a few feet. Finally, I find that the Petitioner does not own sufficient land adjoining this lot to allow the lot to conform by lot line adjustment. I find that this lot meets all the criteria of Section 304.1 and I further find that the proposed dwelling on the lot is "appropriate" because this lot fits the pattern of development of the area.

In addition, I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship as the lot would not be usable for any purpose. I also find that approving the undersized lot is in strict harmony with the spirit and intent of said regulations, and in a manner as to grant approval 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 lot at 303 Riverside Drive should be approved as an undersized lot.

THEREFORE, IT IS ORDERED, this 25 day of June, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request approval of 303 Riverside Drive as an undersized single-family lot, pursuant to Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and it is hereby GRANTED:

  
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*

June 25, 2004

Mr. & Mrs. Les Isenock  
420 Riverside Drive  
Baltimore, Maryland 21221

Re: Petitions for Variance  
Case No. 04-420-A  
Property: 420 Riverside Drive

Dear Mr. & Mrs. Isenock:

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: Mr. Walter Kemp  
420 Riverside Drive  
Baltimore, MD 21221

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 34692

DATE 4/14/04

ACCOUNT

001-006-6150

AMOUNT

\$ 50.00

RECEIVED  
FROM: Larry Simmons

FOR:

FORMAL DEMAND FOR HEARING

420 Riverside Drive UNDERSTUD

Lot

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME

4/16/2004 4/14/2004 15:43:39

REG 0006 WALKIN KRM KRM

RECEIPT # 230261 4/14/2004

Dept 5 520 ZONING VERIFICATION

CR NO. 034692

Receipt Tot

\$ 50.00

\$ 50.00

Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 34640

DATE 3.19.04

ACCOUNT

001-006-6150

AMOUNT

\$ 50.00

RECEIVED  
FROM: R. Snyder

332

CANBERRY

FOR:

UNDER 40T

PAID RECEIPT

BUSINESS ACTUAL TIME

3/22/2004 3/19/2004 16:28:53

REG 0001 WALKIN JRM JRM

RECEIPT # 179002 3/19/2004

Dept 5 520 ZONING VERIFICATION

CR NO. 034640

Receipt Tot

\$ 50.00

\$ 50.00

Baltimore County, Maryland

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: #04-472-SPH  
420 Riverside Drive  
South side of Delaware Avenue, 90.97-feet from South of Delaware Avenue  
15th Election District  
7th Councilmanic District  
Legal Owner(s): Walter P. Kemp

Special Hearing: to permit an undersized lot.

Hearing: Tuesday, June 22, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

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

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

JT6/655 June 8 8091

## CERTIFICATE OF PUBLICATION

6/9/2004

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 6/8/2004.

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

*S. Wilkinson*

LEGAL ADVERTISING



# CERTIFICATE OF POSTING

RE: Case No.: 04-472-SPH

Petitioner/Developer: WALTER P.

KEMP

Date of Hearing/Closing: JUNE 22, 2004

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

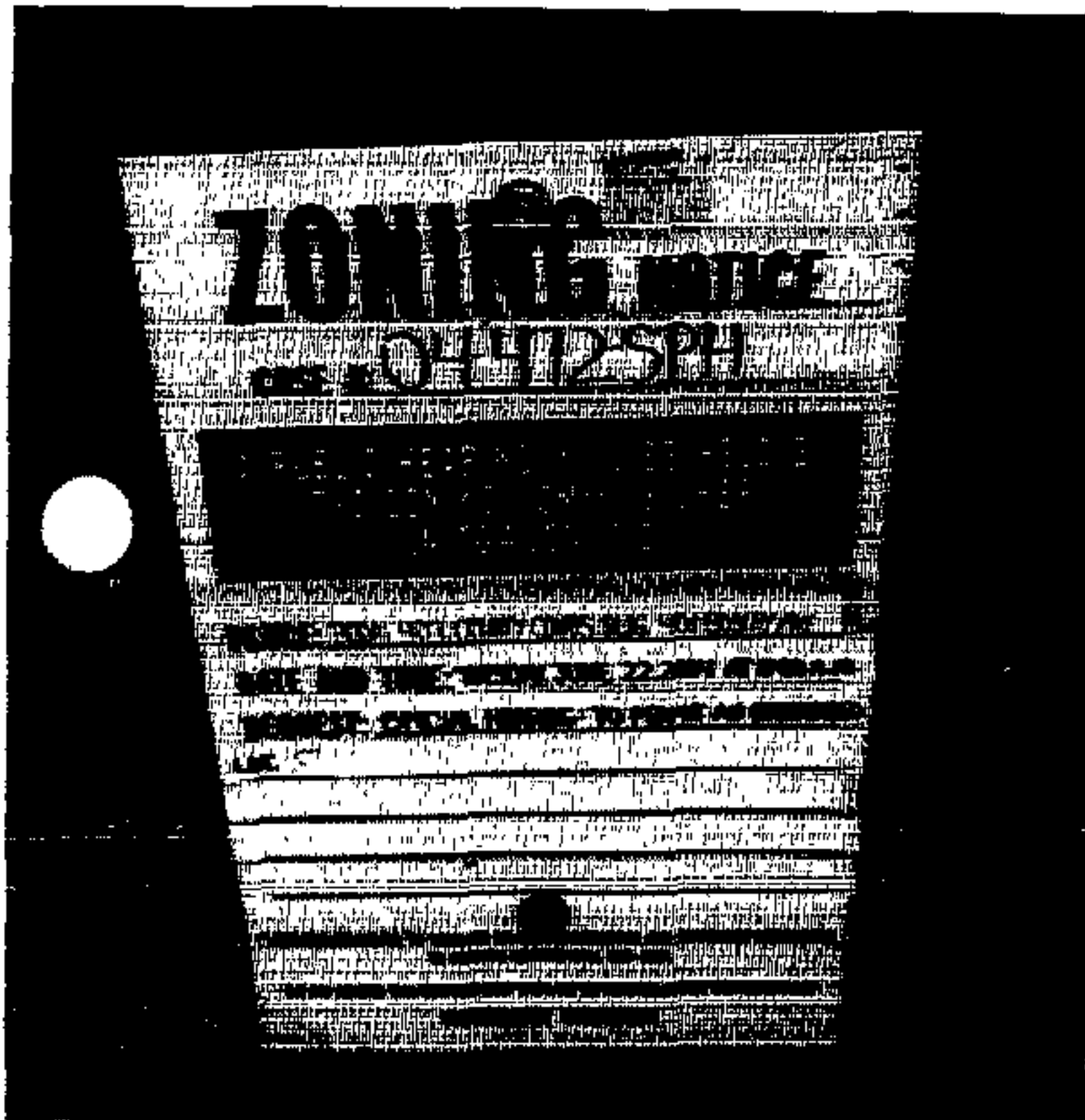
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

420 RIVERSIDE DR.

The sign(s) were posted on

JUNE 7, 2004  
(Month, Day, Year)

Sincerely,



Robert Black 6/7/04  
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



# CERTIFICATE OF POSTING

RE: Case No.: BUILDING PERMIT

Petitioner/Developer: ROBERT &  
MARIA SNYDER

Date of Hearing/Closing: 4/16/04

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

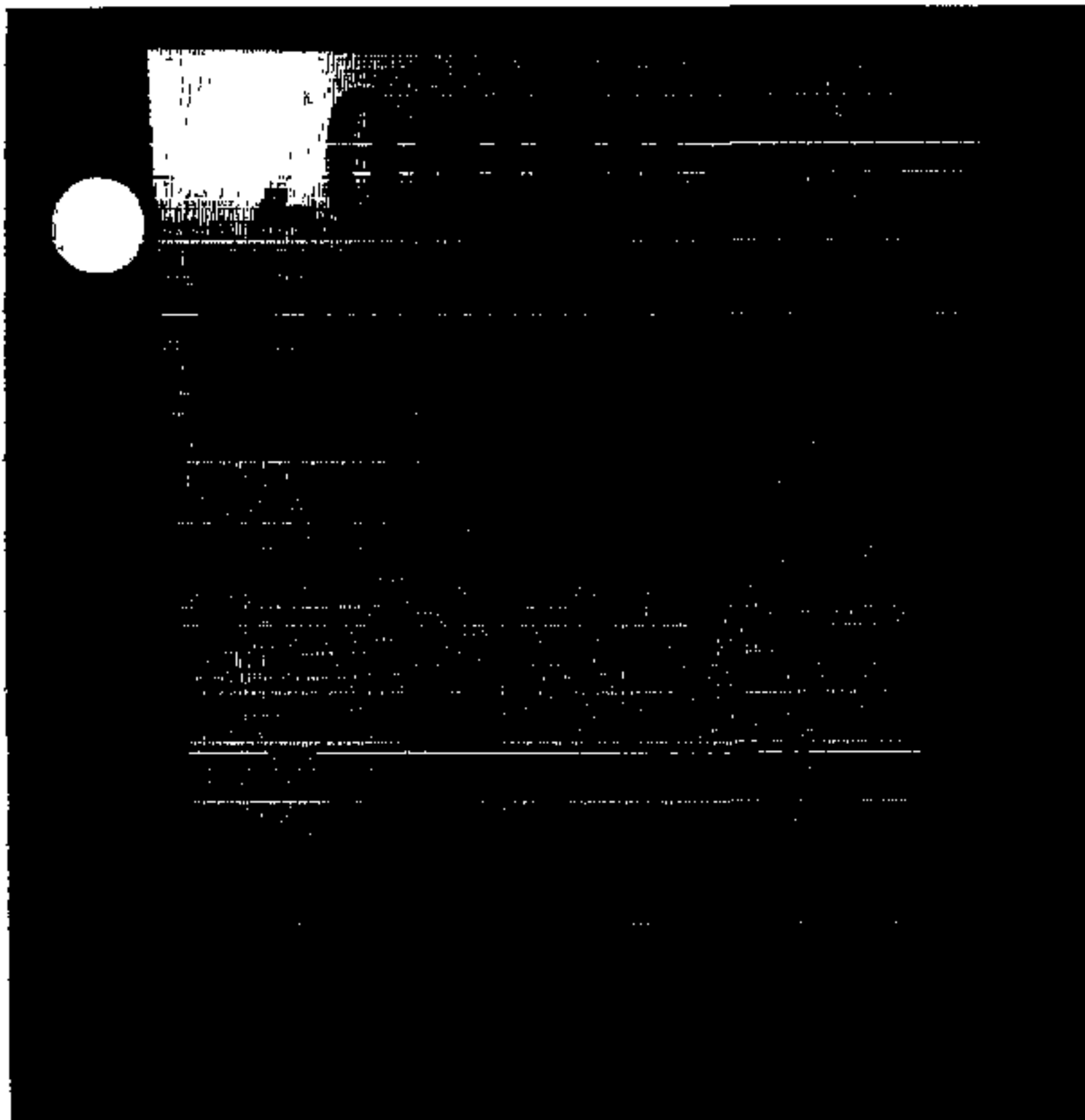
Ladies and Gentlemen:

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

UNMARKED PROPERTY BETWEEN 301 AND  
307 RIVERSIDE DRIVE

The sign(s) were posted on 4/1/04  
(Month, Day, Year)

Sincerely,



Robert Black 4/1/04  
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**Department of Permits and  
Development Management**

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



Attn: Bette S.  
3468  
**Baltimore County**

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

May 7, 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: 04-472-SPH**

420 Riverside Drive

South side of Delaware Avenue, 90.97-feet from South of Delaware Avenue

15<sup>th</sup> Election District—7<sup>th</sup> Councilmanic District

Legal Owners: Walter P. Kemp

Special Hearing: to permit an undersized lot.

Hearing: Tuesday, June 22, 2004 at 11:00 a.m. in Room 40, County Courts Building  
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco  
Director

TK: clb

C: Walter Kemp 420 Riverside Drive Essex 21221  
Robert and Maria Snyder 332 Cranbrook Road Cockeysville 21030

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY. MONDAY JUNE, 7, 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.

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





TO: PATUXENT PUBLISHING COMPANY  
Monday, June 7, 2004 Issue - Jeffersonian

Please forward billing to:

Robert and Maria Snyder  
332 Cranbrook Road  
Cockeysville, Maryland 21030

410-628-7022

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## 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: 04-472-SPH**

420 Riverside Drive

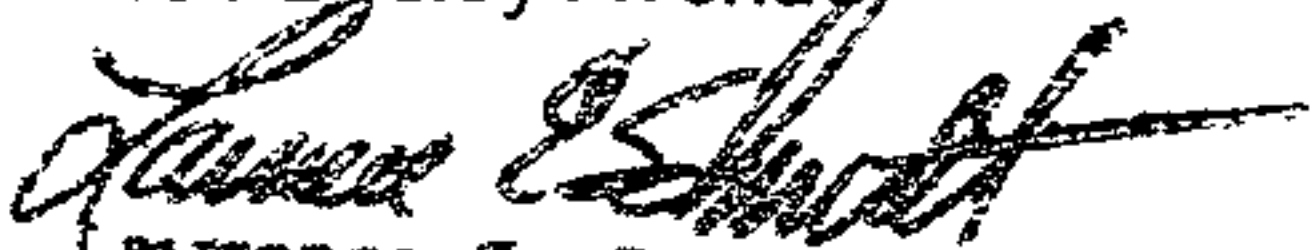
South side of Delaware Avenue, 90.97-feet from South of Delaware Avenue

15<sup>th</sup> Election District—7<sup>th</sup> Councilmanic District

Legal Owners: Walter P. Kemp

Special Hearing: to permit an undersized lot.

Hearing: Tuesday, June 22, 2004 at 11:00 a.m. in Room 40, County Courts Building  
401 Bosley 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.





# FORMAL DEMAND FOR HEARING

CASE NUMBER: Unrecorded 1st

Address: 420 Riverside Drive

Petitioner(s): Mr. + Mrs. Snyder

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Larry Simmons  
Name - Type or Print

( ) Legal Owner OR ( ☒ ) Resident of  
401 DELAWARE AVE  
Address

BALTO. MD 21221  
City State Zip Code

410 687 4253  
Telephone Number

which is located approximately \_\_\_\_\_ feet from the  
property, which is the subject of the above petition, **do hereby**  
**formally demand that a public hearing be set in this matter.**  
**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS**  
**DEMAND.**

[Signature] 4/14/04  
Signature Date

\_\_\_\_\_  
Signature Date  
Revised 9/18/98 - wcr/scj



**Department of Permits and  
Development Management**

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



**Baltimore County**

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

June 17, 2004

Walter Kemp  
420 Riverside Drive  
Essex, Maryland 21221

Dear Mr. Kemp:

RE: Case Number:04-472-SPH, 420 Riverside Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 14, 2004.

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.", is written over a horizontal line.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel  
Robert and Maria Snyder 332 Cranbrook Road Cockeysville 21030

Visit the County's Website at [www.baltimorecountyonline.info](http://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

May 10, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: May 10, 2004

Item No.: 472, 488, 490-501

Dear Ms. Hart:

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

**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

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper





**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

April 28, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 26, 2004

Item No.: <sup>472</sup>  
470-481

Dear Ms. Hart:

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

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

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.11.04

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

RE: Baltimore County  
Item No. 472 JCM

Dear Ms. Matthews:

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: 1.800.735.2258 Statewide Toll Free

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





BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley JDS/RBS

DATE: May 18, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 3, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-472

04-488

04-489

04-490

04-491

04-493

04-494

04-496

04-496

04-497

04-498

04-499

04-500

04-501

Reviewers: Sue Farinetti, Dave Lykens



*6/22*

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** May 14, 2004

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

**SUBJECT:** Zoning Advisory Petition(s): Case 4-472 and 4-495

RECEIVED  
MAY 17 2004  
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:

Mark A. Cunningham

Division Chief:

Lynne Lobban

MAC/LL



**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** May 18, 2004

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For May 17, 2004  
Item Nos. 472, 488, 489, 490, 492, 494,  
496, 497, 498, 499, 500, and 501

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

RWB:CEN:jrb

cc: File



INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation  
Attention: Jeffrey Long  
County Courts Building, Room 406  
401 Bosley Avenue  
Towson, MD 21204

Permit or Case No. \_\_\_\_\_

Residential Processing Fee Paid  
(\$50.00)

FROM: Arnold Jablon, Director  
Department of Permits & Development Management

Accepted by \_\_\_\_\_  
Date \_\_\_\_\_

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Robert & Maria Snyder 332 Cranbrook Rd Cockeysville, MD 21030 410-628-7022  
Print Name of Applicant Address Telephone Number  
Lot Address Riverside Drive Election District 15 Councilmanic District 6 Square Feet 10,274  
Lot Location: NE SW/side/corner of Delaware Ave 90.97 feet from NE SW corner of Delaware Ave  
(street) (street)  
Land Owner: Walter P. Kemp Tax Account Number 15-11-150850  
Address: 420 Riverside Dr. Essex, MD 21221 Telephone Number ( ) \_\_\_\_\_

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                                  |
|-------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| 1. This Recommendation Form (3 copies)                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Permit Application                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Site Plan<br>Property (3 copies)                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 4. Building Elevation Drawings                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5. Photographs (please label all photos clearly)<br>Adjoining Buildings | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Surrounding Neighborhood                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 6. Current Zoning Classification: DR5-5                                 |                                     |                                     |

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations.

Signed by \_\_\_\_\_  
for the Director, Office of Planning and Community Conservation

Date: \_\_\_\_\_

Revised 2/05/02

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A  
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**



Department of Permits and Development Management (PDM)  
**County Office Building**  
**111 West Chesapeake Avenue**  
**Towson, Maryland 21204**

The application for your proposed Building Permit application has been reviewed and is accepted for filing by \_\_\_\_\_ on \_\_\_\_\_  
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

\*SUGGESTED POSTING DATE \_\_\_\_\_ D (15 Days Before C)

DATE POSTED \_\_\_\_\_

HEARING REQUESTED? YES \_\_\_\_\_ NO \_\_\_\_\_ - DATE \_\_\_\_\_

CLOSING DAY (LAST DAY FOR HEARING DEMAND) \_\_\_\_\_ C (B-3 Work Days)

TENTATIVE DECISION DATE \_\_\_\_\_ B (A + 30 Days)

\*Usually within 15 days of filing

---

**CERTIFICATE OF POSTING**

District: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Posted by: \_\_\_\_\_ Date of Posting: \_\_\_\_\_  
Signature

Number of Signs: \_\_\_\_\_



RE: PETITION FOR SPECIAL HEARING  
420 Riverside Drive; S/side of Delaware  
Avenue, 90.97' S of Delaware Avenue  
15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Walter P. Kemp  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* 04-472-SPH

\* \* \* \* \*

**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 and 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 12<sup>th</sup> day of May, 2004, a copy of the foregoing Entry of Appearance was mailed to Walter P. Kemp, 420 Riverside Drive, Essex, MD 21221, Petitioner(s).

RECEIVED

MAY 12 2004

Per.....

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



| <b>Zoning Classification</b> | <b>Minimum Net Lot Area per Dwelling Unit (sq. ft.)</b> | <b>Minimum Lot Width (feet)</b> | <b>Minimum Front Yard Depth (feet)</b> | <b>Minimum Width of Individual Side Yard (feet)</b> | <b>Minimum Sum of Side Yard Widths (feet)</b> | <b>Minimum Rear Yard Depth (feet)</b> |
|------------------------------|---------------------------------------------------------|---------------------------------|----------------------------------------|-----------------------------------------------------|-----------------------------------------------|---------------------------------------|
| D.R.1                        | 40,000                                                  | 150                             | 50                                     | 20                                                  | 50                                            | 50                                    |
| D.R.2                        | 20,000                                                  | 100                             | 40                                     | 15                                                  | 40                                            | 40                                    |
| D.R.3.5                      | 10,000                                                  | 70                              | 30                                     | 10                                                  | 25                                            | 30                                    |
| D.R.5.5                      | 6,000                                                   | 55                              | 25                                     | 10                                                  | --                                            | 30                                    |
| D.R.10.5                     | 3,000                                                   | 20                              | 10                                     | 10                                                  | --                                            | 50                                    |
| D.R.16                       | 2,500                                                   | 20                              | 10                                     | 25                                                  | --                                            | 30                                    |

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

- D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.



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



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**ZONING COMMISSIONER** GENERAL POWER OF ATTORNEY

I, WALTER P. KEMP, of Baltimore County, State of Maryland, hereby appoint my wife, MARGARET M. KEMP, as my attorney-in-fact to act on my behalf and in my name, place and stead with respect to all of my affairs, undertakings and business.

In the event that my said wife, MARGARET M. KEMP, shall die, resign or become unable to act hereunder, then I appoint my children, LINDA ISENNOCK and PHILIP W. KEMP, as my attorneys in her place and stead.

The authority conferred upon my attorneys hereunder is conferred upon them jointly, and not individually, it being my intention that at any time that more than one person shall be serving as my attorney hereunder, the joint and unanimous action of all such persons shall be required to take any action on my behalf, but that at any time when only one person shall be serving hereunder, such person shall have the authority to act individually on my behalf.

Any reference herein to my attorneys shall be deemed to refer to the attorney or attorneys acting hereunder from time to time. My attorneys shall have all powers necessary, proper or convenient for the conduct of all of my affairs, including, but not limited to, the following matters:

1. Manage Property. To manage, buy, sell, contract to sell, grant, assign, transfer, bargain, convey, exchange, improve, develop, divide, subdivide, lend (with or without security), lease, release, deed, grant options, abandon, repair, insure, select depositories for funds, and otherwise deal with all my property, real or personal, in such manner and for such considerations and on such terms or conditions as they shall determine.
2. Borrow Money. To borrow money and to mortgage or pledge any of my property, real or personal, for any purpose and on such terms and conditions as they shall deem proper.
3. Dispose of Claims. To collect, sue upon, compromise, settle, release, or otherwise adjust any claim, debt, bequest, devise or inheritance in which I now or hereafter have an interest; and to pay, compromise, settle or otherwise discharge and secure releases from any obligation or claims against me.
4. Deposit and Withdraw Funds. To deposit in my name and for my account in any bank or other depository all checks payable to my order and all moneys, drafts or other funds payable or belonging to me; to write checks in my name and to withdraw moneys deposited to my account in any bank or other depository; and for the foregoing purposes or any other purpose to sign my name on checks or other instruments payable to my order and endorse the same for deposit or



Mr Murphy, 6/22

Pres. find att., a  
copy of P.O.A. per  
your request made  
during the zoning  
Variance Petition  
hearing held this  
22<sup>ND</sup> of June, 2004 at  
11 a.m. Linda Jensen



*New Set*  
*7 papers*  
*for 5-4-2*  
LIBER 9046 PAGE 4

NO CONSIDERATION  
NO TITLE SEARCH  
NO STAMPS OR TRANSFER TAX REQUIRED

Lots 108-112 Montrose Farm  
303 Riverside Drive  
414-420 Riverside Drive

THIS DEED, made this 9th day of January, 1992 by and between MARGARET KEMP, Grantor, and WALTER P. KEMP and MARGARET KEMP, Grantees.

WITNESSETH, for no monetary consideration, the said Grantor does grant and convey to the said Grantees, their personal representatives and assigns, in fee simple, each an undivided one-half (1/2) interest as tenants-in-common, all that lot of ground situate in Baltimore County, Maryland, and described as follows:

FIRST: Lots Numbers 108, 109, 110, 111 and 112 Plat of Montrose Farms, which said Plat is recorded among the Plat Records of Baltimore County in Plat Book No. 6, Folio 183.

D RC/F 15.00  
DC IMP 5.00

BEING all and the same lots in which a one-half (1/2) interest was devised to Margaret Kemp by Item Ninth (9) of the Last Will and Testament of Margareth Buedel, deceased, dated July 8, 1947 and recorded in the office of the Register of Wills for Baltimore County in Wills Liber J.P.C. No. 43, Folio 103, Estate No. 13020; and in which the remaining one-half (1/2) interest was conveyed to Margaret Kemp by Lawrence Buedel and Elmira C. Buedel, his wife, by Deed dated November 8, 1950 recorded among the Land Records of Baltimore in Liber T.B.S. No. 1901, Folio 431.

NEED  
BY CLERK 20.00

02/03/92

TRANSFER TAX NOT REQUIRED  
BALTIMORE COUNTY, MARYLAND  
Sec. 33-139

SECOND: All that lot of ground known as 303 Riverside Drive and also known as Lot 2A, Block 2I, Section E Plat of Essex, which Plat is recorded among the Plat Records of Baltimore County in Plat Book No. 5, Folio 39, and particularly described by metes and bounds in a Deed from John D. Gebhart to Margareth Buedel and Philip Buedel, her husband, dated December 13th, 1924, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 606, Folio 517.

BEING all and the same lots in which a one-half (1/2) interest was devised to Margaret Kemp by Item Ninth (9) of the Last Will and Testament of Margareth Buedel, deceased, dated July 8, 1947

ASSISTANT  
FOR  
SIGNED  
1/13/92

*1/13/92*

*Put #2*



CASE NAME 420 Riverside Dr.  
CASE NUMBER 94-420-A  
DATE 6/22/04

**PETITIONER'S SIGN-IN SHEET**

[illegible]

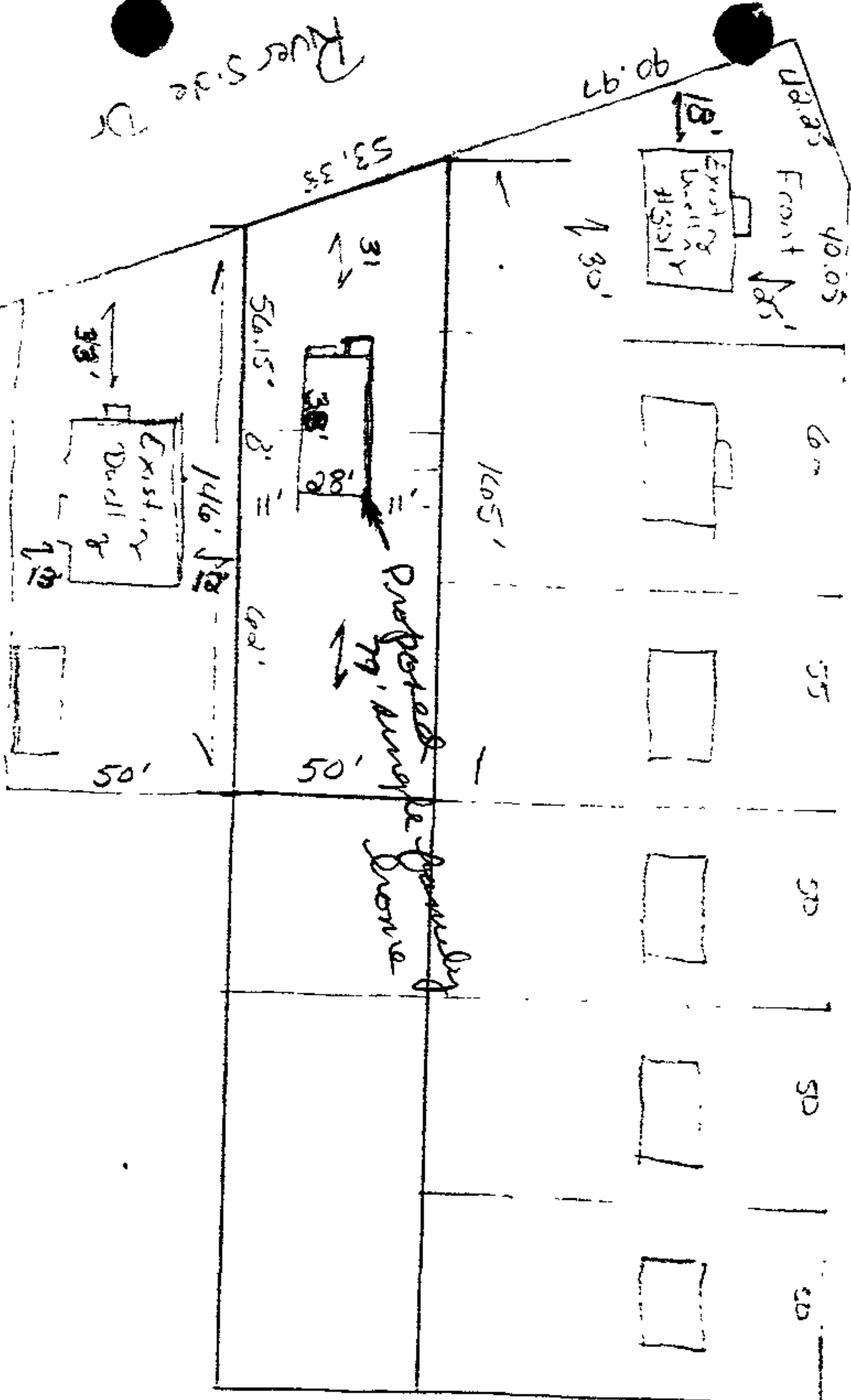


# PLAT 10 ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☐ SPECIAL HEARING

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

SUBDIVISION NAME ESSEX  
 PLAT BOOK # 5 FOLIO # 39 LOT # 2A SECTION # E  
 OWNER Walter P. Kemp

Delaware Ave



NORTH

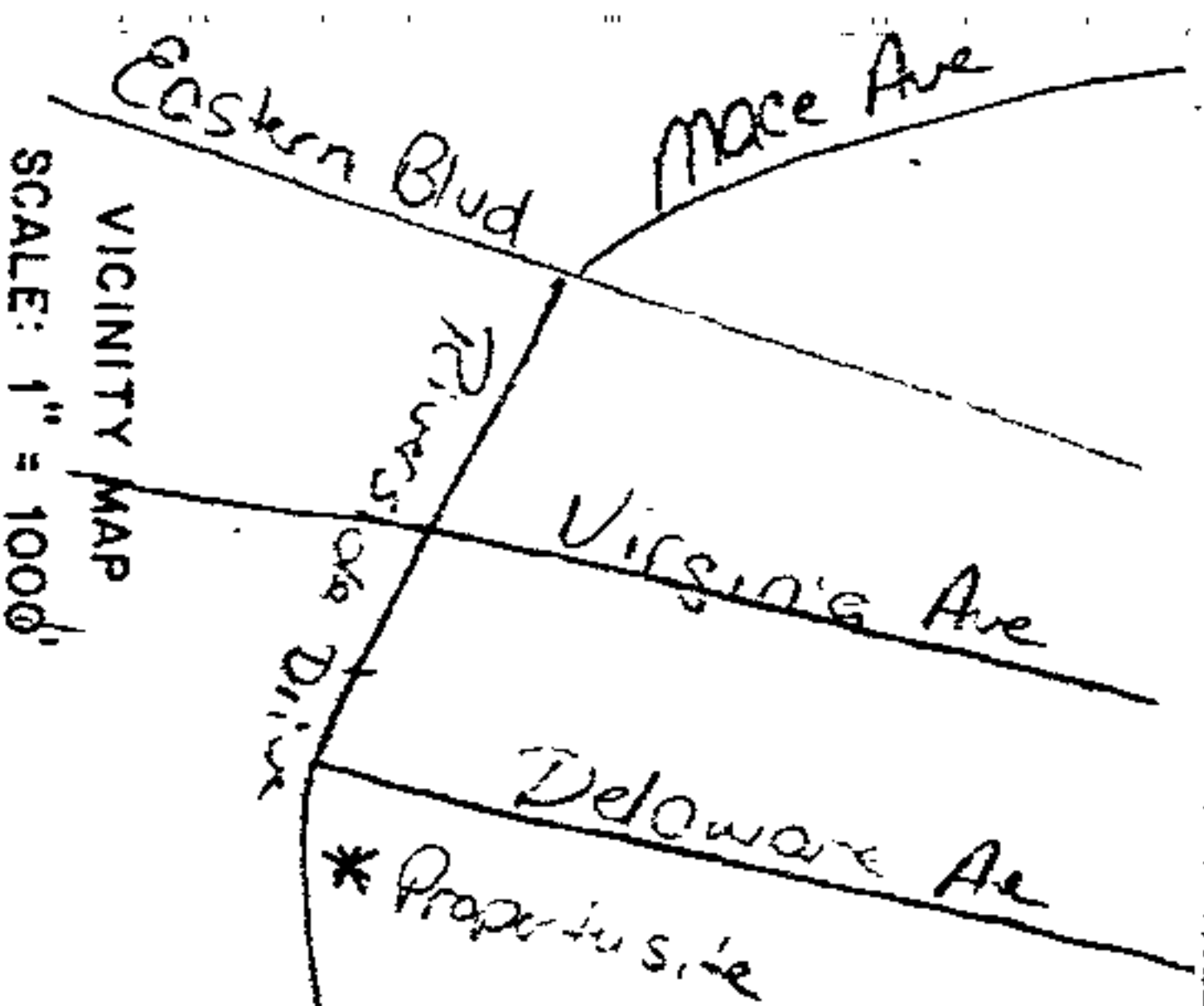


PREPARED BY MCS

SCALE OF DRAWING: 1" = 50'



VICINITY MAP  
SCALE: 1" = 1000'



## LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # NE 1-G

ZONING DRS.5

LOT SIZE 0.1788

ACREAGE 10.274

SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE  
 WATER ☒

CHESAPEAKE BAY  
CRITICAL AREA

YES ☐ NO ☐

100 YEAR FLOOD PLAIN

YES ☐ NO ☐

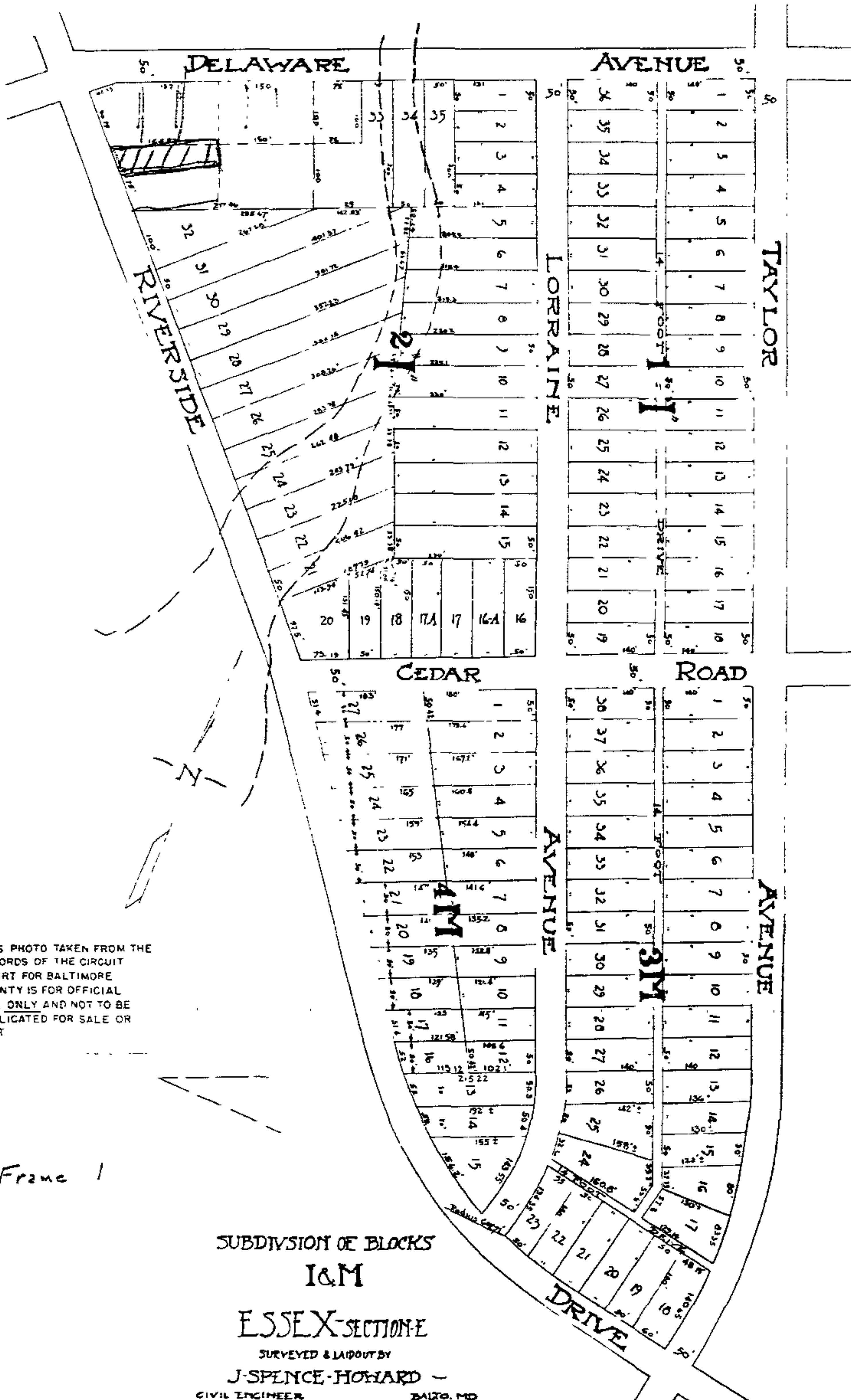
HISTORIC PROPERTY/  
BUILDING

YES ☐ NO ☒

PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY  
 REVIEWED BY SCM ITEM # 1 CASE # 1





THIS PHOTO TAKEN FROM THE  
RECORDS OF THE CIRCUIT  
COURT FOR BALTIMORE  
COUNTY IS FOR OFFICIAL  
USE ONLY AND NOT TO BE  
DUPLICATED FOR SALE OR  
GIFT

Frame 1

SUBDIVISION OF BLOCKS  
I & M  
ESSEX-SECTION E  
SURVEYED & LAYOUT BY  
J. SPENCE-HOWARD -  
CIVIL ENGINEER BALTO. MD

Ref # 2