IN THE MATTER OF
THE APPLICATION OF
WILLIMAE RICHBURG MAYS - LEGAL
OWNER/PETITIONER FOR SPECIAL
HEARING ON PROPERTY LOCATED ON THE
N/S SUMMIT AVE, 50' N OF C/L OF GILMORE
STREET (1930 SUMMIT AVE) AND S/S
WOODLAWN DRIVE, 226' SW OF C/L
KRIEL STREET (1931 WOODLAWN DRIVE)

2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

\*

BEFORE THE

COUNTY BOARD OF APPEALS

**BALTIMORE COUNTY** 

CASE NO. 05-255-SPH and CASE NO. 05-256-SPH

#### ORDER OF DISMISSAL

This matter comes to the Board of Appeals on appeals filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Zoning Commissioner dated February 9, 2005 in which the requested special hearing relief was granted with restrictions for the subject properties in Case No. 05-255-SPH and Case No. 05-256-SPH.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeals filed on March 17, 2005 by the People's Counsel for Baltimore County, Appellant, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeals taken in Case No. 05-255-SPH and Case No. 05-256-SPH be withdrawn and dismissed as of March 17, 2005;

IT IS THEREFORE ORDERED this 3/5t day of \( \) \

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Michael O. Ramsey

Edward W. Crizer, Jr.



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

March 31, 2005

Peter Max Zimmerman
People's Counsel for
Baltimore County
Carole S. Demilio, Deputy People's Counsel
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of: Willimae Richburg Mays Petitioner Case No. 05-255-SPH and
Case No. 05-256-SPH /Order of Dismissal

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of

Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco Administrator

#### Enclosure

c: Willimae Richburg Mays
Site Rite Surveying
Pat Keller, Director /Planning
William J. Wiseman III /Z.C.
Timothy M. Kotroco, Director /PDM

IN RE: PETITIONS FOR SPECIAL HEARING S/S Woodlawn Drive, 226' SW of the c/l Kriel Street; S/S Summit Avenue, 50' N of Gilmore Street (1930 Summit Avenue and 1931 Woodlawn Drive) 2<sup>nd</sup> Election District – 4<sup>th</sup> Council District

Willimae Richburg Mays Petitioner

**BEFORE THE** 

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Cases Nos. 05-255-SPH & 05-256-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing filed by the owner of the subject abutting properties, Willimae Richburg Mays. Since the properties are owned by the same person and abut one another, the two cases were heard contemporaneously. In Case No. 05-255-SPH, special hearing relief is requested to approve an existing single-family dwelling, known as 1930 Summit Avenue, to be located on a lot having less area than the required 6,000 sq.ft. and a determination that density will not be affected. In Case No. 05-256-SPH, special hearing relief is requested to approve a proposed single family dwelling on the adjacent unimproved property, known as 1931 Woodlawn Drive, which contains less than the required 6,000 sq.ft. In addition, the Petitioner requests approval of the subject property as an undersized lot and a determination that density will not be affected by the proposed development. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibits 1.

Appearing at the requisite public hearing on behalf of the Petitioner were Vincent Moskunas with Site Rite Surveying, Inc., the consultants who prepared the site plan(s) for these properties, and Adam Skolnik, a representative of Charter Homes of Maryland, Builder. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject abutting parcels are located in ah older subdivision known as Broadacres, which is situated between Windsor Mill Road and Security Boulevard in Woodlawn. The Broadacres subdivision was laid out and recorded in the

DER REGEWED FOR FILING

ORDER RECEIVED FOR FILING

Land Records of Baltimore County in 1919, well prior to the adoption of the first set of zoning regulations in 1945. Thus, many of the lots are undersized and do not meet current area and width requirements. The subject parcels abut one another to the rear and lie adjacent to Summit Avenue and Woodlawn Drive (formerly Clarke Avenue), which run parallel to each other. As shown on the site plan, each lot is approximately 50 feet wide and 110 feet deep and contains a gross area of 5,500 sq.ft., more or less, zoned D.R.5.5. The property known as 1930 Summit Avenue is improved with a single-family dwelling, which was built in approximately 1956. The abutting property known as 1931 Woodlawn Drive is unimproved. Both lots are served by public water and sewer and have been assessed as separate lots with separate account numbers since the 1950s.

The Petitioner has owned both properties and resided in the dwelling on Summit Avenue since December 2003. The Petitioner now comes before me seeking relief as set forth above to allow development of the rear property with a single-family dwelling. Given the narrow width and small size of the lots, relief is requested to legitimize existing conditions for the improved lot and allow development of the unimproved parcel known as 1931 Woodlawn Drive. Moreover, a determination is requested that density will not be affected by this proposal. In this regard, testimony revealed that the property known as 1930 Summit Avenue, also known as Lot 177 of Broadacres, underwent a minor subdivision in 1958 creating the second lot to the rear, now known as 1931 Woodlawn Drive. The original owner of the property (Mabel Zimmerman) apparently sold the front portion of the property to Pat Holding Company on September 22, 1962, as recorded in Deed 4057 at 176l; however, retained title to the rear lot. At that time, the rear lot contained 5,4776 sq.ft.; however was further reduced in 1961 for improvements to Woodlawn Drive (Clarke Avenue). Pat Holding Company apparently subsequently acquired the rear lot and eventually sold the improvements known as 1930 Summit Avenue and the rear undeveloped lot as one parcel in 1981. Following a series of owners, the parcel ultimately came under the ownership of Ms. Mays in 2003. The Petitioner argues that without the requested relief, the rear lot cannot be developed for its intended purpose and that a practical difficulty and unreasonable hardship will

result. As shown on the site plan, the proposed dwelling will meet all setback requirements and will be situated a consistent distance from the road as other homes on Woodlawn Drive.

On behalf of the Petitioner, Mr. Moskunas submitted into evidence as Petitioner's Exhibit 6, a copy of the GIS Services Map prepared by Robin Hurley, an employee of Baltimore County's Department of Public Works, dated October 1, 2004. This map shows that 21 density units were originally allowed for Lots 168 through 182. As indicated thereon, Baltimore County acquired a portion of each of those lots totaling 0.73 acres for the extension of Clarke Avenue, now known as Woodlawn Drive, thereby reducing the density in that area by 4 lots. There are currently 15 density units or houses existing in this area. Thus, there remain 2 density units, one of which is proposed to be utilized by the Petitioner for the new dwelling. The Petitioner argued that the remaining lots in the area were not subdivided as was Lot 177, and that if the owners of the other lots were to subdivide their property, they would have to extend water and sewer to connect any lot that would front on Woodlawn Drive.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested relief in both cases. It is clear that each property has existed as a separate lot of record since the 1950s and that strict compliance with the zoning regulations would adversely impact the Petitioner. As noted above, most of the houses in this subdivision were built on 50-foot wide lots and many of the lots are similar in area and width as the subject properties. Thus, the existing and proposed improvements are consistent with the neighborhood. Moreover, the proposed dwelling will meet all setback requirements and will be located a consistent distance from Woodlawn Drive as other homes along this street. Additionally, it is clear that there will be no increase in density as a result of the proposed development. There were no adverse comments submitted by any County reviewing agency and no one appeared in opposition to the request. Thus, it appears that relief can be granted without detriment to the health, safety and general welfare of the surrounding locale. However, as a condition of approval, the Petitioner shall be required to submit building elevation drawings of the proposed dwelling to the Office of Planning

prior to the issuance of any building permits to assure compatibility with the surrounding neighborhood.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of February 2005 that the Petition for Special Hearing filed in Case No. 05-255-SPH Case No. 05-255-SPH, seeking approval of an existing single-family dwelling, known as 1930 Summit Avenue, on a lot having less area than the required 6,000 sq.ft. and a determination that density will not be affected, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing filed in Case No. 05-256-SPH, seeking approval of a proposed single family dwelling on the abutting property, known as 1931 Woodlawn Drive, which contains less than the required 6,000 sq.ft., approval of the subject property as an undersized lot, and a determination that density will not be affected by the proposed development, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for her 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 her 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) Prior to the issuance of any permits, the Petitioner shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to insure compatibility with the surrounding neighborhood. The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

Zoning Commissioner for Baltimore County

WJW:bjs

JER REGENTAD FOR FILING

### 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 William J. Wiseman III, Zoning Commissioner

February 9, 200

Ms. Willimae Richburg Mays 1930 Summit Avenue Baltimore, Maryland 21207-4207

RE: PETITIONS FOR SPECIAL HEARING

S/S Woodlawn Drive, 226' SW of the c/l Kriel Street; S/S Summit Avenue

(1930 Summit Avenue and 1931 Woodlawn Drive)

2<sup>nd</sup> Election District – 4<sup>th</sup> Council District Willimae Richburg Mays - Petitioner Cases Nos. 05-255-SPH & 05-256-SPH

Dear Ms. Mays:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing 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, III Zoning Commissioner

for Baltimore County

WJW:bjs

cc: Mr. Vincent Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, Room 101, Towson, Md. 21286
Mr. Adam Skolnik, Charter Homes, Inc.
3230 Bethany Lane, Suite 8, Ellicott City, Md. 21042
Office of Planning; People's Counsel; Case File





ORDER REGEIVED FOR FILING

# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #1930 Summit Avenue which is presently zoned D.P. 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A EXISTING SINGLE FAMILY DWELLING TO BE SITUATED,
ON A LOT HAVING CESS AREA THAN THE REQUIRED GOOD AND TO
DETERMINE THAT DUSITY WILL NOT BE AFFECTED.

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

I, or we, agree to pay expenses of above Special Hearing, 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:		Legal Owner(s):
		Willimae Richburg Mays
Name - Type or Print		Name - Type or Print
Signature		Signature Vicing
Address	Telephone No.	Name - Type or Print
City State	Zip Code	Signature
Attorney For Petitioner:		1930 Summit Ave 410-944-5665
		Address Telephone No. Baltimore MD 21207-4207
Name - Type or Print		City State Zip Code
	_ ر به	Representative to be Contacted:
Signature		Site Rife Surveying, Inc.
Company		Name
Address	Telephone No.	Address Telephone No.
Addess	relephone No.	TOWION, MD 21206
City State	Zip Code	City State Zip Code
		OFFICE USE ONLY
		ESTIMATED LENGTH OF HEARING
Case No. 05-255-5PH		UNAVAILABLE FOR HEARING
	•	ewed By CM Date 11/17/04 /
REV 9115198	1.6416	32.0

# ZONING DESCRIPTION FOR #1930 SUMMIT AVENUE

BEGINNING at a point on the north side of Summit Avenue which is 40 feet wide at a distance of 50 feet north of the centerline of Gilmore Street which is 40 feet wide. Being part of Lot No. 177 in the subdivision of "Broadacres" as recorded in Baltimore County Plat Book No. 5, folio No. 44, containing 5,500 square feet. Also known as #1930 Summit Avenue and located in the 2<sup>nd</sup> Election District,

Michael V. Minkunas

Michael V. Moskunas Reg. No. 21175

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

A255

file: summit/woodlawn.doc

#### 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: #05-255-SPH 1930 Summit Avenue N/side of Summit Avenue. 50 feet n/of centerline of Gilmore Street 2nd Election District 4th Councilmanic District \* Legal Owner(s): Willimae Richburg Mays
Special Hearing: to permit

an existing single family dwelling to be situated on a lot having less area than the required 6,000 sq. ft. and to determine that den's sity will not be affected.

Hearing: Tuesday, January 18. 2005 at 10:00 a.m. in Room 407, County Courts? Building, 401 Bosley Avenue, Towson 21204. () ( )

WILLIAM WISEMAN Zoning Commissioner for A **Baltimore County** 

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Of fice at (410) 887-4386, -t

(2) For information concerning the File and/oio Hearing, Contact the Zoning Review Office at (410) 887-3391. JT/1/606 Jan 4 ·

# CERTIFICATE OF PUBLICATION

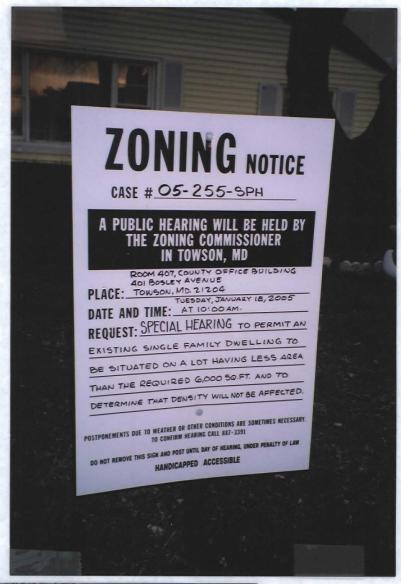
16,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of successive weeks, the first publication appearing on
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

## CERTIFICATE OF POSTING

,	Petitioner/Developer: CHARTER HOMES
•	Date of Hearing/Closing: JAN.18, 2005
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Becky Hart	
	der the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property le	ocated at #1930 SUMMITAVE,
The sign(s) were posted on JAN, 3	, 2005 (Month, Day, Year)
:	Sincerely,  Sincerely,  (Signature of Sign Poster and Date)
	GARLAND E. MOORE (Printed Name)
· •	3225 RYERSON CIRCLES (Address)
;	PAUTIMORE, MD. 21227 (City, State, Zip Code)
	(410) 242-4263 (Telephone Number)
	(Totophono Italious)

RE: Case No.: 05-255-SPH





### Department of Permits and Development Management

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



### **Baltimore County**

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

December 2, 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: 05-255-SPH

1930 Summit Avenue

N/side of Summit Avenue, 50 feet n/of centerline of Gilmore Street

2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Willimae Richburg Mays

Special Hearing to permit an existing single family dwelling to be situated on a lot having less area than the required 6,000 sq. ft. and to determine that density will not be affected.

Hearing: Tuesday, January 18, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Willimae Richburg Mays, 1930 Summit Avenue, Baltimore 21207 Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21206

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 3, 2015.

- (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.



#### APPEAL SIGN POSTING REQUEST

CASE NO.: 05-255SPH

#### WILLIMAE RICHBURG MAYS – LEGAL OWNER

#### 1930 SUMMIT AVENUE

2ND ELECTION DISTRICT RECEIVED AT BOARD ON 3/112005 APPEALED: 2/17/2005

REMOVED 3/28

ATTACHMENT - (Plan to accompany Petition - Petition's Exhibit No.1)

# \*\*\*\*\*\*COMPLETE AND RETURN BELOW INFORMATION\*\*\*\*\*\*

# **CERTIFICATE OF POSTING**

TO: Baltimore County Board of Appeals

400 Washington Avenue - Room 49

Towson, MD 21204

Attention: Kathleen Bianco

Administrator

CASE NO.: 05-255-SPH

Petitioner/Developer

# WILLIMAE RICHBURG MAYS

This is to certify that the necessary appeal sign was posted conspicuously on the property location at:

#### 1930 SUMMIT AVENUE

The sign was posted on 3/2/

By: /// Delivery (Signature of Sign-Poster)

(Printed Name)

# Department of Permits Development Management

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





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

January 12, 2005

Willimae Richburg Mays 1930 Summit Avenue Baltimore, Maryland 21207-4207

Dear Ms. Richburg-Mays:

RE: Case Number: 05-255-SPH, 1930 Summit Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 17, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

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



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

# BALTIMORE COUNTY, MARYLAND. DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM -

FROM:

John D. Oltman, Jr Jos

**DEPRM** 

DATE:

December 10, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 29, 2004.

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

05-251

05-253

05-255

05-256

05-259

05-261

05-263

05-264

05-265

Reviewers:

Sue Farinetti, Dave Lykens

### Fire Department

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



# **Baltimore County**

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

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

November 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 29, 2004

Item No.:

251, 253, 255, 26

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: December 9, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 6, 2004

Item Nos. 251, 253, 255, 256, 257, 258, 259, 260, 261, 263, 264, 265,

and 266

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

RWB:CEN:jrb

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: 11.26.04

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

RE:

**Baltimore** County

Item No. 255

LTM

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, Chief

1.1. Fredh

Engineering Access Permits Division

# 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)

se(s) 5-255 & 5-25

**DATE:** January 27, 2005

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there are existing lots in the immediate area similar in width and area as the petitioner's request. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

- 1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 2. Provide landscaping along the public road.

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

Prepared Ry

Division Chief:

MAC/LL

RE: PETITION FOR SPECIAL HEARING
1930 Summit Avenue; N.side Summit,
50' N c/line of Gilmore
2<sup>nd</sup> Election & 4<sup>th</sup> Councilmanic Districts
Legal Owner(s): Williemae Richburg Mays
\*

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

\* 05-255**-**SPH

#### **ENTRY OF APPEARANCE**

Petitioner(s)

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

People's Counsel for Baltimore County

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 1<sup>st</sup> day of December, 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

DEC 0 1 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per-----

# Paltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

February 17, 2005

Timothy Kotroco, Director Department of Permits and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

#### Hand-delivered

Re:

PETITION FOR SPECIAL HEARING

S/S Woodlawn Drive, 226' SW of the c/l Kriel Street; S/S Summit Avenue

(1930 Summitt Avenue and 1931 WoodlawdDrive)

2<sup>nd</sup> Election District; 4<sup>th</sup> Council District Willimae Richburg Mays- Petitioners Case No.: 05-255-SPH and 05-256-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated February 9, 2005 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

RECEIVED

FEB 17 2005

Per casses second

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Varole S. Demilio/Am

Carole S. Demilio

Deputy People's Counsel

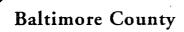
#### PMZ/CSD/rmw

cc: Willimae Richburg Mays, 1930 Summit Avenue, Baltimore, MD 21207 Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286

# Department of Permits ar Development Management

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





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

March 4, 2005

Ms. Willimae Richburg Mays 1930 Summit Avenue Baltimore, MD 21207-4207

Dear Ms. Mays

RE: Case: 05-255-SPH, 1930 Summit Avenue



BALTIMORE COUNTY BOARD OF APPEALS

Please be advised that an appeal of the above-referenced case was filed in this office on February 17, 2005 by People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco Director

#### TK:klm

c: William Wiseman, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Vincent Moskunas, 200 E. Joppa Rd., Rm. 101, Towson 21286 Adam Skolnik, Charter Homes, Inc., 3230 Bethany Lane, Ste. 8, Ellicott City 21042



#### **APPEAL**

Petition for Special Hearing
1930 Summit Avenue
N/side of Summit Avenue, 50 feet n/of centerline of Gilmore Street
2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District
Willimae Richburg Mays - Petitioner

Case No.: 05-255-SPH

Petitic	on for Special Hearing (November 17, 2005)
✓ Zonin	g Description of Property
Notice	e of Zoning Hearing (December 2, 2005)
✓ Certifi	cation of Publication (The Jeffersonian – January 4, 2005)
Certifi	cate of Posting (January 3, 2005) by Garland E. Moore
Entry	of Appearance by People's Counsel (December 1, 2004)
Petitio	oner(s) Sign-In Sheet - One Sheet
Protes	stant(s) Sign-In Sheet - None
Citizer	n(s) Sign-In Sheet - None
Zoning	g Advisory Committee Comments
Petitio	ners' Exhibit  1. Site Plan  2. Broad Acres Subdivision Plat  3. Right of Way Plat  4. MD Dept. Assessment & Taxation (1931 Summit Avenue)  5. MD Dept. Assessment & Taxation (1931 Woodlawn Drive)  6. Density Calculation  7. Photographs of Comparable Homes in Area  8. Proposed Dwelling for 1931 Woodlawn Drive
_	stants' Exhibits – None in File
Misce	<ul><li>Ilaneous (Not Marked as Exhibit)</li><li>Letter dated January 23, 2005 from Site Rite Surveying to Zoning Commissioner</li></ul>
Zoning	g Commissioner's Order (GRANTED – February 9, 2005)
Notice	of Appeal received on February 17, 2005 from People's Counsel of Baltimore County
c:	People's Counsel of Baltimore County, MS #2010 Zoning Commissioner

date sent March 9, 2005, kim

Timothy Kotroco, Director of PDM

Willimae Richburg Mays, 1930 Summit Avenue, Baltimore 21207 Site Rite Surveying, 200 E. Joppa Road, Rm. 101, Towson 21286 05-255-SPH

### In the Matter of: Willimae Richburg Mays 1930 Summit Avenue

and 05-256-SPH

1931 Woodlawn Avenue

3/17/05 – Letter of withdrawal of appeal filed by People's Counsel for each of the above-referenced appeals. Order of Dismissal to be issued.

# Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN People's Counsel

March 17, 2005

CAROLE S. DEMILIO Deputy People's Counsel

Lawrence M. Stahl, Chairman County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

#### Hand-delivered

Re:

PETITION FOR SPECIAL HEARING

S/S Woodlawn Drive, 226' SW of the c/l Kriel Street; S/S Summit Avenue

(1930 Summitt Avenue and 1931 Woodlawn Drive)

2<sup>nd</sup> Election District; 4<sup>th</sup> Council District Willimae Richburg Mays- Petitioners

Case No.: 05-255-SPH and 05-256-SPH

Dear Mr. Stahl:

On or about February 17, 2005, our office filed an appeal of the Zoning Commissioner's Findings of Facts and Conclusions of Law dated February 9, 2005. Upon further review of the record and careful evaluation, it does not appear that pursuing the appeal is in the public interest. We therefore withdraw our appeal in this matter.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

BALTIMORE COUNTY **BOARD OF APPEALS** 

PMZ/CSD/rmw

cc: Ms. Willimae Richburg Mays

Mr. Adam Skolnik

Mr. David Green, Planning



200 East Joppa Road, Suite 101 Towson Maryland 21286 (410) 828-9060

January 23, 2005

Baltimore County
Mr. William Wiseman
Zoning Commissioner
County Courts Building
401 Bosley Avenue
Towson MD 21204

Re: Case Nos. 05-255SPH & 05-256SPH 1930 Summit Ave. & 1931 Woodlawn Drive

Dear Mr. Wiseman:

As with these older subdivisions in the Woodlawn Area, there are special circumstances and conditions that exist that are peculiar to the land which is the subject of the Special Hearing. The lot, designated as Lot 177, was recorded in November 14, 1919 on a recorded plat entitled "Broadacres". The lot widths in the development are 50 foot wide. These lots, which are designated by the real property search, Individual Report as the part of Lot 177 known as 1930 Summit Avenue (Case No. 05-255SPH) was sold to Pat Holding Company, Inc. in April 18, 1958 by Mabel G. Zimmerman, widow, who held title to the rear part of Lot 177 (Case No. 05-256SPH) the area of this portion was 5,4776 S.f. The lot area was further reduced for the improvement of a road acquired by Baltimore County for Clarke Avenue as shown on HRW 61-042-4 dated 1961. This HRW Plat shows the front portion of Lot 177 to be held by said Part Holding Co., Inc. which was 110'  $\times$  50' = 5,500 S.F. as shown on the real property search individual report. Each area is described differently and have separate account numbers. The assessment for Pt. Lot 177 in the rear of Lot 177 with house, which is the vacant lot, has been assessed as a buildable lot since before Willimae Mays purchased the property in 2003.

The GIS Services Map prepared by Robin Hurley, an employee of Baltimore County Dept. of Public Works, EA1 dated October 1, 2004 shows an area for density on it prepared as an exhibit by Site Rite Surveying, Inc. Which shows two (2) areas for the purpose of indicating density. Baltimore County had acquired 0.73 Ac ± out of the record plat area for the extension of now Known Woodlawn Drive. This area had reduced the density by 4 lots. This makes the area unique which sets it apart from others in the neighborhood in regard to the impact of the zoning regulations. Even with this the subject properties do not exceed the density for the area. There is one (1) density unit available out of one (1) example and with the other area there are two (2) units available. The remaining lots in the area are not subdivided as these were years ago and that the sewer and water improvements do not exist for conditions for Lots 173 to 176 in Woodlawn Drive. If the owners were to subdivide their property, they would have to extend the water and sewer to connect any lots that would front on Woodlawn Drive.

Mr. William Wiseman January 23, 2005 Page 2

In summary we feel that the subject cases meet the criteria for the approval of the Special Hearing.

- 1. The property is unique which sets it apart from others in the neighborhood in regard to the impact of Zoning Regulations has on the use of the property.
- 2. The owner would suffer a hardship and practical difficulty if the regulations were strictly enforced.
- 3. Granting the variance will not increase the density otherwise allowed.
- 4. The proposed use is within the spirit and intent of the applicable regulations.
- 5. The proposed use would not adversely impact the neighborhood.
- 6. Special circumstances or conditions exist that are peculiar to the land and structure. These lots are impacted by the regulation in a way different from lots laid out in accordance with the regulations and are in a zoning sense unique.
- 7. Approval for the construction of the proposed house on #1931 Woodlawn Drive. If granted, the relief will be without substantial injury to the public health, safety and general welfare.

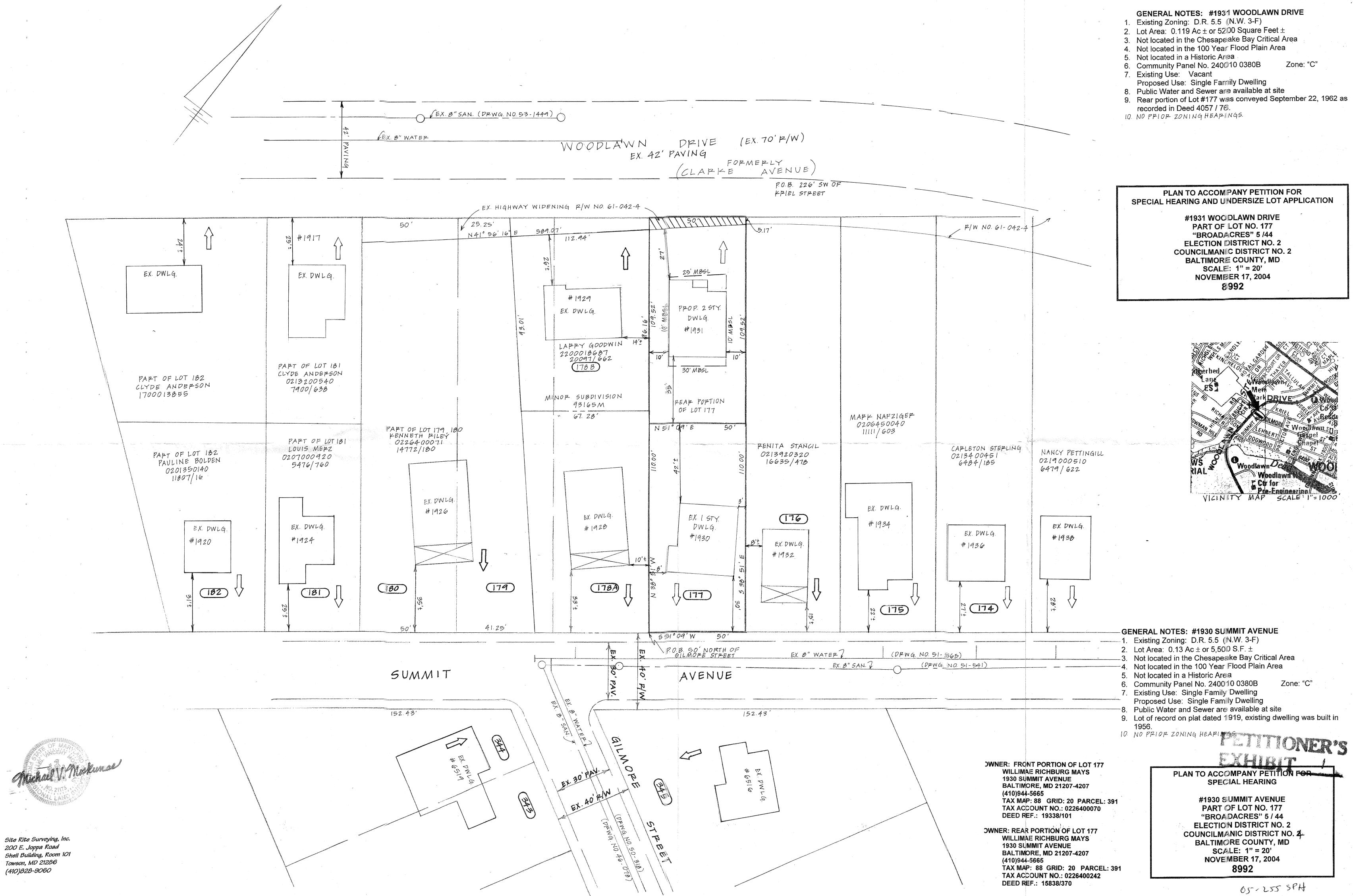
Best regards,

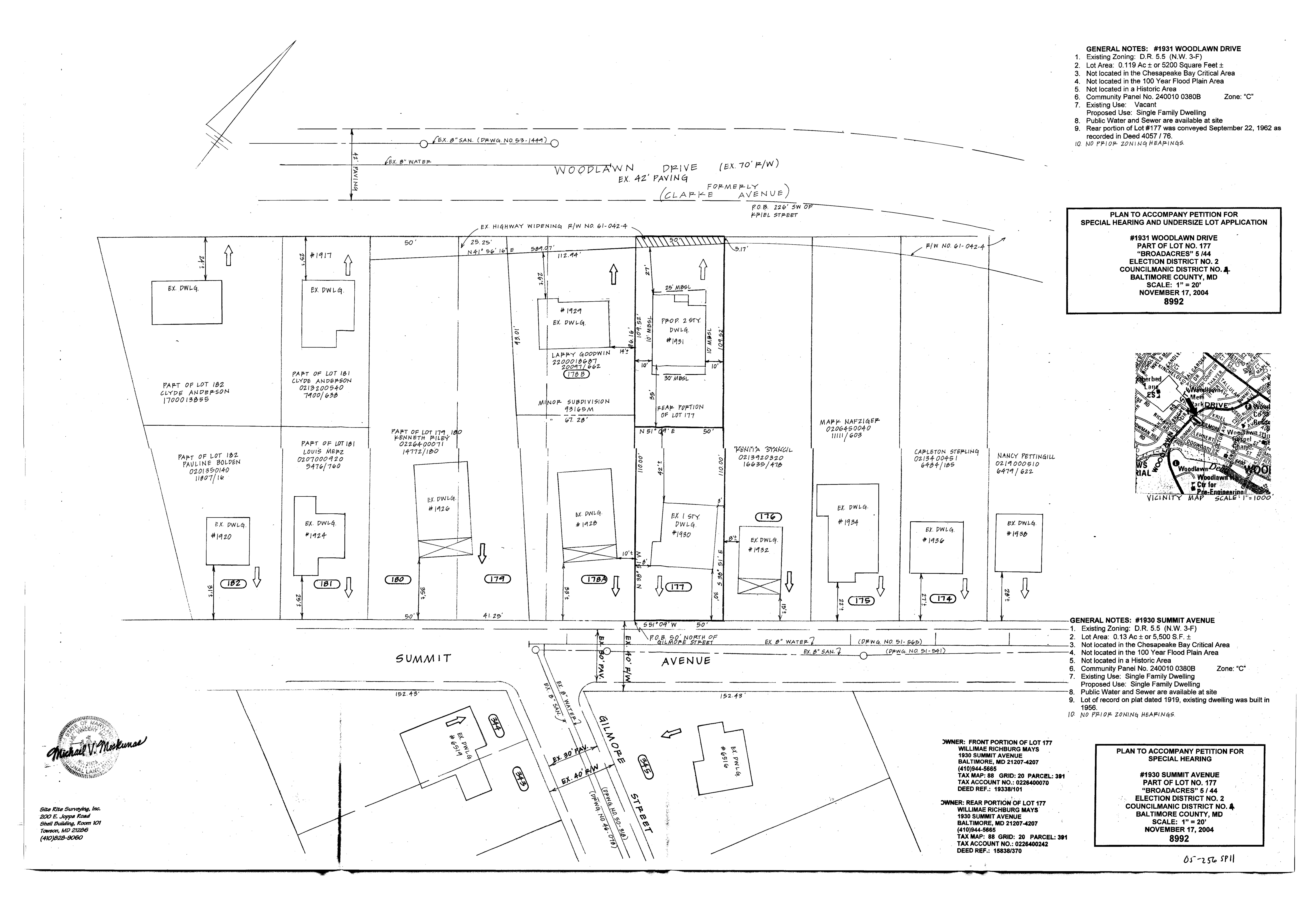
Vincent J. Moskunas, Sr. President

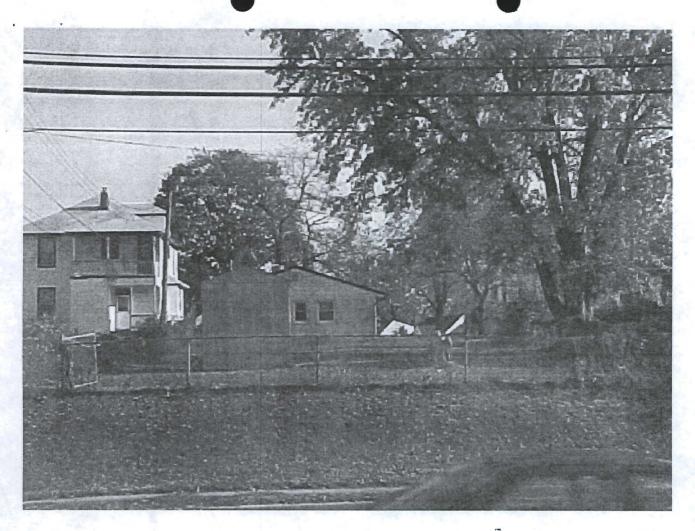
CASE NAME 1930 Summy AVE \$ 1931 WOODS CASE NUMBER 65-255 SPH & 256 SPI DATE 1/18/05

# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Alam Skohik VINCENT MOSICUNAS	3230 Bethany LN Suite 8 200 E. JOPPA RJ.	Ellicoff city ND 21042	ASHOINING Churchanes MD. CON VIM @ AOL. COM
VINCENT TOSICUNAS	LOO E. JOFFA R.J.	Towson, MD. 21286	J 101 G A & C.CeM
		· · · · · · · · · · · · · · · · · · ·	
· •.			
	·		
,			
````			
	•		
••			· · · · · · · · · · · · · · · · · · ·







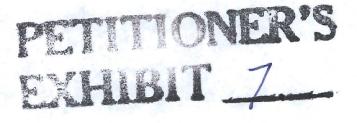
#1931 Wood lawn Drive Rear pornin of lot 177

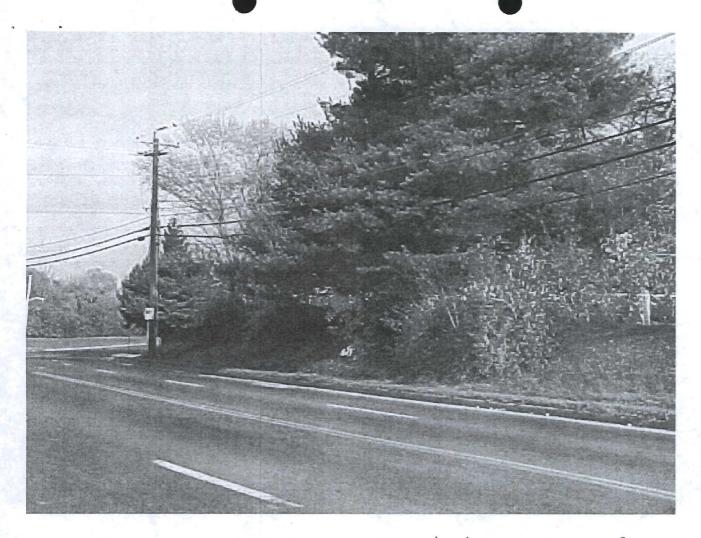


H 1932 Summit Avenue View from Wordlawn Drive

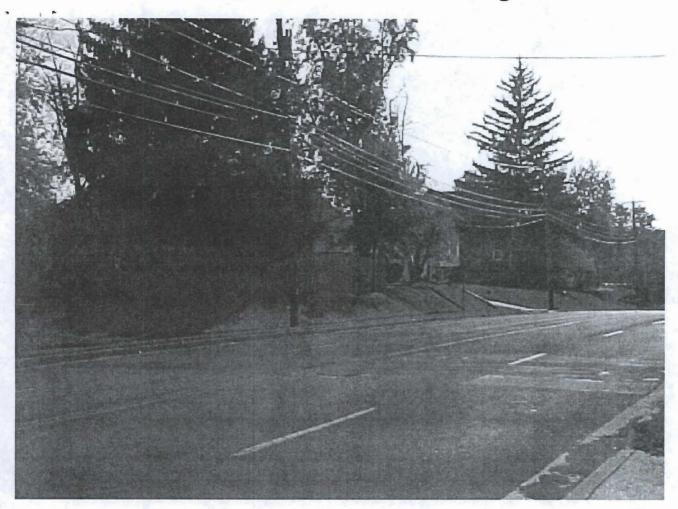


# 1929 Woodlawn Drive lot 178B Min Sub 93165M. to the right of Woodlam Drive property





Woodlawn Brive to the NE of
Property
(to Kried Strat)



Woodlawn Drive to the SW of property
(to Dogwood Road)

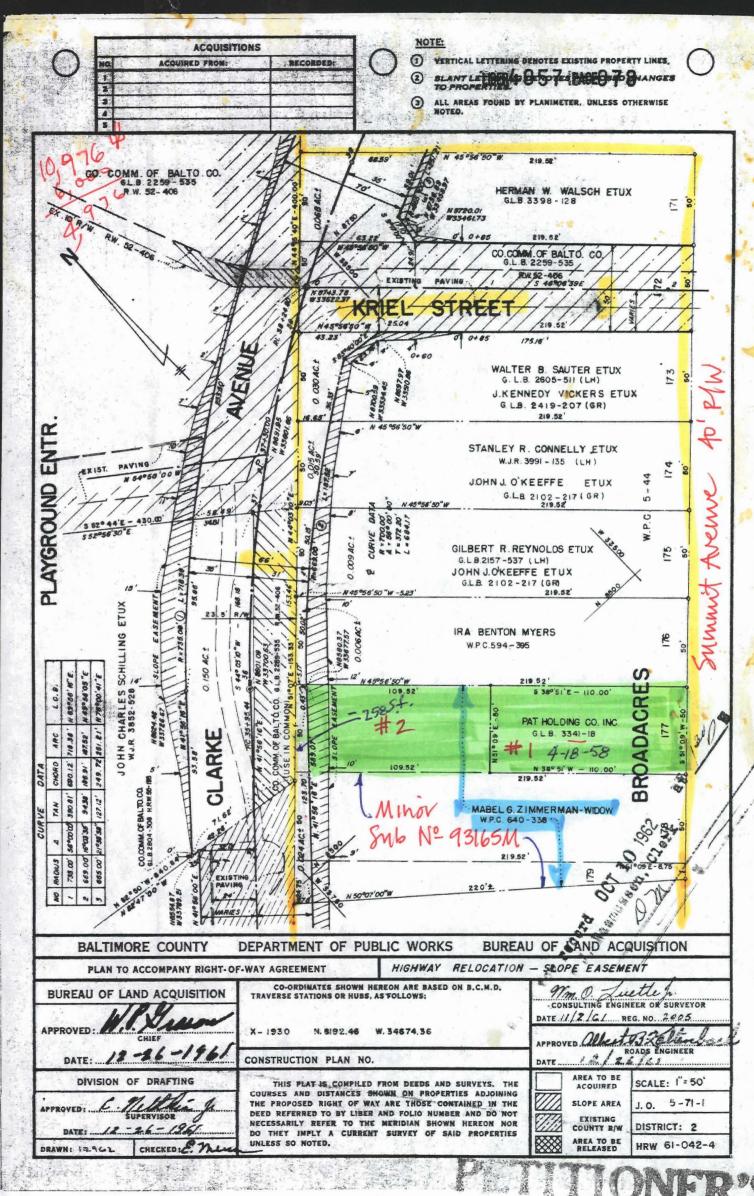
Case No.: 05-255 SPH = 256 SPH

# **Exhibit Sheet**

# Petitioner/Developer

# **Protestant**

No. 1		
,	SITE PLAN	
No. 2	BROAD ACRES SUB-DIVISION PLAT	
	1919 - SUBJECT PROPERTY, N RED	
No. 3	RICHT OF WAY PLAT	
	501 Old Recorded Plat 5 Hows NEIGHBORING PROPERTIES	
TAT		
No. 4	MD DEAT ASSESSMENT : HAYATION	<b>/</b> .
	1930 SUMMIT AVE	
No. 5	MIS BEPT ASSESSMENT FLAYA	
110. 3	l	71.10
	1931 WOODLAWN DRIVE	
No. 6	DENSITY CALCULATION	
	1	
	(2 Units LEFT to DATE)	·
No. 7	PHOTOGRAPHS OF	
	COMPRABLE HOWES IN AR	Δ
•.	CONVENCE 130 100 3 110 / THE	(/)
No. 8	PROPOSED DWELLING	
	FOR 1931 WOODLAWN DRI	./.
	FOR [151 WOODENSON DAT	<u> </u>
No. 9		
`NT 10	· · · · · · · · · · · · · · · · · · ·	
No. 10		
No. 11		
No. 11		
No. 12		-
11 <b>0. 1</b> #		
• •		
	1	I .



GAUBIT 3

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 Ground Rent** 

**Account Identifier:** 

District - 02 Account Number - 0226400070

**Owner Information** 

Owner Name:

MAYS WILLIMAE RICHBURG

**BALTIMORE MD 21207-4207** 

Use:

RESIDENTIAL

**Mailing Address:** 

1930 SUMMIT AVE

Deed Reference:

**Principal Residence:** 

1) /19338/ 101 2)

**Location & Structure Information** 

**Premises Address** 

1930 SUMMIT AVE

**Special Tax Areas** 

**Legal Description** 

PT LT 177 /

Lot

177

1930 SUMMIT AVE **BROADACRES** 

Map Grid **Parcel** 20

**Primary Structure Built** 

1956

Sub District

Subdivision

Section

Block

Group Plat No: Plat Ref:

5/ 44

Town

**Ad Valorem** 

Tax Class

**Enclosed Area** 

**Property Land Area** 5,500.00 SF

County Use

04

**Stories** 1

**Basement** NO

1,008 SF

Туре STANDARD UNIT **Exterior** 

STUCCO

**Value Information** 

Base Value **Phase-in Assessments** Value As Of 01/01/2004

As Of 07/01/2004

As Of 07/01/2005

Land: Improvements: Total: 25,500 53,680 79,180 30,500 59,850 90,350

82,903

86,626

Preferential Land:

0

0

**Transfer Information** 

Seller: MTM HOMES LLC Type:

MULT ACCTS ARMS-LENGTH GILES JAMES A, JR

Seller: Type: MULT ACCTS ARMS-LENGTH TYSSOWSKI JOHN EDWIN Seller:

NOT ARMS-LENGTH

Date: 12/23/2003 Deed1: /19338/ 101 Date: 12/10/2001

Price: Deed 2: Price:

\$61,700 Deed2:

\$99,900

Deed1: /15838/ 370 Date: 05/15/1981 Deed1: / 6286/ 500

Price: Deed 2:

**Exemption Information** 

**Partial Exempt Assessments** County

State Municipal

Type:

Class 000

07/01/2004 0

07/01/2005 0

0

0

000 0 000 0

Tax Exempt: **Exempt Class:**  NO



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 **Ground Rent** 

**Account Identifier:** 

District - 02 Account Number - 0226400242

**Owner Information** 

**Owner Name:** 

MAYS WILLIMAE RICHBURG

**BALTIMORE MD 21207-4207** 

RESIDENTIAL

**Principal Residence:** 

NO

**Mailing Address:** 

1930 SUMMIT AVE

Deed Reference:

1) /15838/ 370

2)

**Location & Structure Information** 

**Premises Address** 

SUMMIT AVE

Map

**Legal Description** 

PT LT 177

177

IN REAR LT 177 WH

**BROADACRES** Lot

Grid 88 20

**Sub District Parcel** 391

**Primary Structure Built** 

0000

Subdivision

**Enclosed Area** 

Section

Block

Group Plat No: 80 Plat Ref:

5/ 44

**Special Tax Areas** 

Town **Ad Valorem** 

**Tax Class** 

Property Land Area 5,200.00 SF

County Use 04

**Stories** 

**Basement** 

Type

Exterior

**Value Information** 

	Base	Value	Phase-in Assessments	
	Value	As Of	As Of	As Of
		01/01/2004	07/01/2004	07/01/2005
Land:	18,950	30,270		
Improvements:	0	0		
Total:	18,950	30,270	22,723	26,496
Preferential Land:	0	0	0	0

**Transfer Information** 

Seller: MTM HOMES LLC

Date:

12/23/2003

Price: \$99,900

Type: MULT ACCTS ARMS-LENGTH

Deed1: /15838/ 370 Date:

Deed2:

Seller:

GILES JAMES A, JR

12/10/2001 Deed1:

Price: \$61,700

Type:

State

Municipal

MULT ACCTS ARMS-LENGTH TYSSOWSKI JOHN EDWIN

/15838/ 370 Date: 05/15/1981

Deed2:

Seller: Type:

NOT ARMS-LENGTH

Price: \$0

Deed1: / 6286/ 500

Deed2:

**Exemption Information** 

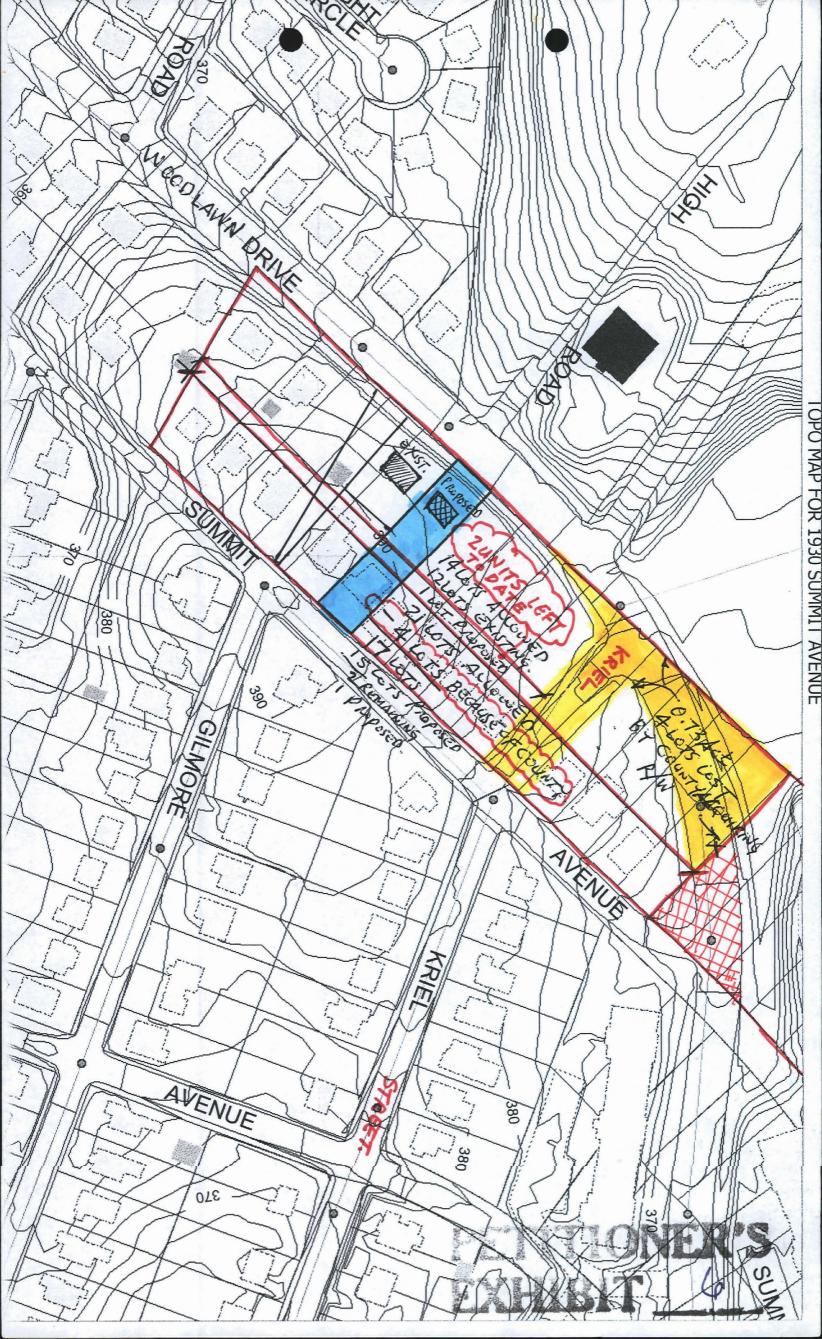
0

**Partial Exempt Assessments** County

07/01/2004 0 0

07/01/2005 0 0 0

Tax Exempt: **Exempt Class:**  NO





Proposed dwelly for 1931

