IN RE: PETITION FOR VARIANCE
S/S of Clarks Point Road, 1,345 ft. +/- E
centerline of Bowleys Quarters Road
15th Election District
6th Councilmanic District
(3741 **Clarks Point Road**)
(3743 Clarks Point Road)
(3745 Clarks Point Road)

Anjani Dibello & Robert D. Leas,
Legal Owners
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NOS. 05-547-A, 05-548-A
* AND 05-549-A

* * * \

PETITION FOR VARIANCE * CASE NO. 05-586-A
E/S of Lincoln Avenue, 146 ft. S
centerline of Geise Avenue *
15th Election District
7th Councilmanic District *
(2221 Lincoln Avenue)
*

Emma M. Hardesty & Edward Lister, Jr.,
Petitioners *

* * * * * * * * * * * * * *

IN RE: PETITION FOR VARIANCE *
N/S of St. Lukes Lane, 25 ft. W
centerline of Yataruba Drive *
2nd Election District
4th Councilmanic District *
(3116 St. Lukes Lane)
* CASE NO. 06-001-A

Stanley Graves, Legal Owner
and *
W. Stephen Cook, Contract Purchaser
Petitioners *

* * * * * * * * * * * * * * * *

IN RE: PETITION FOR VARIANCE *
E/S of North Point Road, 320 ft. N
centerline of Elmore Avenue *
15th Election District
7th Councilmanic District *
(7616 North Point Road)
* CASE NO. 06-053-A

Paul Kennard Hidden, *Legal Owner*
Petitioner * AND

PETITION FOR VARIANCE *
E/S of North Point Road, 270 ft. E
centerline of Elmore Avenue *
15th Election District
7th Councilmanic District *
(7618 North Point Road)
* CASE NO. 06-054-A

Paul Kennard Hidden, *Legal Owner*
and *
Douglas Keith Williams, *Contract Purchaser*
Petitioners *

* *

Date 10-9-05

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner as Petitions for Variance filed by the legal owners of each property as more particularly described in each case file. The Petitioners are requesting variance relief for properties set forth as follows:

Clark's Point

Case No. 05-547-A: The property is located at 3741 Clarks Point Road (lot 39) in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a lot to have a lot width of 50 ft. in lieu of the required 55 ft. and to approve an undersized lot per Section 304 of the B.C.Z.R.

Case No. 05-548-A: The property is located at 3743 Clarks Point Road (lot 38) in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the B.C.Z.R., to permit a variance to allow a lot to have a lot width of 50 ft. in lieu of the required 55 ft. and to approve an undersized lot per Section 304.

Case No. 05-549-A: The property is located at 3745 Clarks Point Road (lot 37) in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the B.C.Z.R., to permit a variance to allow a lot to have a lot width of 50 ft. in lieu of the required 55 ft.

The three cases set forth above will be subsequently referred to collectively as "Clarks Point".

Rossville

Case No. 05-678-A: The property is located 150 ft. west of Gum Spring Road on the south side of Rossville Boulevard in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the B.C.Z.R., to permit an existing lot of record (lot 76) in a DR 3.5 zone to have a lot width of 50 ft. in lieu of the 70 ft. required and to have minimum sum of side yard widths of 20 ft. in lieu of the required 25 ft.

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Case No. 05-677-A: The property is located 200 ft. west of [illegible]um Spring Road on the south side of Rossville Boulevard in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the B.C.Z.R., to permit an existing lot of record (lot 75) in a DR 3.5 zone, with a lot width of 50 ft. and a sum of side yard setbacks of 20 ft. in lieu of the minimum required 70 ft. and 25 ft. respectively.

The two cases set forth above will be subsequently referred to collectively as "Rossville".

Lincoln Avenue

Case No. 05-585-A: The property is located at 2225 Lincoln Avenue in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the B.C.Z.R., to permit a lot width of 50 ft. in lieu of the required 55 ft. and from Section 1B02.3.C.1, to permit a side yard setback of 6 ft. +/- in lieu of the required 10 ft. for an existing dwelling.

Case No. 05-586-A: The adjacent property to Case No. 05-585-A is located at 2221 Lincoln Avenue. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a minimum lot width of 50 ft. in lieu of the required 55 ft. for a proposed single-family dwelling.

The two cases set forth above will be subsequently referred to collectively as "Lincoln Avenue".

St. Lukes Lane

Case No. 06-001-A: The property is located at 3116 St. Lukes Lane in Baltimore County. Variance relief is requested from Sections 1B02.3.C.1 and 1B02.3.C a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side street setback of 15 ft. in lieu of 30 ft. required and a lot width of 55 ft. in lieu of 70 ft. required.

This case will be subsequently referred to as "St. Luke's Lane".

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North Point

Case No. 06-053-A: The property is located at 7616 North Point Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing dwelling with a lot width of 50 ft. in lieu of the required 55 ft.

Case No. 06-054-A: The property is located at 7618 North Point Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a proposed dwelling with a lot width of 50 ft. in lieu of the required 55 ft.

These cases will be subsequently referred to as "North Point "

Each of these properties was posted with Notice of Hearing for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, Notices of Zoning hearing were published in "The Jeffersonian" newspaper for each case to notify any interested persons of the scheduled hearing date. Dates of publication and posting are found in the individual files.

Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of

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Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of each case as indicated in the respective files.

Interested Persons

Appearing at the hearing in regard to each variance request are those shown by the sign-in sheets for each case. Francis X. Borgerding, Esquire represented the Petitioners in Clarks Point. Neil Lanzi, Esquire represented the Petitioners in Lincoln Avenue. Joanne Kubinec, Esquire and Jennifer Adams represented the Petitioners in Rossville Boulevard. Finally, Lawrence Hammond, Esquire represented the Petitioners in St. Lukes Lane. The Petitioners on North Point Road appeared *pro se*. Each Petition was not opposed except Clark's Point which was eventually resolved with the protestants. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in these cases.

Introduction

The Court of Appeals issued its decision in the case of *Friends of the Ridge v Baltimore Gas and Electric Company*, 352 Md.645, 724 A.2d 34 (1999), which held that BGE could assemble parcels and proceed with development without obtaining variances from internal lot lines defining those parcels. However, in arriving at its holding in this case, the Court announced the doctrine of zoning merger citing seminal cases in New Jersey and Pennsylvania. Apparently, more than six years passed before the Court applied the doctrine in the case of *Remes v Montgomery County* 387 Md 52, 874 A 2d 470 (2005). However, this time the Court applied the doctrine restricting property rights, sending shock waves through the real estate development community.

To my knowledge, this Commission has never applied the *Remes* decision to any case before

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it. However, in the case of *Woodbrook LLC*, Case No. 03-218-SPH (dated June 2, 2003) this Commission applied the doctrine of zoning merger outlined in *Friends* to deny building on undersized lots of record. While the *Woodbrook* case was appealed to the Board of Appeals, the Petitioner subsequently withdrew the appeal so that no decision by the Board on the merits occurred.

By chance, ten cases involving the application of the zoning merger doctrine appeared nearly simultaneously before this Commission in the summer of 2005. Remarkably, they run the full spectrum of issues, which the Court of Appeals discussed, in applying the doctrine in *Remes*. These range from when the doctrine applies, to can variances be granted after merger and resubdivision. Consequently, these cases were consolidated herein. Counsel in each case was invited to present additional evidence or argument after the initial zoning hearings if they indicated an interest in doing so. For comparison, the site plan for each case has been reproduced (not to scale) as Exhibits A through E attached to this opinion.

Questions Presented

The questions presented in each case are:

a) Does the doctrine of zoning merger apply to this case? Have adjacent lots been merged from a zoning standpoint because of some event or circumstance in the past?

b) If the doctrine does apply, can the owner request a variance to build on the undersized lot and avoid the impact of the merger?

c) If the doctrine does apply, and no variance is available to avoid the impact of the merger at the initial zoning stage, can the problem be fixed by removing structures or uses that were evidence of the merger? Can an owner fix the problem after the merger?

d) If the doctrine applies, and the owner goes through a resubdivision process as the *Remes* Court directs, can the owner obtain a variance for the re subdivision?

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Testimony and Evidence

Clark's Point

The Petitioner purchased three adjacent lots in 2004 with the intent to renovate the existing home on Lot 37 and build two new homes for his son and daughter on Lots 38 and 39. The Petitioner indicated the latter lots are unimproved except for a frame shed on Lot 38, which will be razed. See Exhibit A. These lots are land record lots, which are part of the "Bowleys Quarter" Plat 2 subdivision, which was recorded in the Land Records of Baltimore County in April 1921. The County did not approve this subdivision because it was created many years before the County's subdivision approval process was enacted. In any event, Lot 39 contains 15,500 sq. ft.; Lot 38 contains 16,500 sq. ft. and Lot 37 contains 18,850 sq. ft. All are zoned DR 5.5 and are 50 feet wide. The current DR 5.5 regulations require a minimum lot width of 55 feet and 6,000 sq. feet of area.

Exhibit A and an aerial photograph of the properties shows a common driveway and pier serving all three lots. Lot 39 also has a boat ramp. The frame shed to be razed is located on the boundary between Lots 37 and 38.

Each lot is separately assessed for real estate tax purposes. Lot 37 (with existing house) has a total assessment of $183,000, Lot 38 is assessed for $138,000 and Lot 39 is assessed for $49,000. The existing dwelling on Lot 37 meets all DR 5.5 zoning setback regulations.

Lincoln Avenue

In this case the Petitioner purchased two adjacent lots in the 1960's. The Petitioner indicated that the area was Lot 1-G of the "J. W. Hinson Property" subdivision, which was recorded in the Land Records in 1935. This subdivision was also not approved by the County having been created many years before the County's subdivision approval process was enacted. Apparently, a

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prior owner further subdivided Lot 1-G (a 100 ft. wide lot) by deed in 1951 into the two 50 ft. wide lots which are the subject of the present case. The northern lot is improved by a single-family dwelling built in 1950. The southern lot is vacant.

The Petitioner would like to erect a single-family dwelling on the southern lot as shown in Exhibit B. The new home meets all DR 5.5 setback regulations except the lot width does not meet the 55 ft. lot width requirement.

The Petitioner originally requested a side yard setback variance for the existing house in addition to the variance for the 50 ft. lot width. However, after consultation with the neighbor to the north, the Petitioner withdrew the request for the side yard setback variance and proposed instead to raze the existing house and replace it with a design that meets all setback requirements. Both lots are 11,200 sq. ft. and meet the minimum size for DR 5.5 lots of 6,000 sq. ft.

For real estate tax purposes, the southern lot (vacant) is assessed at $29,000 while the northern lot with the existing house is assessed at $77,000.

Both lots are served by a common gravel driveway, which straddles the boundary between the subject lots. Photographs of the southern lot show it is presently grass and trees. The front of the existing house on the northern lot faces the southern lot rather than the road. The new home which replaces this existing home would have its front facing the road.

Roseville Boulevard

The subject properties are Lots 75 and 76 of the "Gum Spring Farm" subdivision which was recorded in the Land Records of Baltimore County in 1925. Likewise this subdivision has not been approved by the County, having been created many years before the County's subdivision approval process was enacted. Both lots are 50 ft. wide and approximately 195 ft. long. Each contain approximately 9,750 sq. ft. and are zoned DR 3.5. The DR 3.5 regulations require a minimum width of 70 ft. and 10,000 sq. ft. in area.

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A single-family dwelling was built across the boundary between the two lots in 1937 with the bulk of the dwelling on lot 76.

The two lots with the dwelling were purchased by the Bouthners in March 1982 who in turn sold the lots in separate deeds to the Petitioners in April 2005. Ms. Adams purchased Lot 76 for $87,950. Mr. Collesano purchased Lot 75 for $87,950. Ms. Adams represented that she is not related to Mr. Collesano nor does she have a relationship with him, but rather that they are two legal strangers who purchased separate lots and the dwelling simultaneously with the intention to raze the existing dwelling and build two new homes on the two lots. Each Petitioner proffered that the two lots are separately assessed for tax purposes. Ms. Adams' lot is assessed for $83,720 while Mr. Collesano's lot is assessed at $2,430.

The purchasers propose to raze the existing home and erect two new homes on the separate lots which will meet all DR 3.5 regulations except lot width, lot area and sum of the side yard setbacks. The DR 3.5 regulations require a 25 ft. sum of side yard setback. The Petitioners propose 20 ft. sum of side yard setback instead to allow wider new homes to be built. In addition each lot is approximately 9,700 sq. feet. The DR 3.5 regulations require 10,000 sq. feet. Finally the Petitioners lots are each 50 feet wide while the DR 3.5 regulations require 70 feet width.

St. Lukes Lane

The subject properties are Lots 13 and 14 of the "Sunrise Cedars" subdivision that was recorded in the Land Records of the County in 1946. Again this subdivision has not been approved by the County having been created many years before the County's subdivision approval process was enacted. The lots front on St. Lukes Lane and Yataruba Drive and are improved by a single-family dwelling that was built in 1948 across the boundary of Lots 13 and 14. The Petitioner contends that this was an error that went undetected because no zoning regulations applied which would require building setbacks. Each lot as originally configured was approximately 83 ft. wide

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and 125 ft. deep, for a total area of 10,375 sq. ft. The properties are zoned DR 3.5 which require a minimum 70 ft. lot width and 10,000 sq. ft. lot area. The Petitioner purchased the properties in May 2001 for $134,000. The properties are assessed together with the dwelling for $139,260.

The Petitioner has applied for a lot line adjustment to reconfigure the two lots. Lot 14, as reconfigured, will contain the existing dwelling which will remain and contain 10,756 sq. ft. The existing dwelling will meet all DR 3.5 setback regulations. Lot 13 will be reconfigured into an L-shape and will contain 10,086 sq. ft. A new home will be built on Lot 13 that will be 15 ft. from the side street and have a lot width of 55 ft. DR 3.5 regulations require a side street setback of 30 ft. and lot width of 70 ft.. Thus the need for variances in the instant case.

The Petitioner disagreed with the Office of Planning comments that this would create an illegal panhandle on Lot 14. The Petitioner points out that Lot 14 will have 20 ft. of in-fee access to St. Lukes Lane. In addition, Lot 14 will enjoy an easement that will burden Lot 13 across the bottom of the "L", so that the owner of Lot 14 will still look out onto St. Lukes Lane as if it were the owners' front yard. The Petitioner disagrees once again with the Office of Planning who indicates that the reconfigured Lot 13 will be undersized.

North Point Road

The *pro se* Petitioner indicated that the subject properties are Lots 72 and 73 of the "Triple Union" subdivision which was recorded in the Land Records of Baltimore County before 1940. As in the above cases this subdivision has not been approved by the County, having been created many years before the County's subdivision approval process was enacted. Both lots are 50 ft. wide and approximately 150 ft. long (approximately 7,500 sq. ft.) and zoned DR 5.5. The DR 5.5 regulations require a minimum 55 ft. lot width and 6000 sq. ft. lot area.

Lot 73 is improved by a single-family dwelling that was built in 1924. Lot 72 is vacant except for a small shed. The existing dwelling meets all setback requirements.

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The owner would like to sell the adjacent lot to his friend who in turn will build a single family dwelling that he will use as his residence. The two lots are separately assessed for tax purposes. Lot 73 is assessed for $83,000 while lot 72 is assessed at $7,500. If the variance is approved the owner will move the shed to his lot. He admitted that he cuts the grass on the adjacent lot, the burden of which he gave as one reason to sell the lot to the contract purchaser.

Findings of Fact and Conclusions of Law

Doctrine of Zoning Merger

The Court of Appeals first recognized the doctrine of zoning merger in the case of *Friends of the Ridge v Baltimore Gas and Electric Company*, 352 Md.645, 724 A.2d 34 (1999), which held that BGE could assemble parcels and proceed with development without obtaining variances from internal lot lines defining those parcels. However, in arriving at its holding in this case, the Court announced the doctrine of zoning merger. Judge Cathell noted that there is a national effort by counties to restrict undersized parcels, especially where the owner has contiguous undersized parcels. He indicated that the doctrine of zoning merger "generally prohibits the use of individual substandard parcels if contiguous parcels have been, at any relevant time, in the same ownership and at the time of that ownership, the combined parcel was not substandard. In other words, if several contiguous parcels, each of which do not comply with present zoning, are in single ownership and, as combined, the single parcel is usable without violating zoning provisions, one of the separate, nonconforming parcels may not then or thereafter be considered nonconforming, nor may a variance be granted for that separate parcel". He went on to emphasize that this doctrine prohibits use of undersized parcels and not those that exceed the regulations.

The Court cited the seminal case in New Jersey of *Loechner v Campoli*, 49 N.J. 504, 231 A.2d 553 (1967), in which the Loechner's built a house on three 25 ft. wide lots and later acquired

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two adjacent vacant lots. The New Jersey court ruled that the five lots merged and consequently that Mrs. Loechner could not sell off the two vacant lots for a new home.

Judge Cathell also cited *Somol v Board of Adjustment*, 277 NJ Super 22o, 649 A.2d 422 (1994), in which the New Jersey Court discussed the presumption that contiguous lots merge into the larger parcel. However, he noted that most jurisdictions applying the doctrine require some evidence of the owner's intent to merge. In regard to intent to merge, he cited *Iannucci v Zoning Board of Appeals*, 25 Conn App 85, 592 A.2d 970 (1991), in which a house built on two adjacent lots was found to be sufficient evidence of intent to merge. The Connecticut court noted that the lots remained separate on a map filed in the land records but the lots merged from a zoning standpoint.

Six years after the Maryland Court announced the zoning merger doctrine in Maryland, Judge Cathell applied the doctrine in the traditional way to restrict use of undersized parcels in the case of *Remes v Montgomery County* 387 Md 52, 874 A 2d 470 (2005). In Remes, the two lots were created by a subdivision recorded in 1945. The Court found that the two lots merged from a zoning standpoint which prohibited building a new home on the second lot, even though a permit had been issued by the County to do so.

Evidence showed that prior owners erected a home on a corner lot in 1951. They purchased the second adjacent lot in 1954. This lot was sold in 2003 with the intent to erect a new home on the lot.

The Court found that merger had occurred because prior owners constructed a circular driveway serving the residence on the corner lot over both lots. In addition, the prior owners constructed a swimming pool on the adjacent lot as an accessory structure to the residence on the corner lot. There was some evidence that the pool may have been demolished as of 2003. The prior owners constructed an addition to the home on the corner lot in 1963, which encroached upon

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the setback required for the adjacent lot without a variance being requested or issued. Further evidence indicated that between 1974 and 2003, the lots were not separately assessed for tax purposes but rather were billed as a single account. Finally, a prior owner conveyed the lots in a single deed.

The Court noted that when lots are merged from a zoning standpoint, the lots remain separate from a subdivision standpoint. The Court indicated that title examiners regularly consider the aspects of zoning in researching title to property and would warn purchasers of lots that have merged. Surveys would also show encroachments. Once zoning merger has occurred, the separate lots may be sold but may not be used unless they conform to the zoning as well as the subdivision process.

Finally, having found the two lots merged from a zoning standpoint, the Court held that in order for the adjacent lot to be utilized separate and apart from the corner lot, the owner would have to resubdivide the merged lot. The Court noted that it may be necessary to seek variances as to setbacks or to remove encroachments from adjacent lots during this resubdivision process.

Petitioner's attorney's submitted the case of *Township of Middleton v Middleton Township Zoning Hearing Board*, 548 A 2d 1297 (1988) for the proposition that there is no automatic merger just because adjacent properties come into common ownership. The Court noted that the landowner bears the burden of proving that he or his predecessors intend to keep the parcels separate and distinct and not part of one integrated tract. That proof must be grounded upon some overt, unequivocal physical manifestation of this intent and not based solely on the subjective statements regarding intent. Finally, the Court recognized an intent to integrate both lots into a larger tract can be demonstrated by building a house which straddles the common border.

In a similar case in New Jersey, *Board of Adjustment of the Borough of Morris Plains v Cusato*, 649 A2d 422 (N.J. Super, 1994), the Court found that where two contiguous lots were

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acquired separately and treated as separate lots there was no merger. In this case, the lots were back to back and did not face the same street and there was no evidence that the lots were ever used together. Finally, the lots were assessed and taxed separately. Consequently there was no merger.

Finally, the Petitioners' attorneys cited *Bridge v Neptune Township Zoning Board of Adjustment* 559 A2d 855 (N.J. super 1989). In this case, the Court held that where the owner of two contiguous lots, both of which front on the same street, constructs a single-family dwelling so as to cover all or part of both lots, those lots lose their identity and merge into a single parcel. However, the Court also recognized that if the lots remain entirely vacant, lots may retain their separate identity. The Court also recognized the pitfall of lot line adjustments that make lots substandard or more substandard after resubdivision. Finally, the Court held that once lots merge, zoning variances are not available without resubdivision.

Case Law Summary

After reviewing the above case law, I find that the following principles apply to cases involving the zoning merger doctrine.

- Zoning merger is not automatic in Maryland even if adjacent undersized lots are in common ownership
- The burden of proof falls on the Petitioner to show that adjacent undersized lots have not merged.
- There is no presumption in favor of merger where adjacent undersized lots have had common ownership but rather each case must be decided on the facts of each case.
- Zoning merger occurs where the owner of adjacent undersized lots intends to merge the lots
- Proof of the owner's intent to merge adjacent undersized lots may be inferred by evidence of merger within the land records of the subject properties or by evidence of the use of or improvements on the undersized lots which show a common use of the lots.

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- There must be some overt action on the part of the owner that demonstrates intent to merge.
- One example of an overt act that shows the owners intent to merge is application to a government agency in which the undersized lots are treated in common.

Most of the above principles are taken directly from the cases cited above. However, the last principle requires further explanation. In *Remes,* the Court found merger by the owner building a swimming pool on the adjacent lot which, unless the lots were merged, would have required a zoning hearing to allow an accessory structure on a lot without a principal structure. In Baltimore County this would be done by special hearing. The owner apparently did not apply for a zoning hearing to this effect showing his intent to treat the common lot line between the lots as if it did not exist, i.e. the lots merged. Note, however, that the swimming pool was built presumably after zoning regulations were imposed on the property. I presume that a permit was required to build the pool. Consequently, the owner, by seeking a permit to build the pool without a zoning hearing to allow the accessory structure alone on a lot, declared in a public forum his intent to merge the lots.

Again, in *Remes*, the Court cited the fact that the owner built an addition to the house on the corner lot, which encroached on the side yard setback from the common lot line between lots. Again, I presume that the owner applied for and was granted a permit to build the addition and did not apply for a variance for the side yard setback problem. Again, the owner treated the lot line between lots as if it did not exist, i.e. the lots merged. Most importantly, the owner did this in a public forum such as the permit process.

Further, in *Remes* the owner apparently petitioned the State Department of Assessments and Taxation not to assess the two lots separately but rather to assess them as one. In my experience getting SDAT to agree to assess record lots as one is very difficult. This takes a lot of persuading and petitioning. Again, this was an overt act in a public forum which showed the owner's intent to merge the lots. I note for the discussion below, a later owner repetitioned SDAT to assess the lots

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separately which I presume SDAT was happy to do. This goes to the issue of can you fix the merger as does the removal of the swimming pool.

Finally, the *Remes* Court cites the circular driveway across both lots as evidence of common use. I do not know if Montgomery County required a permit to construct the driveway and so do not know if this was evidence of an overt action in a public forum which would show intent to merge.

As some examples of overt actions in public forums, Baltimore County requires permits for the following:

1. Dwellings
2. Additions to dwellings
3. All in ground swimming pools, above ground pools greater then 18 feet round and all pools in the Chesapeake Bay Critical Area and within historic districts;
4. Sheds and garages over 120 sq. feet (10 x 12) and all sheds and garages in the Chesapeake Bay Critical Area and within historic districts;
5. Driveways which disturb more than 5,000 sq. feet and driveways which require curb cuts;
6. Waterfront bulkheads and replacement bulkheads;
7. Piers;
8. Gazeboes in the Chesapeake Bay Critical Area and within historic districts

The County does not require permits for:

1. a boat on a trailer;
2. recreational vehicles under 35 feet.
3. lawns, gardens and woods

Simply because a permit is not required does not mean that certain improvements are not evidence of merger. For example, six tomato plants growing on a lot may not be evidence of intent to merge as these may or may not serve the uses on the other adjacent lots. However, an elaborate formal garden leading to and from the adjacent lot could be evidence of merger.

Finally, I note that the Deputy Zoning Commissioner found in Case No. 03-218- SPH that a common driveway, along with lawn, trees and shrubs were sufficient evidence to find merger. I realize that he did not have the guidance of the *Remes* case available to him in making his decision. Nor do I have the site plan he reviewed in this case. Nevertheless it is apparent I will depart

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somewhat from his decision in the following.

Question A

Did zoning merger occur?

I find that, based upon the evidence presented, zoning merger occurred in Clark's Point, Rossville Boulevard and St. Lukes Lane. The latter two cases are straight forward. A prior owner built a dwelling across the lot line separating two adjacent lots. Clearly, the owner intended to merge the lots. Case law in New Jersey and Pennsylvania, as well as common sense, clearly indicate this result.

Much more difficult is the Clark's Point case where the evidence of common usage among three lots is as follows: a common driveway serving all three lots, a common bulkhead serving all three lots, one pier for all three lots and a large frame shed (20 ft. x 15 ft.) built on the lot line separating lots 37 and 38. In regard to the shed, I note that erecting a shed on a common lot line is regularly done in this County to avoid having a special hearing for an accessory structure on a lot without a principal structure.

This looks very much like the situation of the swimming pool erected on the adjacent lot in *Remes*. Without merger the pool would be subject to a zoning hearing to approve an accessory structure without a principal structure. This problem goes away, if the corner lot that provides the principal structure and adjacent lot are merged as the Court found.

Returning to Clark's Point, the shed, bulkhead, pier and driveway (in the CBCA) require permits. Whether in fact the prior owner actually applied for and was granted a permit, I do not know from the evidence presented. Nor do I know from *Remes* whether permits were actually obtained for the pool, addition to the house and driveway. However, the need for permits and associated zoning actions are the kind of overt actions in a public forum which the *Remes* case show intent to merge, even if the permits were not actually obtained. The need for a permit and

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subsequent zoning relief can be extremely strong evidence of intent to merge undersize lots.

I admit there is evidence to the contrary in Clark's Point. The tax assessments are separate and substantial. The existing house needs no variances. I take it as no evidence that the owners maintained a common lawn. Finally, there is the possibility that the shed, bulkhead, pier and driveway are non conforming uses started long before zoning was imposed on the property. However on balance it appears to me that a prior owner intended to merge these lots given the many overt actions in a public forum which indicate merger.

In contrast, the shed on the adjacent lot in the North Point case appears to me to be the typical Home Depot prefab shed which would not require a permit to erect. I see no evidence of merger in the fact that the owner cuts the grass on the lot. The evidence before me indicates these are and have been separate lots.

The only evidence of merger on Lincoln Avenue is a short common driveway and the fact that the owner cuts the grass on the adjacent lot. I also recognize that the subdivision, which is relevant to this case, was accomplished by deed after the house was built. This is quite different from the ordinary situation. The house was erected with the front yard facing the adjacent lot and not the street. This occurred while the lot was still large lot 1-G. After the house was erected, the lot was further subdivided by deed. Consequently, the fact that the house faces the side can not factor into evidence whether the lots were merged because the owner subdivided after the house was built. Again I find that simply cutting the grass on the adjacent lot is no evidence of merger. Given the short extent of the common driveway, I do not believe a permit would be required and so there is no overt action in a public forum which indicates merger.

Question B

If the zoning merger doctrine does apply, can the owner request a variance to build on the undersized lot and avoid the impact of the merger?

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Date 10-9-05
By

In regard to Clark's Point Road, Rossville Boulevard and St. Luke's Lane, the three cases in which I found that the lots have merged, several attorneys opined that even if the lots were merged, I could grant variances at this stage to allow the use of the undersized lots. I find, however, that I can not for the reasons below.

I suppose the best reason is that Judge Cathell directly and clearly says that I can not. In *Friends* the Court states, "In other words, if several contiguous parcels, each of which do not comply with present zoning, are in single ownership and as combined, the single parcel is usable without violating zoning provisions, one of the separate, non conforming parcels may not then or *thereafter* be considered nonconforming, nor may a variance be granted for that separate parcel." (Underlined emphasis supplied). See page 653. I understand the reason for this statement is that once the lots merge, there are no internal lot lines (in a zoning sense) which one could vary. The internal lot lines have disappeared from a zoning perspective. One can not obtain a variance on lines that do not exist.

As importantly, the purpose of the doctrine is to restrict undersized parcels. If the Petitioner can simply apply for and be granted the same variance otherwise requested, there is no point to the zoning merger doctrine. The Court has outlined what is to happen next. After zoning merger, the Petitioner is then free to resubdivide the larger combined and merged lot. At this point, the Court indicates in *Remes* that the Petitioner may apply for variances. See Section II Conclusion of the *Remes* decision. Whether this is truly open to the Petitioner will be explored below. However, at this stage no variances are available. The Remes Court leaves open the possibility of variances only at the resubdivision stage.

Question C

If the doctrine does apply, and no variance is available to avoid the impact of the merger at the initial zoning stage, can the problem be fixed by removing structures or uses that were

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Date 10-9-05
By

evidence of the merger? Can an owner fix the problem after the merger?

This is by far the most difficult question in my view. Said another way, can the Petitioner in Clark's Point remove the offending shed as he plans to do, remove the circular driveway, breakup the common bulkhead and erect two more piers on the properties so that all evidence of common use is expunged? Can the Petitioners in Rossville raze the house erected on both lots as they clearly plan to do and avoid merger?

In the Conclusion in the *Remes* case, the Court alludes to fixing the problem when it says " In order for Lot 11 to be utilized separate and apart from Lot 12, there would have to be a resubdivision of the combined lot, creating two lots both of which meet the requirement of both the zoning ordinance and the subdivision regulations. In that process it may well be necessary to seek zoning variances as to setbacks or remove the setback encroachments of the structure on Lot 12." (Emphasis supplied). In my view, the Court is referring to removing encroachments (fixing the problem) during the resubdivision process and not during an initial variance hearing such as presented herein.

In addition, the Court in *Friends* emphasized that once merger occurred subsequent owners could not fix the problem. Again, the Court stated, "In other words, if several contiguous parcels, each of which do not comply with present zoning, are in single ownership and as combined, the single parcel is usable without violating zoning provisions, one of the separate, nonconforming parcels may not then or *thereafter* be considered nonconforming, nor may a variance be granted for that separate parcel." (Emphasis supplied by the Court). Taken together, it appears the Court holds that once merger has occurred a subsequent owner can not undo the merger by removing evidence of merger. Nor can a subsequent owner merely declare in a zoning hearing or on the land records that the subsequent owner hereby revokes the prior intent to merge. If the latter was allowed in *Remes*, the owners would simply have made such a declaration and the case would have been over.

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Again, in *Remes* the swimming pool was likely already removed when the case came to hearing. The tax assessments were already back to apply to separate lots. Surely the common driveway will be removed to provide separate driveways. These facts did not affect the outcome. It is clear that the Court intends that once merger occurs the only "solution" open to the owner is resubdivision.

Cases from other states which have adopted the zoning merger doctrine indicate the same result. The Court in *Laurel Beach v Zoning Board of Appeals*, 66 Conn. App 640, 785 A 2d 1169 (Conn. App 2001) indicates that once two lots were merged, they can not thereafter be resubdivided into two separate lots. Also see *Ianucci v Zoning Board of Appeals*, 25 Conn. App. 85, 592 A 2d 970 (1991). Finally in Bell v Zoning Board of Appeals, 27 Conn. App. 41, 604 A 2d 379 the Court indicates that merger of contiguous lots owned by the same person can occur by operation of law.

That said, this result falls particularly harshly on the owners of the Rossville properties. It is clear in building the house across the lot lines, a prior owner intended to merge the lots. However, the present owners of the property, who testified to be unrelated, purchased separate lots from the sellers in separate deeds. One bought a lot with ¾ of a house on it. The other a lot with ¼ house. Clearly, the owners can not use the house in common. At the time of the purchase they indicated their intent to raze the house. Apparently the title company examining the land records insured good title to each lot, perhaps being completely unaware of the doctrine of zoning merger. My experience in such real estate transactions indicates that, at least in the Baltimore area, title companies routinely except to zoning impacts anyway leaving these owners in a precarious position. Frankly, I see no relief for these owners even if they follow the Court's direction to resubdivide the now merged lot as will be discussed below.

Question E

If the doctrine applies, and the owner goes through a resubdivision process as the *Remes* Court directs, can the owner obtain a variance during resubdivision?

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Date 10-5-05
By

This is precisely the fact situation in the St. Lukes case. In this case the two adjacent lots are improved by a single-family dwelling that was built across the common boundary. As above, clearly the owner's act shows intent to merge the lots. Each lot as originally configured met all requirements of the DR 3.5 regulations even though they were imposed after the lots were recorded.

Apparently, aware of the zoning merger doctrine, the Petitioner has applied for resubdivision by lot line adjustment to reconfigure the two lots. The result will be a wider lot for the existing house so no setbacks are violated and a new L-shaped lot for a new home burdened by an easement to insure the existing house can have a front lawn. Both new lots will meet the area regulations of the DR 3.5. However, the new home will be built on the L-shaped lot 15 ft. from the side street and the reconfigured lot will have a lot width of 55 ft. The DR 3.5 regulations require a side street setback of 30 ft. and minimum lot width of 70 ft. Thus the variances are requested.

In the new configuration, however, the lots have lost their uniqueness. This Commission has regularly found that undersized lots created before zoning was imposed in the County are unique in a zoning sense and satisfy the tests of *Cromwell v Ward* 102 Md. App. 691 (1995). We have found that the impact of zoning imposed after the creation of the subdivision on existing undersized lots is different from the impact on other lots in the neighborhood that were created in accordance with zoning regulations. For example, many of the 50-foot wide, ¼ acre waterfront lots in the eastern end of the County were recorded in the land records in the 1920's. In the 1970's, RC 5 zoning was applied to many such lots. These regulations require 50-foot side yard setbacks and the area of each lot recently increased to 1.5 acres by the Council. Obviously, no use can be made of these lots under these regulations. The impact of after applied zoning is different on these lots than others created in accord with the RC regulations. Again, we regularly find these undersized lots unique and approve variances if the proposed use does not change the character of the neighborhood or pattern of development in the immediate area.

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Date 10-6-05
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However, when someone subdivides property, the new subdivision must meet all County regulations. While they theoretically can apply for a variance, the person subdividing draws the lines of the subdivision. Clearly, any deviation from the regulations is self-imposed and can not meet *Cromwell v Ward*. In the St. Lukes case, the Petitioner took two lots, which met all requirements of the DR 3.5 zone, and created two lots which do not meet those regulations. Clearly, these new deficiencies are self-imposed. Consequently, I must deny the requests.

This problem illustrates that the promise of resubdivision and variances to follow suggested in *Remes* may be somewhat hollow. In Clark's Point, the owner has three 50-foot wide lots. Having found the lots merged, the owner can now apply for resubdivision which will result in two lots that meet the regulations. Should the owner apply for variances to restore the three lots, the new lot lines showing now three lots will not meet the regulations and not pass the *Cromwell* test as self-imposed.

Finally, even if somehow this Commission could find new lots which need variances after resubdivision met *Cromwell*, I do not believe the *Remes* Court would approve achieving the result the owner want by simply going through another bureaucratic step. Let me explain. The owner applies for variances to approve undersized lots. This Commission finds the lots merged and denies the relief. The owner then applies for resubdivision and in that process now applies for exactly the same relief requested in the initial application. If we approved the "new" variance relief, we have simply negated the doctrine of zoning merger by having the owner fill out another form and pay an additional fee. An owner who has three undersized lots would, if the "new" variance request is approved, then have exactly the same three undersized lots. The Court can not intend this result. The same arguments apply to the hope that the Court presents in resubdivision of removing encroachments to fix the problem.

If this analysis is correct, resubdivision will not help these Petitioners. In the St. Lukes case,

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the owner can not accomplish what he wants by resubdivision because the variances this generates are self-imposed as above. In Rossville, resubdivision will not give the owner two separate lots on which to build two homes unless a variance is granted. Again, this variance will be self-imposed and even if granted would result in making the zoning merger doctrine ineffective. In Clark's Point, resubdivision will result in two lots in place of three. I suppose that is better than the present one merged lot, but that is not much solace for the Petitioner who has likely paid top dollar for each waterfront lot. Perhaps I am too pessimistic about the prospects for relief in difficult situations such as Rossville. Perhaps with ingenuity, some relief may be found.

Variance Requests

Clark's Point I must deny the variance request here because I find the lots have merged under the doctrine of zoning merger.

Rossville I must deny the variance request because I find the lots have merged under the doctrine of zoning merger.

St. Lukes I must deny the variance request because I find the variance requests are self-imposed.

North Point I will grant the variance requests, as I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Each lot is 50 ft. wide as laid out in a Land Record subdivision recorded prior to imposition of zoning on the property. As a result, these lots are impacted by the new regulations in a different way from the impact on lots in subdivisions laid out after the DR regulations were imposed. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioner would like to build a new home on the now vacant lot which he can not do if the Petitions are denied.

I further find that no increase in residential density beyond that otherwise allowable by the

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Date 10-9-05
By

Zoning Regulations will result by granting these variances. Each lot exceeds the minimum lot size of 6,000 sq. ft as required by the DR 5.5 regulations.

I further find that the requests fit the pattern of development in the neighborhood and will not adversely impact the neighborhood. The Petitioner presented letters of support from the most affected neighbor.

Lincoln Avenue The Petitioner has withdrawn the request for a variance for a side yard set back for the existing house, which the Petitioner will raze. The new homes on both lots will meet all DR 5.5 setback regulations. The only deficiency is the lot widths of 50 feet in lieu of the 55 feet required.

I will grant the lot width variance requests on each lot as I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Each lot is 50 ft. wide as laid out in a Land Record subdivision laid out prior to imposition of zoning in the property. As a result, these lots are impacted by the new regulations in a different way from the impact on lots in subdivisions laid out after the DR regulations were imposed. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioner would like to build a new home on the now vacant lot which he can not do if the Petitions are denied.

I further find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances. Each lot exceeds the minimum lot size of 6,000 sq. ft required by the DR 5.5 regulations.

I further find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. The Petitioner has demonstrated that his proposal is consistent with the pattern of development in the immediate area and will not change the character of the neighborhood.

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Date 10-9-05
By

Pursuant to the advertisement, posting of the properties, and public hearing on these petitions held, and after considering the testimony and evidence offered by the Petitioners in each case, I find that the Petitioners' variance requests shall be granted or denied as set forth below.

THEREFORE, IT IS ORDERED, this 6 day of October 2005, by this Deputy Zoning Commissioner, that the Petitioners' requests for variance relief as follows:

Case No. 05-547-A: Property located at 3741 Clarks Point Road. The variance relief requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a lot to have a lot width of 50 ft. in lieu of the required 55 ft., be and is hereby DENIED; and

Case No. 05-548-A: Property located at 3743 Clarks Point Road. The variance relief requested from Section 1B02.3.C.1 of the B.C.Z.R., to permit a variance to allow a lot to have a lot width of 50 ft. in lieu of the required 55 ft., be and is hereby DENIED; and

Case No. 05-549-A: Property located at 3745 Clarks Point Road. The variance relief requested from Section 1B02.3.C.1 of the B.C.Z.R., to permit a variance to allow a lot to have a lot width of 50 ft. in lieu of the required 55 ft., be and is hereby DENIED; and

Case No. 05-678-A: Property located on the south side of Rossville Boulevard. The variance relief requested from Section 1B02.3.C.1 of the B.C.Z.R., to permit an existing lot of record (lot 76) in a DR 3.5 zone to have a lot width of 50 ft. in lieu of the 70 ft. required and to have minimum sum of side yard widths of 20 ft. in lieu of the required 25 ft., be and is hereby DENIED; and

Case No. 05-677-A: Property located on the south side of Rossville Boulevard. The variance relief requested from Section 1B02.3.C.1 of the B.C.Z.R., to permit an existing lot of record (lot 75) in a DR 3.5 zone, with a lot width of 50 ft. and a sum of side yard setbacks of 20 ft. in lieu of the minimum required 70 ft. and 25 ft. respectively. be and is hereby DENIED; and

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Date 10-7-05
By

Case No. 05-585-A: Property located at 2225 Lincoln Avenue. The variance relief requested from Section 1B02.3.C.1 of the B.C.Z.R., to permit a lot width of 50 ft. in lieu of the required 55 ft. is hereby GRANTED and from Section 1B02.3.C.1, to permit a side yard setback of 6 ft. +/- in lieu of the required 10 ft. for an existing dwelling, be and is hereby DENIED having been withdrawn by the Petitioner; and

Case No. 05-586-A: Property located at 2221 Lincoln Avenue. The variance relief requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a minimum lot width of 50 ft. in lieu of the required 55 ft. for a proposed single-family dwelling, 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 permits 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 be in compliance with the ZAC comments submitted by the Office of Planning dated June 27, 2005

3. The Petitioners must be in compliance with the ZAC comments submitted by DEPRM dated June 14, 2005,

4. The Petitioners must be in compliance with the ZAC comments submitted by Plans Review dated June 2, 2005,

5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Case No. 06-001-A: Property located at 3116 St. Lukes Lane. The variance relief requested from Sections 1B02.3/C.1 and 1B02.3.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side street setback of 15 ft. in lieu of 30 ft. required and a lot width of 55 ft. in lieu of 70 ft. required, be and is hereby DENIED; and

Case No. 06-053-A: Property located at 7616 North Point Road. The variance relief

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Date 10-6-05
By

requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing dwelling with a lot width of 50 ft. in lieu of the required 55 ft., be and is hereby GRANTED; and

Case No. 06-054-A: Property located at 7618 North Point Road. The variance relief requested from Section 1B02.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a proposed dwelling with a lot width of 50 ft. in lieu of the required 55 ft. is hereby GRANTED; subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:

6. The Petitioners may apply for their building permits 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;

7. The Petitioners must be in compliance with the ZAC comments submitted by the Office of Planning dated august 16, 2005

8. The Petitioners must be in compliance with the ZAC comments submitted by DEPRM dated September 7, 2005,

9. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of any of these decisions must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 10-7-05
By

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

October 6, 2005
~~September 29, 2005~~

TO: **Addressees Listed Below**

Re: Petitions for Variance
Case Nos. 05-547-A, 05-548-A & 05-548-A – Clarks Point Rd.
Case Nos. 05-678-A & 05-677-A - Rossville Blvd.
Case Nos. 05-585-A & 05-586-A - Lincoln Ave.
Case No. 06-001-A - St. Luke's La.
Case Nos. 06-053 & 06-054 - North Point Rd.

Dear Ladies & Gentlemen:

Enclosed please find the decision rendered in the above-captioned cases. The petitions for variance have been granted or denied 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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Stanley J. Collesano, 120 Rivermist, Buffalo, NY 14202
Jennifer Adams, 337 Beach Drive, Annapolis, MD 21403
Mike Alexander, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Ste. 100, Towson, MD 21286
Edward Lister, Jr., Trustee for Emma M. Hardesty, 1158 Canon Way, Westminster, MD 21157
Clyde F. Hinkle, Bafitis & Associates, Inc., 1249 Engleberth Road, Baltimore, MD 21221
Neil Lanzi, Esquire, 409 Washington Ave., Suite 617, Towson, MD 21204
Francis X. Borgerding, Jr., Esquire, 409 Washington Ave., Ste. 600, Towson, MD 21204
Robert D. Leas & Anjani DiBello, 3745 Clarks Point Road, Baltimore, MD 21220
W. Stephen Cook, 125 Teapot Court, Reisterstown, MD 21136
Stanley Graves, 3116 St. Luke's Lane, Baltimore, MD 21207
Richard E. Matz, P.E., Colbert, Matz, Rosenfelt, Inc., 2835 Smith Ave., Suite G, Baltimore, MD 21209
Paul Kennard Hidden, 7616 North Point Road, Baltimore, MD 21219
Douglas Keith Williams, 2806 Kirkleigh Road, Dundalk, MD 21222

Printed on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3116 St. Lukes Lane
which is presently zoned D.R.-3.5

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 of thereof, hereby petition for a Variance from Section(s)

1B02.3.C.1 and 1B02.3.C.1.a, for a side street setback of 15 feet in lieu of 30 feet required, and a lot width of 55 feet in lieu of 70 feet required.

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

Reasons to be presented at hearing.

Property 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:

W. Stephen Cook
Name – Type or Print

W. Stephen Cook
Signature

125 Teapot Court — 443-271-7389
Address. — Telephone No.

Reisterstown — MD 21136
City — State Zip Code

Attorney For Petitioner:

Name – Type or Print

Signature

Company

Address — Telephone No.

City — State Zip Code

Legal Owner(s):

Stanley Graves
Name – Type or Print

Signature

Name – Type or Print

Signature

3116 St. Luke's Lane
Address. — Telephone No.

Baltimore — MD 21207
City — State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC
2835 Smith Avenue, Suite G — 410-653-3838
Address — Telephone No.

Baltimore — MD 21209
City — State Zip Code

Case No. 06-001-A

ORDER RECEIVED FOR FILING
Date 10-6-05
By Debra Wiley

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING_____
UNAVAILABLE FOR HEARING_____
Reviewed By BK Date 6/28/05

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

ZONING DESCRIPTION
3116 ST. LUKE'S LANE

Beginning at a point on the north side of St. Luke's Lane, at a distance of 25 feet west of the centerline of Yataruba Drive, which is 50 feet wide.

Being Lots 13 and 14 in the subdivision plat of Sunrise Cedars, Section No. 1, as recorded in Baltimore County Plat Book 13, page 135, containing 20,842 square feet (0.48 acre). Also known as 3116 St. Luke's Lane and located in the 2nd Election District.

STATE OF MARYLAND
RICHARD EARL MATZ
No. 33203
PROFESSIONAL ENGINEER

6/28/05

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

A-06-001

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

DATE

ACCOUNT

AMOUNT $

RECEIVED FROM:

FOR:

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissipner 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: #06-001-A
3116 St. Lukes Lane
N/side of St. Lukes Lane, 25 feet west of centerline of Yataruba Drive
2nd Election District
4th Councilmanic District
Legal Owner(s): Stanley Graves
Contract Purchaser:
W. Stephen Cook

Variance: to permit a side street setback of 15 feet in lieu of 30 feet required and a lot width of 55 feet in lieu of 70 feet required.

Hearing: Wednesday, August 24, 2005 at 10:00 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) 887-3391.

JT/8/630 Aug. 9 62049

CERTIFICATE OF PUBLICATION

8/10/, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/9/, 2005.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date: August 12, 2005

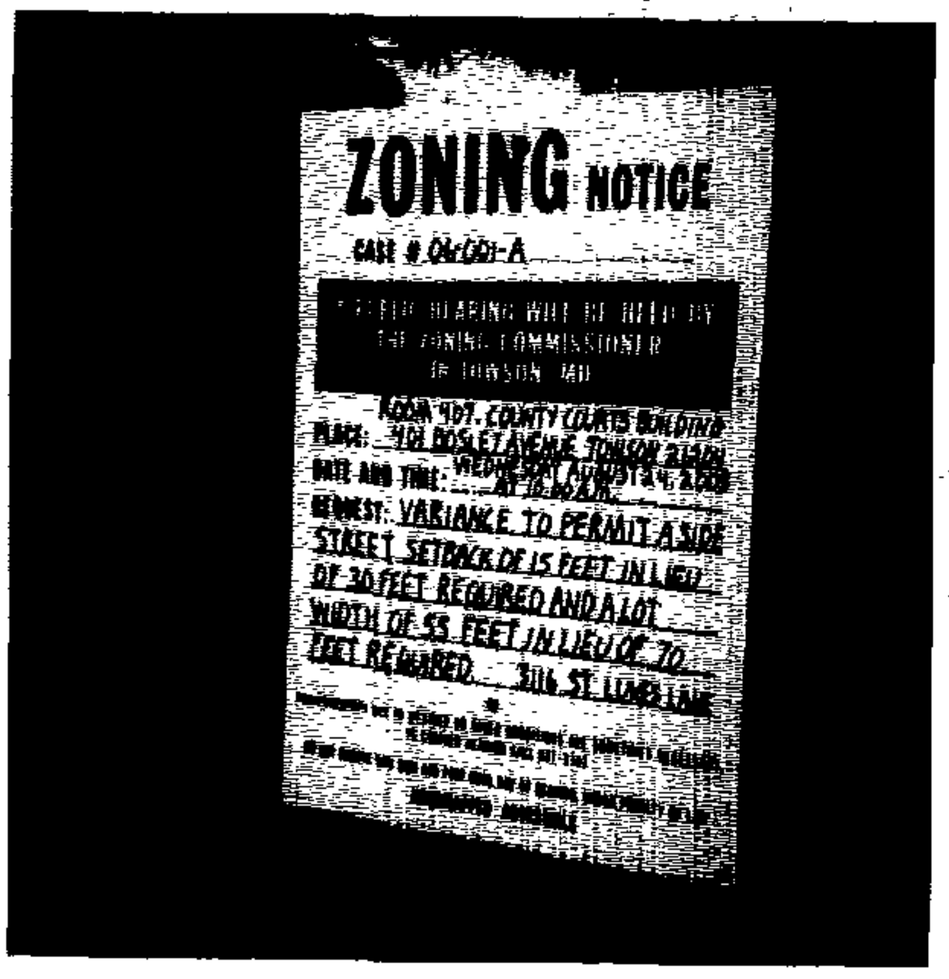
RE: Case Number 06-001-A

Petitioner/Developer: RICHARD MATZ / STANLEY GRAVES / W. STEPHEN COOK

Date of (Hearing)/Closing: August 24, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3116 ST. LUKES LANE

The sign(s) were posted on AUGUST 9, 2005
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 2103
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

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

July 12, 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: 06-001-A
3116 St. Lukes Lane
N/side of St. Lukes Lane, 25 feet west of centerline of Yataruba Drive
2nd Election District – 4th Councilmanic District
Legal Owner: Stanley Graves
Contract Purchaser: W. Stephen Cook

Variance to permit a side street setback of 15 feet in lieu of 30 feet required and a lot width of 55 feet in lieu of 70 feet required.

Hearing: Wednesday, August 24, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Richard Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209
Stanley Graves, 3116 St. Luke's Lane, Baltimore 21207
W. Stephen Cook, 125 Teapot Court, Reisterstown 21136

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 9, 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, August 9, 2005 Issue - Jeffersonian

Please forward billing to:
W. Stephen Cook
125 Teapot Court
Reisterstown, MD 21136

443-271-7389

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: 06-001-A
3116 St. Lukes Lane
N/side of St. Lukes Lane, 25 feet west of centerline of Yataruba Drive
2nd Election District – 4th Councilmanic District
Legal Owner: Stanley Graves
Contract Purchaser: W. Stephen Cook

Variance to permit a side street setback of 15 feet in lieu of 30 feet required and a lot width of 55 feet in lieu of 70 feet required.

Hearing: Wednesday, August 24, 2005 at 10:00 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 Baltimore County Zoning Regulations (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: 06-001-A

Petitioner: Stephen Cook

Address or Location: 3116 St. Luke's Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: W. Stephen Cook

Address: 125 Teapot Court
Reisterstown, Md. 21136

Telephone Number: 443-271-7389

Revised 2/20/98 - SCJ

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

August 15, 2005

Stanley Graves
3116 St. Lukes Lane
Baltimore, Maryland 21207

Dear Mr. Graves:

RE: Case Number: 06-001-A, 3116 St. Lukes Lane

The above referenced petition was accepted for processing by the Bureau of Zoning *Review, Department of Permits and Development Management (PDM) on June 28, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
W. Stephen Cook 125 Teapot Court Reisterstown 21136
Richard E. Matz Colbert, Matz & Rosenfelt 2835 Smith Avenue, Ste. G. Baltimore 21209

Printed on Recycled Paper

Fire Department

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

Baltimore County

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

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

July 14,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 001,003,006,007,008,011,013,014,015,016,017,018,019

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.

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

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O)410-887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: July 25, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 25, 2005
Item Nos. 001, 003, 006, 008, 011, 012, 013, 014, 016, 017, 018, and 019

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-07252005.doc

gm 8/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 21, 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 3116 St. Lukes Lane

RECEIVED

JUL 2 6 2005

ZONING COMMISSIONER

INFORMATION:

Item Number: 6-001

Petitioner: Stanley Graves

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning has reviewed the above referenced property. This item was tabled at the DRC. The application did not show a panhandle configuration. The subject property is in a neighborhood with an established lot pattern. The petitioner's request would generate a panhandle lot and creates an undersized lot. In accordance with the BCZR and BCC panhandle lots are not a matter of right in residential zones. This proposal in effect would create a self-imposed hardship for the applicant.

As such the Office of Planning recommends the requested variance be **DENIED**.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by: Cindis Murray

Division Chief: Lyn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-001.doc

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

SHA
State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 7.15.05

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

RE: Baltimore County
Item No. 001 BPR

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

L. G. Gredlein

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR VARIANCE 3116 St. Lukes Lane; N/side St. Lukes Lane, 25' W c/line Yataruba Drive 2nd Election & 4th Councilmanic Districts Legal Owner(s): Stanley Graves Contract Purchaser (s): W. Stephen Cook Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-01-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 18th day of July, 2005, a copy of the foregoing Entry of Appearance was mailed to, Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
JUL 18 2005
Per.....

Zoning Merger Addresses:

Stanley J. Collesano
120 Rivermist
Buffalo, NY 14202

Jennifer Adams
337 Beach Drive
Annapolis, MD 21403

Mike Alexander
Gerhold, Cross & Etzel, Ltd.
320 E. Towsontown Blvd., Ste. 100
Towson, MD 21286

Edward Lister, Jr., Trustee
for Emma M. Hardesty
1158 Canon Way
Westminster, MD 21157

Clyde F. Hinkle
Bafitis & Associates, Inc.
1249 Engleberth Road
Baltimore, MD 21221

Neil Lanzi, Esquire
409 Washington Ave., Suite 617
Towson, MD 21204

Francis X. Borgerding, Jr., Esquire
409 Washington Ave., Ste. 600
Towson, MD 21204

Robert D. Leas & Anjani DiBello
3745 Clarks Point Road
Baltimore, MD 21220

W. Stephen Cook
125 Teapot Court
Reisterstown, MD 21136

Stanley Graves
3116 St. Luke's Lane
Baltimore, MD 21207

Richard E. Matz, P.E.
Colbert, Matz, Rosenfelt, Inc.
2835 Smith Ave., Suite G
Baltimore, MD 21209

Paul Kennard Hidden
7616 North Point Road
Baltimore, MD 21219

Douglas Keith Williams
2806 Kirkleigh Road
Dundalk, MD 21222

Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
SERVICE REQUESTED

W. STEPHEN COOK
125 TEAPOT COURT
REISTERSTOWN, MD 21136

DOUGLAS KEITH WILLIAMS
2806 KIRKLEIGH ROAD
DUNDALK, MD 21222

PAUL KENNARD HIDDEN
7616 NORTH POINT ROAD
BALTIMORE, MD 21219

STANLEY GRAVES
3116 ST. LUKE'S LANE
BALTIMORE, MD 21207

Towson, Maryland 21204
RVICE REQUESTED

NEIL LANZI, ESQUIRE
409 WASHINGTON AVE., SUITE 617
TOWSON, MD 21204

CLYDE F. HINKLE
BAFITIS & ASSOCIATES, INC.
1249 ENGLEBERTH ROAD
BALTIMORE, MD 21221

EDWARD LISTER, JR., TRUSTEE
FOR EMMA M. HARDESTY
1158 CANON WAY
WESTMINSTER, MD 21157

MIKE ALEXANDER
GERHOLD, CROSS & ETZEL, LTD.
320 E. TOWSONTOWN BLVD., STE. 100
TOWSON, MD 21286

337 BEACH DRIVE
ANNAPOLIS, MD 21403

SERVICE REQUESTED

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVE., STE. 600
TOWSON, MD 21204

RICHARD E. MATZ, P.E.
COLBERT, MATZ, ROSENFELT, INC.
2835 SMITH AVE., SUITE G
BALTIMORE, MD 21209

ROBERT D. LEAS & ANJANI DIBELLO
3745 CLARKS POINT ROAD
BALTIMORE, MD 21220

ERVICE REQUESTED

STANLEY J. COLLESANO
120 RIVERMIST
BUFFALO, NY 14202

Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
SERVICE REQUESTED

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVE., STE. 600
TOWSON, MD 21204

EXHIBIT A – CLARK POINT ROAD

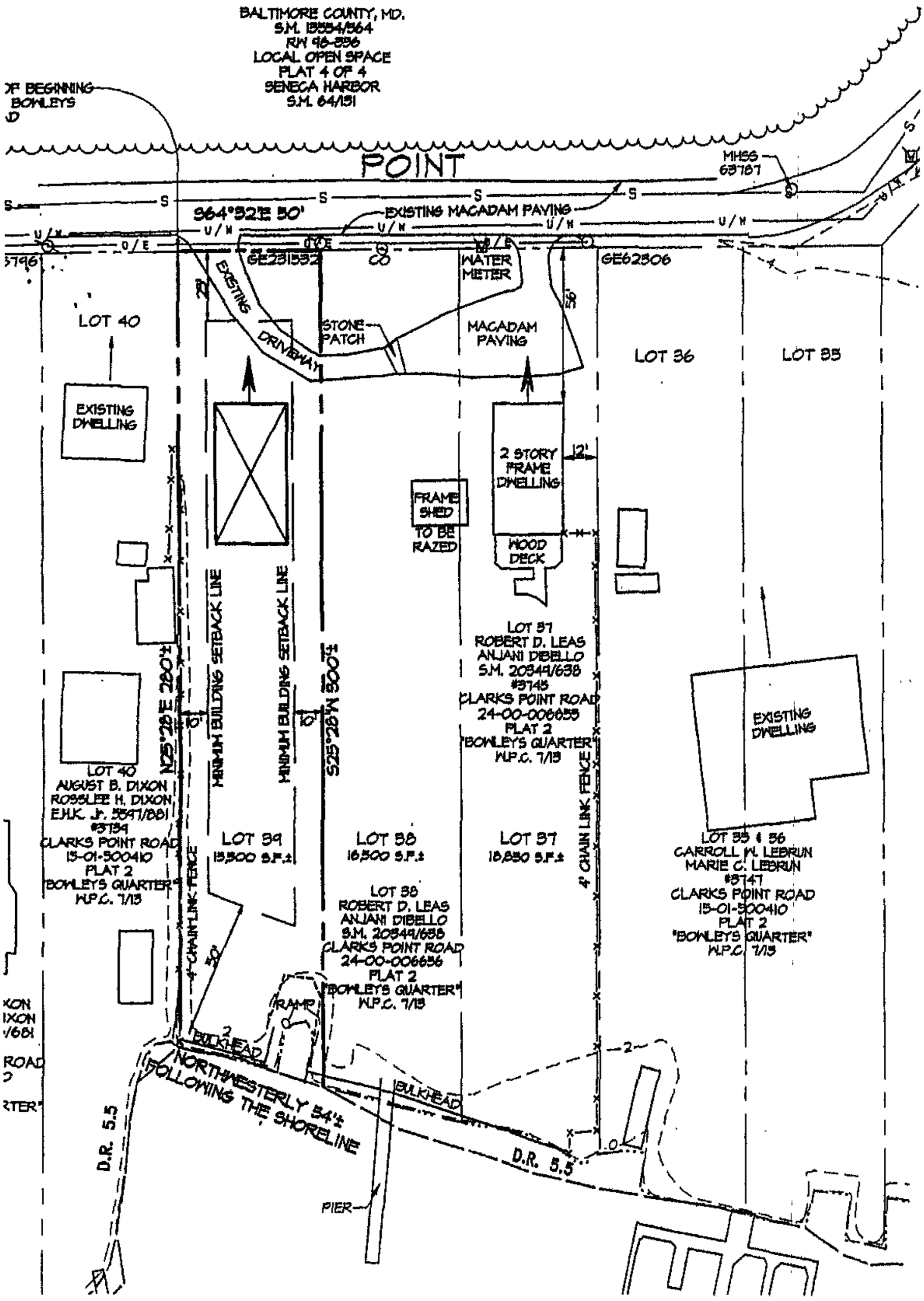


EXHIBIT B – LINCOLN AVENUE

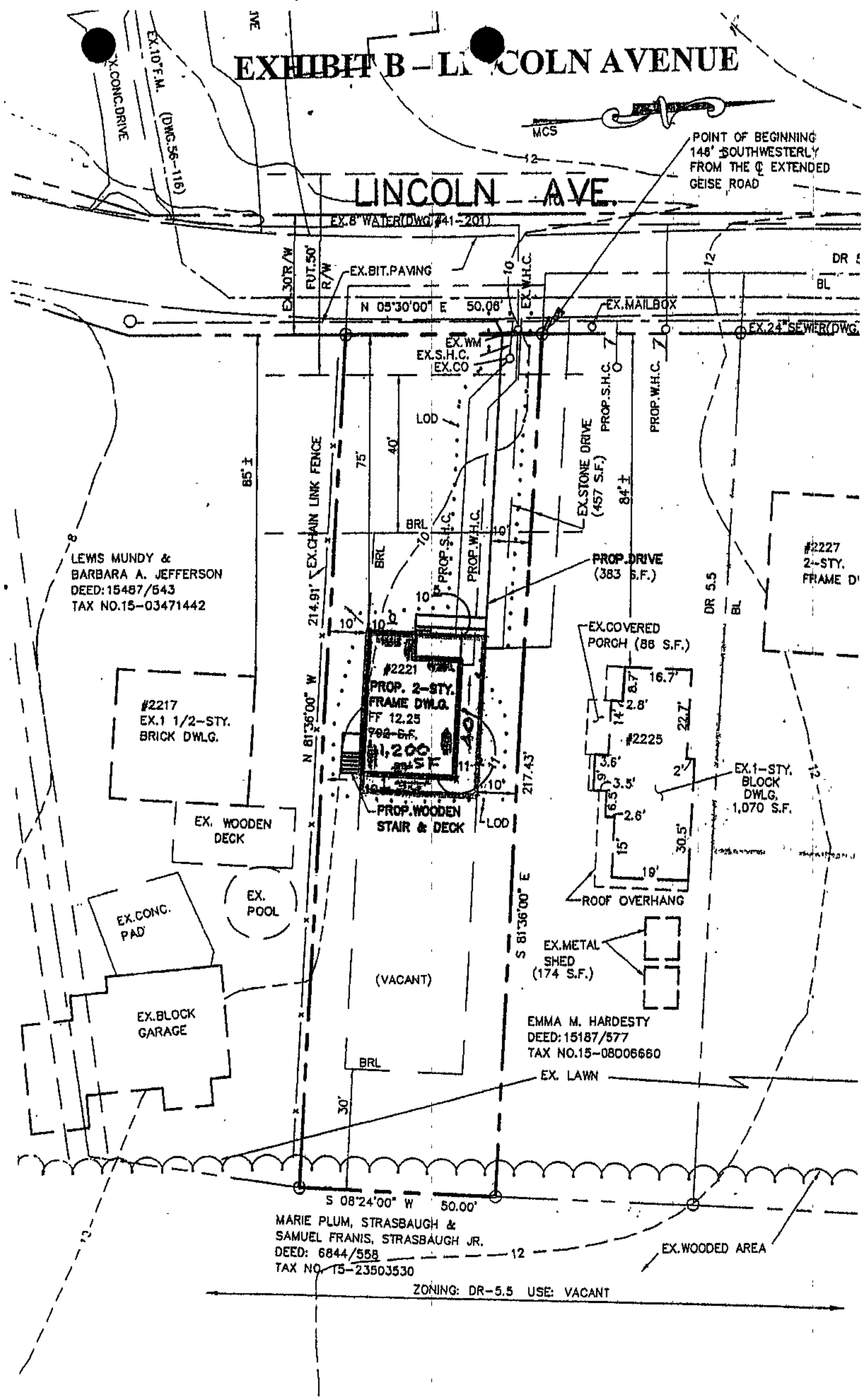


EXHIBIT C - ROSSVILLE BLVD.

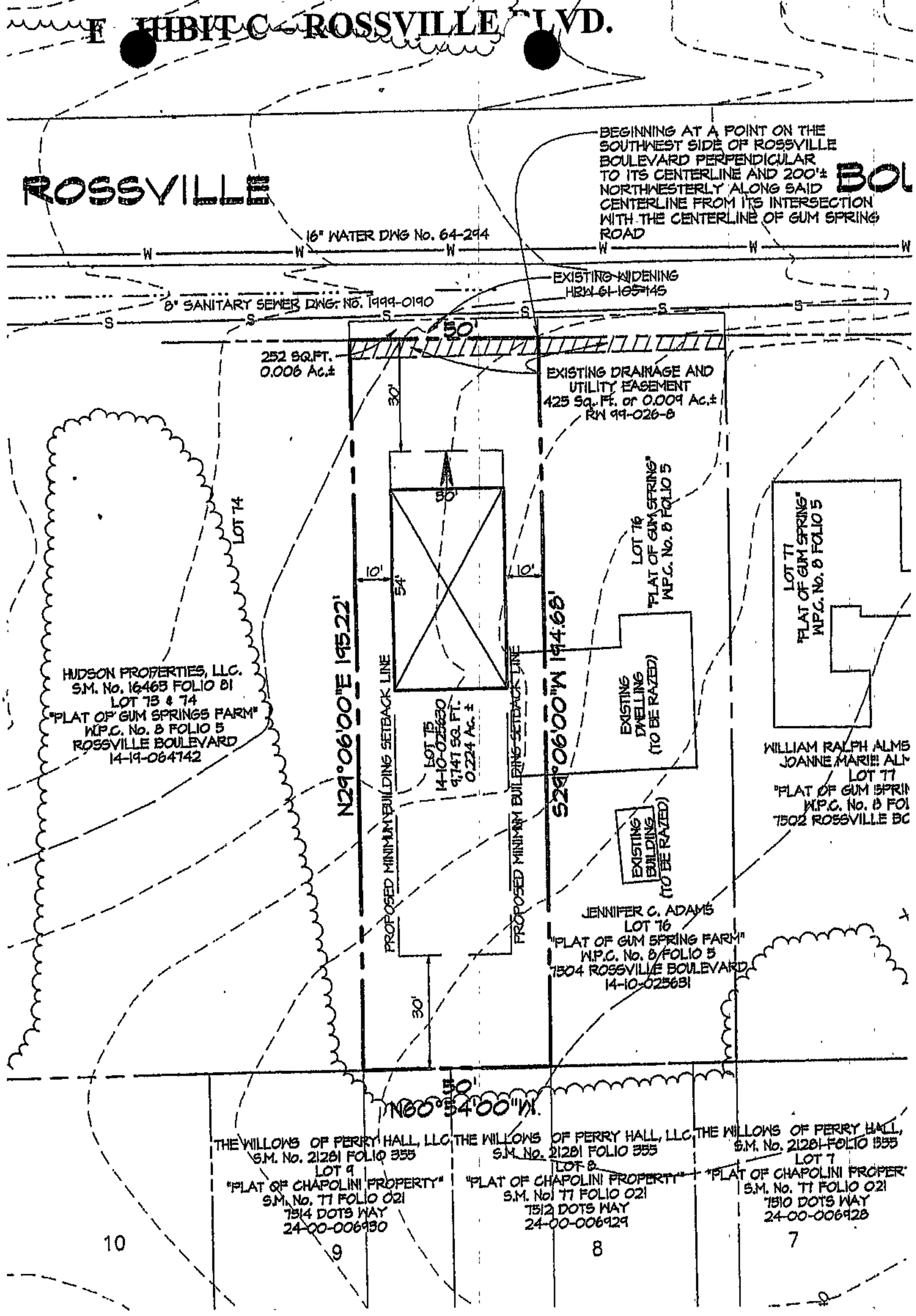


EXHIBIT B – LINCOLN AVENUE

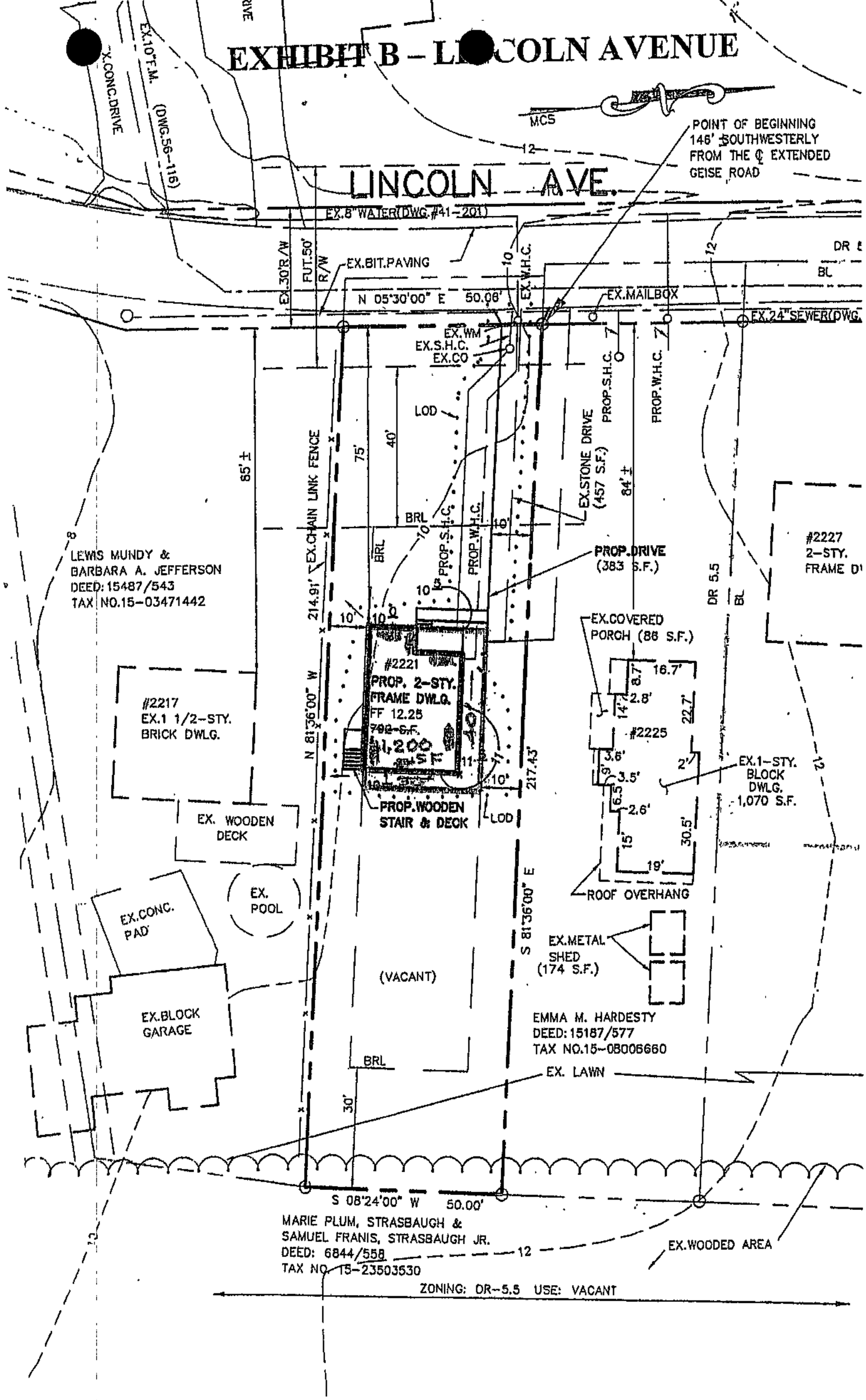
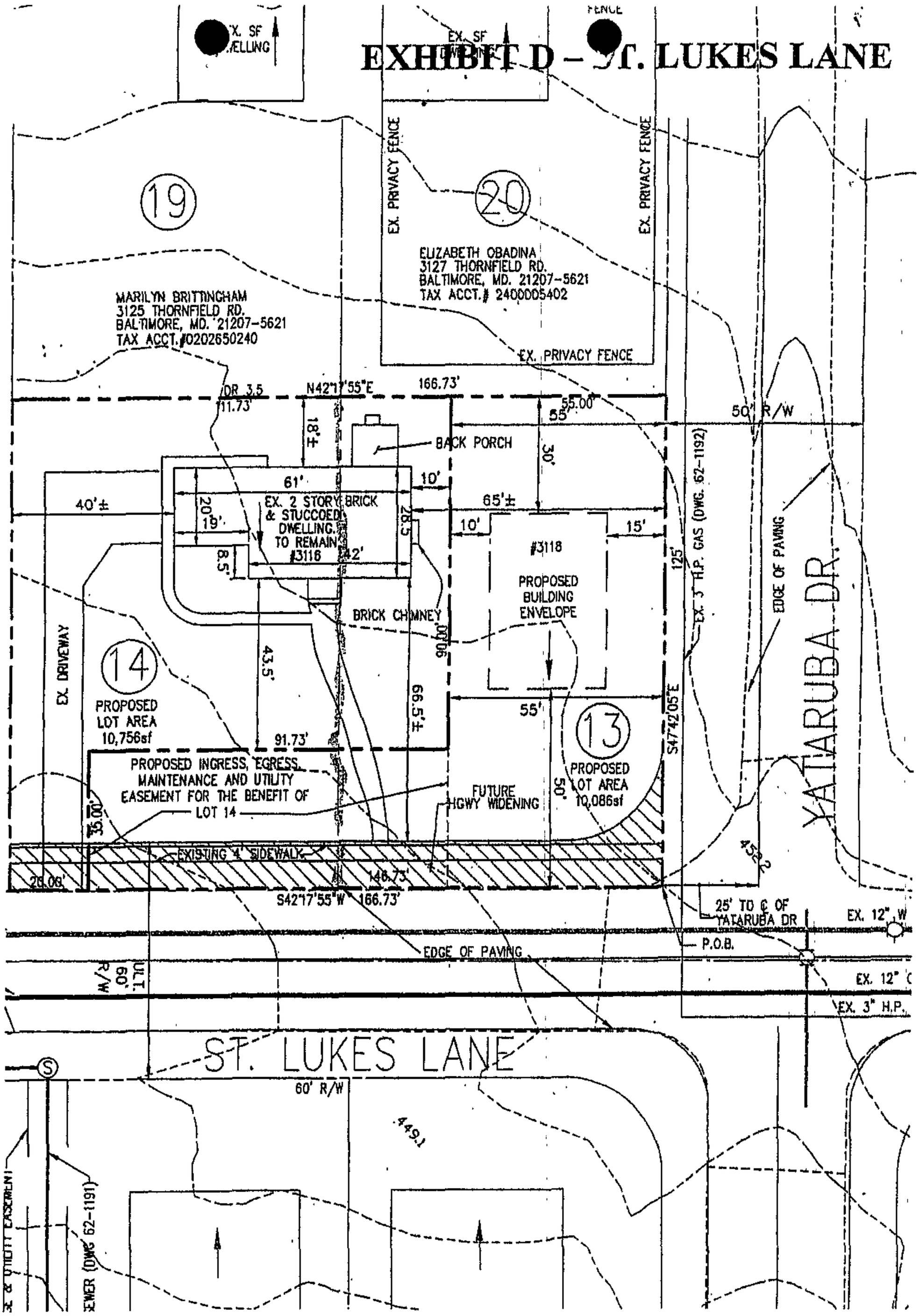


EXHIBIT D – St. LUKES LANE



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 7616 NORTH POINT RD.

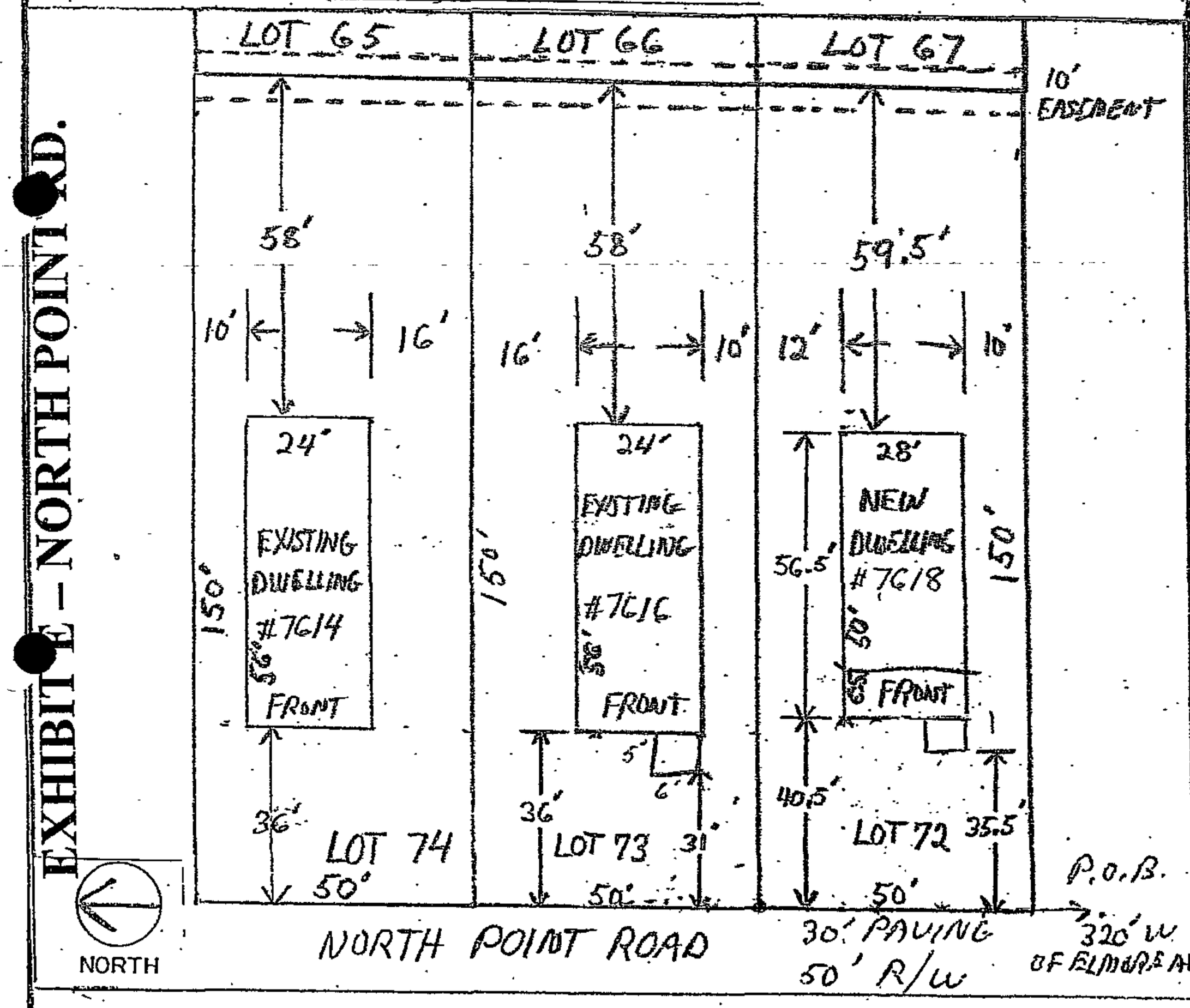
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

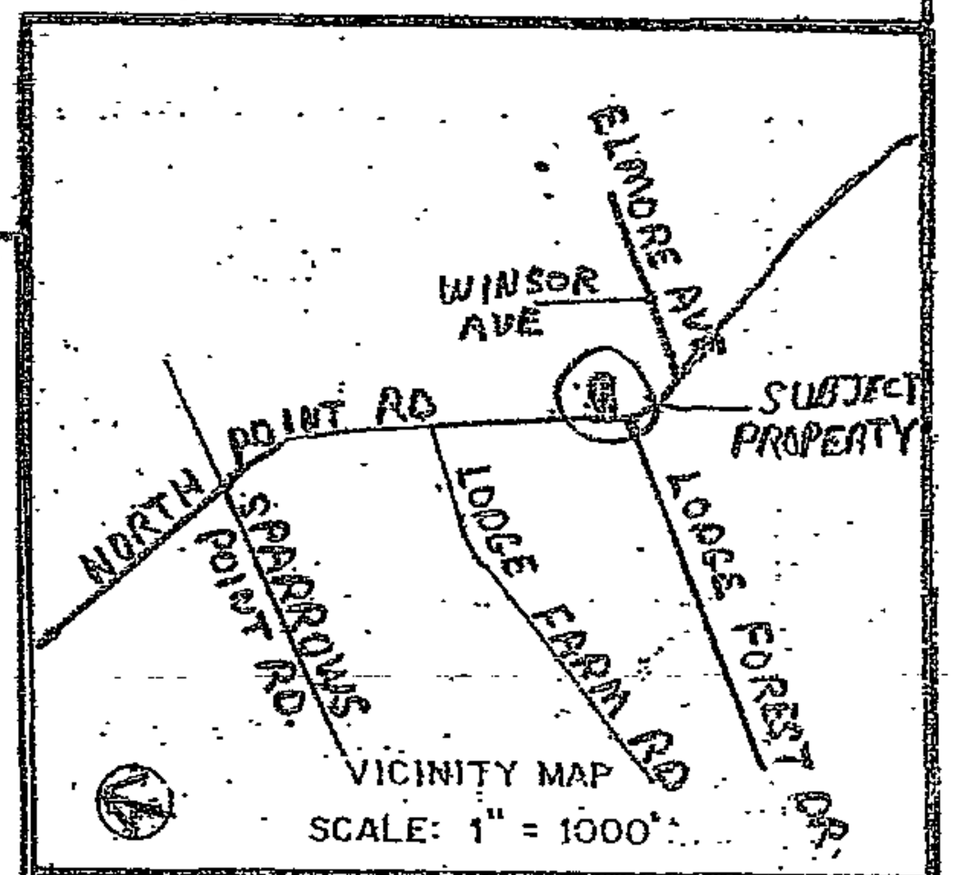
SUBDIVISION NAME TRIPLE UNION

PLAT BOOK # 08 FOLIO # 058 LOT # 73 SECTION #

OWNER PAUL HIDDEN

EXHIBIT E – NORTH POINT RD.





LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1"=200' SCALE MAP # 11C2

ZONING DR 5.5

LOT SIZE ACREAGE / 7500 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

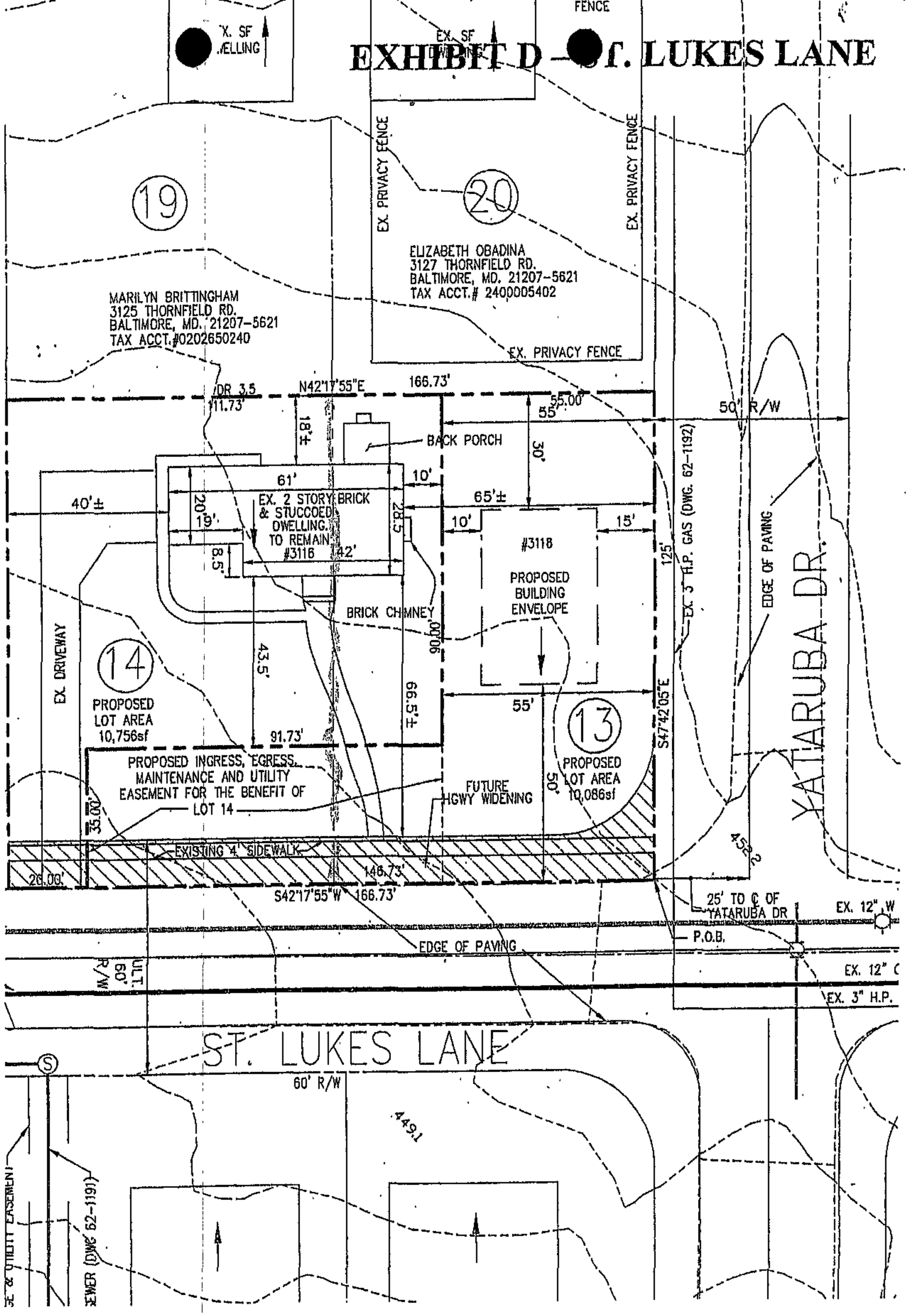
REVIEWED BY	ITEM #	CASE #
JF	053	

PREPARED BY PH

SCALE OF DRAWING: 1" = 30'

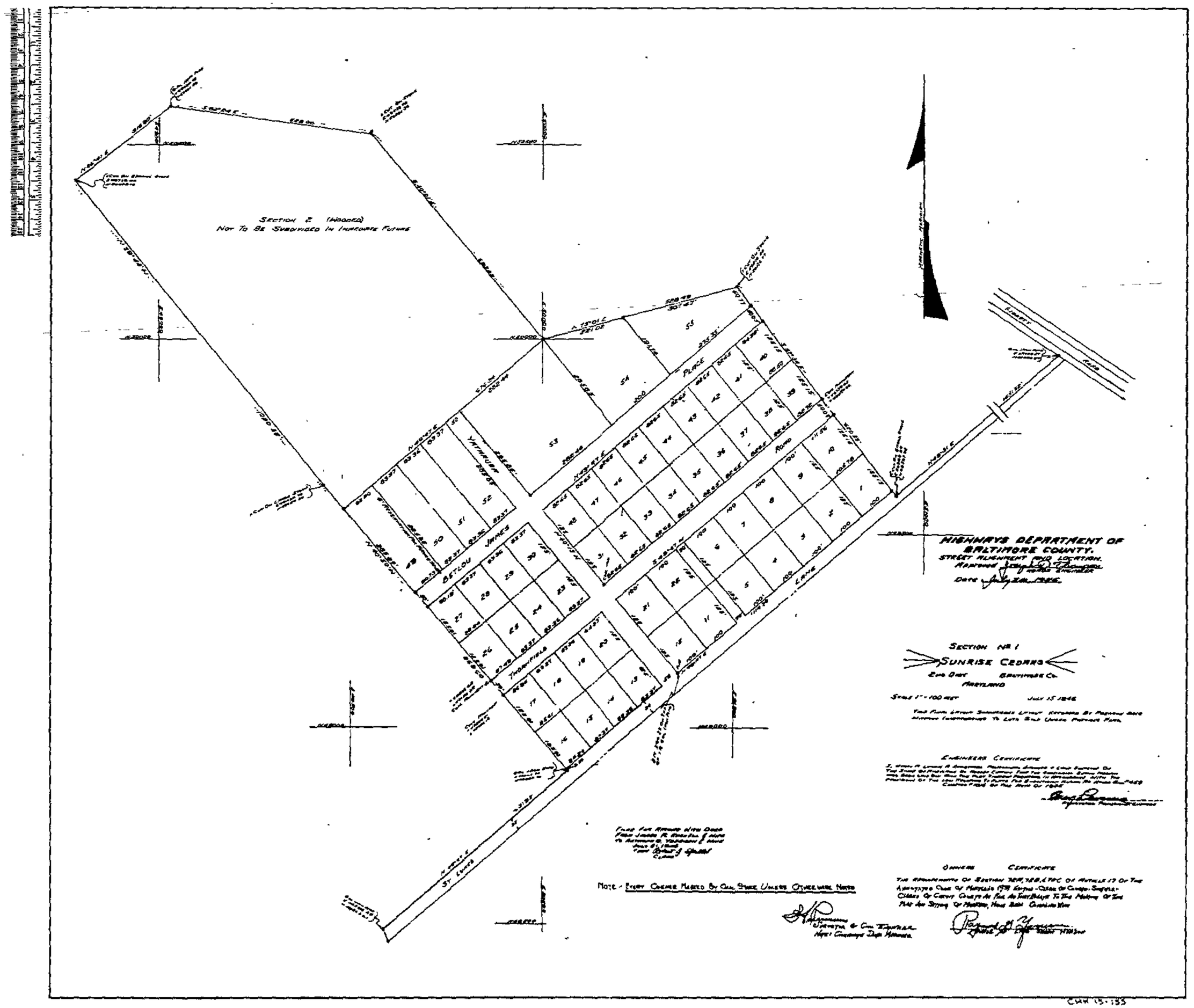
-15-

EXHIBIT D – ST. LUKES LANE



Petition #2

C.H.K.-13-135



Pet #2

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 02 **Account Number** - 0202650241

Owner Information

Owner Name:	GRAVES STANLEY	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	3116 SAINT LUKES LN BALTIMORE MD 21207-5617	**Deed Reference:**	1) /15192/ 295 2)

Location & Structure Information

Premises Address
3116 ST LUKES LA

Legal Description
PT LT 13,14
3116 ST LUKES LA
SUNRISE CEDARS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:
88	8	406			1		13	1	Plat Ref: 13/ 135

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1948	2,027 SF	18,040.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	29,760	34,760		
Improvements:	96,210	104,500		
Total:	125,970	139,260	134,830	139,260
Preferential Land:	0	0	0	0

Transfer Information

Seller:	RENT TO OWN HOMES LLC	**Date:**	05/10/2001	**Price:**	$134,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/15192/ 295	**Deed2:**	
Seller:	STRECKFUS CHARLES W	**Date:**	06/14/2000	**Price:**	$72,000
Type:	NOT ARMS-LENGTH	**Deed1:**	/14526/ 475	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

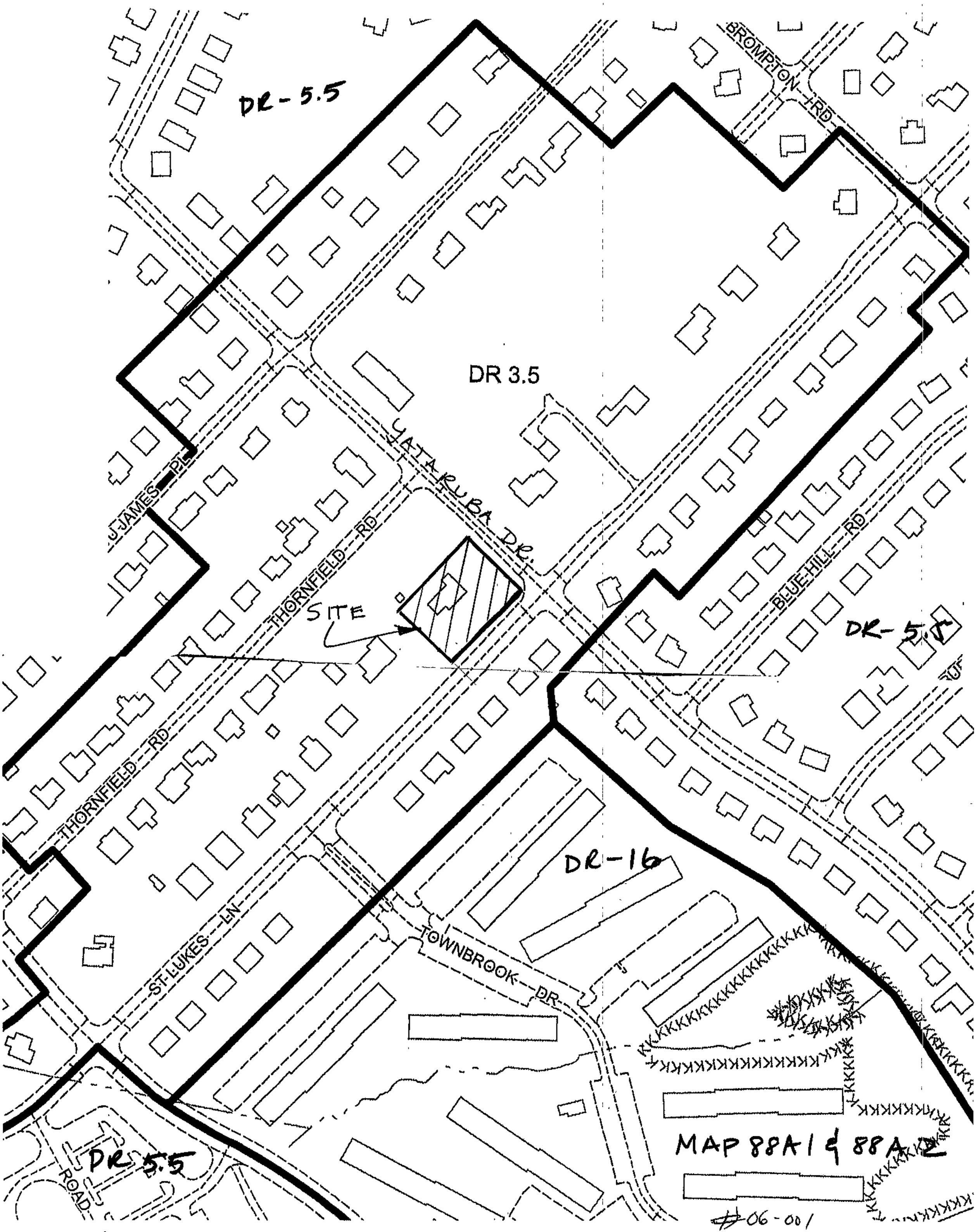
Pet #3

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Lawrence M. Hammond	465 Main St. P.O. Box 569	Reisterstown, MD 21136	HHLAWLLC@aol.com
RICHARD E. MATZ	2835 SMITH AVE, SUITE G.	BALTIMORE, MD. 21209	
Stanley Graves	3116 St. Lukas Lane	Balto. Md 21207	deckbuilders2002@yahoo.com


DR-5.5
BROMPTON RD
DR 3.5
JAMES PL
THORNFIELD RD
SITE
BLUE HILL RD
DR-5.5
THORNFIELD RD
DR-16
ST LUKES LN
TOWNBROOK DR
MAP 88A1 & 88A2
DR 5.5
ROAD
#06-001

06-001-A

- Side view of subject
- 3116 St. Lukes (rear setback)

Target # 1000 5/12/2005
242 27

4F

- New construction on Thornfield behind subject

Target # 1060 5/12/2005
242 22

Sen

Home at 3116 is setback behind neighboring property

Target # 1000 5/12/2005
242 20

4 D

View of subject (far right)
& neighboring homes

Target # 1000 5/12/2005
242 18

4 C

View of subject (far right)
& neighboring homes

Target # 1000 5/12/2005
242 18

4 C

View of 3116 St. Lukes
+ Subject (to right of
home)

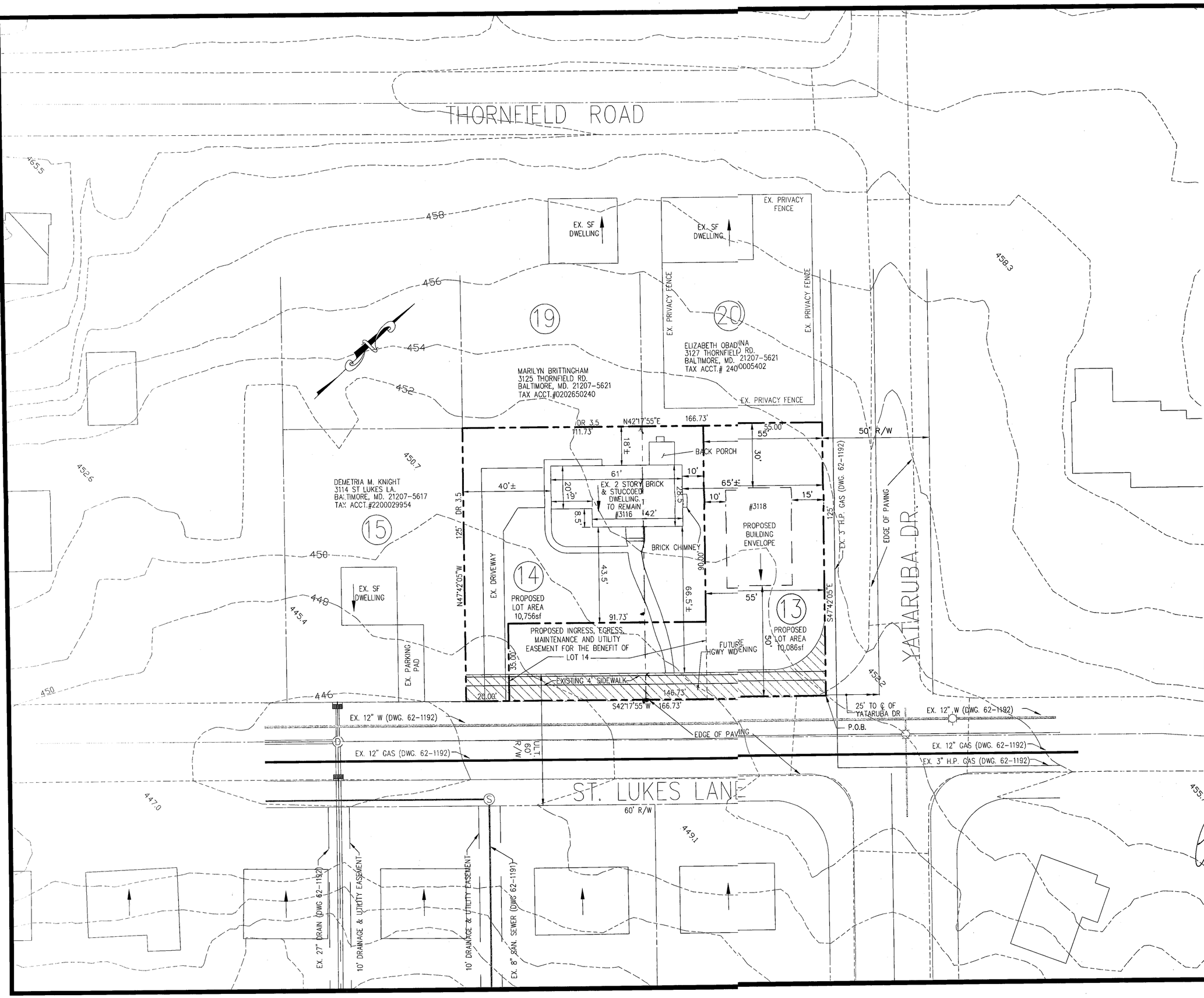
Target # 1000 5/12/2005
242°14

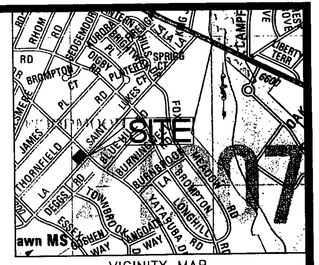
4B

View of 3116 St. Lukes
from front

Target # 1000 5/12/2005
242 16

4 A





VICINITY MAP
SCALE: 1"=1000'

GENERAL NOTES

1. OWNER:
   STANLEY GRAVES
   3116 ST. LUKES LANE
   BALTIMORE, MD. 21207

2. APPLICANT:
   STEVE COOK
   125 TEAPOT COURT
   REISTERSTOWN, MD. 21136

3. SITE DATA:
   TAX ACCT. NO. 0202650241
   PLAT REFERENCE: CHK 13/135
   SITE AREA: LOTS 13 & 14: 20,842 SF
   PROP. LOT 13: 10,086 SF
   PROP. LOT 14: 10,756 SF
   ZONED DR-3.5 ZONING MAPS 88A1 & 88A2

4. THIS SITE IS NOT IN A CHESAPEAKE BAY CRITICAL AREA.

5. THERE ARE NO HISTORIC BUILDINGS ON THIS SITE.

6. THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN.

7. THERE IS NO ZONING HISTORY FOR THIS SITE.

8. THE DRC HAS HEARD A REQUEST FOR A LIMITED EXEMPTION FOR A LOT-LINE ADJUSTMENT UNDER SECTION 32-4-106(a)(i)(viii). DRC #061305F

9. REQUIRED SETBACKS
   FRONT: 50' (MAX FOR AVERAGING)
   STREET SIDE YARD: 30'
   SIDE YARD: 10' MINIMUM
   MINIMUM SUM OF SIDE YARDS: 25'
   MINIMUM REAR YARD: 30'

10. MINIMUM REQUIRED LOT AREA - 10,000 SQ. FT. - PROVIDED
    MINIMUM REQUIRED LOT WIDTH - 70 FT.
    PROP. LOT 14 WIDTH - 111 FT.
    PROP. LOT 13 WIDTH - 55 FT.

11. VARIANCES REQUESTED:
    1. 55' IN LIEU OF 70' LOT WIDTH AT BUILDING SETBACK LINE.
    2. 15' IN LIEU OF 30' SIDE STREET BUILDING SETBACK.

DRC #061305F

PLAN TO ACCOMPANY VARIANCE PETITION

3116 ST. LUKES LANE

2nd. ELECTION DISTRICT 4th. COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.

20 0 10 20 40 80
GRAPHIC SCALE (IN FEET)
1 inch = 20 ft.

STATE OF MARYLAND REGISTERED PROFESSIONAL ENGINEER No. 12203 6/28/05

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY

SCALE: 1"= 20'
DATE: 6/28/05
JOB NO.: 2005075
DESIGNED:
DRAWN: ERS
CHECKED:
FILE:
DRAWING NUMBER: VAR-1
SHEET 1 OF 1

N:\d2\project\2005\2005075\Project Directories\CMR\Concept-Prelim\BASE PLAN.dwg 6/28/2005 10:44 PM EDT

06-001-A