IN RE: PETITIONS FOR VARIANCE
NE/S Kent Road, 42.5' W of the c/l
Galena Road
(1463 & 1465 Kent Road)
15<sup>th</sup> Election District
7<sup>th</sup> Council District

Gary L. Jacobs, et ux Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 05-282-A & 05-283-A

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the owners of the subject adjacent properties, Gary L. Jacobs, and his wife, Micaela M. Aigner-Jacobs. Since the properties are owned by the same persons and are located adjacent to one another, the two cases were heard contemporaneously. In Case No. 05-282-A, the Petitioners request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit construction of a dwelling on a lot having a width of 50 feet in lieu of the required 55 feet and approval of that property as an undersized lot. In Case No. 05-283-A, the Petitioners request similar relief from Section 1B02.3.C.1 of the B.C.Z.R. to allow an existing dwelling on a lot having a width of 50 feet in lieu of the minimum required 55 feet, a side yard setback of 4 feet in lieu of the required 10 feet, and if deemed necessary by the Zoning Commissioner, a front yard setback of 7 feet in lieu of the minimum required 25 feet. The subject properties and requested relief are more particularly described on the site plans submitted in each case, which were accepted into evidence and marked respectively as Petitioners' Exhibits 1.

Appearing at the requisite public hearing in support of the request were Gary Jacobs, owner of the subject properties, his attorney, Harry Blondell, Esquire, and Carl Rosenberger. Appearing in opposition to the request were Andrea Corscia and Lora Coscia, adjacent and nearby property owners. It is also to be noted that five letters signed by residents of the Back River Peninsula were received from the Protestants and marked as Protestants' Exhibits 3A through 3E.

ORDER RECEIVED FOR FILING

Testimony and evidence offered revealed that the subject properties are waterfront lots located on the northeast side of Kent Road, just west of Galena Road in Essex. The properties are also identified as Lots 197 and 198 of Hyde Park, an older subdivision that was platted and recorded in the Land Records at WHM 9-59, well prior to the adoption of the first set of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots are undersized and do not meet current area and width requirements for development. In this regard, each lot is 50 feet wide; however, range in depth along the water's edge of from approximately 135 feet to 175 feet. Lot 197 contains a gross area of 8,100 sq.ft. and is improved with a two-story dwelling, known as 1465 Kent Road, and a 16' x 19' shed. Lot 198 contains a gross area of 6,766 sq.ft., and is unimproved. Both lots are zoned D.R.5.5 and are served by public water and sewer.

The Petitioners have owned the subject properties and leased the dwelling on Lot 197 (1465 Kent Road) since March 12, 1999. However, the Petitioners have actually lived in the neighborhood just around the corner at 502 Galena Road for 30 years. The instant Petitions were filed seeking recognition that the subject properties are two separate building lots so as to allow development of the unimproved lot (Lot 198) with a single family dwelling and legitimize existing conditions on the improved lot (Lot 197). Specifically, relief is requested under Case No. 05-283-A to legitimize the existing setbacks of 4 feet on the east side, and if necessary, a front yard setback of 7 feet from the front property line for the existing dwelling. In Case No. 05-282-A, relief is requested to approve Lot 197 as an undersized lot to permit development with a single-family dwelling. Testimony indicated that the new dwelling is intended for use as a "mother-in-law" house. It was also indicated that the new house will meet all front, side and rear yard setback requirements and will be located a consistent distance from the road as other houses in the vicinity.

Variance relief is requested as set forth above due to the narrow width of the lots, and the location of the existing dwelling. In this regard, the existing dwelling was built in 1946. As originally constructed, the building was located within 4 feet of the east side property line and approximately 21 feet from the front property line. Given the fact that these improvements existed prior to the effective date of the zoning regulations, the house as originally constructed would have

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remained nonconforming. However, due to the existence of a partially completed front porch, relief is now necessary to legitimize existing conditions and allow a 7-foot setback from the front porch to the front property line. Relief is also requested to approve the unimproved lot as undersized, pursuant to Section 304. However, the minimum required lot size for D.R.5.5 zoned land is 6,000 sq.ft. Thus, since both parcels meet this requirement, this portion of the requested relief shall be dismissed as moot.

There was significant opposition to the proposed dwelling from nearby residents. Many of the neighbors believe the Petitioners intend to create another rental property and have done little to insure the welfare of the surrounding locale since their purchase of the property. All pointed out the fact that a large boat has been allowed to be stored on the improved lot for several years. Moreover, construction work on the front porch of the existing dwelling has remained incomplete with little attention to general maintenance of the property. Photographs evidencing the condition of the property were submitted into evidence and marked as Protestants' Exhibit 2.

Turning first to Case No. 05-282-A, I am persuaded that relief should be granted to allow construction of the proposed single-family dwelling. As noted above, 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 proposed dwelling will meet all front, side and rear yard setback requirements and will be situated on the lot consistent with other homes along Kent Road. The only deficiency in this instance is the lot width, which is 5 feet shy of the required 55 feet.

Likewise, relief will be granted in Case No. 05-283-A to legitimize existing conditions on the improved lot (Lot 197). As noted above, the dwelling has existed where located since 1946 and it is clear that strict compliance with the zoning regulations would be impractical and result in an unreasonable hardship for the Petitioners. In my view, the relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale and meets the spirit and intent of Section 307 for relief to be granted. As a condition of approval, however, I will impose certain terms and conditions to address some of the concerns raised by the Protestants and insure compliance with Chesapeake Bay Critical Areas regulations and flood plain requirements.

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PROER RECE

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 shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_day of February 2005 that the Petition for Variance filed in Case No. 05-283-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling on a lot having a width of 50 feet in lieu of the minimum required 55 feet, a side (east) yard setback of 4 feet in lieu of the required 10 feet, and a front yard setback of 7 feet in lieu of the minimum required 25 feet, for the existing dwelling known as 1465 Kent Road, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 05-282-A, seeking relief from Section 1B02.3.C.1 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 to be known as 1463 Kent Road, in accordance with Petitioner's Exhibit 1B, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their 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) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments, dated December 29, 2004 and January 24, 2005, respectively, have been attached hereto and are made a part hereof.
- 3) The Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning prior to the issuance of any permits to insure that the proposed house is compatible in terms of size, exterior, building materials, color and architectural details with existing dwellings in the area.



ORDER RECEWED FOR FILING
By

- 4) Prior to the issuance of any permits, the Petitioners shall remove all junk and debris from the unimproved parcel, and generally, bring both properties into compliance with all zoning and building code regulations.
- 5) Prior to the issuance of any permits, the Petitioners shall remove the large boat from the property known as 1465 Kent Road or comply with Section 415A.1 of the B.C.Z.R., and complete construction work to the front porch.
- 6) 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 relief requested in Case No. 05-282-A seeking approval of the unimproved lot as undersized, pursuant to Section 304 of the B.C.Z.R., be and is hereby DISMISSED AS MOOT.

Zoning Commissioner for Baltimore County

WJW:bjs

# 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 14, 2005

Harry Blondell, Esquire 8640 Ridgely's Choice Drive, Suite 202 Baltimore, Maryland 21236

RE: PETITIONS FOR VARIANCE
NE/S Kent Road, 42.5' W of the c/l Galena Road
(1463 & 1465 Kent Road)
15<sup>th</sup> Election District – 7<sup>th</sup> Council District
Gary L. Jacobs, et ux - Petitioners
Cases Nos. 05-282-A and 05-283-A

Dear Mr. Blondell:

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 tryly yours.

VILLIAM J. WISEMAN, III

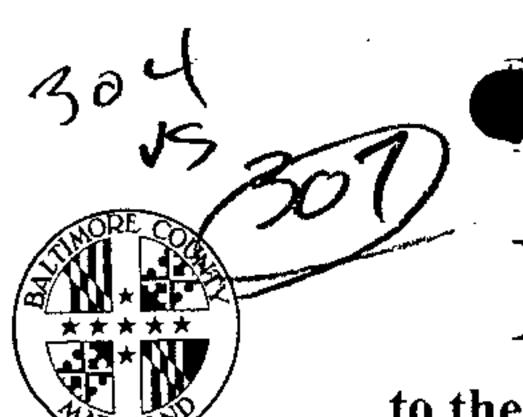
Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Gary L. Jacobs
1465 Kent Road, Baltimore, Md. 21221
Ms. Andrea Coscia, 1457 Kent Road, Baltimore, Md. 21221
Ms. Lora Coscia, 903 Homberg Avenue, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM

Office of Planning; People's Counsel; Case File

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



# CECA/FLOOD Petition for Variance

to the Zoning Commissioner of Baltimore County.

for the property located at 1463 KENT RD

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3CL AND 304 BCZR.

TO PERMIT CONSTRUCTION OF A DWEITING ON A LOT WITH A WIDTH OF 50 Ft. IN LIEU OF 55 Ft. AND TO APPROVE AN UNDERSIZED LOT.

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

# TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

#### Contract Purchaser/Lessee:

### <u>Legal Owner(s):</u>

				JACOBS_	
Name - Type or Print		Nar	ne - Type or Print	. L. Ja	cob
Signature			Signature MICAELA	/	R-JACOBS
Address		Telephone No.	Name - Type or Prin	M. aign	$\Omega$ 1
City	State	Zip Code	Signature	<del>- 10,10 000,10</del>	- Jucos
Attorney For Petit	tioner:		1465 K	ent ROAD	4/0-391-658
			BALTIMORE	= MD	Telephone N
Name - Type or Print	- <del>-</del>	City	,	State	Zip Code
Cianatura		<del></del>	<u>Representativ</u>	<u>ve to be Contac</u>	ted:
Signature					
Company		· · · · · · · · · · · · · · · · · · ·	Name	· · · · · · · · · · · · · · · · · · ·	
Address	,	Telephone No.	Address		. Telephone No
	State	Zip Code	City	S	tate Zip Code
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1 1	District S	BALTIMORE COUN			
	WE COUNTRIES	My Commission (	•		
i do	THE COURSE	January 9, 2	UUB		

730 W. Padonia Road, Suite 101 Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

# ZONING DESCRIPTION 1463 KENT ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the north side of Kent Road, a right-of-way (50) feet wide at the distance of 92.5 feet north west of the centerline of the nearest improved intersecting street Galena Road, a right- of- way (50) feet wide. Being lot #198 in the subdivision of HYDE PARK as recorded in Baltimore County Plat Book #9, Folio #59, containing 6,766 Sq.Ft. or 0.155 Ac.+/-. Also known as 1463 Kent Road and located in the 15<sup>th</sup>. Election District, 7<sup>th</sup> Councilmanic District.

OFFICE OF BU MISCELLAN MISCELLAN PROM: FROM: FOR:  DISTRIBUTION WHITE CASHIER	BALTIMORE
JEOUS RECEIP	COUNTY,
NCE ACCOUNT AMOUNT YELLOW	MARYLAND
DATION THE	

#### 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: #05-282-A 1463 Kent Road Northeast side of Kent Road, 92.5 feet west of Galena Road 15th Election District 7th Councilmanic District begal Owner(s): Gary L. and Micaela M. Jacobs Variance: to permit construction of a dwelling on a lot with a width of 50 feet , in lieu of 55 feet and to approve an undersized lot. Hearing: Monday, January 31, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-nue, Towson 21204.

VILLIAM WISEMAN
Zoning Commissioner for
Baltimore County
I NOTES: (1) Hearings are
Handicapped Accessible;
for special accommodations Please Contact the
Zoning Commissioner's Office at (410) 887-4386.
II (2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
I/123 Jan. 13 35377

# CERTIFICATE OF PUBLICATION

<del></del>
113,2005
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 113,20 <u>05.</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
- <del></del>

LEGAL ADVERTISING



# CERTIFICATE OF POSTING

	RE: Case No.: <u>5-282-4</u>
	Petitioner/Developer: GA2Y L +
	MICAELA M. JACOBS
	Date of Hearing/Closing: 1/31/05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue	
Towson, Maryland 21204	<del></del>
ATTN: Kristen Matthews {(410) 887-3394}	•
Ladies and Gentlemen:	•
been constructed at the broberty tocated a	erjury that the necessary sign(s) required by law were it:  (ENT (L))
· · · · · · · · · · · · · · · · · · ·	
The sign(s) were posted on	1/14/05
	(Month, Day, Year)
LONG NOTICE	Sincerely,  Date of RA A A A A A A A A A A A A A A A A A A
A PUBLIC HEARING WILL BE HELD BY	(Signature of Sign Poster) (Date)
THE LOWING COMMISSIONER	SSG Robert Black
TO THE COURT COURT MAY TO DE LANGE TO THE PARTY OF THE PA	(Print Name)
OTT TO STATE TO SEE THE STATE OF THE STATE O	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
_	(Telephone Number)

.

JAN 18 2005

TO: PATUXENT PUBLISHING COMPANY

Thursday January 13, 2005 Issue - Jeffersonian

Please forward billing to:

Law Office of Harry W. Blondell 9634 Deereco Road Timonium, Maryland 21093

410-308-3669

## **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: 05-282-A

1463 Kent Road

Northeast side of Kent Road, 92.5 feet west of Galena Road.

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

Legal Owners: Gary L. and Micaela M. Jacobs

Variance to permit construction of a dwelling on a lot with a width of 50 feet in lieu of 55 feet and to approve an undersized lot.

Hearing: Monday, January 31, 2005 at 9:00 a.m., in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

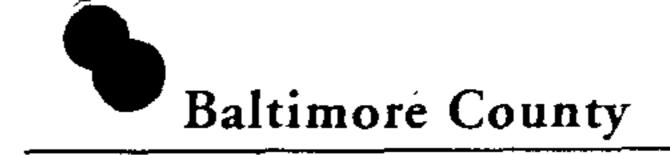
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# Department of Permits and Development Management

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





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

December 14, 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: 05-282-A

1463 Kent Road

Northeast side of Kent Road, 92.5 feet west of Galena Road.

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

Legal Owners: Gary L. and Micaela M. Jacobs

Variance to permit construction of a dwelling on a lot with a width of 50 feet in lieu of 55 feet and to approve an undersized lot.

Hearing: Monday, January 31, 2005 at 9:00 a.m., in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK: clb

C: Gary L. and Michaela M. Jacobs 1465 Kent Road Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY JANUARY 14, 2005.

- (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

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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

# ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number 05-282-4
Petitioner: ACBS
Address or Location: 1463 KENT ROAD
PLEASE FORWARD ADVERTISING BILL TO
Name: LAW OFFICE OF HARRY W. Blondell
Address 9634 Deereco ROAD
TIMONIUM, MD. 21093-2121
Telephone Number: 410-308-3669

# Department of Permits 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

January 26, 2005

Gary L. Jacobs Micaela M. Aigner-Jacobs 1465 Kent Road Baltimore, Maryland 21221

Dear Mr. and Mrs. Jacobs:

RE: Case Number: 05-282-A, 1463 Kent Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 2, 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 Roll De

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel



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



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 December 9, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of December 13, 2004

Item No.:

267, 277<del>-2</del>90

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

TO:

Timothy M. Kotroco, Director

DATE: December 29, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For December 20, 2004

Item No. 282

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The flood protection elevation for this site is 11.2 feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

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

TO:	Tim Kotroco PDM
FROM:	John D. Oltman, Jr 500 DEPRM
DATE:	January 24, 2005
SUBJECT:	Zoning Item # 05-282 Address 1463 Kent Road (Jacobs Property)
Zoning	Advisory Committee Meeting of December 13,2004.
<del></del>	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:
<u> </u>	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
<u>X</u>	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
Additio	onal Comments:

Please note that tidal limits and tributary streams must be located and shown on any and all plans. As a result, the 100-foot Critical Area Easement setback may have to be revised. Furthermore, mitigation and a variance may also be required.

Reviewer:

Michael Kulis

Date: January 24, 2005

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

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

DATE: December 20, 2004

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) 5-282

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. Nevertheless, the existing lot pattern of the neighborhood is that of 50-foot wide lots. 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 Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL

Dale

Page 2/4

# 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

FROM: Arnold Jablon, Director

Department of Permits & Development Management

RE:

**Undersized Lots** 

Residential Processing Fee Paid (\$50.00)

Accepted by

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: -:

GARY L. & MICAELA M. JACOBS 1465 KENT ROAD!	4/4-39/-6589 Telephone Number
· · ·	District_7 Square Feet 6,766
Lot Location: (NE)S Weidercomer (i) KENT 120AD 67.5 (street)	Weginer & GALENA ROAD (street)
	umber <u>1507</u>
Address: 1465 Kent ROAD BALTIMORE MTD 21221 Telephone Nu	nber (40, 3
CHECKLIST OF MATERIALS (to be submitted for design review by the Office of Planning and Community C	onservation)
TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGE. PROVID	
1. This Recommendation Form (3 copies)	NO SIN
2. Permit Application	
3. Site Plan Property (3 copies)	AP)
4. Building Elevation Drawings	To =
5. Photographs (please label all photos clearly)  **Adjoining Guildings**	
✓ Surrounding Neighborhood	<u>2</u> <u>2</u> <u>2</u> <u>3</u>
6. Current Zoning Classification: DR 5.5	ž Ž
TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!	
RECOMMENDATIONS / COMMENTS.	8 2 3 E E
Approval Disapproval Approval conditioned on required modifications of the application to	o conform with the following recommendations.
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Revised 2/05/02

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

and Community Conscretion



Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor



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

Maryland Department of Transportation

Date: 12-10-04

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

RE:

Baltimore County

Item No. 282

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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

Engineering Access Permits Division



RE: PETITION FOR VARIANCE

1463 Kent Road; NE/side Kent Road,

92.5' W Galena Road

15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts

Legal Owner(s): Gary L & Micaela M Jacobs\*

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

05-282-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. 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 22<sup>nd</sup> day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to, Gary & Micaela Jacobs, 1465 Kent Road, Baltimore, MD 21221, Petitioner(s).

RECEIVED

DEC 2 2 2223

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

CASE NUMBER 05-282A 2 283-A
DATE 1 31105

# CITIZEN'S SIGN-IN SHEET

E- MAIL			
BALTO Md 21221 Bath MD 21221			
1457 KENT RA 903 Yomberg Ame			
HUBBER COSCIA LOCAL			

# PLEASE PRINT CLEARLY

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# ETITIONER'S SIGN-IN SHEET

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NAME CAME	CACL Leson Socar								

Case No.: 05-282A 7 05-283-A

# **Exhibit Sheet**

# Petitioner/Developer

# Protestant

No. 1	SITE PLAN	PHOTO'S ON SIGN POSTING /AIS
No. 2	DESD	PHOGE'S 0/ 1465 Exast, a 14 thuy 2E
No. 3		Neighborhood letters.  3 A War 3 E
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10	•	
No. 11		
No. 12		

\_\_\_\_\_\_ Space above this line for recording information \_\_\_\_\_

#### DEED

THIS DEED made this March 12th, 1999, by and between ASSOCIATES FINANCIAL SERVICES COMPANY OF MARYLAND, INC. herein referred to as Grantor, and GARY L. JACOBS AND MICAELA M. AIGNER-JACOBS, HIS WIFE, hereinafter referred to as Grantees.

WITNESSETH, that in consideration of the sum of SEVENTY THOUSAND AND 00/100 (\$70,000.00) Dollars to Grantor paid or to be paid by Grantees, the receipt and sufficiency of which is hereby acknowledged, the Grantor does grant and convey unto the said Grantees, as Tenants by the Entireties, their personal representatives, heirs and assigns, in fee simple, all that lot of ground situate in BALTIMORE COUNTY, State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lots No. 197 and 198, as shown on a Plat entitled, "The Plat of Hyde Park", which Plat is recorded among the plat Records of Baltimore County in Plat Book WHM No. 9, folio 59. The improvements thereon being known as No. 1465 Kent Road.

Property Address: 1465 Kent Road

Baltimore, MD 21221

Tax ID No. 15-07-581422

THIS BEING the same property conveyed unto the Grantor herein by Trustee's Deed dated Oct.6,1998 and recorded in the Land Records of Baltimore County immediately prior hereto.

This conveyance is made subject to Easements, Restrictions, Covenants, and Conditions of record, including matters shown on recorded plats.

TOGETHER WITH the buildings thereupon and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises before mentioned unto the said Grantees, as Tenants by the Entireties, their assigns, the survivor of them and the survivor's personal representatives, heirs and assigns in fee simple.



AND THE GRANTOR does hereby covenant that it has not done or suffered to be done, any act, matter or thing whatsoever, to encumber the property hereby conveyed; that Grantor will warrant specially the property hereby granted; and that Grantor will execute such further assurances of the same as may be requisite.

WITNESS the name and corporate seal of said body corporate, Grantor, and the signature of M.E. Pearcy, VP , the President thereof.

WITNESS:

ASSOCIATES FINANCIAL SERVICES

BY: M.E. Pearcy, Vice President

STATE OF TEXAS , TO WIT:

I HEREBY CERTIFY, that on this 11th day of March 1999, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared M.E. Pearcy, Vice President , of ASSOCIATES FINANCIAL SERVICES, Grantor, and that he, as being authorized so to do, executed the such Vice President foregoing Deed for the purposes therein contained by signing, in my presence, the name of the said corporation by himself as such Vice-President.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

ham, Attorney-At-Law

GWEN Y. JONES

MY COMMISSION EXPIRES

September 29, 2002

I/WE HEREBY CERTIFY under penalty of perjury that the residentially improved residence which is located at 1465 Kent Road is the owner occupied residence of the undersigned.

Gary I. Jacobs

MICAELA M. AIGNER-JACOBS

# AFFIDAVIT OF GRANTEE(S) AS FIRST-TIME MARYLAND HOME BUYER(S)

The undersigned each state under oath as follows:

- 1. Each of the undersigned is a Grantee of residentially imrpoved real property located at 1465 Kent Road, Baltimore, MD 21221 being more particularly described as aforesaid, located in Baltimore County, Maryland.
  - 2. Each of the undersigned is:
- (a) a first-time Maryland home buyer, defined as an individual who has never owed in the State of Maryland residential real property that has been the individual's principal place of residence, who will occupy the property as Grantee's principal residence; or
- (b) a co-maker or guarantor of the purchase money mortgage or purchase money deed of trust on the property who will not occupy the property as Grantee's principal residence.

Gary L. Jacobs

MICAELA M. AIGNER-JACOBS

DEED

FROM

Associates Financial Services

TO

Gary L. Jacobs and MICAELA M. AIGNER-JACOBS, his wife

### Mail To:

PHOENIX TITLE COMPANY
222 Bosley Avenue, Suite C-4
Towson, MD 21204
(410) 828-4853
PTC File No. 8.3034

TO:

Zoning Commissioner

FROM:

Mr. & Mrs. John Patton

1456 Kent Road

Baltimore, MD 21221

RE:

Request for Zoning Variance for 1463 & 1465 Kent Road., Balto., MD 21221

Dear Commissioner,

Unfortunately, we are unable to attend today's hearing but we wanted to make sure our opinion was considered in the decision to render a zoning variation regarding the above listed property. We hope you can accept this letter from our neighborhood representative.

We <u>VERY STRONGLY DISAGREE</u> with the request to allow a Variance be issued to build on the lot numbered 198, regarded as 1465 Kent Road. It is posted on the sign that the request is simply to allow a dwelling to be built on an undersized lot of 50 Foot instead of a 55 Foot, however, the website states the Variance is to allow front setbacks of 7. Foot instead of the required 25 Foot as well as side setbacks of 4 foot instead of the required 10 Foot. <u>The Zoning Notice sign did not include the full request.</u>

It is our belief that Mr. Jacobs intends to create yet another rental property, such as he has currently at 1465 Kent Road. He has done nothing to improve the quality of that location since he purchased same. A huge boat has been stored there for almost 2 years, outside work has been incomplete on the porch area for years, shrubbery and debris is unruly, and it has created a nuisance and eyesore to everyone in this immediate area.

To allow this type of Variance could strongly effect the valuation of our property as well as our water views, quiet enjoyment, and our ability to sell in the future.

Please do not grant Mr. Jacobs request for this Variance!

Pose Patter

Sincerely,

THESTANTS
WHIST NO. 3A

Rond Robin Marshal 1453 Kent Rol-(410) 238-U117 Please dary this regulat! As a lifelong member of the Back River perisula, I have seen the deterioration of our communities.

My husband and plan to sell in the near future. Property values There are zoning laws for a reason. Atthough in our community the rules effect us NOW! no lønger seom to apply. I for one would like & know why; Weask that a warma be slumbord take his pusiness elsewhere. Thank (four)

John & Lori Weber 1455 Kent Road Essex, MD 21221 January 30, 2005

Dear Zoning Commissioner,

We are opposed to the variance requested for the lot located at 1463 Kent Road, case# 05282A, for the following reasons:

- 1) The position of the proposed dwelling is in question. Would the new dwelling be meeting all other set-back requirements? The property owner also filed a variance request for an existing dwelling located at 1465 Kent Road that has a seven foot front set-back and a four foot side set-back. Is the intention to position the new dwelling like the existing home? If yes, this would impact the neighborhood aesthetics as this dwelling would jut out considerably from all other properties that are situated equally from the street. Additionally, parking would be an issue with no room at the front of the home for a driveway or parking pad.
- 2) The existing home at 1465 Kent Road, owned by the property owner, has had a large old boat stationed in the front side yard for many years. Is this how the new property would be maintained? What could we expect to be indefinitely stored at the new dwelling location and how would it affect our property value?
- 3) The current posting has been hidden from view by a parked vehicle for much of the posted period leading us to question why the lot owner would not openly post his variance information. Additionally, a good look at the posting indicates that there may be more information listed on the notice that is not being revealed.
- 4) This area is identified as a critical bay zone with restrictions maintained for the health of Muddy Gut, the Back River and ultimately the Chesapeake Bay. As property owners, we have made improvements to our own property maintaining all critical bay area guidelines. We question what impact modifying current set-back requirements would have on the local waters.

Thank you for taking the time to review our position in this matter.

John Weber

Lori Weber

OTESTANTS NO.30

# Ted & Kimberly Greifzu 1452 Kent Road Baltimore, Maryland 21221

RE: Zoning Hearing – Case No. 05282A

1463 Kent Road

Date: 1/31/2005 9:00 a.m. 1/31/2005 10:00 a.m.

**Description:** Variance to permit construction of a dwelling on a lot with a width of 50 feet in lieu of 55 feet and to approve an undersized lot.

We are writing this letter to express our opposition to granting a variance for the construction of a dwelling.

The lot is question directly backs up to a natural water runoff flowing directly from Back River. This lot sits at the bottom slope (lowest point) of Kent Road. Currently, when we receive heavy rains, the actual asphalt roadway in front of this lot becomes flooded overflowing into the lot in question as well as some neighboring lots already improved by dwellings.

If this lot was improved by a dwelling the level of the current neighborhood flooding would increase not only the flooding of roadway and the ground surrounding the current dwellings, but potentially the dwellings themselves.

As a side note, the lot in question was almost completely under water during Hurricane Isabel allowing for limited flooding to the neighboring dwellings.

We are, hereby, requesting that the zoning board not grant the variance allowing for the continuation of a natural run-off source and further preventing additional flooding of the roadway and neighboring homes.

Respectfully,

Ted A. Greifzu

Kimberly L. Greifz

EXHIDIT NO. 3D

January 30, 2005

7<sup>th</sup> Council District County Courts Building 401 Bosley Avenue, Rm 407 Towson, Maryland 21204

Dear Commissioner,

I am writing in regards to the zoning variance posted at 1463 Kent Road. The current variance will be asking to wave minimum standards adopted by the community to restrict overbuilding while preserving the character and essence of our community.

There are a few concerns that are raised by the variance application.

1 - Why is a house trying to be built on property that will not, by existing zoning standards, accommodate it? - -

2- Who would be living in the home and how will it effect the neighborhood harmony?

3 - Is the home being designed for a single purchasing family or rented to multi-families at the same time? Is a single family buying and building a house, or can this be considered a business property which would clearly be outside of the zoning law.

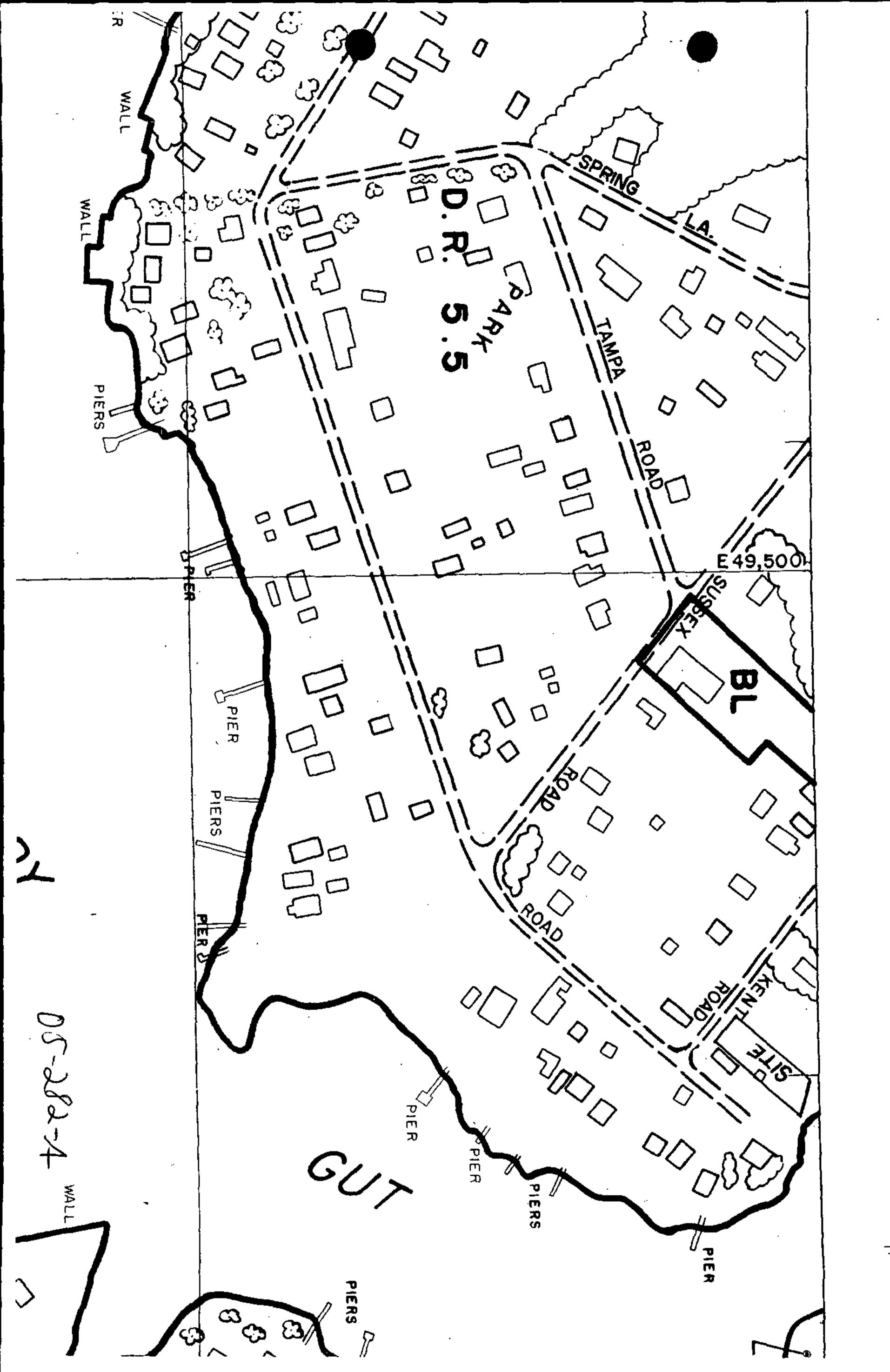
4 - How will the home effect our property value? Will it provide quantum neighborhood betterment or reduce the values?

What has truly raised the concerns of the community has not been that a house is being proposed to be built on the said property, but apparently the house must be over-designed to need established building policies waved. Over the last 10 or so years, I can't remember a house being built on any lot in the community that has not needed a variance granted. The regulations were put in effect to protect all neighbors from having houses that are too big jammed onto a small lot thus creating overcrowding. Zoning variance exceptions have led in the past 10 years alone, our neighborhood transforming from a community to looking like downtown Ocean City with their overbuilding/land crowding. With no on street parking or sidewalks, I am sure this would only add to our streets narrowing from vehicles having to park on the road. Most neighbors can only fit 2 cars into their driveway, making a hazard to have 2 way traffic on our little roads. As other communities have ordinances to protect building overkill, we have seem to have been jammed with over-exaggerated housing units replacing existing homes.

I prefer to let the zoning laws stand as written.

Sincerely,
Robyn Cetterman

Robyn Citterman



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