IN RE: PETITION FOR SPECIAL HEARING SE/S of Cedar Lane, 198 ft. NE centerline of Cross Road 11th Election District 3rd Councilmanic District

(11809 Cedar Lane)

Triantafylia & Gedeon Thomaidis Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-537-SPH

\*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before this Deputy Zoning Commissioner as a Petition for a Special Hearing filed by the legal owners of the subject property, Triantafylia and Gedeon Thomaidis. The Special Hearing request is for property located at 11809 Cedar Lane in the Kingsville area of Baltimore County. The request is pursuant to Section 1A04.3.B.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 31 ft. and 32 ft. in lieu of the required 50 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The case was originally filed as an administrative variance, but was ultimately set in for a hearing by the Department of Permits & Development Management on June 29, 2005 after notice of protest was received. Notice of the hearing was given to the public by posting the property with notice of the hearing on June 9, 2005 and by publication in "The Jeffersonian" newspaper on June 14, 2005.

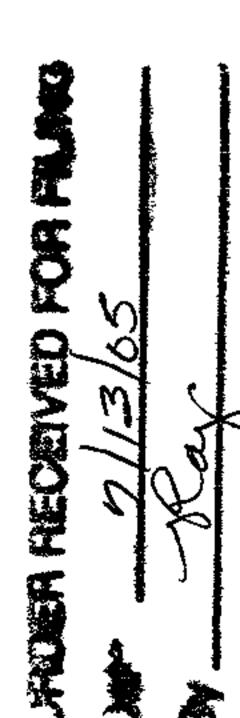
### Applicable Law

Section 1A04.3.B.1

Area regulations.

Lot area; density control. [Bill Nos. 178-1979]

a. A lot having an area of less than 1 1/2 acres may not be created in an R.C. 5 Zone. The maximum gross residential density of a lot of record is 0.667 dwelling per acre.



- b. Exceptions to minimum lot size. [Bill No. 152-2004]
  - (1) The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of Paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement. However, the provisions of Section 1A04.4 may not be varied.

### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated May 23, 2005, a copy of which is attached hereto and made a part hereof. Revised comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated June 21, 2005 a copy of which is attached hereto and made a part hereof. ZAC comments were also received from the Bureau of Plans Review dated May 17, 2005, a copy of which is attached hereto and made a part hereof.

#### Interested Persons

Appearing at the hearing on behalf of the variance request were Dimitrios Thomaidis, and Gedeon Thomaidis and Triantafyllia Thomaidis, Petitioners. No protestants or interested citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

WORK PRODUCED FOR

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 1.6 acres and is zoned RC 5. Testimony of the Petitioner indicated that this property is improved by an existing home which the Petitioners would like to substantially renovate by building a two-story addition to the rear of the home. The lot is a very long narrow configuration only 105 ft. wide but 680 ft. deep. The request for variance arises because the side

yard setback in RC 5 zones is 50 ft. If this setback were imposed on this lot there would be only 5 ft. in which the existing home and addition could be built. The existing home is 31 ft. from the eastern side lot line and 35 ft. from the western lot line. See Petitioner's Exhibit 1. Needless to say, the existing home does not meet the RC 5 setback requirements. The proposed addition would be 32 ft. from the western lot line because the home was not placed symmetrically on the lot but rather is skewed at an angle to the side lot lines.

The property is also improved by an existing one-story building which the Petitioner indicates is used only for storage and has no living quarters or commercial uses.

Mr. Moskunas indicated that the he added the full 40 ft. right-of-way for Cedar Lane to Exhibit 1 as a redline change to accommodate the ZAC comment from Plans Review. However, this does not trigger a need for further variances, as front yard setbacks are from the center not the side of the road. He also noted that the property was a lot of record prior to September 2003 as shown by the deed (Exhibit 4) which was recorded in the Land Records in 1949. The existing home was built in 1953 as shown by the SDAT data sheet, Exhibit 3. Finally, he indicated that the Petitioners do not own adjacent property that could be combined with this lot to satisfy the side yard setback requirements.

#### Findings of Fact and Conclusions of Law

The Petitioners filed a request for Special Hearing pursuant to Section 1A04.3.B.1.b, which allows altering the minimum lot size for lots of record before September 2, 2003. The regulations are not precise as to whether the setback regulations may also be altered in the same hearing. However, if only the size may be altered, the Petitioner would have to file for both a variance and special hearing for essentially the same relief. This would double the cost to the Petitioner for filing fees and postings without any additional information given to the public regarding the

relief requested. Consequently, I find that the County Council intended that the setback regulations are also subject to the provision allowing the size of the lot to be altered.

I note that this Commission has been very reluctant to do by special hearing what ordinarily should be done by variance or special exception. Each of the latter has specific criteria to consider and a long history of Board of Appeals and Court review. Section 500.7, which authorizes special hearings, on the other hand does not give any specific criteria, allows the widest discretion, and has the least history of review. Said another way, if every variance, which is difficult to justify, could be filed as a special hearing there would be no requests for variances. I do not believe that the County Council intended to eliminate the criteria and history associated with variances and special exceptions to start over again with a blank slate of special hearings for RC 5 property. Consequently, I will treat this special hearing as essentially a request for variance.

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The deed for this property was recorded among the Land Records of Baltimore County in February 1949, many years before the RC 5 regulations were imposed on this property. Consequently, I find that the zoning regulations impact this property in a way different from those lots created after the RC regulations were imposed. In addition, the house is skewed with respect to the property lines indicated as a peculiar structure.

I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no land on either side of the lot for the Petitioner to acquire and avoid the variance requests. They cannot meet 50 ft. side yard set backs with a 105 ft. wide lot.

MORN PROFILE

Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public

health, safety and general welfare. The proposed addition will be compatible with the existing home. This will not change the pattern of development.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>3</u> day of July, 2005, that the special hearing pursuant to Section 1A04.3.B.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 31 ft. and 32 ft. in lieu of the required 50 ft. be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. The Petitioners must comply with the revised ZAC recommendations submitted by DEPRM dated June 21, 2005, a copy of which is attached hereto and made a part hereof;
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

IVM·rai

# 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

July 8, 2005

Mr. & Mrs. Gedeon Thomaidis 555 47<sup>th</sup> Street Baltimore, Maryland 21224

> Re: Petition for Special Hearing Case No. 05-537-SPH Property: 11809 Cedar Lane

Dear Mr. & Mrs. Thomaidis:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Dimitrios Thomaidis, 555 47<sup>th</sup> Street, Baltimore, MD 21224 Vincent Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, Towson, MD 21286



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



# Petition for Special Hearing

for the property located at #11809 Cedar Lane

to the Zoning Commissioner of Baltimore County

which is presently zoned RC5

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which is made a part hereof, hereby petition for a Special Hearing und County, to determine whether or not the Zoning Commissioner's Minimum Lot Site Requirements.	der Section 500.7 of the Zoning Regulations of Baltimore should approve
UNDER ARTICLE 5, TO PERMIT SI 37 FT. IN LIGHT OF SOFT.	DE YARD SE-CASACKE OF 31 FT &
Property is to be posted and advertised as prescribed by the zor i, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pursua	, posting, etc. and further agree to and are to be bounded by the ant 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>
Name - Type or Print	Gedeon Thomaidis Name - Type on Print
Signature	Signature Triantafyllia Thomaidis
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	11809 Cedar Lane 410-365-1464 Address Telephone No.
Name - Type or Print	Kingsville, MD 21087 City State Zip Code
sonature	Representative to be Contacted:
ompany	Site Rite Surveying, Inc. Name
ddress Telephone No.	200 E. Joppa Road, Room 101 410-828-9060 Address Telephone No.
State Zip Code	Address Telephone No. Towson, MD 21286
	City State Zip Code
	OFFICE USE ONLY
Case No. OS-537-5PM	ESTIMATED LENGTH OF HEARING
Case No	UNAVAILABLE FOR HEARING
Reviewa Reviewa	ed By Date _05-16-05-

### ZONING DESCRIPTION #11809 CEDAR LANE

Beginning at a point on the southeast side of Cedar Lane which is 30 feet wide at the distance of 198 feet northeast of the centerline of Cross Road which is 30 feet wide as recorded in Deed Liber 19129, folio 447 and running thence N48°46'E, 105.00 feet; thence S41°14'E, 679.18 feet; thence S48°29'30"W, 105.00 feet and thence N41°14'W, 679.68 feet to the place of beginning containing 1.63 acres, more or less. Also known as #11809 Cedar Lane and located in the 11<sup>th</sup> Election District, 3<sup>rd</sup>. 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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# BOTICE OF ZUID

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: #05-537-SPH

11809 Cedar Lane
S/east side of Cedar Lane,
198 feet n/east of centerline
of Cross Road
11th Election District

3rd Councilmanic District Legal Owner(s): Gedeon & Triantafyllia Thomaidis Special Hearing: to permit side yard setbacks of 31

**Special Hearing:** to permit side yard setbacks of 31 feet and 32 feet in lieu of 50 feet.

Hearing: Wednesday,
June 29, 2005 at 2:00
p.m. in Room 407, Sonnty
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) 887-3391.

JT/6/641 June 14 55026

# CERTIFICATE OF PUBLICATION

6/15/, 20.05
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 6 14 ,20 <u>05.</u>
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

. Wilkings



CASE # 05-537-SP4

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: Towson, MD. 21204

DATE AND TIME: AT 2100 P.M.

REQUEST: SPECIAL HEARING

TO PERMIT SIDE YARD SETBACKS OF

31 FEET AND 32 FEET IN LIEU OF

50 FEET

# CERTIFICATE OF POSTING

•	Date of Hearing/Closing: TUNE 29, 2005
caltimore County Department of crmits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue owson, MD 21204	
ttention: Becky Hart	
adies and Gentlemen: This letter is to certify unde	r the penalties of perjury that the necessary sign(s) required by
sw were posted conspicuously on the property loca	ated at # 11809 CEDAD LANG
he sign(s) were posted on	2, 7005 Month, Day, Year)
- -	Sincerely,
·	Signature of Sign Poster and Date)
	GARLANDE, Woord (Printed Name)
	3225 RYERSON CIRCLES (Address)
	PAUTINIARE, MD. 21227 (City, State, Zip Code)
	(Telephone Number)
•	

RE: Case No.: 05-537-SPH

Petitioner/Developer: GEDEONTHOMAIDIS

# 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

May 18, 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: 05-537-SPH

11809 Cedar Lane
S/east side of Cedar Lane, 198 feet n/east of centerline of Cross Road
11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District
Legal Owners: Gedeon & Triantafyllia Thomaidis

Special Hearing to permit side yard setbacks of 31 feet and 32 feet in lieu of 50 feet.

Hearing: Wednesday, June 29, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Rm. 407, Towson 21204

Timothy Kotroco

Justy worrow

Director

TK:klm

C: Mr. & Mrs. Thomaidis, 11809 Cedar Lane, Kingsville 21087 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, JUNE 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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 14, 2005 Issue - Jeffersonian

Please forward billing to:

Gedeon Thomaidis 11809 Cedar Lane Kingsville, MD 21087

410-365-1464

### **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: 05-537-SPH

11809 Cedar Lane

S/east side of Cedar Lane, 198 feet n/east of centerline of Cross Road

11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Gedeon & Triantafyllia Thomaidis

Special Hearing to permit side yard setbacks of 31 feet and 32 feet in lieu of 50 feet.

Hearing: Wednesday, June 29, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Rm. 407, 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.

# REVISED PETITION FOR

CASE 05-537-A

# ADMINISTRATIVE VARIANCE

# HAS BEEN CHANGED

TO

05-537-SPH

# SPECIAL HEARING

OS-537-Spa

# LETTER OF TRANSMETAL

Site Rite Surveying, Inc.

**DIRECT CORRESPONDENCE TO:** 

Shell Building, Room 101 200 East Joppa Road Towson, Maryland 21286 410-828-9060

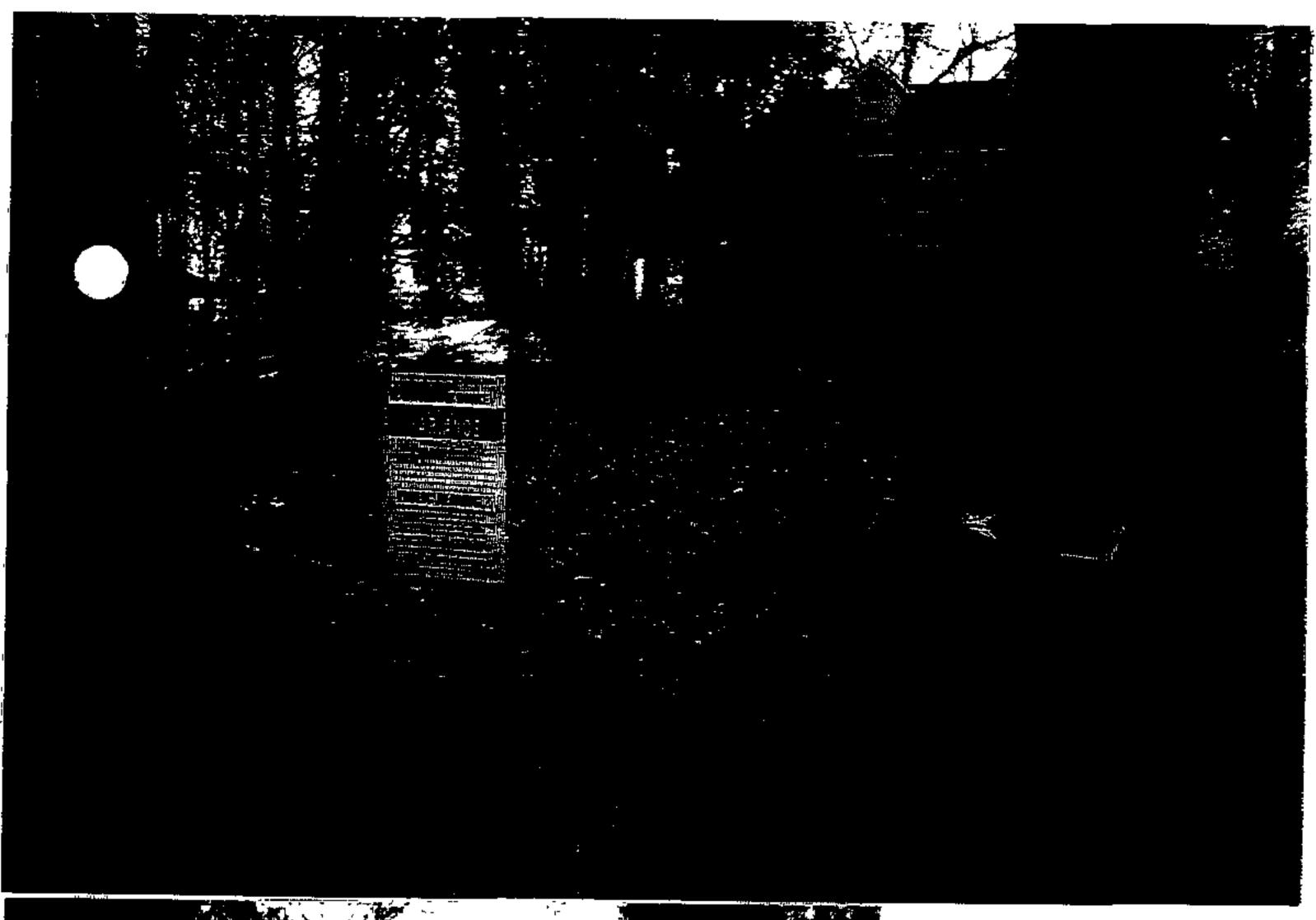
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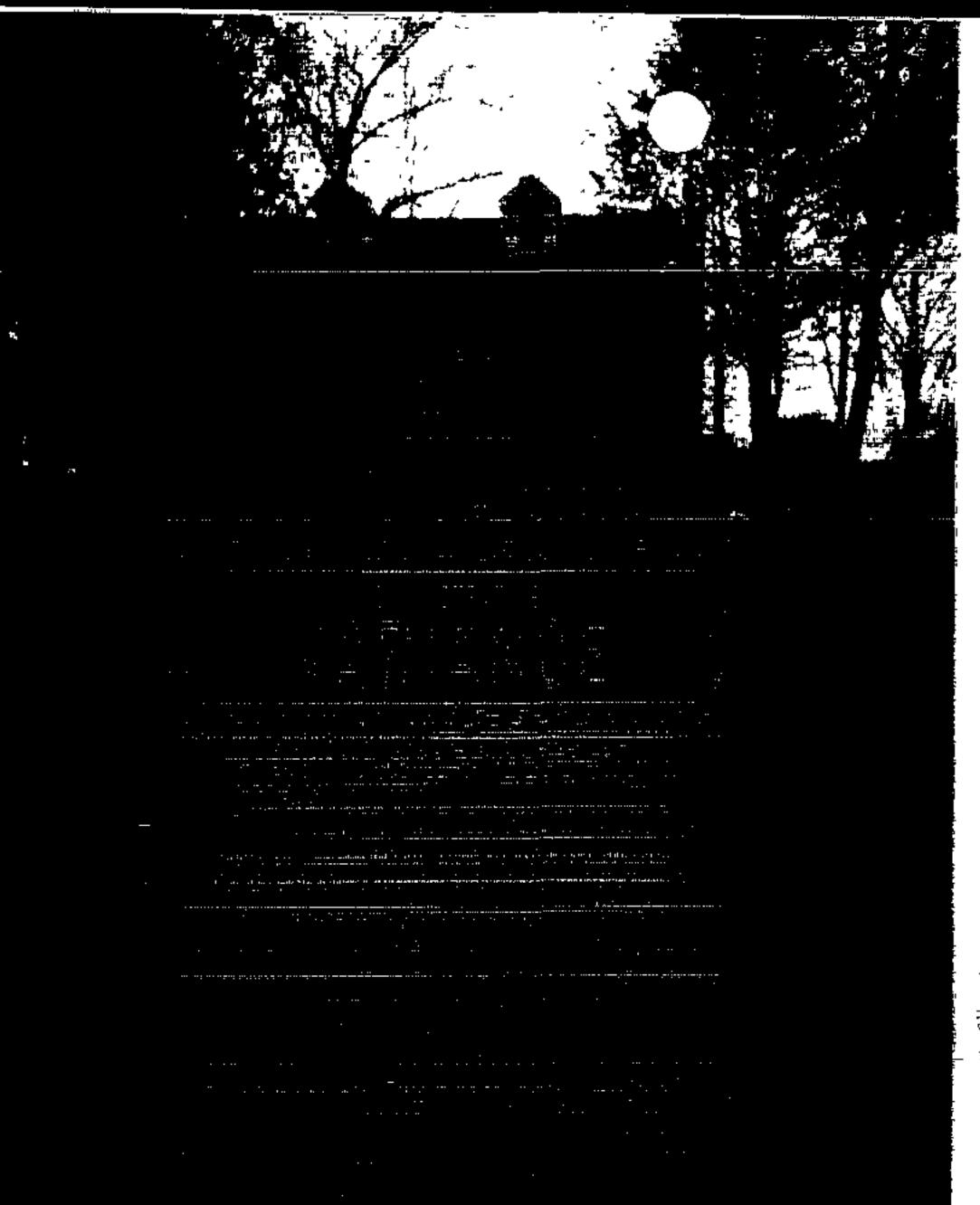
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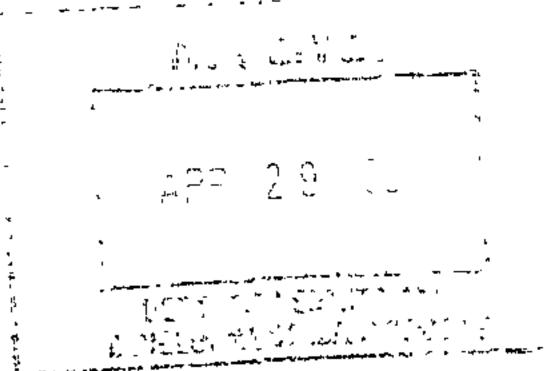
# CERTIFICATE OF POSTING

	Petitioner/Developer:   MOMALDS
•	Date of Hearing/Closing: 5-16-05
altimore County Department of ermits and Development Management ounty Office Building, Room 111 I West Chesapeake Avenue owson, MD 21204	
ttention: Becky Hart	
adies and Gentlemen: This letter is to certify und	er the penalties of perjury that the necessary sign(s) required by cated at #11800 CEDAR LAME
he sign(s) were posted on	28, 2005 (Month, Day, Year)
	Sincerely,  Signature of Sign Poster and Date)
	CTARLANDE, Woons (Printed Name)
	3225 RYERSON CIRCLES (Address)
	PAUT INIARE, MD. 21227 (City, State, Zip Code)
	(Telephone Number)

RE: Case No.: 05-537-57H







# 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: 05-537-STPH  Petitioner: GLACON Thomaidis
Address or Location: 11809 Cedar Lane
PLEASE FORWARD ADVERTISING BILL TO:  Name: Gedeon Thomandis
Address: 1809 Cedar Lane
Kingsville, MD 21087
Telephone Number: 410 365-1464

# Department of Permits ar Development Management

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





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

May 16, 2005

Gedeon Thomaidis Triantfyllia Thomaidis 11809 Cedar Lane Kingsville, Maryland 21087

Dear Mr. and Mrs. Thomaidis:

RE: Case Number: 05-537-A, 11809 Cedar Lane

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,
U. Callielle Callielle

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

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



# 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

June 20, 2005

Gedeon Thomaidis Triantafyllia Thomaidis 11809 Cedar Lane Kingsville, Maryland 21087

Dear Mr. and Mrs. Thomaidis:

RE: Case Number: 05-537-SPH, 11809 Cedar Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 16, 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,

U. Callagal Della Callagar

W. Carl Richards, Jr. Supervisor, Zoning Review

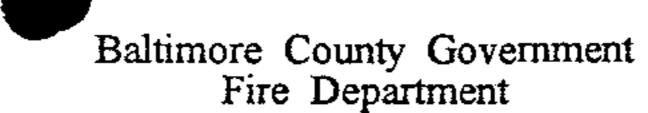
WCR: db

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





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 Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Adwisory Committee Meeting

For May 9, 2005 Item No. 537

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

DAK:CEN:clw Cc: file

ZAC-ITEM NO 537-05172005.doc

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

TO:	Tim Kotroco PDM
FROM:	John D. Oltman, Jr Joo DEPRM
DATE:	May 23, 2005
SUBJECT:	Zoning Item # 05-537 Address 11809 Cedar Lane
Zoning	g Advisory Committee Meeting of May 2, 2005
<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:
	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).
X	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).
<u>Additio</u>	onal Comments:
Prior to issuan	ce of a building permit, an inspection of the well and septic system may be

required.

Sue Farinetti Date: May 23, 2005 Reviewer:

Mos in

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

TO:	Tim Kotroco			
	PDM			
FROM:	John D. Oltm DEPRM	an, Jr Joo	R	ECEIVED
Revised DATE:	June 21, 2005		•	TOWN SOUP
SUBJECT:	Zoning Item Address	# 05-537 11809 Cedar Lane	1	OMNO COMMIN
Zonir	ng Advisory Con	nmittee Meeting of M	ay 2, 2005	
	-	nvironmental Protecti ve-referenced zoning		anagement has no
	•	nvironmental Protecti ents on the above-refer		anagement offers
	Protection of	of the property must of the Quality, Stream the 14-350 of the Balting	is, Wetlands and Flo	oodplains (Sections
<u> </u>	<del>_</del>	of this property must Regulations (Section unty Code).		
•	Critical Area	of this property must Regulations (Sections he Baltimore County (	26-436 through 26-	<del>_</del>

# Additional Comments:

Prior to issuance of a building permit, an inspection of the well and septic system may be required.

Reviewer:

Sue Farinetti

Date: June 21, 2005

Men Posting herded
BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: May 9, 2005
PECEIVED

MAY 1 0 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONNG COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 5-516 and 5-537

Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

**Division Chief:** 

MAC/LL



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

Robert L. Flanagan, Secretary Neil 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.

JRA

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

1. J. Gredh

RE: PETITION FOR SPECIAL HEARING
11809 Cedar Lane; SE/side Cedar Lane,
198' NE c/line Cross Road
11<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

L.O.: Gedeon & Trianfyllia Thomaidis

Petitioner(s)

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 05-537-SPH

\* \* \* \* \* \* \* \* \* \*

### **ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence and documentation filed in the case.

PETER MAX ZIMMERMAN

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 20<sup>th</sup> 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 MAY 2020

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME //809 CEDAR LANG CASE NUMBER 05-537-5714 DATE 6-29-05

PETITIONER'S SIGN-IN SHEET

Homeides & hotment	De Ha 1000 attat COL	Do 14 1000 a HAT. 100m								
B. Huss, MD 2124	2 CM 2	B. (have RD 2124								
SST-47th Street	インスカカ	555 47474.								
DIMITIOS Thomaches	Gecles Thomardis	( rangely//a Thomach)								

#### 2. Building setbacks. [Bill No. 55-2004]

- a. As used in this section, "collector road" means a street or road that is designed for speeds of at least 35 miles per hour, and is intended for travel, including commuter travel, between residential neighborhoods, but not for travel within neighborhoods, and is not designated as a principal arterial.
- b. Any principal building hereafter constructed in an R.C. 5 Zone shall be situated at least 150 feet from the center line of any collector road, and 100 feet from the center line of any road that leads to or connects with a collector road, and at least 75 feet from the center line of any other street or road, and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5 below.
- c. Any principal building constructed in an R.C.5 Zone that is contiguous to an R.C.2 or R.C.7 Zone shall be situated at least 150 feet from the zone line.
- 3. Coverage. No more than 15% of any lot in an R.C.5 Zone may be covered by buildings, except as otherwise provided in Paragraph 5 below.
- 4. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the land records of Baltimore County with the approval of the Baltimore County Office of Planning on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed in force at the time of the lot recordation.
- Dwellings per lot. No more than one dwelling is permitted on any lot in an R.C.5 Zone, but not excluding additional dwellings for bona fide tenant farmers.

#### 1A04.4 Performance standards. [Bill No. 55-2004<sup>20</sup>,<sup>21</sup>]

- A. The standards in this section apply to all residential development in the R.C. 5 Zone, including single lots of record and minor subdivisions.
- B. Intent; evaluation of compliance.
  - 1. These standards are intended to ensure that rural residential development conforms with a quality of design that maintains and reflects the rural character of the County.

e ODE

<sup>20</sup> Editor's Note: This bill also repealed former Section 1A04.4, regarding life-care facilities.

Editor's Note: This bill also stated that it would not apply to any concept plan or application for limited exemption or waiver accepted for filing prior to June 7, 2004, that it would not apply to the Back River Neck District as defined in Section 4A03.13 of the Baltimore County Zoning Regulations, and any structure, building or use in existence prior to the effective date of this bill that is damaged or destroyed by fire or other casualty after the effective date of this bill would be subject to the provisions of Section 104 of the Baltimore County Zoning Regulations regarding nonconforming uses. The effective date of this bill is 6-11-2004.

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

Plat No:

**Plat Ref:** 

Account Identifier:

District - 11 Account Number - 1113075300

**Owner Information** 

Owner Name:

**Mailing Address:** 

MOBLEY MICHAEL 3

MOBLEY JENNIFER L

13996 TURNERS POINT RD

KENNEDYVILLE MD 21645-3334

**Sub District** 

Use:

Section

RESIDENTIAL

Principal Residence:

NO

**Deed Reference:** 

1) /19129/ 447

Group

82

2)

#### **Location & Structure Information**

Premises Address

11809 CEDAR LN

Map

Legal Description

1.63 AC SES CEDAR LN

11809 CEDAR LN

11809 CEDAR LN 1250 N BRADSHAW RD

Lot

Block

64 2 174

Special Tax Areas

Grid

**Parcel** 

Town Ad Valorem

Tax Class

Primary Struct 1953	ure Built	Enclosed Area 1,581 SF	<b>Property Land Area</b> 1.63 AC	County Use 04		
Stories A	Basement		Туре	Exterior		
1 1/2 E	YES 15		STANDARD UNIT	FRAME		

**Subdivision** 

#### **Value Information**

	Base	Value	Phase-in Assessments			
	Value		As Of	As Of		
•		01/01/2003	07/01/2004	07/01/2005		
Land:	63,780	63,780				
Improvements:	120,790	133,000				
Total:	184,570	196,780	192,710	196,780		
Preferential Land:	0	0	0	0		

#### Transfer Information

Seller: Type:	WALDHAUSER DAVID M IMPROVED ARMS-LENGTH	Date: 11/10/2003 Price: \$239,900 Deed1: /19129/ 447 Deed2:	
Seller: Type:	BONNER NICHOLAS, JR IMPROVED ARMS-LENGTH	Date:         06/16/2003         Price:         \$160,000           Deed1:         /18222/1         Deed2:	
Seller: Type:	SHETTLE ANTHONY H IMPROVED ARMS-LENGTH	Date:         09/22/1980         Price:         \$65,000           Deed1:         / 6208/ 386         Deed2:	_

**Exemption Information** 

 Partial Exempt Assessments
 Class
 07/01/2004
 07/01/2005

 County
 000
 0
 0

 State
 000
 0
 0

 Municipal
 000
 0
 0

Tax Exempt: Exempt Class:

npt: NO

Special Tax Recapture:

\* NONE \*

Q 2005

Buildings and Loan Association of Baltimore County to P. August Grill andwife, dated April 30, 1941 and recorded among the Land Records of Baltimore County, in Liber C.W.B., Jr. No. 1173 folio 64 and being the same parcel of ground described in a lease for 99 years renewable forever subject to the payment of the annual rent of \$ 180.00 from the said P. August Grill and wife to the said Philip A. Grill and wife, dated May 1, 1948 and recorded among the aforesaid Land Records in Liber T.B.S. No. 1658 folio 333.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining, particularly the annual rent issuing and payable out of said premises.

To have and to hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their heirs and assigns forever in fee simple to the end and intent that the leasehold estate may be merged in the fee and the annual rent aforesaid forever extinguished.

And the said parties of the first part hereby covenant that they have; not done or suffere d to be done anyact, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors

Test:

Elaine DeBois

P. August Grill

(SEAL)

Elaine DeBois

P. August Grill

(SEAL)

Myrtle D. Grill

Myrtle D. Grill

State of Maryland, Baltimore City, to wit:

I Hereby Certify, that on this 14th day of January in the year one thousand nine hundred and forty-nine, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared P. August Grill and Myrtle D. 🗀 Grill, his wife the above named grantors, and each acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial seal.

( Notarial seal)

Elaine DeBois

Elaine DeBois

Notary Public.

Rec Feb 17 1949 at 3 \$00 P M & EXD Per T Braden Silcott Clerk ( Rec By R D/B )

Exd by SG&AG

86001 McCubbin Realty Corp Deed to Oliver Arch Monk and wife S S \$1.10 S R T \$1.10

This Deed, Made this 16 day of February, in the year one thousand nine hundred and forty-nine, by and between The McCubbin Realty Corporation, a body corporate of the State of Maryland of the first part, and Oliver Arch Monk and Gladys Monk

his wife of Baltimore County in the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of five dollars and other valuable considerations, the receipt whereof is hereby acknowledged, the said The McCubbin Realty Corporation, a body corporate, does grant and convey unto the said Oliver Arch Monk and Gladys Monk his wife, as tenants by the entireties, their heirs and assigns, in fee simple, all

950 IEI. of that piece or lot of ground situate, lying and being in 11th. Election District of Baltimore, County aforesaid, and described as follows, that is to say:-

Beginning for the same on the southeast side of Cedar Avenue as now laid out 30 feet wide, at the distance of 420.00 feet measured northeasterly along the southeast side of Cedar Avenue, from the northernmost corner of the lot of land which by deed dated August, 13, 1941, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1184 folio 114, was conveyed by The McCubbin Realty Corporation to T. Edward Lacey and wife, and running thence and binding on the southeast side of Cedar Avenue north 48 degrees 46 minutes east 105.00, feet, thence leaving Cedar Avenue and running south 41 degrees 14 minutes east 679.18 feet to the land heretofore conveyed to Herbert W. Frantz and wife, and thence with said land south 48 degrees 29 minutes 30 seconds west 105.00 feet and thence north 41 degrees 14 minutes west 679.68 feet to the place of beginning.

Being a part of the whole tract of land known as "Bellevue" which was by deed dated September, 10, 1936 and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 880 folio 328 &c was granted and conveyed by Joseph V. Baldwin and wife to The McCubbin Realty Corporation.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or any wise appertaining.

To have and to hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Oliver Arch Monk and Gladys Monk his wife as tenants by the entireties, their assigns, the survivor of them, his or her heirs and assigns in fee simple.

And the said party of the first part 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 it will warrant specially the property granted and that it will execute such further assurances of the same as may be requisite.

In Testimony Whereof the said body corporate, The McCubbin Realty Corporation, has caused its corporate seal to be hereunto affixed and George B. Monmonier its President to set his hend hereto.

Test:

Isaiah D. Clawson

( Corporate seal)

The McCubbin Realty Corporation

Isaiah D. Clawson,

By George B Monmonier

Secretary.

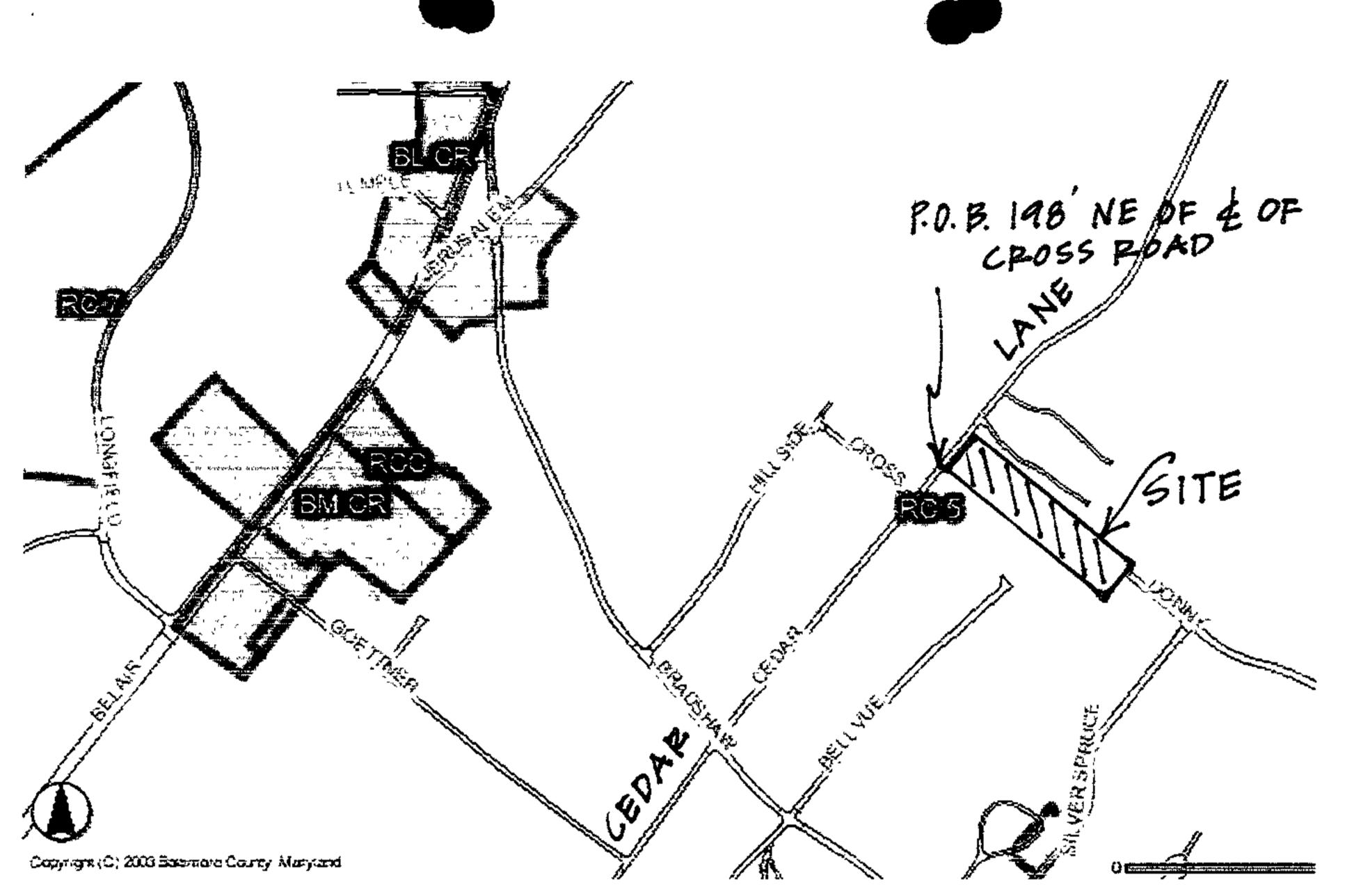
George B. Monmonier, President.

State of Maryland, County of Baltimore, to wit:

I Hereby Certify, that on this 16th day of February in the year one thousand nine hundred and forty-nine, before me, the subscriber, a Notary Bublic of the State of Maryland, in and for the County of Baltimore aforesaid, personally appeared George B. Monmonier, President of The McCubbin Realty Corporation, a body corporate, of the State of Maryland, the above named grantor, and he acknowledged the foregoing Deed to be the act. of said bedy corporate.

As Witness my hand and Notarial seal.

( Notarial seal)



ZONING MAP #11809 CEDAP LANE BALTIMOPE COUNTY ADMINISTRATIVE VAPIANCE

- a. Accommodations for public spectators may not be provided at the facility and field;
- b. Only one sports organization may use the facility and field at one time;
- c. The facility and field may not include lighting that would produce substantial off-site illumination;
- d. The sports organization may not sell admission to the sports events at the facility and field; and
- e. The facility and field shall be located:
  - (1) Within proximity to adequate road access; and
  - (2) On publicly owned land.

#### 1A04.3 Height and area regulations.

- A. Height regulation. No structure hereafter erected in an R.C.5 Zone shall exceed a height of 35 feet, except as provided under Section 300.
- B. Area regulations.
  - 1. Lot area; density control. [Bill Nos. 178-1979<sup>18</sup>55-2004<sup>19</sup>]
    - a. A lot having an area of less than 1 1/2 acres may not be created in an R.C. 5 Zone. The maximum gross residential density of a lot of record is 0.667 dwelling per acre.
    - b. Exceptions to minimum lot size. [Bill No. 152-2004]
      - (1) The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of Paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement. However, the provisions of Section 1A04.4 may not be varied.
      - (2) The Office of Planning may authorize a smaller lot size per residential unit, but in no event less than one acre per unit, for a tract of property for which growth allocation acreage has been awarded prior to June 11, 2004, pursuant to Article 32, Title 9 of the Baltimore County Code, if at least 50% of the tract is donated to and accepted by the County for public benefit.

1A-33 04-15-2005

<sup>18</sup> Editor's Note: This bill also repealed former Paragraph 2, "Minimum diametral dimension," which followed this paragraph.

Editor's Note: This bill also stated that it would not apply to any concept plan or application for limited exemption or waiver accepted for filing prior to June 7, 2004, that it would not apply to the Back River Neck District as defined in Section 4A03.13 of the Baltimore County Zoning Regulations, and any structure, building or use in existence prior to the effective date of this bill that is damaged or destroyed by fire or other casualty after the effective date of this bill would be subject to the provisions of Section 104 of the Baltimore County Zoning Regulations regarding nonconforming uses. The effective date of this bill is 6-11-2004.



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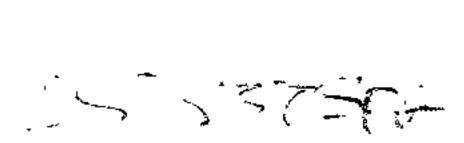


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9471176B

CS. S37-2#





## 92.02.9F Divided by the second of the s

04/11/05



Ex. dwig. in immediate area of subject property (cedar lave)

PPF-3032 Pigincia र्∦ने∤ः

CS-53750#



Lab. 7832, PIONATE COMPLETE

04/11/05

55555H



Ex. dwlg. in immediate area of subject property (cedar hane)

hk由30325 PHUREN ME

GRATINE

35.5754



EX. dwig. in immediate area of subject property (cedar Lane)

## bbb3832, COGNICA

04/11/05

JS 533

| Capital | Capi

H11809 Cedar Lane (site)
Rear view of ex. dwlg. area
of proposed addition

HENSEZ, PINIPOS and

04/11/05

25 537-504

