IN RE: PETITION FOR VARIANCE
E/S Delk Court, 170' SE of the c/l
Norris Lane
(2710 Delk Court)
15th Election District
7th Council District

James Cassell, et ux Petitioners

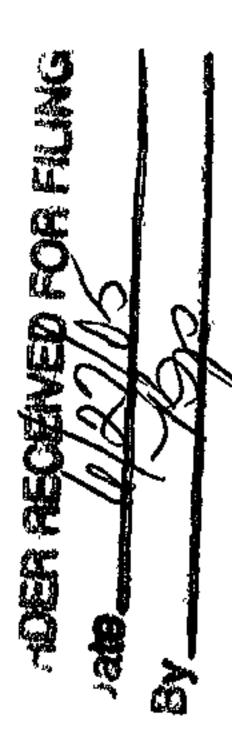
- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 05-536-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, James Cassell and his wife, Rosita Cassell. The Petitioners request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit front yard setbacks of 21 feet and side street setbacks of 22 feet each, all in lieu of the required 25 feet, for a proposed dwelling. 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 Exhibit 1.

Appearing at the requisite public hearing in support of the request were James and Rosita Cassell, property owners, Jeff Holt, Builder, and Vincent Moskunas, the Land Surveyor who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the south side of Delk Court, south of Norris Lane in Dundalk. The property contains a gross area of 0.269 acres (11,731 sq.ft.), more or less, zoned D.R.5.5 and is presently unimproved. The Petitioners have owned the property for approximately three years and are desirous of developing same with a single-family dwelling. As shown on the original site plan, the Petitioners proposed to construct a one-story ranch style dwelling, approximately 91 feet wide and 32 feet deep, with a two-car garage on the east side of the structure. The dwelling was proposed to be centered on the lot; however, given the unique shape of the property, both ends of



the dwelling extended into the required front and side setbacks, thereby necessitating the requested variance relief.

Although there was no opposition to the request from any of the neighbors, a negative Zoning Advisory Committee comment was received from the Office of Planning. They noted that the Petitioners could eliminate the need for variance relief if they scaled back the size of the proposed house to fit within the established building envelope. In view of these negative comments, the Petitioners revised their proposal and Mr. Moskunas made redlined changes to the plan at the hearing to reflect that the dwelling has been reduced in size to 67 feet wide by 30 feet deep, and only a one-car garage is now proposed. Given that the proposed dwelling will now meet all setback requirements, the requested variance relief shall be dismissed as moot.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be dismissed as moot.

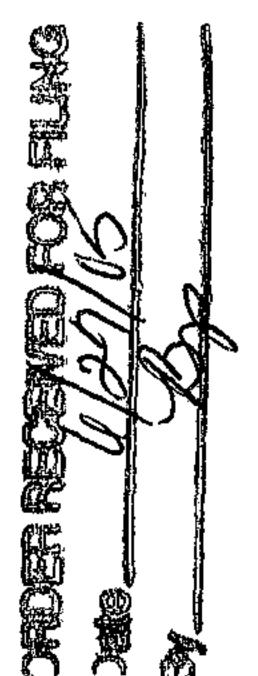
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21⁴⁴ day of June 2005 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit front yard setbacks of 21 feet and side street setbacks of 22 feet each, all in lieu of the required 25 feet, for a proposed dwelling, be and is hereby **DISMISSED** as moot.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within

thirty (30) days of the date hereof.

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

June 27, 2005

Mr. & Mrs. James Cassell 411 N. Kenwood Avenue Baltimore, Maryland 21224-1211

RE: PETITION FOR VARIANCE
E/S Delk Court, 170' SE of the c/l Norris Lane
(2710 Delk Court)
15th Election District – 7th Council District
James Cassell, et ux - Petitioners
Case No. 05-536-A

Dear Mr. & Mrs. Cassell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been dismissed as moot, 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.

Zoning Commissioner for Baltimore County

cc: Mr. Vincent Moskunas, Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101, Towson, Md. 21286 Office of Planning; People's Counsel; Case File



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

WJW:bjs



THE STATE OF THE S

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2710 De1k Gourt

which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which and made a part hereof, hereby petition for a Variance from Security of Sec	h is described in the description and plat attached hereto ction(s) 1 BOス、3C、1 CC いかです
of the Zoning Regulations of Baltimore County, to the zoni (indicate hardship or practical difficulty)	ng law of Baltimore County, for the following reasons:
Suattached	-
Property is to be posted and advertised as prescribed by the zo I, or we, agree to pay expenses of above Variance, advertising, postin regulations and restrictions of Baltimore County adopted pursuant to t	g, etc. and further agree to and are to be bounded by the zoning:
	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.
<u> </u>	Legal Owner(s):
i mude	James Cassell
÷	Type or Print
Name - 7	Signature Carrell
	Resign Cassell
No.	Name Type or Print (assell
during horse all his sode.	Signature
. Petri rutur genlut	411 N. Kenwood Avenue Address Telephone No.
1, 20 Das	Address Telephone No. Baltimore MD 21224-1211
City	State Zip Code
1 1 2 C C C C C C C C C C C C C C C C C	Representative to be Contacted:
·	Site Rite Surveying, Inc.
1	Name
Address Telephone No.	200 E. Joppa Road, Room 101 (410) 828-9060 Address Telephone No.
Clty State Zip Code	Towson Maryland 21286
Clty State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No	ESTIMATED LENGTH OF HEARING
Reviewed By	UNAVAILABLE FOR HEARING
DEV/615/00	010-1 Date 04-X(-05

REASONS FOR PETITION FOR VARIANCE

- 1. Said lots are part of a recorded plat dated May 7, 1945 and individually are consistent with neighboring property.
- 2. The overall configuration of this property is restrictive along the road frontage since the front and side yards border Delk Court. Therefore, a front yard building setback line needs to be maintained.
- 3. This request is within the spirit and intent of the B.C.Z.R. and the proposed dwelling is compatible with the surrounding community. Granting this request will not have an adverse effect on the welfare of the general public.

ZONING DESCRIPTION #2710 DELK COURT

Beginning at a point on the east side of Delk Court which is 50 feet wide at the distance of 170 feet southeast of the centerline of Norris Lane which is 40 feet wide. Being Lots 22, 23 and 24 in the subdivision of "Delk Manor" as recorded in Baltimore County Plat Book #13, Folio #107, containing 11,731 S.F. Also known as #2710 Delk Court and located in the 15th Election District, 7th. Councilmanic District.



Michael V. Moskunas Reg. No. 21175

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

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NOTICE OF ZONING HEARING

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

Cese: #05-536-A 27:10 Delk Court E/side of Delk Court, 170 feet s/east of centerline of Norris Lahe 15th Election District 7th Councilmanic District Legal Owner(s): James & Rosina Cassell Variance: to permit front setbacks of 21 feet and side street setbacks of 22 feet both in lieu of 25 feet.

Hearing: Wednesday, Hearing: Wednesday,
June 8, 2005 at 11:00
a.m. in Room 407, County
Courts Building, 401
Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386, (2) For Information concerning, the File and/or Hearing Contact the Zoning Review Office at (410) 887-3301

887-3391. JT 5/748 May 24

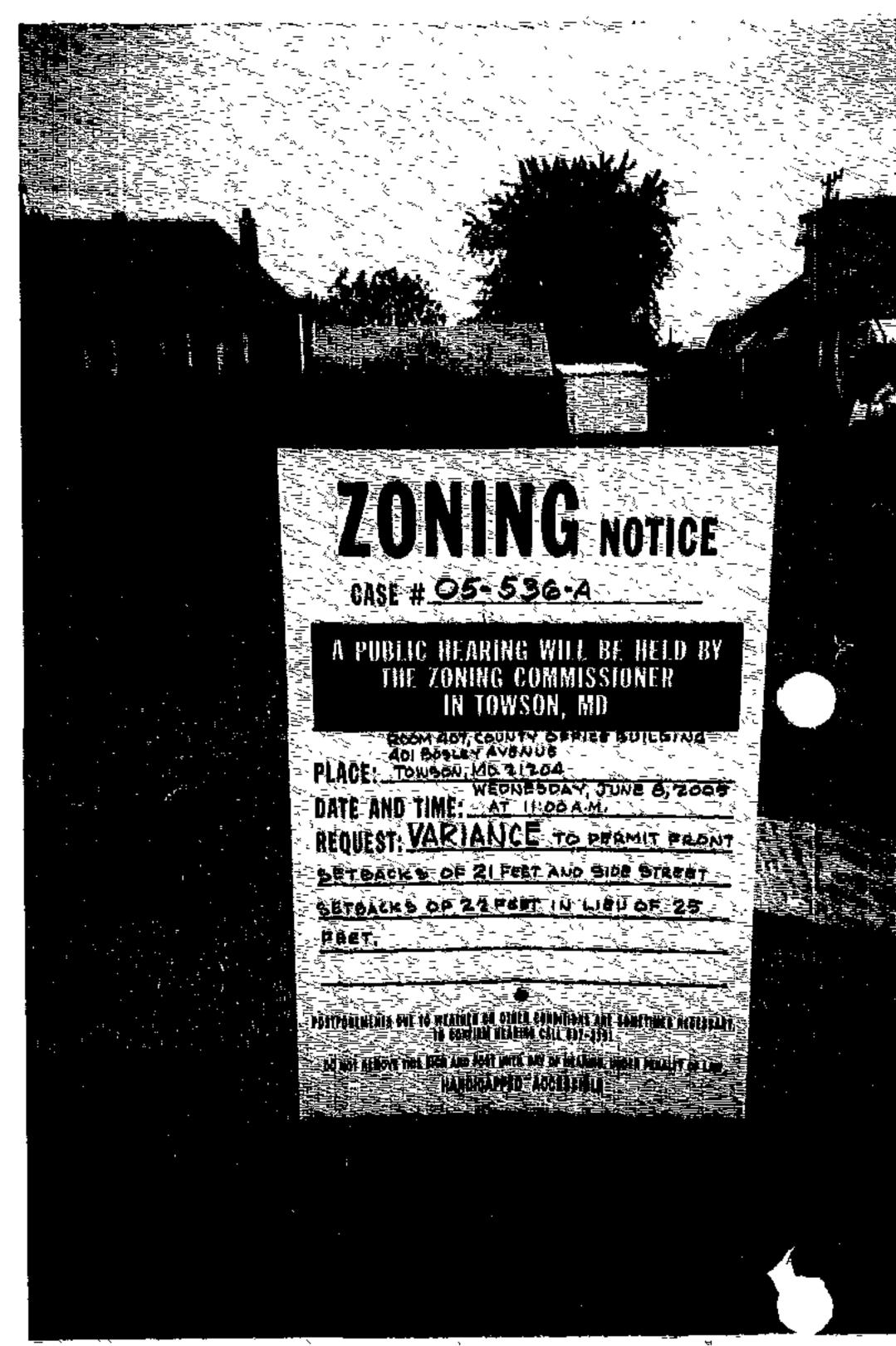
CERTIFICATE OF PUBLICATION

CERTIFICATE OF POSTING

Petitioner/Developer: LOCT BUILDERS
Date of Hearing/Closing: JUNE 8, 2005
he penalties of perjury that the necessary sign(s) required by
dat * Z710 DELK Court
Sincerely, Sincerely, Capture of Sign Poster and Date) Captual E. Moore (Printed Name)

RE: Case No.: 05-536-4





RECENE

MAY 2 4 2005

HER OF PEOBLES AND COMMENTS AND

Correction:

Case 05-536-A

Owners Names are

James and Rosita
Cassell

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

April 29, 2005

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: 05-536-A

2710 Delk Court

E/side of Delk Court, 170 feet s/east of centerline of Norris Lane

15th Election District – 7th Councilmanic District

Legal Owners: James & Rosina Cassell

Variance to permit front setbacks of 21 feet and side street setbacks of 22 feet both in lieu of 25 feet.

Hearing: Wednesday, June 8, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: James & Rosina Cassell, 411 N. Kenwood Avenue, Baltimore 21224 Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 24, 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 24, 2005 Issue - Jeffersonian

Please forward billing to:

James & Rosina Cassell C/o Jeff Holt 411 N. Kenwood Avenue Baltimore, MD 21224-1211

443-829-4390

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: 05-536-A

2710 Delk Court

E/side of Delk Court, 170 feet s/east of centerline of Norris Lane

15th Election District – 7th Councilmanic District

Legal Owners: James & Rosina Cassell

Variance to permit front setbacks of 21 feet and side street setbacks of 22 feet both in lieu of 25 feet.

Hearing: Wednesday, June 8, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

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

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.

j '
For Newspaper Advertising:
Item Number or Case Number: 05-53-6-1.
Petitioner: James and Rosita Cassell
Address or Location: 21/0 DUK CoW+
PLEASE FORWARD ADVERTISING BILL TO:
Name: Jumes and Rosita Casall
Address: 411 N. Kenword Avenue
Bultimore, MD 21224-1211
Telephone Number: Left Holt (10Wtruct 443 829-4390 cell)

Department of Permits and Development Management

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



Baltimore County

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

May 31, 2005

James Cassell Rosita Cassell 411 N. Kenwood Avenue Baltimore, Maryland 21224-1211

Dear Mr. and Mrs. Čassill:

RE: Case Number: 05-536-A, 2710 Delk Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 21, 2005.

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,
Call Richall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

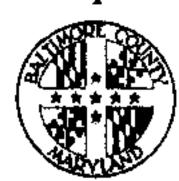
c: People's Counsel

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



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

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 5, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 5, 2005

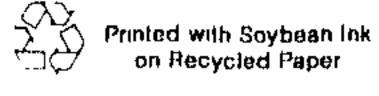
Item No.: 529

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.

The Fire Marshal's Office has no comments at this time.

Lieutenant J.D.Mezick Fire Marshal's Office 410-887-4881 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 17, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 9, 2005

Item No. 529, 530, 532, 536, 541, and 553

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

DAK:CEN:clw cc: file

ZAC-NO COMMENTS-05172005.doc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

го:	Tim Kotroco PDM
ROM:	John D. Oltman, Jr DEPRM
DATE:	May 27, 2005
SUBJECT:	Zoning Item # 05-536 Address 2710 Delk Ct.
Zoning	Advisory Committee Meeting of May 2, 2005
	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></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:
Reviev	ver: Glenn Shaffer Date: May 27, 2005

Supp

DATE: May 17, 2005

RECEIVED

ZONING COMMISSIONER

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:

2710 Delk Court

INFORMATION:

Item Number:

5-536

Petitioner:

James Cassell

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request to permit a dwelling with a front yard and a side street setback of 21 feet and 22 feet respectively. The subject lot can accommodate a dwelling (including a rancher) with a building footprint of approximately 2,048 square feet (32' x 64'). The petitioner can eliminate the need for the requested variances by selecting a different style dwelling or a ranch style dwelling that fits within the established building envelope. Furthermore, the granting of the requested variance relief would permit the construction of a dwelling that is completely out of character with the existing dwellings in the neighborhood.

Prepared by:

Division Chief:

AFK/LL:MAC



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

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

Maryland Department of Transportation

Date:

4.29.05

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

RE:

Baltimore County
Item No. 536

A.S

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

J. J. Gradh

Engineering Access Permits Division

RE: PETITION FOR VARIANCE
2710 Delk Court; E/side Delk Court,
170' SE c/line Norris Lane
15th Election & 7th Councilmanic Districts
Legal Owner(s): James & Resita Cassell
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

BALTIMORE COUNTY

* 05-536-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 and all 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 2nd day of May, 2005, 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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Personament Constitution of the Constitution o

Case No.:	05-	536	A	
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Exhibit Sheet

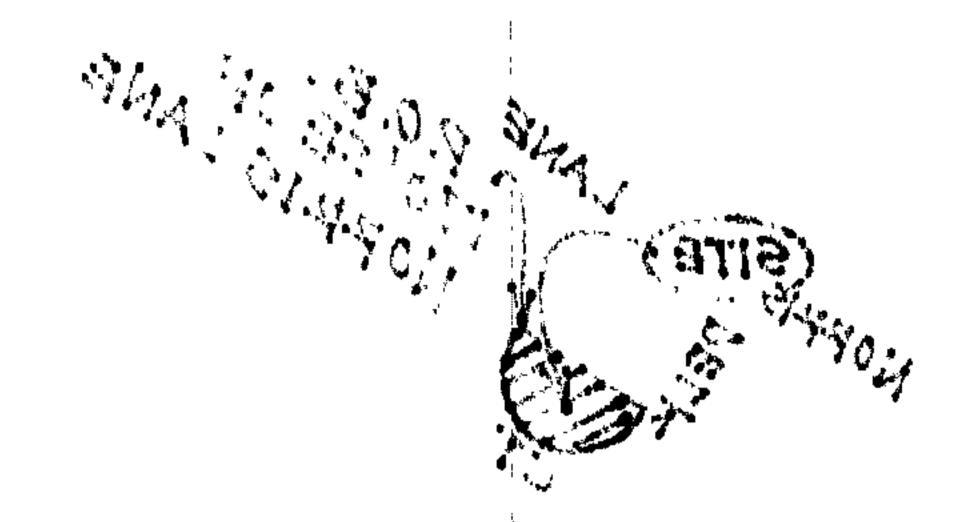
Petitioner/Developer

Protestant

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200' scale map #2710 Delk 60WA Vaniance Potition April 21, 2005

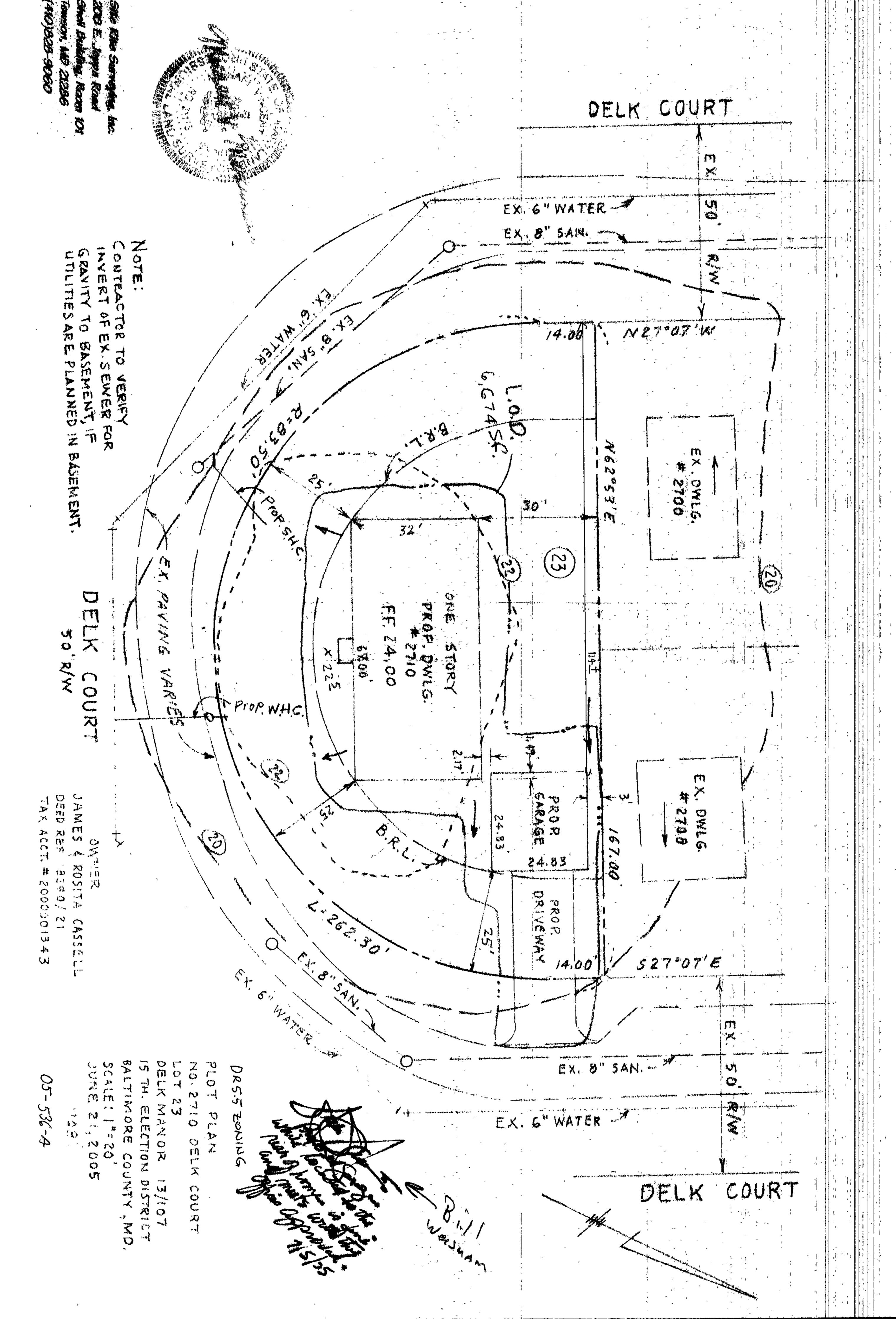


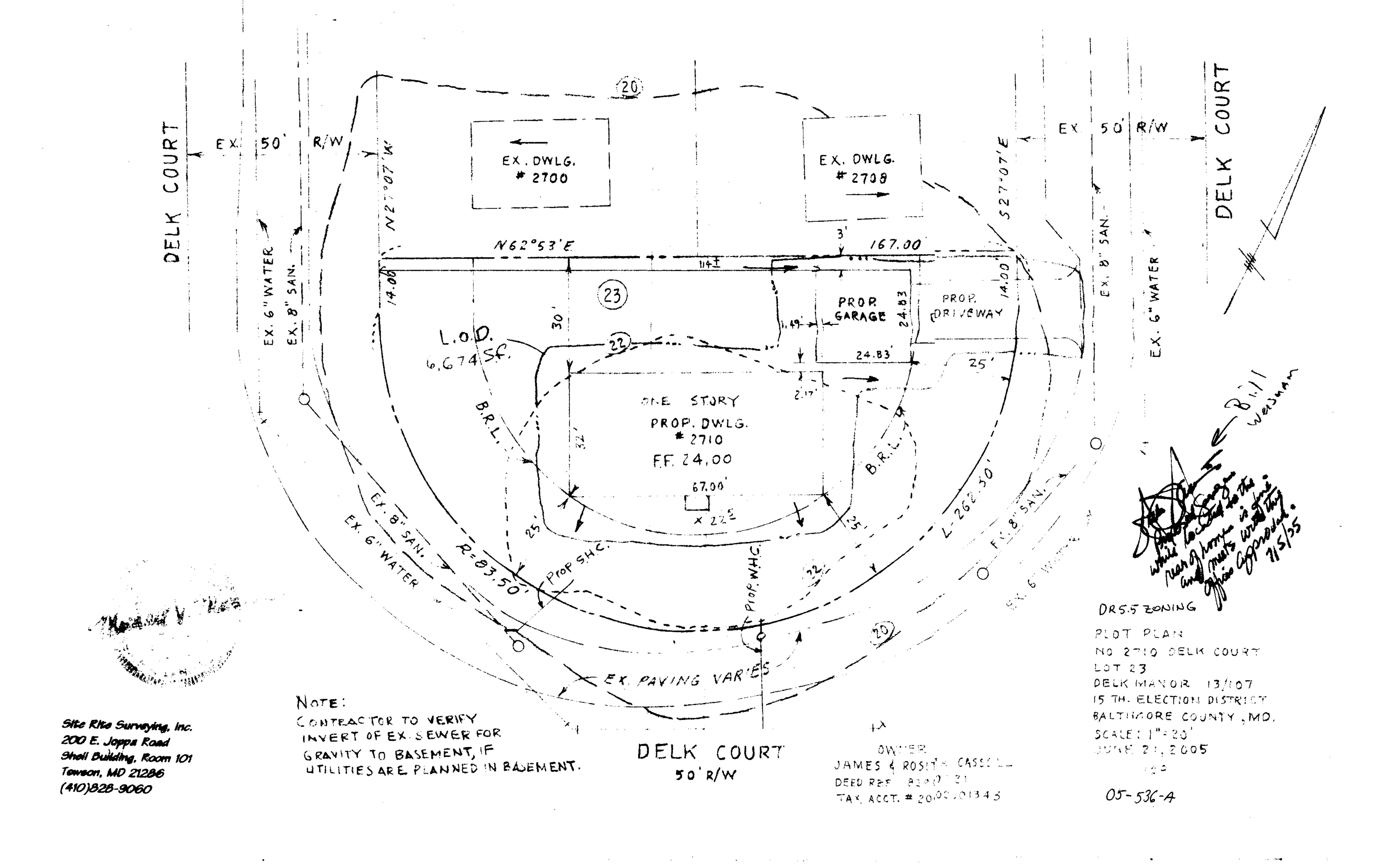
PLEASE PRINT CLEARLY

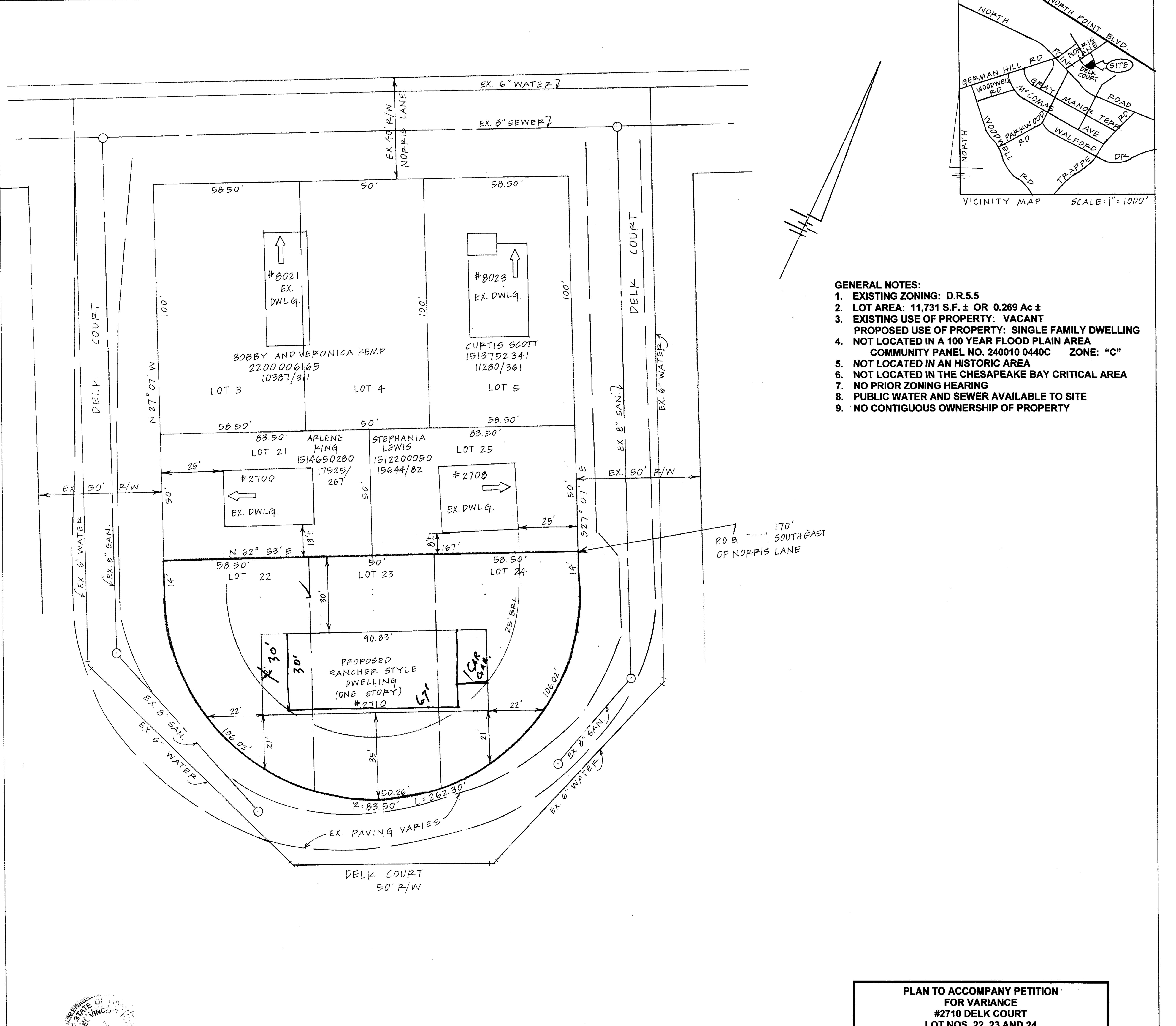
CASE NAME 2710 DELK CT CASE NUMBER 05.536-1 DATE 6-08-05

PETITIONER'S SIGN-IN SHEET

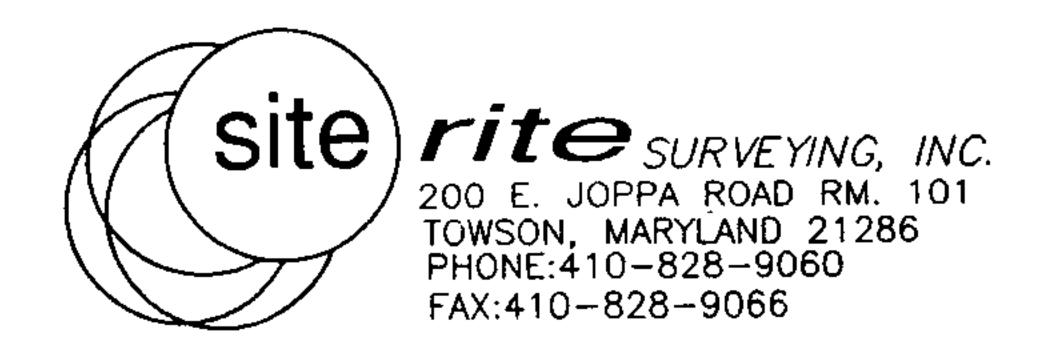
A 2 L-G TYZ 6 E-MAIL oke malaga 21786 STATE, ZIP Z Z 200 E. Jopea 4111 N. Ken Wood ADDRESS











OWNER: JAMES AND ROSITA CASSELL 411 N. KENWOOD AVENUE **BALTIMORE MD 21224-1211** CONTACT: JEFF HOLT (443) 829-4390 TAX ACCT. NOS.: 2000001343 and 1518472650 TAX MAP: 104 GRID: 1 PARCEL: 276 DEED REF.: 18290 / 21

LOT NOS. 22, 23 AND 24 "DELK MANOR" 13/107 **ELECTION DISTRICT NO. 15** COUNCILMANIC DISTRICT NO. 7 BALTIMORE COUNTY, MD SCALE: 1" = 20' **APRIL 21, 2005** 9081

PETITIONER'S