ORDER RECEIVED FOR FILING Date / 6//3/// IN RE: PETITIONS FOR VARIANCE

SW/S Stemmers Run Road, 682' & 744' NW

of the c/l Eastern Avenue

(32 & 34 Stemmers Run Road)

15th Election District

7th Council District

Soleman Haile Petitioner BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Cases Nos. 05-083-A & 05-085-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by Soleman Haile, legal owner of the subject adjacent properties, known as 32 and 34 Stemmers Run Road. Since the properties are owned by the same person and are located adjacent to one another, the two cases were heard contemporaneously. In Case No. 05-083-A, the Petitioner requests variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B02.3.C.1 to permit a side yard setback of 8 feet in lieu of the required 10 feet; from Section 301.1.A to permit a side yard setback of 0 feet in lieu of the required 7.5 feet for an existing carport; and, from Section 304 to permit a lot width of 51 feet in lieu of the minimum required 55 feet for a contiguously owned property. In Case No. 05-085-A, the Petitioner seeks relief from Section 1B02.3.C.1 (Chart) of the B.C.Z.R. to permit a lot width of 50 feet in lieu of the minimum required 55 feet for a proposed dwelling. The subject properties and requested relief are more particularly described on the site plan submitted in each case, which were accepted into evidence and marked as Petitioner's Exhibits 2.

Appearing at the requisite public hearing on behalf of the property owner was Vince Moskunas, the Surveyor who prepared the site plan for these properties. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject properties are located adjacent to one another on the southwest side of Stemmers Run Road, near its intersection with

ORDER RECEIVED/FOR THING Date

Anne Avenue, south of Eastern Boulevard in Essex. The properties were recorded in the Land Records in 1920 as part of the John Betz property, well prior to the first set of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots do not meet current area and width requirements. In this regard, the property known as 32 Stemmers Run Road (Lot 1 of the Betz Property), contains a gross area of 11,648 sq.ft. more or less, zoned B.L. That lot is 51' wide by 197.35' deep and is improved with a single-family dwelling, which was built in 1967. The adjacent parcel, known as 34 Stemmers Run Road, was shown on the Betz Plat as part of the roadbed for Franklin Avenue, a paper street which was never built. The State Highway Administration apparently had a temporary easement for construction of that road which terminated when Anne Avenue was built just north and parallel to the subject property. That parcel is 50' wide by 143' deep and contains a gross area of 7,851 sq.ft., zoned R.O. That parcel is presently unimproved; however, has been used over the years as a side yard for the dwelling lot.

The Petitioner is desirous of developing the vacant parcel with a single-family dwelling and filed the instant Petitions seeking recognition that these are two separate building lots. As to the improved parcel, variance relief is necessary to legitimize existing setbacks for the dwelling known as 32 Stemmers Run Road. In this regard, the dwelling maintains an 8-foot setback on the south side; however, due to an existing attached carport, a 0-foot setback is proposed for the north side. As shown on the site plan, the carport actually crosses over the internal lot line. The Petitioner has agreed to reduce the size of the carport to meet the proposed setback.

As to the adjacent parcel, relief is requested to approve a lot width of 50 feet in lieu of the required 55 feet. The new dwelling will meet all front, side and rear setback requirements. It is to be noted that public water and sewer serve both lots. Moreover, Petitioner's Exhibits 1 (Betz Plat) and 3 (a topographical drawing) show that most of the houses in this community were built on 50-foot wide lots. Additionally, the property is located in an area that contains a mix of commercial, business and residential uses. In this regard, the properties north and west of the subject site are used commercially and a community of townhouses is located across the street. Thus, it appears that the relief requested is appropriate and consistent with the neighborhood.

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Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. As to Case No. 05-085-A, the proposed dwelling to be known as 34 Stemmers Run Road will meet all front, side and rear setback requirements and will be situated on the lot consistent with other houses in the community. The only deficiency in this instance is the lot width, which is 5 feet shy of the required 55 feet. As noted above, many of the other houses in this community were built on 50-foot wide lots and thus the proposal is consistent with the neighborhood. In my view, the relief requested is appropriate and will not result in any detriment to the health, safety and general welfare of the surrounding locale.

Relief will likewise be granted to legitimize the existing dwelling on the adjacent lot, known as 32 Stemmers Run Road (Case No. 05-083-A). Again, the fact that this subdivision was platted and recorded many years ago, well prior to the adoption of the B.C.Z.R., is a persuasive factor. Moreover, the dwelling has existed on the site where located since 1967. However, as a condition to the relief granted, the Petitioner shall reduce the existing carport to provide a minimum side setback of 2 feet on the north side. The site plan submitted shows that the existing carport is currently 18 feet wide; however, extends over the internal property line by 2 feet. An overall reduction of 4 feet will result in a carport width of 14 feet. Given that an average parking space is $8\frac{1}{2}$ wide, the resulting width of 14 feet should provide sufficient area for vehicle maneuvering and access.

It is also to be noted that the Petitioner sought relief pursuant to Section 304, which regulates undersized lots. In this regard, it is clear that the improved parcel does not qualify for relief under that Section given the fact that the Petitioner owns the adjacent lot, which is currently vacant and variance relief is necessary to legitimize existing conditions on the improved parcel. Thus, this request shall be dismissed as moot.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested, as modified above, shall be granted.

ORDER RECEIVED/FOR FILING
By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of October 2004 that the Petition for Variance filed in Case No. 05-085-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the minimum required 55 feet, for a proposed dwelling to be known as 34 Stemmers Run Road, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 05-083-A, seeking relief from Sections 1B02.3.C.1 and 301.1.A of the B.C.Z.R. to permit a side yard setback of 8 feet in lieu of the required 10 feet and an open projection (carport) setback of 2 feet in lieu of the required 7½ feet, and a lot width of 51 feet in lieu of the minimum required 55 feet, for the existing dwelling, known as 32 Stemmers Run Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The existing carport on the dwelling known as 32 Stemmers Run Road, shall be reduced so as to provide a minimum side yard setback of 2 feet on the north side.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 05-083-A seeking relief, pursuant to Section 304 of the B.C.Z.R., be and is hereby DISMISSED AS MOOT.

WILDIAM J. WISBVIAN

Zoning Commissioner
WJW:bjs for Baltimore County

4

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

October 13, 2004

Mr. Soleman Haile 32 Stemmers Run Road Baltimore, Maryland 21221

RE: PETITIONS FOR VARIANCE
SW/S Stemmers Run Road, 682

SW/S Stemmers Run Road, 682' & 744' NW of the c/l Eastern Avenue

(32 and 34 Stemmers Run Road)

15th Election District – 7th Council District

Soleman Haile - Petitioner

Cases Nos. 05-083-A and 05-085-A

Dear Mr. Haile:

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

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

Very truly yours,

WILLIAM J. WISEMAN Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Vincent J. Moskunas/ Site Rite Surveying, Inc., 200 E. Joppa

Site Rite Surveying, Inc., 200 E. Joppa Road, #101, Towson, Md. 21286

People's Counsel; Case File



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



Date_

Patition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at #32 Stemmers Run Pand which is presently zoned ______B__

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management The undowner(s) of the property situate in Baltimore County and which is described in the description and plat and made a part becase beauty and the contribute for a live in the description and plat and made a part becase beauty and the contribute for a live in the description and plat and made a part becase the contribute for a live in the contribute for a live in the description and plat and made and	lersigned legal
owner(s) of the property situate in Baltimore County and which is described in the describen and plat a	attached hereto
and made a part hereof, hereby petition for a Variance from Section(s)	

setback of 8 ft. in lieu of the required 10 ft., and Section 301.1A to permit a zero ft., setback in lieu of the required 7.5 ft. for an carport, and Section 304 to permit a 1st width of 51 ft, in lien of the required 55-ft, for a contiguously-owned 1st. of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) 1. Said recorded lot is shown on the Betz Plat as lot 1, recorded in 1920 and built in 1967.

- 2. There are lots within 500 feet of subject property that are 50 feet wide with existing dwellings as part of a recorded plat dated 1922.
- 3. Compliance with the current B.C.Z.R. would unreasonably prevent the permitted use of the property as it presently exists.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): oleman Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City Zip Code State Signature 32 Stemmers Run Poad 443-621-5375 Attorney For Petitioner: Address Telephone No. Baltimore Name - Type or Print City State Zip Code Representative to be Contacted: Signature Site Rite Surveying, Inc. Company Name Ety Telephone No. Address Telephone No. MP 21286 OWSON Zip Code State City Zip Code State FOR OFFICE_USE ONLY ESTIMATED LENGTH OF HEARING Nd. 05-083-A **UNAVAILABLE FOR HEARING** Reviewed By Date _8/11/04 ORDER RI

ZONING DESCRIPTION

#32 STEMMERS RUN ROAD

Beginning at a point on the southwest side of Stemmers Run Road which is 50 feet wide at the distance of 682 feet northwest of Eastern Avenue which is 60 feet wide. *Being Lot #1, in the Subdivision of "Betz Plat" as recorded in Baltimore County Plat Book #7, Folio #120, containing 11,648 S.F. Also known as #32 Stemmers Run Road and located in the 15th Election District, 7th Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 East Joppa Road Suite 101

Towson MD 21286 (410) 828-9060

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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: # D5-083-A

32 Stemmers Run Road

Southwest side Stemmers Run Road, 682 feet north-

Southwest side Stemmers Run Road, 682 feet morting west centerline Eastern Avenue 15th Election District - 7th Councilmanic District Legal Owner(s): Soleman Haile

Variance: to permit a side yard setback of B feet in fleu of the required 10 feet and to permit a zero front side satback in fleu of the required 7.5 feet for an existing carport, and to permit a lot width of 51 feet in fleu of the required 55 feet for a contiguously owned lot.

Hearing: Thursday, October 7, 2004 at 9:99 a.m. in Room 487. County Courts Building, 461 Bosley

Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386.

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

22503

9/348 Sept. 23

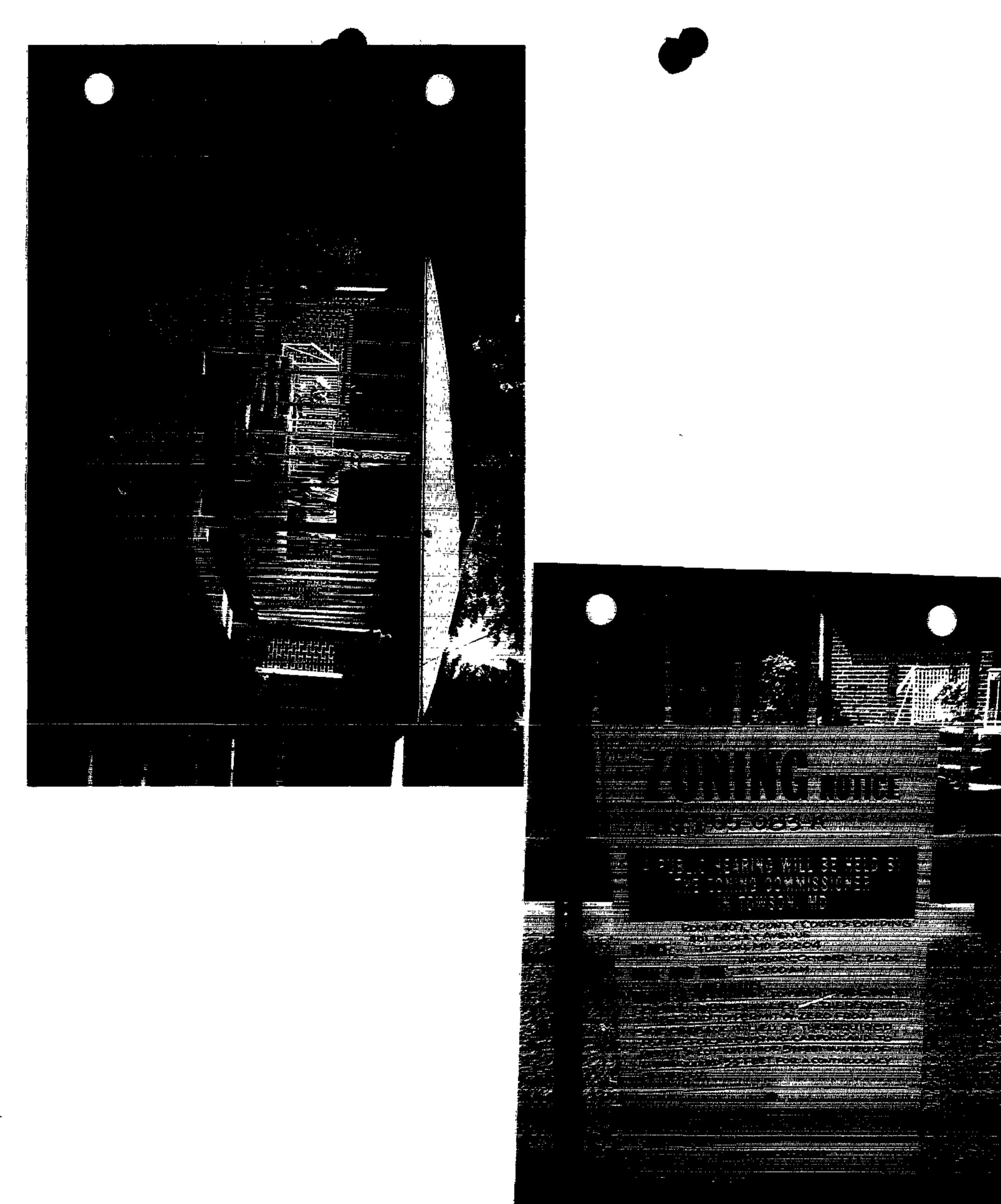
CERTIFICATE OF PUBLICATION

923,2004
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 <u>923</u> ,20 <u>04</u> .
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking

CERTIFICATE OF POSTING

	Petitioner/Developer GENESIS BUILDERS, INC.
•	Date of Hearing/Closing: OCT. 2, 12004
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 ce	rtify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the pro-	operty located at #32 STEMMERS PUNINGD
The sign(s) were posted on	7. 21, 2004 (Month, Day, Year)
	Sincerely, Sincerely, Signature of Sign Poster and Date) CARLAND E. MOORE (Printed Name) 3225 RYERSON CIRCLE (Address) PAUTIMORE, MD. 21227 (City, State, Zip Code) (410) 242-4263 (Telephone Number)

RE: Case No.: 05-083-A



RE: PETITION FOR VARIANCE

32 Stemmers Run Rd; SW/side Stemmers

Run Rd, 682' NW c/line of Eastern Avenue *

15th Election & 7th Councilmanic Districts

Legal Owner(s): Soleman Haile

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

 \star

×

FOR

BALTIMORE COUNTY

05-083-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

CAROLE S. DEMÍLIO

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 26th day of August, 2004, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101,

Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

AUG 2 6 2004

.... L U LUUT

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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TO: PATUXENT PUBLISHING COMPANY

Thursday, September 23, 2004 Issue - Jeffersonian

Please forward billing to:

John Pyle Genesis Builders, Inc. 2615 Smallwood Drive Abingdon, Maryland 21009 443-463-3499

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: 05-083-A

32 Stemmers Run Road

Southwest side Stemmers Run Road, 682 feet northwest centerline Eastern Avenue 15th Election District—7th Councilmanic District

Legal Owners: Soleman Haile

<u>Variance</u> to permit a side yard setback of 8 feet in lieu of the required 10 feet and to permit a zero front side setback in lieu of the required 7.5 feet for an existing carport, and to permit a lot width of 51 feet in lieu of the required 55 feet for a contiguously owned lot.

Hearing: Thursday, October 7, 2004 at 9:00 am 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 Permission 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

August 23, 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: 05-083-A

32 Stemmers Run Road

Southwest side Stemmers Run Road, 682 feet northwest centerline Eastern Avenue

15th Election District—7th Councilmanic District

Legal Owners: Soleman Haile

<u>Variance</u> to permit a side yard setback of 8 feet in lieu of the required 10 feet and to permit a zero front side setback in lieu of the required 7.5 feet for an existing carport, and to permit a lot width of 51 feet in lieu of the required 55 feet for a contiguously owned lot.

Hearing: Thursday, October 7, 2004 at 9:00 am in Room 407, County Courts Building

401 Bosley Avenue

Timothy Kotroco Director

TK: clb

C: Soleman Haile 32 Stemmers Run Road Baltimore 21221 Site Rite Surveying, Inc. 200 E. Joppa Road, Rm 101 Towson 21286

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

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





ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 05-083-A
Petitioner: Soleman Haule
Address or Location: 32 Stemmers Run Poad
PLEASE FORWARD ADVERTISING BILL TO: Name: John Ryle Generis Buildus, Inc.
Address: 2615 Smallwood Drive
Abingdon, MD 21009
Telephone Number: 443 463 3499

Department of Permits and Development Management

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





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

September 28, 2004

Soleman Haile 32 Stemmers Run Road Baltimore, Maryland 21221

Dear Mr. Haile:

RE: Case Number:05-083-A, 32 Stemmers Run Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 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,
U. Callial Rila (S)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

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



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

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive John J. Höhman, Chief

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

August 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 237-2004

Item No.:

073, 078, 082-089

Pursuant to your request, the referenced plan(s) have been reviewed 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 10, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 30, 2004 Item Nos. 073, 078, 082, 083, 086,

087, and 089

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr JPO

DATE:

September 14, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 23, 2004

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

05-073

04-082

(04-083)

04-084

04-085

04-087

04-089

Reviewers: Sue Farinetti, Dave Lykens

XD,011

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-083

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

Division Chief.

MAC/LL

RECEIVED

DATE: September 8, 2004

SEP - 9 2004

ZONING COMMISSIONER



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

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

Maryland Department of Transportation

Date:

8.20.00

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

RE:

Baltimore County

Item No. 083

BPR

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,

Steven D. Foster, Acting Chief Engineering Access Permits Division

PLEASE SCHEDULE CASES 05-083-A AND 05-085-A BACK TO BACK

ROAD John Bity Je NE saus day record' in liber W. P. C. No Z. (0)10/20 one of the Resords of Baltimore County and examined, per Clark FRANKLIN Co dem to its ది mer l'e man at in weeter Lucy " 314.63 Lathan thought 10 1.14 WHILL PHORE AVENUE EASTERN Beck 63 - 14 suction 8.

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PETITIONER'S SIGN-IN SHEET

										VITERITE SHARTING	NAME
										Zos E. Jappa P.D.	ADDRESS
										70w50w +10 21286	CITY, STATE, ZIP
								*		KJAKWYHE AOLOGH	E- MAIL

Case No.: 05-083A 7 05-085A

Exhibit Sheet

Petitioner/Developer

Protestant

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	No. 11		*	
	No. 12			
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34 STEMMERS (10 645- 5606 Larry Grahim

THE TITLE GUARANTER COMPANY
(Individual Form)

App. H- 94492

13ER 5 8 9 2 MAGE 4 7 6
PARCEL #2

This Deed, Made this 22 71d day of 71 day , in the year one thousand nine hundred and ---- seventy-eight ----, by and between the lirst part, Grantors and MARSHALL, MARGARET T. HOGE and CAROL T. MEAD, parties of the first part, Grantors and BASIL A. SPEDALERE and ANNE E. SPEDALERE, his wife, parties of the second part, Grantous.

receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto the said Grantees, parties of the second part, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs, personal representatives and assigns, in fee simple, all

situate in the Fifteenth Election District of Baltimore County

in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a P.K. Nail found, said P.K. Nail being the corner formed by the intersection of the Southwesternmost side of Back River Neck Road now known as Stemmers Run Road and the Southernmost side of Franklin Avenue as laid out on Plat of Property of John Baetz and recorded among the land Records of Baltlmore County in Plat Book W.P.C. No. 7, folio 120, Franklin Avenue being unimproved, said P.K. Nali also being North 37 degrees 30 minutes 00 seconds West 61.56 feet from a pipe found, said pipe being in the Southwesternmost side of Back River Neck Road and the corner for lots 1 and 2 as shown on the aforementioned Plat, Bearings referred to Magnetic Meridian November, 1977, thence running with and binding on Southernwost side of Franklin Avenue South 85 degrees 30 minutes 45 seconds West 197.35 feet to a pipe found. Said pipe being North 04 degrees 29 minutes 12 seconds West 136.50 feet from a pipe found marking the corner of lot 4 as shown on the aforementioned plat, thence North 04 degrees 29 minutes 12 seconds West 50.00 feet to a pipe now set in the Northernmost side of Franklin Avenue, thence running with and binding the Northernmost side of Franklin Avenue North 85 degrees 30 minutes 45 seconds East 164.86 feet to a pipe set in the Southernmost side of Back River Neck Road, thence South 37 degrees 30 minutes 00 seconds East 59.63 feet to the place of beginning. Containing 0.0207 acres of land more or less.

BEING part of Franklin Avenue as shown on Plat of Property of John Baetz and recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folio 120. For Title: See Deed, dated September 5, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3591, folio 376, Maria M

Walter ox

300 MEC MEC MEC MES AS A MES A

#4

30'00

7.47

12 04 08:56p

P.L.Holmes

410 676-8133

p.2

FROM : ESSEX DRAFTING SERVICES

FAX NO. :410 391 1084

11 2004 00:53AM



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

Robert L. Flanagen, Secretary

Maryland Department of Transportation September 8, 2004

Franklin Avenue cast of Md. 702 **Baltimore County** B-546-501-471

Mr. Solomon Haile: 32 Stemmers Run Road Baltimore, Md. 21221

Dear Mr. Haile,

This letter is in response to your telephone call to me yesterday regarding the above location.

Franklin Avenue east of Md. 702, as shown on SHA plat 49451 that you mentioned to me, was never built. The street is a "paper street". Therefore there is nothing to close or barricade on this section of Franklin Avenue since this road never existed.

The SHA's temporary easoment for construction, where this paper street is, as shown on this plat, terminated when Anno Avenue was built just north and parallel to this temporary easement.

You should check the Land Records of the County for any property transfers or pertinent DEDICATIONS which may exist to the SHA or public uso

If you have further questions, you may call me at 410 545 2830.

Harvey Lempert

Real Property Specialist

A Careful Come to the content of the

SHA 63.11-25 2/1/82 OFFICE OF COUNSEL 707 N. Calvert Street Baltimore, Maryland 21202

Mail Address - P.O. Box 717

Baltimore, Maryland 21203

DEED

THE STATE OF MARYLAND TO THE USE OF THE STATE HIGHWAY ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION

PAGE 1 Right of Way Item No. 76669 State Highway Administration Project No.

This Deed, Hade this

B 546-301-47

DEED

(A) WHEREAS, the State Highway Administration of the Department of Transportation, acting for and on behalf of the State of Maryland, finds it necessary to acquire the land, easements, rights and/or controls, shown and/or/accordance on State Highway Administration's Plats Numbered

18.00 SH CLERK 18.00

49451 (Rev. 5/20/86) which are duly recorded, or intended to be recorded, among the Land Records of

45/2049 COO2 ROS TO8:45 12/31/86

BALTIMORE to lay out, open, establish, construct, extend, widen, straighten, grade and improve as a part of the State Roads County (ies) in the State of Maryland in order System of Maryland, a highway and or bridge, together with the appurtenances thereto belonging, under its Contract Number B 546-301-571 and known as the

MD Rte. 702 Extended - Old Eastern Avenue to Back River Neck Road and to thereafter use, maintain and/or firther improve said highway and or bridge, as a part of the Maryland State

(9) NOW, THEREPORE, THIS OPEN AND RELEASE WITHESSETH: That for and in consideration of the above premises, One pollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, we do hereby grant and convey unto the STATE OF MARYLAND, TO THE USE OF THE STATE HIGHWAY ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION, its successors and assigns, FCREVER IN FEE SIMPLY, all our right, title and interest, free and clear of all liens and encumberances, in and to

(C) ALL THE LAND, together with the appurtamences thereto belonging, or in anywise appertaining, lying between the outermost lines designated "Pight of Way Line," as shown and/or indicated on the hereinbefore mentioned plats, all of which plats are made a part hereof, so far as our property and/or our rights may be affected by the said proposed highway and/or bridge, and the appurtenances thereto belonging, or in anywise appertaining.

TOP THE THE SHORTONS SO TEXTILE VIOLET CITED THE STREET OF HERYFORMY TO SHOW OR - OF THE STREET HERYFORM TO THE SHOW OF THE SH the Department of Transportation, 'ts auccessors and assigns, the right to create, use and maintain on the area of the land shown natched thus on the above designated plats, such slopes as are necessary to retain

and support the highway and/or adjacent property; it being agreed between the parties hereto, however, that at such time as the contour of the land over which this slope easement is granted is changed so that the easement required for slopes is no longer necessary to retain, support or protect the highway construction within the free conveyed in fee simple, then said essement for slopes shall cease to exist,

(E) AND THE GRANTORS DO FURTHER GRANT unto the State of Maryland, to the use of the State Highway Administration of the Department of Transportation, its successors and assigns, the perpetual right to exemite, use and maintain on the area of the land shown cross-hatched thus

on the above designated place such stream changes. side ditches, inlet ditches, outlet ditches, pipes, culverts and all other drainage tacilities as are necessary in the opinion of the State Mighway Administration to adequately diain the highway or adjacent property and/or control the flow of water through those drainage structures to be built to protect wild highway.

(F) AND THE GRANTORS DO FURTHER SPANT Into the State of Maryland, to the use of the State Highway Administration of the Department of Transportation, Its successors and assigns, the perpetual right to discharge the flow of water from such stream changes, side ditches, inlet ditches, outlet ditales, pipes, culverts and all other drainage

facilities as are necessary in the opinion of the State Highway Administration to adequately drain the highway or adjacent property and/or control the flow of water through those drainage structures to be built to protect said highway (either within the areas shown cross-hatched thus or within the limits of the areas

hereinbefore conveyed in the fee simple) into existing waterways or natural drainage courses, so indicated by the a ymbol and/or upon the existing ground, as indicated by the symbol

at the outlet end of the drainage facilities so created by the State Highway Administration, all of which are shown graphically and indicated by appropriate symbols and explanatory notations on the aforesaid plats.

(G) AND THE GRANTORS DO FURTHER MUNT unto the State of Maryland, to the use of the State Highway Administration of the Department of Transportation, its successors and assigns. ANY AND ALL RIGHT WHATSOEVER of the GRANTORS, their heirs, successors and assigns, of any means whatspever of ingress or egress between the THROUGH HIGHWAY and their remaining property across the lines which are designated "Hight of Way Line of Through Highway," to the end that there never will be any whicular, pedustrian and/or animal access to or from said Through Highway and their remaining property across those lines which are so marked on the above mentioned plats, except by means of such public road connections as are authorized by law.

(H) AND THE GRANTORS DO FURTHER GRANT unto the State of Maryland, to the use of the State Highway Administration of the Department of Transportation, Its successors and assigns, ANY AND ALL RIGHT WHATSOEVER of the GRANTORS, their heirs, suscessors and assigns, of vehicular ingress or egress between their remaining property and the highway across those portions of the right of way lines which are marked "THROUGHOUT THIS PORTION OF THE SIGHT OF WAY LINE ALL VEHICULAR ACCESS IS DENTED," to the end that there never will be any vehicular access to or from said highway and their remaining property across those portions of the said right of way lines which are so mathed on the above

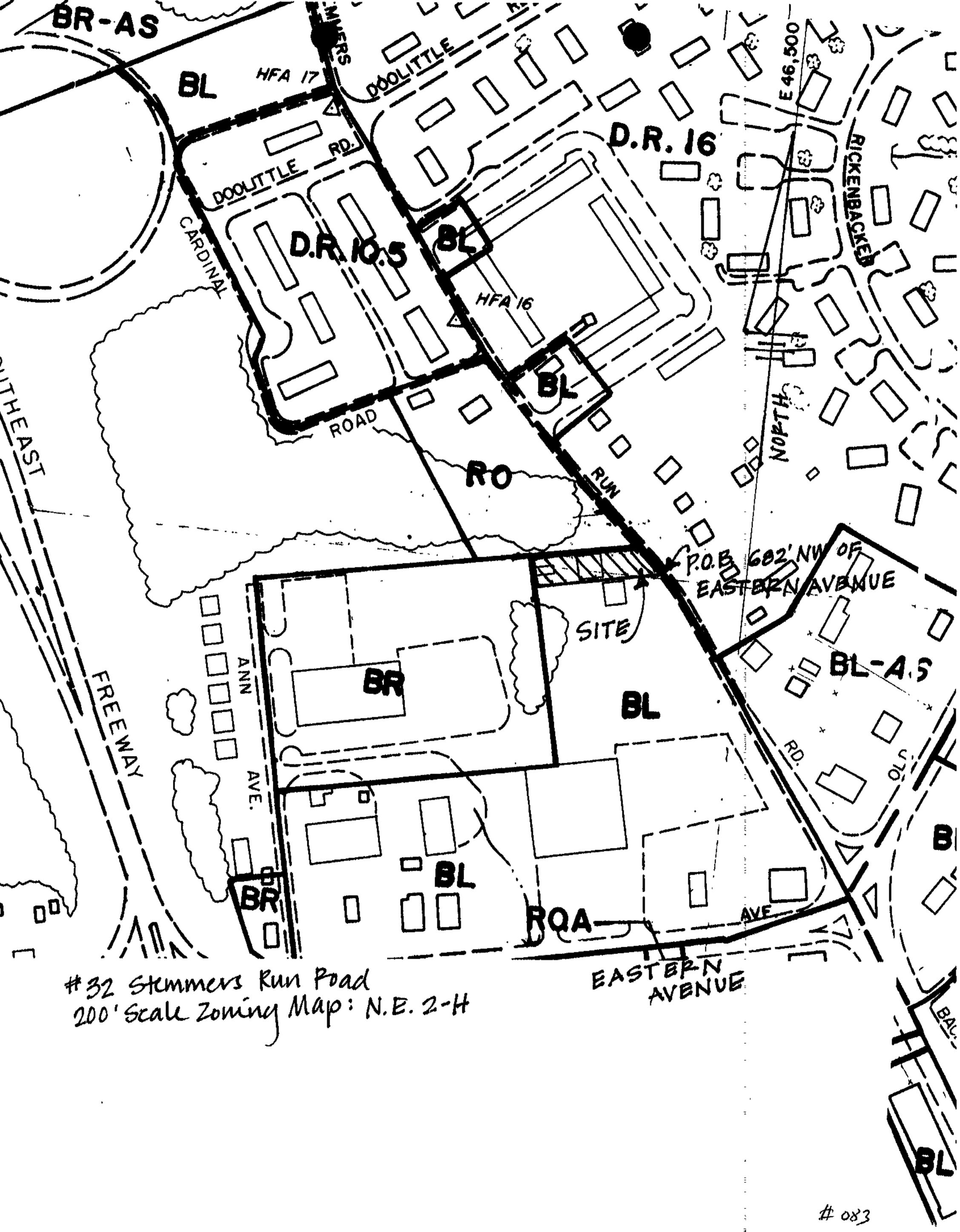
The actual consideration paid by the Grantee to the Grantors is One Thousand Nine Hundred Seventy-five Dollars (\$1,975.00).

CONTINUED ON PAGE 2

STATE ASSRUGE

TRANSFER TAX NOT REQUIRED Director of Finance

Extroitb



Marvland State Archives

ON S P.426 JOSEPH SALVO 4 1503471700 13512/264 1.53 Ac. NOTE: EX. BLDG. IS MORE THAN 200' FROM SUBJECT PROPERTY. FRANKLIN 50. R/W AVENVE P. 1308 BRI EX. CHAINLANCE (TYP) "COMMERCIAL" 1501540380 #10/ANN AVENUE NOTE: EX. BLDG. 15 MORE TI POB. 744 NW OF & OF EASTERN AVENUE PATRICIA L 1525000260 TARRINGTON ... #30 STEMMERS RUN RD PROPERTOO. 57703500 W 10, ALLEY. PER. P.O.B. 682' NW OF E OF EASTERN AVENUE 18000 DEVELOPMENT 8704 3874 S PMENT RLAT 4 258.40 VACANT 12/ VACANT 783.49 NOTE EX BLDG IS MORE THAN SUBJECT PROPERTY. COMMERCIAL" #32 STEMMERS RUN ROAD OWNER: SOLEMAN HAILE 32 STEMMERS RUN ROAD BALTIMORE, MD 21221 TAX MAP: 90 GRID: 22 PARCEL: 561 TAX ACCT. NO: 1519640081 DEED REF.: 18237/717 #34 STEMMERS RUN ROAD Site Rite Surveying, Inc. OWNER: SOLEMAN HAILE 200 E. Joppa Road **32 STEMMERS RUN ROAD** Shell Building, Room 101 BALTIMORE, MD 21221 Towson, MD 21286 TAX MAP: 90 GRID: 22 PARCEL: 561 (410)828-9060 TAX ACCT. NO.: 1800001413 DEED REF.: 18237/717

VITY MAP VICINITY MAP SCALE: 1"= 1000'

GENERAL NOTES: (#34 STEMMERS PUN POAD)

- EXISTING ZONING: PO
- 2. 200' SCALE MAP : N. E. 2-H
- 3. LOT AREA: 8529 5.F. ±
- 4. PUBLIC WATER AND SEWER
- 5. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
- 6. NOT LOCATED IN THE 100 YEAR FLOOD PLAIN AREA COMMUNITY PANEL NO. 240010 0430B ZONE: "C"
- 7. NOT LOCATED IN THE HISTORIC AREA
- 8. NO PRIOR ZONING HEARING
- 9. EXISTING USE: VACANT
- PROPOSED USE: SINGLE FAMILY DWELLING
- 10.FORMERLY THE BED OF FRANKLIN AVENUE AS DESCRIBED IN DEED LIBER 3591, FOLIO 376 DATED SEPTEMBER 1959.

GENERAL NOTES (#32 STEMMERS RUN ROAD) .. Existing Zoning: B.L.

- Lot Area: 11,648 S.F. +/- OR 0.267 AC.+/-2. Not located in the Chesapeake Bay Critical Area
- 3. Not located in a Historic Area
- 4. Not located in a 100-Year Flood Plain Area
- 5. Community Panel No. 240010 0430B ZONE: "C"
- 6. Existing Use: Single Family Dwelling
- Proposed Use: Single Family Dwelling /. Public Water and Sewer are available to site
- 8. No prior zoning history
- 9. Being a lot on a record plat dated July 1920.
- 10.200' scale zoning map: N.E. 2-H

PLAN TO ACCOMPANY PETITION FOR VARIANCE **#32 STEMMERS RUN ROAD** LOT 1 **BETZ PLAT 7/120** ELECTION DISTRICT NO. 15TH COUNCILMANIC DISTRICT NO. 7 BALTIMORE COUNTY, MD SCALE: 1" = 30' JULY 19, 2004

PLAN TO ACCOMPANY PETITION FOR VARIANCE AND UNDERSIZE LOT APPLICATION **#34 STEMMERS RUN ROAD** (FORMERLY BED OF FRANKLIN AVENUE) BETZ PLAT 7/120 ELECTION DISTRICT NO. 15TH COUNCILMANIC DISTRICT NO. 7 BALTIMORE COUNTY, MD SCALE: 1" = 30'

JULY 19,2004

Ex4,13,1 2