IN RE: **PETITIONS FOR VARIANCE**	*	BEFORE THE
SW/S Beaumont Avenue, 380/330' S of the c/l		
Hubner Avenue	*	ZONING COMMISSIONER
(221 & 223 Beaumont Avenue)		
1st Election District	*	OF BALTIMORE COUNTY
1st Council District		
	*	**Cases Nos. 06-065-A & 06-057-A**
Martha Brassard		
Petitioner	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by Martha Brassard, owner of the subject two adjacent properties known as 221 and 223 Beamont Avenue. Since the properties are owned by the same person and are located adjacent to one another, the two cases were heard contemporaneously. In Case No. 05-057-A, the Petitioner requests a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the minimum required 55 feet for a proposed single-family dwelling to be known as 223 Beaumont Avenue. In Case No. 05-065-A, the Petitioner requests similar relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit an existing dwelling (221 Beaumont Avenue) on a 50-foot wide lot in lieu of the minimum required lot width of 55 feet. The subject properties and requested relief are more particularly described on the site plan submitted in each case, which was accepted into evidence and respectively marked as Petitioner's Exhibits 1.

Appearing at the requisite public hearing in support of the request was Martha Brassard, property owner. Appearing as interested citizens/Protestants were Eric Hines and his wife, Jeanni Barget, adjacent property owners, and Judy Skolnick, Fran Sterner, Ora Renehan, Charles Knutson and Linda Kelly, all nearby residents of the area. It is also to be noted that a Petition signed by numerous residents of the area in opposition to the request was received from the Protestants and marked into evidence as Protestants' Exhibit 3.

Testimony and evidence offered revealed that the subject adjacent parcels are located on the southwest side of Beaumont Avenue, between Maxwelton Drive and Hubner Avenue in the Oak Crest community of Catonsville. The properties are identified as Lots 53 and 54 of the subdivision known as Shatz Brothers, which was recorded in the Land Records of Baltimore County in 1929. As is often the case with older subdivisions, these lots were laid out and platted prior to the first set of zoning regulations in Baltimore County (1945) and do not meet current width requirements. In this regard, each of the subject lots contains a gross area of 7,400 sq.ft., more or less zoned D.R.5.5, and is 50' wide by 148' deep. As shown on the site plan marked as Petitioner's Exhibit(s) 1, Lot 53 is improved with a 1½ story, single-family dwelling, known as 221 Beaumont Avenue, and a garage. The adjacent lot (Lot 54) (223 Beaumont Avenue) is presently unimproved and has been used over the years as a side yard for the dwelling lot and an area for the neighborhood children to play. The Petitioner purchased both lots in February 2004 and is desirous of developing the unimproved lot with a single-family dwelling. Testimony indicated that the dwelling lot is currently leased to a tenant; however, upon completion of the new home, that lot will be sold. Ms. Brassard testified that she grew up in the neighborhood and that she is building the new home for her ailing parents. However, in the event her parents do not move to the property, she will reside in the new dwelling. In no event will the new dwelling be leased.

The Petitioner filed the instant Petitions seeking recognition that these are two separate building lots so as to allow development of the unimproved lot as proposed. As to Lot 53, variance relief is necessary to approve the subject property as an undersized lot (width) and to legitimize the existing dwelling known as 223 Beaumont Avenue. As to Lot 54, variance relief is requested to approve a lot width of 50 feet in lieu of the required 55 feet and to approve the subject property as an undersized lot for a proposed single-family dwelling. In this regard, the Petitioner originally proposed to construct a two-story dwelling, 30' x 36' in dimension. However, in response to comments received from the Office of Planning, the site plan was amended and the width of the proposed dwelling reduced to allow for a wider driveway. As shown on the amended plan, the

Petitioner now proposes a 1½-story dwelling, 27' x 36' in dimension. It is to be noted that the proposed dwelling will meet all front, side and rear setback requirements.

The residents who appeared and signed the Petition in opposition to the request contend that a grant of the variance would negatively affect the neighborhood and the value of the homes therein. In addition, they are strongly opposed to leasing homes as rental units, and expressed concerns regarding an already deficient parking situation in the Oak Crest community. They indicated that many of the homes were built long ago, prior to the arrival of the automobile and lacked provisions for off-street parking. In addition, the issue of zoning merger was raised. In this regard, the Protestants submitted a copy of the Maryland Department of Assessments and Taxation Real Property Report, marked as Protestant's Exhibit 2, which denotes that the two lots are not assessed separately, but rather assessed as one. While this may be evidence of a "zoning merger," perhaps by a previous owner, I do not find that this alone shows evidence of the prior or current owner's intent to merge the lots. The Petitioner submitted as an exhibit a copy of her deed, which provided separate legal descriptions for Lots 53 and 54.

The issue of "zoning merger" was addressed by the Court of Appeals in its decision in the case of Remes v. Montgomery Co., 387, Md. 52 (2005). Briefly, the Court restricted property rights, sending shock waves through the real estate development community when it announced the Doctrine of Zoning Merger to deny building on undersized lots of record. 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 sub-standard parcels of contiguous parcels have been, at any relevant time, in the same ownership and at the time of that ownership, the combined parcel was not sub-standard. 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."

In this case, however, the adjacent lots have not been merged from a zoning standpoint. There has never been an accessory structure on Lot 54 or intent to treat the common lot line between the lots as if it did not exist. Moreover, the unimproved parcel (Lot 54) was never used in service or accessory to the dwelling lot (Lot 53).

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). The impact of after-applied zoning on existing undersized lots is different from the impact on other lots in the neighborhood that were created in accordance with zoning regulations. I will grant the variance requested as I find special circumstances or conditions exist that are peculiar to the land which is the subject of the variance. Each lot is 50 feet wide as laid out in the Land Record subdivision created prior to the 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 D.R. regulations were imposed. I further find that strict compliance with the zoning regulations would result in a practical difficulty or unreasonable hardship. The Petitioner would like to build a new home on the now vacant lot which she cannot do if the Petitions are denied.

I further find that no increase in residential density beyond that otherwise allowed by the zoning regulations will result by granting these variance. Each lot exceeds the minimum lot size of 6,000 sq.ft. required by the D.R.5.5 regulations. As indicated above, I find that the request fits the pattern of development in the neighborhood and will mot adversely impact the surrounding locale and meets the spirit and intent of Section 307 for relief to be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of October 2005 that the Petition for Variance filed in Case No. 06-057-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the minimum required 55 feet for a proposed dwelling to be known as

223 Beaumont Avenue, in accordance with amended Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 06-065-A, seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a lot width of 50 feet in lieu of the minimum required 55 feet for the existing dwelling known as 221 Beaumont Avenue on Lot 53, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings to be submitted for review and approval by the Office of Planning, as set forth in their amended comments dated September 21, 2005, a copy of which is attached hereto and made a part hereof.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 10/21/05
By BJS

8/10/06

IN THE MATTER OF THE APPLICATION OF MARTHA BRASSARD LEGAL OWNER/PETITIONER FOR VARIANCE RELIEF ON THE PROPERTIES LOCATED AT 221 BEAUMONT AVENUE AND 223 BEAUMONT AVENUE	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	*	CASE NO.: 06-057-A AND CASE NO.: 06-065-A

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

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of appeals filed by People's Counsel for Baltimore County, under the date of November 18, 2005, from the decisions of the Zoning Commissioner's Orders, dated October 26, 2005.

WHEREAS, the Board is in receipt of a Notice of Voluntary Dismissal Without Prejudice of Petitions for Variance which was filed on August 10, 2006, by Dino C. La Fiandra, Esquire, on behalf of Martha Brassard, Petitioner, in the above-captioned matter (a copy of which is attached hereto and made a part hereof); and

WHEREAS, Counsel for the Petitioner has requested in their Petition that the Petition for Variances in case no. 06-057-A and 06-065-A be voluntarily dismissed, without prejudice, pursuant to Rule 3(b)(2) of the Board of Appeals;

IT IS ORDERED this 10th day of August, 2006, by the County Board of Appeals of Baltimore County that the Petitions for Variances, in case no. 06-057-A and 06-065-A, be and are hereby ***WITHDRAWN*** and ***DISMISSED***, without prejudice, rendering any and all relief granted by the Zoning Commissioner in these matters to be null and void.

COUNTY BOARD OF APPEALS

Dr. Margaret Brassil

Edward W. Crizer, Jr.

Robert W. Witt

8/10/06

IN RE: PETITIONS FOR VARIANCE SW/S Beaumont Avenue, 380/330' S of c/l Hubner Avenue (221 & 223 Beaumont Avenue 1st Election District 1st Council District Martha Brassard Petitioner	*	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case Nos. 06-065-A & 06-057-A

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

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF PETITIONS FOR VARIANCE

Petitioner, Martha Brassard, by and through Dino C. La Fiandra and Whiteford, Taylor & Preston, LLP, hereby voluntarily dismisses the above-referenced Petitions for Variance.

Pursuant to Rule 3(b)(2) of Board of Appeals, said voluntary dismissal is without prejudice.

Respectfully submitted,

Dated: August 10, 2006

Dino C. La Fiandra, Esq.
Whiteford, Taylor & Preston, LLP
400 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 832-2000
Attorney for Martha Brassard

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of August, 2006, a copy of the foregoing Notice of Voluntary Dismissal was mailed to:

Office of the People's Counsel of Baltimore County
508 Fairmont Avenue
Towson, Maryland 21286

Dino C. La Fiandra

1691473

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 223 Rossmont Ave.

which is presently zoned DR-5.5

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

1B02.3.C.1 to permit a proposed single family dwelling with a minimum lot width of 50 ft. in lieu of the minimum required 55 ft.

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

Practical difficulty (see attached)

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

MARTHA BRASSARD
Name - Type or Print

Martha Brassard
Signature

Name - Type or Print

Signature

724 WHITE OAKS Ave 443-538-6820
Address Telephone No.

Balto. MD 21228
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Representative to be Contacted:

See Above
Name

Address Telephone No.

City State Zip Code

ORDER RECEIVED FOR FILING
Date 11/2/05
By B

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 06-057-A

Reviewed By BM **Date** 8/1/05

REV 9/15/98

223 Beaumont, Catonsville, Maryland 21228

A. The first step requires the petitioner to prove, to the satisfaction of the hearing officer, that the property whereon structures are to be placed (or uses conducted) is unique, unusual, and different from the surrounding properties such that the uniqueness causes the zoning provision to impact more on the subject property than on the surrounding properties.

What is unique, unusual, and different about 223 Beaumont from the surrounding properties is that this is the only lot in this subdivision which was not built upon prior to the zoning change requiring lots to be 55 feet wide.

B. The second step of the test requires that the petitioner must demonstrate that strict compliance with the BCZR would result in either practical difficulty or unreasonable hardship. The Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, stated:

2. To provide practical difficulty for an area variance, the following criteria must be met:

i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.

i) The property was platted as a viable, buildable lot at the same time the rest of this subdivision was platted and recorded with Baltimore County. Conformance with current zoning would result in rendering the lot unbuildable, which is its permitted purpose.

ii) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.

ii) Denying a building permit on this vacant lot would establish a precedent rendering all other lots in the area unbuildable in the event there should ever be a need to re-build on a property owner's lot. There is no lesser relaxation which could be applied for to achieve relief. This would be a substantial injustice to the applicant and all other property owners in this neighborhood.

iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

iii) Allowing the 50 foot width would not alter side, front, or rear set back requirements. This would result in a 30 foot wide house, consistent with the other homes in this neighborhood. The spirit of the ordinance will be observed and public safety and welfare secured.

223 Beaumont, Catonsville, Maryland 21228 (continued)

C. No increase in residential density beyond that allowed by the BCZR shall be permitted.

No increase in residential density beyond that allowed by the BCZR will result from this variance being granted.

D. The relief requested must be in strict harmony with the spirit and intent of height, area, parking, or sign regulations.

The relief will be in strict harmony with the spirit and intent of height, area, parking, and sign regulations.

E. And only in such manner as to grant relief without substantial injury to public health, safety, and general welfare.

Granting relief will result in NO injury to public health, safety, and welfare.

#057

ZONING DESCRIPTION

Zoning Description For 223 Beaumont Avenue

Beginning at a point on the Southwest side of Beaumont Avenue, which is 40 feet wide at a distance of 330 feet southeast of the centerline of the nearest improved intersecting street Hubner Avenue which is 40 feet wide. Being Lot #54 in the subdivision known as Shatz Brothers as recorded in Baltimore County Plat Book #8, Folio# 39, containing 7,400 square feet. Also known as 223 Beaumont Avenue and located in the 1st Election District, 1st Councilmanic District.

#057

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: #06-057-A
223 Beaumont Avenue
S/west side of Beaumont Avenue, 330 feet s/east of centerline of Hubner Avenue
1st Election District
1st Councilmanic District
Legal Owner(s): Martha Brassard
Variance: to permit a proposed single family dwelling with a minimum lot width of 50 feet in lieu of the minimum required 55 feet.
Hearing: Monday, September 26, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
9/132 Sept. 8 66095

CERTIFICATE OF PUBLICATION

9/8, 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~~ week$, the first publication appearing on 9/8, 2005.

- ☑ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 448653

DATE 8/1/05 ACCOUNT R001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: Martha Brassard

FOR: Zoning Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER Item # 057

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
[illegible]/2005 8/01/2005 09:58:31 5
[illegible]
RECEIPT # [illegible] [illegible]/2005 [illegible]
Dept 5 528 ZONING VERIFICATION
CR NO. 448653
Recpt Tot $65.00
[illegible] $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-057-A

Petitioner/Developer:
MARTHA BRASSARD

Date Of Hearing/Closing: 9/24/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 223 BEAUMONT AVENUE

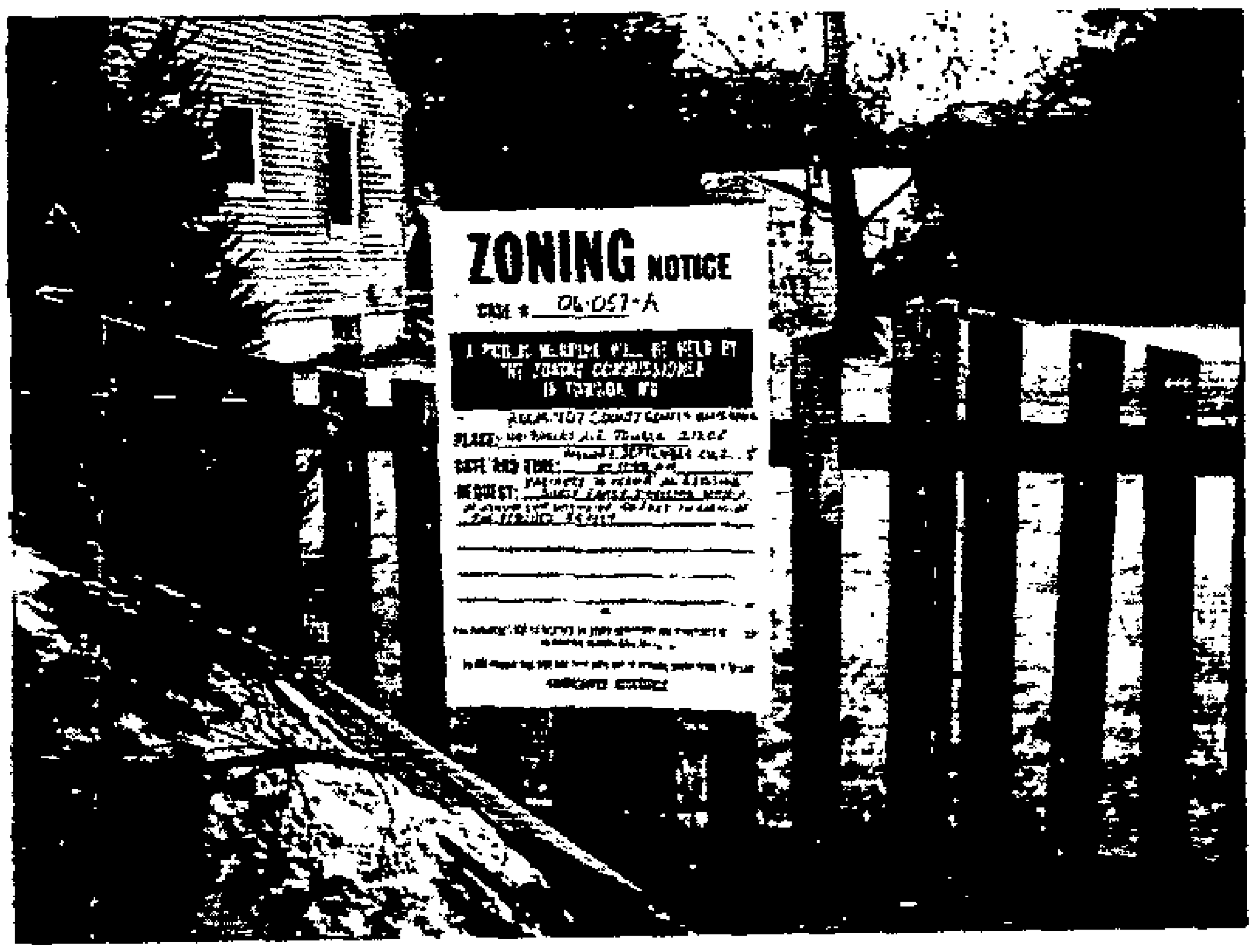
This sign(s) were posted on September 10, 2005.
(Month, Day, Year)

Sincerely,

Martin Ogle 9/10/05
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

im000409 (576x432x24b jpeg)



Martin Ogle September 10, 2005

APPEAL SIGN POSTING REQUEST

CASE NO. 06-057-A

223
~~221~~ BEAUMONT AVENUE

1ST ELECTION DISTRICT APPEALED: 11/18/05

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

APPEAL SIGN POSTING REQUEST

CASE NO. 06-057-A

223
~~221~~ BEAUMONT AVENUE

1ST ELECTION DISTRICT APPEALED: 11/18/05

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

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 06-057-A

LEGAL OWNER: MARTHA BRASSARD

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

223
~~221~~ BEAUMONT AVENUE MAP 41 B1

The sign was posted on 1/27, 2006.

By: Jeff Radcliffe
(Signature of Sign Poster)

Jeff Radcliffe
(Print Name)

Department of Permits a 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

August 9, 2005

CORRECTED 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: 06-057-A
223 Beaumont Avenue
S/west side of Beaumont Avenue, 330 feet s/east of centerline of Hubner Avenue
1st Election District – 1st Councilmanic District
Legal Owner: Martha Brassard

Variance to permit a proposed single family dwelling with a minimum lot width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Monday, September 26, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Martha Brassard, 724 White Oaks Avenue, Baltimore 21228

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 10, 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
Thursday, September 8, 2005 Issue - Jeffersonian

Please forward billing to:
Martha Brassard 443-538-6820
724 White Oaks Avenue
Baltimore, MD 21228

CORRECTED 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: 06-057-A
223 Beaumont Avenue
S/west side of Beaumont Avenue, 330 feet s/east of centerline of Hubner Avenue
1st Election District – 1st Councilmanic District
Legal Owner: Martha Brassard

Variance to permit a proposed single family dwelling with a minimum lot width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Monday, September 26, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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

August 3, 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: 06-057-A
223 Beaumont Avenue
S/west side of Beaumont Avenue, 330 feet s/east of centerline of Hubner Avenue
1st Election District – 1st Councilmanic District
Legal Owner: Martha Brassard

Variance to permit a proposed single family dwelling with a minimum lot width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Friday, September 16, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Martha Brassard, 724 White Oaks Avenue, Baltimore 21228

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 1, 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
Thursday, September 1, 2005 Issue - Jeffersonian

Please forward billing to:
Martha Brassard 443-538-6820
724 White Oaks Avenue
Baltimore, MD 21228

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: 06-057-A
223 Beaumont Avenue
S/west side of Beaumont Avenue, 330 feet s/east of centerline of Hubner Avenue
1st Election District – 1st Councilmanic District
Legal Owner: Martha Brassard

Variance to permit a proposed single family dwelling with a minimum lot width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Friday, September 16, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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: 06-057-A

Petitioner: MARTHA BRASSARD

Address or Location: 223 Beaumont Ave Balto., MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARTHA BRASSARD

Address: 724 WHITE OAKS Ave.
Balto., MD 21228

Telephone Number: 443-538-6820

Revised 2/20/98 - SCJ

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

March 1, 2006

NOTICE OF ASSIGNMENT

CASE #: 06-065-A — **IN THE MATTER OF: MARTHA BRASSARD – Legal Owner**
221 Beaumont Avenue 1st E; 1st C

and

CASE #: 06-057-A — **IN THE MATTER OF: MARTHA BRASSARD – Legal Owner**
223 Beaumont Avenue 1st E; 1st C

10/26/2005– Z.C.'s Decision in which requested variance relief for 221 Beaumont Avenue and 223 Beaumont Avenue was GRANTED with restrictions.

ASSIGNED FOR: **TUESDAY, MAY 9, 2006 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Legal Owner /Petitioner : Martha Brassard

Mr. and Mrs. Eric Hines
Judy Skolnik
Fran Sterner
Ora Renehan
Charles Knutson
Linda Kelley

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

May 3, 2006

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 06-065-A **IN THE MATTER OF: MARTHA BRASSARD – Legal Owner**
221 Beaumont Avenue 1st E; 1st C

and

CASE #: 06-057-A **IN THE MATTER OF: MARTHA BRASSARD – Legal Owner**
223 Beaumont Avenue 1st E; 1st C

10/26/2005– Z.C.'s Decision in which requested variance relief for 221 Beaumont Avenue and 223 Beaumont Avenue was GRANTED with restrictions.

which was scheduled to be heard on 5/09/06 has been POSTPONED at the request of Counsel for Petitioner, without objection by Deputy People's Counsel; and has been

REASSIGNED FOR: **THURSDAY, AUGUST 24, 2006 at 10:00 a.m.**

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

***IMPORTANT:* No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Appellant : Office of People's Counsel

Counsel for Legal Owner /Petitioner : Dino C. La Fiandra, Esquire
Legal Owner /Petitioner : Martha Brassard

Mr. and Mrs. Eric Hines
Judy Skolnik
Fran Sterner
Ora Renehan
Charles Knutson
Linda Kelley

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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

September 19, 2005

Martha Brassard
724 White Oaks Avenue
Baltimore, Maryland 21228

Dear Ms. Brassard:

RE: Case Number: 06-057-A, 223 Beaumont Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 1, 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

[redacted] [redacted]

RECEIVED

SEP 21 2005

ZONING COMMISSIONER

BLO 9/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 21, 2005

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

SUBJECT: 223 Beaumont Avenue

INFORMATION:

Item Number: 6-057 *(see case 6-065)* ***(revised comments)***

Petitioner: Martha Brassard

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request subject to the following conditions:

1. The petitioner's lot is an undersized lot and therefore the approval of a dwelling on this lot is subject to the requirements of Section 304 of the BCZR (Use of Undersized Single-Family Lots). An application for approval of an undersized lot should be submitted prior to the issuance of any building permits for the subject lot.
2. The petitioner should be advised that a 2-story dwelling might not be appropriate in relation to existing dwellings in the neighborhood. The petitioner's plat shows 3 existing dwellings. None of those dwellings have 2 stories. Dwellings 219, 225 Beaumont Ave. are 1-story dwellings while 221 Beaumont is a 1½-story dwelling. When an undersized lot application is submitted, building elevation drawings that show the architectural design of the proposed dwelling should be submitted.
3. The words "proposed 2 story frame" should be omitted from the site plan accompanying the subject variance.

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

W:\DEVREV\ZAC\6-057revised.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 6, 2005

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

SUBJECT: 223 Beaumont Avenue

INFORMATION:

Item Number: 6-057 *(see case 6-065)*

Petitioner: Martha Brassard

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning has reviewed the petitioner's request and recommends **denial** for the following reasons:

1. The petitioner's lot is an undersized lot and therefore the approval of a dwelling on this lot is subject to the requirements of Section 304 of the BCZR (Use of Undersized Single-Family Lots).
2. The petitioner should submit an application for approval of an undersized lot.
3. The petitioner should also be advised that a 2-story dwelling might not be appropriate in relation to existing dwellings in the neighborhood. The petitioner's plat shows 3 existing dwellings. None of those dwellings have 2 stories. Dwellings 219, 225 Beaumont Ave. are 1-story dwellings while 221 Beaumont is a 1½-story dwelling. When an undersized lot application is submitted, the petitioner should include building elevation drawings that show the architectural design of the proposed dwelling.
4. Show parking and driveway locations for existing and proposed dwellings.

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

W:\DEVREV\ZAC\6-057.doc

Prepared by: Curtis Mussey

Division Chief: Lynne Larkin

AFK/LL: CM

W:\DEVREV\ZAC\6-057.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley

DATE: September 2, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 8, 2005

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

06-048
06-050
06-051
06-056
06-057
06-059
06-064
06-065
06-066

Reviewers: Sue Farinetti, Dave Lykens, Glenn Shaffer, Bruce Seeley

S:\Devcoord\ZAC-8-8-05NC.doc

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

SHA
Driven to Excel
State Highway Administration
Maryland Department of Transportation

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

Date: 8.2.53

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

RE: Baltimore County
Item No. 057 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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 10, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2005
Item Nos. 046, 047, 048, 052, 053, 054, 055, 056, 057, 058, 064, 065, and 066

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-08102005.doc

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

August 3, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: August 8, 2005

Item No.: 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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 Don W. Muddiman
Fire Marshal's Office
410-887-48810
MS-1102F

cc: File

INTER-OFFICE CORRESPONDENCE

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

FROM: S.G. Samuel Moxley
Councilman, First District

SUBJECT: 221 & 223 Beaumont Avenue, Zoning Case 06-065-A and 06-057-A

DATE: 11/4/2005

I recently received a copy of decision by the Zoning Commissioner granting variances of lot widths in the Oakcrest community of the First District.

I am very concerned by the rulings considering the strong opposition from the community and what little evidence of support offered by the applicant. In fact, it seems the zoning commissioner argued and decided the case.

I would appreciate your thoughts on this case. Additionally, I have copied the Director of Planning to get his feedback. Perhaps, there is something that needs to be addressed legislatively to avoid similar decisions.

SGM:bes

cc. Arnold "Pat" Keller
Peter "Max" Zimmerman
Tom Quirk

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

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

DATE: November 22, 2005

TO: The Honorable S. G. Samuel Moxley

FROM: Timothy M Kotroco, Director
Permits & Development Management

SUBJECT: 221 & 223 Beaumont Avenue, Zoning Case 06-065-A and 06-057-A

Thank you for your memo dated 11/4/05 and kindly accept this memo in response to your inquiry. I have pulled these files and reviewed both decisions of the Zoning Commissioner. As you know, I occupied the position of Deputy Zoning Commissioner for 12 years and had approved many variances similar to these during my tenure. I would not want to pass judgment on the decision of the Zoning Commissioner given that I was not present at the hearing and was not able to assess the evidence presented or the veracity of the witnesses who testified. I will point out that the recommendation of the Office of Planning was to "not oppose" the granting of these variances. This was a revised comment, as their original recommendation was to deny the request. Obviously, the Petitioner must have altered their application which allowed the Planning Office to change their position. I trust that any citizen aggrieved by this decision will avail themselves of their opportunity to file an appeal.

I am available to your office should you wish to discuss this matter in more detail.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 24, 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

Ms. Martha Brassard
724 White Oaks Avenue
Baltimore, Maryland 21228

RE: PETITIONS FOR VARIANCE
SE/S Beaumont Avenue, 380/330' S of the c/l Hubner Avenue
(221 & 223 Beaumont Avenue)
1st Election District – 1st Council District
Martha Brassard – Petitioner
Cases Nos. 06-065-A and 06-057-A

Dear Ms. Brassard:

~~Enclosed please find a copy of the decision rendered in the above-captioned matter.~~ The Petitions for Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pjs

cc: Mr. & Mrs. Eric Hines
225 Beaumont Avenue, Catonsville, Md. 21228
Ms. Judy Skolnik, 222 Beaumont Avenue, Catonsville, Md. 21228
Ms. Fran Sterner, 242 Glenmore Avenue, Catonsville, Md. 21228
Ms. Ora Renehan, 306 Glenmore Avenue, Catonsville, Md. 21228
Mr. Charles Knutson, 404 N. Beechwood Avenue, Catonsville, Md. 21228
Ms. Linda Kelley, 1009 Cloverlea Road, Towson, Md. 21204
Office of Planning; People's Counsel; Case File

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 18, 2005

RECEIVED
NOV 18 2005
Per

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

Hand-delivered

Re: PETITION FOR VARIANCE
SW/S Beaumont Avenue, 380'/330' S of the c/l of Hubner Avenue
(221 & 223 Beaumont Avenue)
1st Election & 1st Councilmanic Districts
Martha Brassard- Petitioners
Case No.: 06-065-A & 06-057-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated October 26, 2005 by the Baltimore County Zoning Commissioner in the above-entitled case

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

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Ms. Martha Brassard

Department of Permits and Development Management

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

Baltimore County

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

December 27, 2005

Ms. Martha Brassard
724 White Oaks Avenue
Baltimore, Maryland 21228

Dear Ms. Brassard:

RE: Case No.: 06-057-A, 223 Beaumont Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on November18, 2005 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco
Director

TK:raj

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Office of Planning
Mr. & Mrs. Eric Hines, 225 Beaumont Avenue, Catonsville, MD 21228
Ms. Judy Skolnik, 222 Beaumont Avenue, Catonsville, MD 21228
Ms. Fran Sterner, 242 Glenmore Avenue, Catonsville, MD 21228
Ms. Ora Renehan, 306 Glenmore Avenue, Catonsville, MD 21228
Mr. Charles Knutson, 404 N. Beechwood Avenue, Catonsville, MD 21228
Ms. Linda Kelley, 1009 Cloverlea Road, Towson, MD 21204

APPEAL

Petition for Variance
223 Beaumont Avenue
SW/S Beaumont Avenue, 380'/330' S of the c/l of Hubner Avenue
1st Election District, 1st Councilmanic District
Martha Brassard - Petitioner

Case No.: 06-057-A

✓ Petition for Special Hearing (August 1, 2005)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (August 3, 2005)

✓ Request from Petitioner via fax to reschedule hearing (August 9, 2005)

✓ Corrected Notice of Zoning Hearing (August 9, 2005)

✓ Certification of Publication (September 8, 2005)

✓ Certificate of Posting (September 10, 2005) by Martin Ogle

✓ Entry of Appearance by People's Counsel (August 5, 2005)

✓ Petitioner(s) Sign-In Sheet

✓ Protestant(s) Sign-In Sheet
None in File

✓ Citizen(s) Sign-In Sheet

✓ Zoning Advisory Committee Comments

Petitioners' Exhibits:
1. Site Plan to Accompany
2. Amended Site Plan
3. Deed
4. Zoning Map

only 3 exhibits - see 2C sheet

Protestants' Exhibits:
1. *Prior Order – Case No. 04-424-SPHA*
2. Single Tax Bill – Both Lots MDA&T
3. Neighboring Opposition w/ Petition
4. Eric Hines & Wife Jeanni – Notes of Testimony

Miscellaneous (Not Marked as Exhibits)
1. Memo to Timothy M. Kotroco, Director PDM from Councilman Moxley dated 11/4/05
2. Memo to Councilman Moxley from Tim Kotroco, Director PDM Dated 11/22/05

✓ Zoning Commissioner's Order (10/26/05 - Granted)

✓ *Notice of Appeal received on November 18, 2005 from Office of People's Counsel*

c: People's Counsel of Baltimore County, MS #2010
William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
Office of Planning
Mr. & Mrs. Eric Hines, 225 Beaumont Avenue, Catonsville, MD 21228
Ms. Judy Skolnik, 222 Beaumont Avenue, Catonsville, MD 21228
Ms. Fran Sterner, 242 Glenmore Avenue, Catonsville, MD 21228
Ms. Ora Renehan, 306 Glenmore Avenue, Catonsville, MD 21228
Mr. Charles Knutson, 404 N. Beechwood Avenue, Catonsville, MD 21228
Ms. Linda Kelley, 1009 Cloverlea Road, Towson, MD 21204

date sent December 21, 2005, raj

Case No. 06-065-A

In the Matter of: Martha Brassard – Legal Owner /Petitioner
221 Beaumont Avenue

VAR – To permit existing dwelling (221 Beaumont Avenue) on a 50-foot wide lot ilo min rq'd lot width of 55 feet.

and

Case No. 06-057-A

In the Matter of: Martha Brassard – Legal Owner /Petitioner
223 Beaumont Avenue

VAR – To permit a lot width of 50' ilo minimum rquired 55' for a proposed SFD to be known as 223 Beaumont Avenue

10/26/2005 – Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

3/01/06 - Notice of Assignment sent to following; assigned for hearing on Tuesday, May 9, 2006 at 10:00 a.m.:

Office of People's Counsel
Martha Brassard
Mr. and Mrs. Eric Hines
Judy Skolnik
Fran Sterner
Ora Renehan
Charles Knutson
Linda Kelley
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

5/01/06 – T/C from Dino C. La Fiandra, Esquire – will be addressing letter to the Board requestingn postponement of subject matter scheduled for 5/09/06; he is representing the Petitioner in this matter, and has spoken with Ms. Demilio regarding the need for this request. He also indicated that Ms Demilio has no objection to a postponement in this matter. Confirmed with R. Wheatley this date.

5/02/06 – Letter requesting postponement filed by Dino C. La Fiandra, Esquire, on behalf of Petitioner (follow up to 5/01/06 telephone call).

5/03/06 – Notice of PP and Reassignment sent to parties; reassigned for hearing to Thursday, August 24, 2006 at 10:00 a.m.

RE:	PETITION FOR VARIANCE 223 Beaumont Avenue; SW/side Beaumont Avenue, 330' SE c/line Hubner Avenue 1st Election & 1st Councilmanic Districts Legal Owner(s): Martha Brassard Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-057-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 5th day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to, Martha Brassard, 724 White Oaks Avenue, Baltimore, MD 21228, Petitioner(s).

RECEIVED
AUG 05 2005
Per

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

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

DINO C. LA FIANDRA
DIRECT NUMBER
410 832-2084
DLafiandra@wtplaw.com

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
DIRECT FAX 410 339-4031
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

May 2, 2006

VIA HAND DELIVERY
Ms. Kathleen Bianco, Administrator
Baltimore County Board of Appeals
401 Washington Avenue, Room 49
Towson, Maryland 21204

Re: Martha Brassard
221 & 223 Beaumont Avenue
Case Nos. 06-065-A and 06-057-A

Dear Ms. Bianco:

Please be advised that I am asking for a postponement of the case scheduled for Tuesday, May 9, 2006 at 10:00 a.m. and reschedule it when you can. I have spoken with Carole Demilio and she has agreed to the postponement.

Should you have any questions, please do not hesitate to contact me. Thank you for your customary courtesy.

Sincerely,

Dino La Fiandra

Dino C. La Fiandra

DCL:lsp

cc: Carole S. Demilio, Esq.
Ms. Martha Brassard

360232

PLEASE PRINT CLEARLY

CASE NAME 06-057 A
CASE NUMBER 06-065A
DATE _____

PETITIONER'S SIGN-IN SHEET

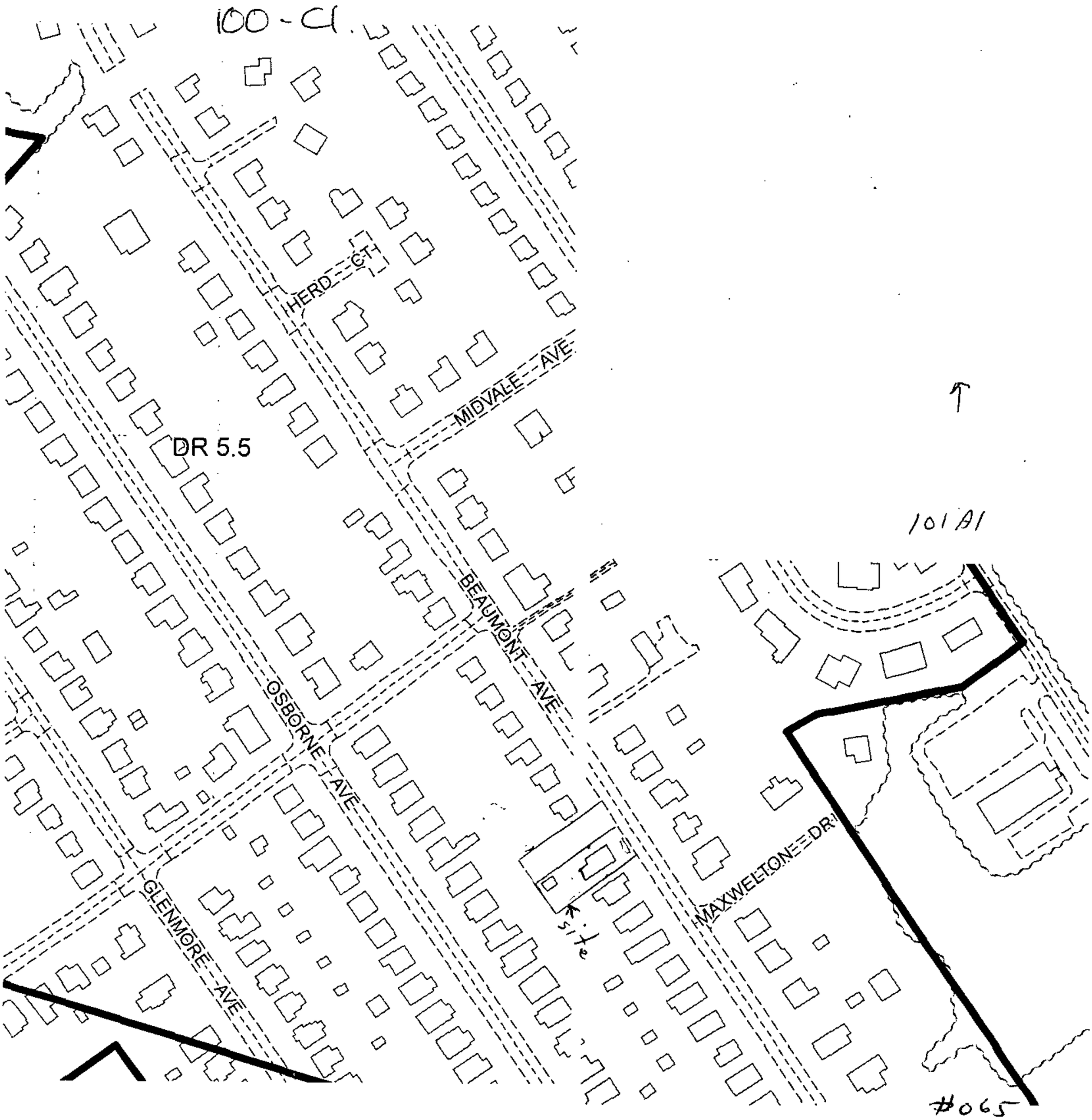
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
MARTHA BLASSARD	724 WHITE OAKS Ave.	Balto, MD 21228	MARTIGN@Comcast.net

PLEASE PRINT CLEARLY

CASE NAME 06-057A
CASE NUMBER 06-065A
DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
⊛ Eric Hines + Jeanni Barget (wife)	225 Beaumont Ave	Catonsville, MD 21228	therno@hotmail.com
[illegible]dy Skolnik	222 Beaumont Ave	Catonsville MD 21228	jskolni@verizon.net
[illegible]an Sterner	242 Glenmore Ave	Catonsville MD 21228	
[illegible]ORA BENEHAN	306 GLENMORE AVE	CATONSVILLE MD 21229	
Charles Knutson	404 N Beechwood Ave	Catonsville MD 21228	
Linda Kelley	1009 Cloverlea Rd.	Towson MD 21204	


100-C
HERD CT
MIDVALE AVE
DR 5.5
BEAUMONT AVE
OSBORNE AVE
GLENMORE AVE
site
101 A1
MAXWELTON DR
#065

Case No.: 06-057 A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Amended Site Plan	Prior decision 04-424 SPA
No. 2 *	Deed	SINGLE TAX BILL - BOTH LOTS MDA; T
No. 3	ZONING MAP	Neighborhood Opposition
No. 4		ERIC HINDS & JEANNI Burgess NOTES OF TESTIMONY
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

* TO BE Provided

Book 19763 Page 455

Petitioners Exhibit 2

RECORD AND RETURN TO:
Home Title Company, Inc.
2 Hopkins Plaza, Suite 1110
Baltimore, Maryland 21201
File No. 04-4123-CS
Tax Account No. 01-03-670750
dms

0019763 455 1/2

DEED

THIS DEED, Made this 25th day of February 2004, in the year two thousand four, by and between JOHN A. DENTON, Grantor, Party of the First Part; and MARTHA BRASSARD, Grantee, Party of the Second Part.

The Grantor, for the sum of TWO HUNDRED SIXTY NINE THOUSAND NINE HUNDRED DOLLARS AND 00/100THS ($269,900.00) which is the actual consideration paid or to be paid, the receipt of which is hereby acknowledged, does hereby grant and convey unto the said Party of the Second Part, as sole owner, her personal representatives and assigns forever, in fee simple, all that lot or parcel of ground situated and lying in Baltimore County, Maryland and particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

BEING the same property which by Deed dated April 11, 1990 and recorded among the Land Records of Baltimore County in Liber 8479, folio 449 was granted and conveyed unto the Grantor herein. SHARON DENTON DIED MARCH 20, 2000.

Together with all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto.

To Have and to Hold the property hereby conveyed unto the Grantee, as sole owner, her personal representatives and assigns, forever, in fee simple.

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

REVIEWED SDAT
BY 3/18/04 DATE

0019763 456

EXHIBIT "A" - Legal Description

BEGINNING for the first parcel of land on the southwest side of Beaumont Avenue at the distance of 665 feet northwesterly from the northwest corner of Beaumont and Edmondson Avenues and running thence northwesterly along said side of Beaumont Avenue 50 feet to the southeast corner of Lot No. 54 on the Plat herein referred to; thence southwesterly at right angles to said Avenue and along the southeast side of Lot No. 54, 148 feet to the northeast corner of Lot No. 32; and thence southeasterly parallel to the first line in this description and along said Lot No. 32, 50 feet to the northwest corner of Lot No. 52 and thence along the northwest side of Lot No. 52 at right angles to the last mentioned line and parallel to the second line in this description, 148 feet to the place of beginning.

BEGINNING for the second parcel of land on the southwest side of Beaumont Avenue at the distance of 715 feet northwest of Edmondson Avenue fronting northwesterly on the southwest side of Beaumont Avenue 50 feet by depth of even width southwesterly at right angles to Beaumont Avenue, 148 feet.

BEING KNOWN AND DESIGNATED as Lots Nos. 53 and 54 as shown on a Plat entitled "*Schatz Brothers*", which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 8, folio 39.

The improvements thereon being known as No. 221 Beaumont Avenue (also known as N. Beaumont Avenue).

0019763 457

Witness the hand and seal of the Grantor herein.

WITNESS:

_____ _____ (SEAL)
John A. Denton

STATE OF MARYLAND, COUNTY OF BALTIMORE , To Wit:

I HEREBY CERTIFY that on this 25th day of FEBRUARY, in the year two thousand four, before me, the subscriber, a Notary Public of the State of Maryland, County of BALTIMORE, personally appeared John A. Denton, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing deed to be his act and in my presence signed and sealed the same for the purposes therein contained.

As Witness my hand and Notarial Seal.

_____
Notary Public

HARRY N. LIGHTER NOTARY PUBLIC BALTIMORE CO., MD

My Commission Expires: 9/1/05

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS PREPARED UNDER MY DIRECTION AND I AM AN ATTORNEY ADMITTED TO PRACTICE BEFORE THE COURT OF APPEALS FOR THE STATE OF MARYLAND.

_____
Harry Lighter

0019763 458

AFFIDAVIT AS TO TOTAL PAYMENT

THE undersigned certify(ies) under the penalties of perjury, that the following is true to the best of my/our knowledge, information and belief, in accordance with Section 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland, (the "Withholding Law"):

That I am/we are the transferor(s), [or agent of the transferor(s) if so indicated], of that real property described in the accompanying deed (the "Property").

That I/we have examined the settlement statement prepared in connection with the transfer of the property and with respect to the determination of "total payment," stated below: (a) only the debts secured by a mortgage or other lien on the Property that are being paid upon its sale and my/our expenses arising out of the sale or exchange of the Property have been deducted from the gross proceeds and (b) no "debts incurred in contemplation of sale" (meaning debts secured by a mortgage, deed of trust or other instrument on the Property, having an effective date not more than 90 days before the sale) have been deducted from the gross proceeds.

The amount of total payment for the purpose of the Withholding Law is $ 132,516.15.

DATED this 25 day of February, 2004.

WITNESS:

TRANSFEROR(S)

0019763. 459

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information
Name of Transferor: John A. Denton

2. Reasons for Exemption	
Resident Status	☑ I, Transferor, am a resident of the State of Maryland. ☐ Transferor is a resident entity under § 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
Principal Residence	☐ Although I am no longer a resident of the State of Maryland, the Property is m principal residence as defined in IRC §121.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness — John A Denton — Name

Signature

3b. Entity Transferors

Witness/Attest — Name of Entity

By

Name

Title

00019163 460

04-4123-CS

GRANTEE STATEMENT FOR EXEMPTION FROM TRANSFER TAX

TAX-PROPERTY ARTICLE 13-203(b)

Martha Brassard, Grantee in the Deed dated **February** 25th, **2004**, from **John A. Denton**, Grantor, hereby certifies, under the penalties of perjury, that the land conveyed in said Deed is residentially improved owner-occupied real property and that the residence will be occupied by me.

Martha Brassard
Martha Brassard

STATE OF MARYLAND, CITY/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 25th day of FEBRUARY, 2004, before me, the subscriber, a Notary Public for the State of Maryland, City/County of BALTIMORE, personally appeared **Martha Brassard**, known to me, or satisfactorily proven to be, the person whose name is subscribed to the within instrument, and acknowledged the foregoing to be her act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

Notary Public

My Commission Expires: 9/1/05

HARRY N. LICHTER NOTARY PUBLIC BALTIMORE CO., MD

0011[illegible] 461

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Howard

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Recording Jurisdiction

IMP	FD SURE $			20.00
REC	RDING FEE			26.00
TR	AX STATE			1,349.50
TOTAL				1,395.50
Rec'd	BARS			Rcpt # 54459
SHF	LL			Blk # 2899
Mar	19, 2004			09:09 am

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

☒ Deed ☐ Deed of Trust ☐ Mortgage ☐ Lease ☐ Other ☐ Other

2 Conveyance Type Check Box

☒ Improved Sale Arms-Length [1] ☐ Unimproved Sale Arms-Length [2] ☐ Multiple Accounts Arms-Length [3] ☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (If Applicable) Cite or Explain Authority

Recordation | State Transfer | County Transfer

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$ 269,900.00
Any New Mortgage	$ 242,910.00
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value:	$

Finance Office Use Only — Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
X ( ) % =	$
Less Exemption Amount –	$
Total Transfer Tax =	$ 3749.50
Recordation Tax Consideration	$
X ( ) per $500 =	$ 1350.00
TOTAL DUE	$
Agent: CSM	
Tax Bill: PAID	
C.B. Credit: –	
Ag. Tax/Other: N	

5 Fees RWD SDAT

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$ 20.00
Surcharge	$ 00.00	$ 00.00
State Recordation Tax	$ 1350.00	$
State Transfer Tax	$ 1349.50	$
County Transfer Tax	$ 3748.50	$
Other	$	$
Other	$	$

6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG ☐ (S)
01	01-03-670750	8479 / 424			

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2): 321 Beaumont Avenue Baltimore, MD 21228

Other Property Identifiers (If applicable) | Water Meter Account No.

Residential ☐ or Non-Residential ☐ | Fee Simple ☐ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed: ENTIRE

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
John A. Denton	Martha Brassard
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Martha Brassard	PRLAP Inc.

New Owner's (Grantee) Mailing Address: Same

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person: HOME TITLE COMPANY, INC. 2 Hopkins Plaza • Suite 710 Baltimore, Maryland 21201 (410) 727-2878

Name: Angie Roberts

Firm

Address:

Phone: ( )

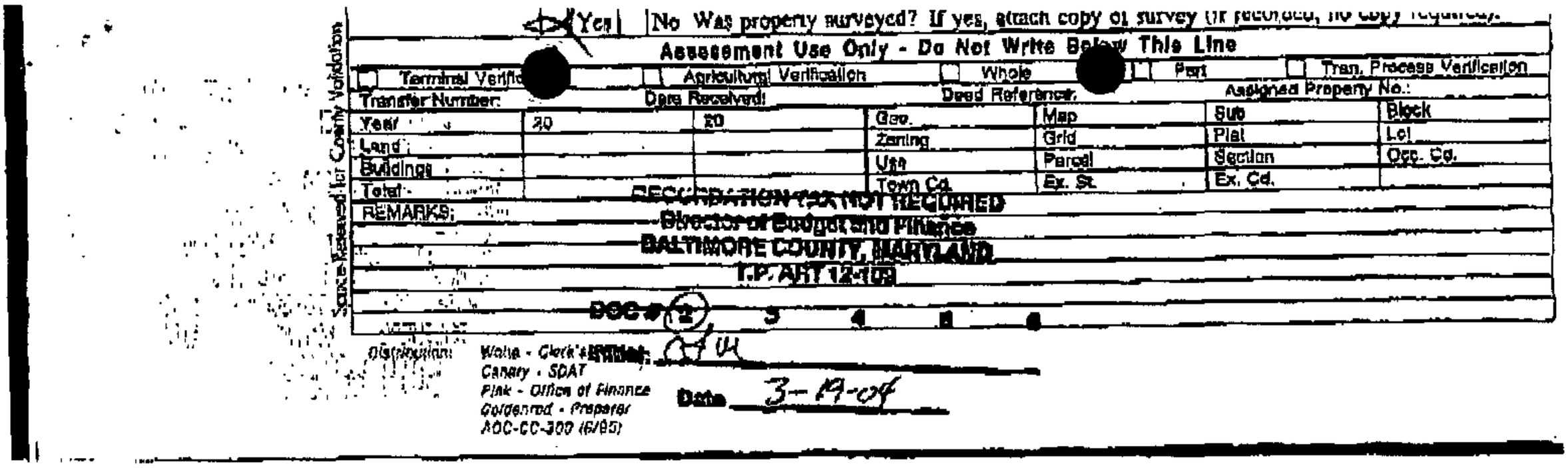
☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☐ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ☒ No Does transfer include personal property? If yes, identify: _____


Yes | No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

Terminal Verific | Agricultural Verification | Whole | Part | Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

Year	20	20	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cr.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

RECORDATION TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND
T.P. ART 12-108

DOC # 1 3 4 8 6

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)

Date 3-19-04

Book 19763 Page 461

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

PROPERTY ADDRESS 223 BEAUMONT AVENUE

SUBDIVISION NAME SHATZ BROTHERS

PLAT BOOK # 8 FOLIO # 39 LOT # 54, SECTION # __

OWNER MARTHA BRASSARD

VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 100C4, 5101A1

ZONING DR.5.5

LOT SIZE ACREAGE __ 7,400 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

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

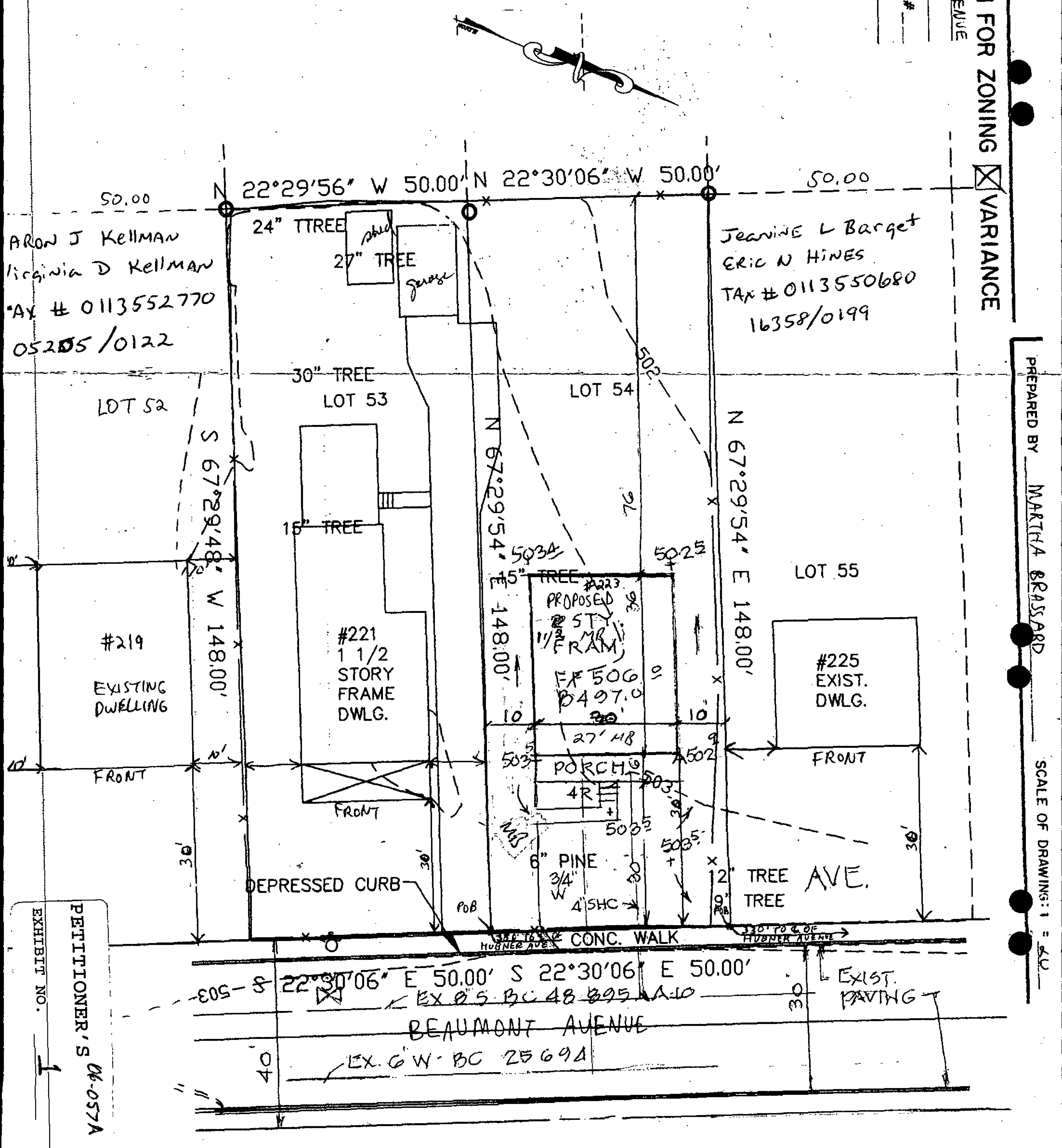
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
BK	057	06-057-A

PREPARED BY MARTHA BRASSARD

SCALE OF DRAWING: 1" = 20'



PETITIONER'S 06-057A

EXHIBIT NO. 1

IN RE: PETITIONS FOR VARIANCE AND SPECIAL HEARING SE/S of Edmondson Avenue, 255 ft. SW of Rosewood Avenue 1st Election District 1st Councilmanic District **(1509 Edmondson Avenue)**	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 04-424-SPHA
Aldo & Heather Caropreso *Petitioners*	*	

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Variance and Special Hearing filed by the legal owners of the subject property, Aldo and Heather Caropreso. The Petitioners are requesting relief for property located at 1509 Edmondson Avenue in the western 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 permit a proposed single-family dwelling having side yard setbacks of 6.5 ft. and 14 ft., a sum of side yards of 20.5 ft. on a lot having a width of 51.28 ft. in lieu of the required 15 ft., 40 ft. and 55 ft. respectively and to approve an undersized lot. In addition, the Petitioners are requesting a special hearing pursuant to Section 500.7 of the B.C.Z.R., to approve an existing lot having an area of 18,581 sq. ft. and to determine that density will not be affected.

The property was posted with Notice of Hearing on April 16, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 20, 2004 to notify any interested persons of the scheduled hearing date.

Amended Petition

After the hearing on this matter it came to the attention of this Commissioner that the petition as stated was in error. The petition and the zoning map in the file indicate that the property is zoned

PROTESTANT'S
EXHIBIT NO. 1

DR 2. Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), specifies that in DR 2 zones the required lot width is 100 ft., side yard set backs are 15 ft. and sum of side yard setbacks is 40 ft. The petition indicated that the required lot width was 55 ft. instead of 100 ft. I have treated this as a typographical error and have corrected the petition accordingly.

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

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: : A ZAC comment was received from the Office of Planning dated April 2, 2004 recommending denial of this request, 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 Aldo and Heather Caropreso, Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This is a companion case to Case No. 04-425. By agreement, testimony and evidence in this case applies to the companion case. Testimony and evidence indicated that the property, which is the subject of this variance request, is a vacant lot whose address is 1509 Edmondson Avenue owned by Heather Caropreso. The property, which is the subject of Case No. 04-425, is an adjacent lot improved by a single-family dwelling whose address is 1505 Edmondson Avenue and is owned by Aldo and Heather Caropreso who are husband and wife. The Petitioners testified that these properties had been created in the 1930's and have been owned by the family since the 1940's. The Petitioners purchased the lot with the existing home in the 1970's and then bought the vacant lot next door seven years ago.

They would like to develop the vacant lot so as to build a new home on the property that would be sold to the public. Many reasons were given at the hearing by the Petitioners for the development of the property, namely that the taxes on the vacant lot were going up quickly and that they were approaching the time when they would find it difficult to maintain the property, both physically and financially, because they would retire shortly and have fixed incomes. Mr. Caropreso appeared at the hearing in a motorized wheel chair indicating his severe physical disabilities and the reason he was having difficulty maintaining both properties. The Petitioners testified that if they could sell the vacant lot, they would have money for needed repairs on their home at 1509 and the remaining money would be for their retirement fund. Mr. Caropreso indicated that he and his brother-in-law would actually build the house on the vacant lot.

The Petitioners presented a County right-of-way map for the area dated June 11 1956, which depicted both lots. See Petitioners' Exhibit No. 2 wherein the properties are marked "1505 and 1509". While the lots are 52 ft. and 55 ft. wide, they are on the average approximately 360 ft. deep. As a result, although the regulations require lots of 20,000 sq. ft., both lots are approximately 18,000 sq. ft. in area. The Petitioners point out that this is close to the area required for DR 2 zoned property. They also note that the house next door to them at 1513 Edmondson Avenue is developed as a single-family home and has approximately 56 ft. of frontage. Again, this lot is very deep. They also point to the zoning map in the file that indicates the properties along nearby Smithwood and Rosewood Avenues are developed on narrow lots similar to the lots owned by Petitioners. The Petitioners recognize that their lots do not conform to the present DR 2 zoning regulations. They point out, however, that their property was zoned at a higher density (certainly DR 3.5 and likely DR 5.5) some years ago, but the area was downshifted in zoning density more recently. They were not sure of the dates when this occurred.

The Planning Office recommended both requests be denied because lots in the area are generally wider than the vacant lot, insufficient architectural elevations were submitted, and additional driveways should not be allowed presumably on Edmondson Avenue. Mr. Caropreso testified that he did not have sufficient money to have the elevations prepared professionally and submitted to the Office of Planning, but would do so if the requests were granted.

Findings of Fact and Conclusions of Law

The Planning Office recommends that both petitions be denied. It is interesting to note that missing among the reasons traditionally given by the Office of Planning when they recommend denial in such cases, is the fact that the two lots are in common ownership and can be combined to meet the regulations. Thus, the two lots together meet the minimum lot width of 100 ft. and area of 20,000 sq. ft. in area. The most significant argument given by the Office of Planning is that lots in

this area are generally not developed as 50 ft. front lots. The Petitioners dispute this and cite the zoning map to indicate otherwise.

I will deny both requests, but because the Petitioners may want to appeal my decision to the Board of Appeals, I will make a specific finding on each point, which is required in variance cases. First, I find that the properties are unique even though there are no physical anomalies such as wetlands or steep slopes on the property. I find this because where lots were created before the zoning laws were applied, those lots are impacted by the regulations in a different way than other lots in the neighborhood that were created to meet the regulations. Here the lots were created, to the Petitioners' best knowledge, in the 1930's and the DR 2 regulations were imposed very recently.

I further find that the Petitioners would suffer hardship and practical difficulty in conforming to the newly applied regulations. First, there is an existing house, which simply can not meet the new DR side yard setback regulations. Secondly, any reasonable size home placed on the vacant lot can not meet the new DR regulations. Thirdly, the Petitioners present a compelling case for their difficulty in maintaining the existing two lots. Just cutting the grass is a hardship for Mr. Caropreso, although to his credit he never once indicated that he should have special treatment because of his physical disabilities. He is ready to install the tile in the new home and certainly would not want me to think he required special treatment.

However, I can not ignore the fact that recently the County Council specifically downshifted the zoning density in this area to DR 2. Examination of the zoning map in the file shows that a large area south of Edmondson Avenue, which includes these properties, is now zoned DR 2. Just to the north, across Edmondson Avenue, the area is still zoned DR 5.5 and to the west DR 3.5. Comparing the spacing and number of homes in each area, I am lead to believe that the area south of Edmondson Avenue, where the subject property is located, was zoned DR 5.5 until recently.

Then for some reason the subject area was downshifted to DR 2. The Petitioners confirm this scenario.

It is obvious to me that in downshifting the area to DR 2, the County Council wanted to stop some process of development that was occurring at the higher density zoning. This downshifting often occurs to stop lots being developed in the back and side yards of existing homes with large lots in these older neighborhoods such as exist in this part of Catonsville. This is generally referred to as "infill". Whatever the reason, the message is clear. The County Council does not want infill development in this area of the County, as is being presented by these Petitioners. I must respect this direction in deciding this case.

Therefore, I find that although the petition meets all of the other criteria for granting a variance, it does not meet the requirement that the variance be granted only if it is in strict harmony with the spirit and intent of the 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. I find that the petition does not meet the spirit and intent of the present zoning regulations.

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 denied

THEREFORE, IT IS ORDERED, this 18th day of May 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling having side yard setbacks of 6.5 ft. and 14 ft., a sum of side yards of 20.5 ft. on a lot having a width of 51.28 ft. in lieu of the required 15 ft., 40 ft. and 55 ft. respectively and to approve an undersized lot, be and is hereby DENIED.

IT IS FURTHER ORDERED, that Petitioners' request for special hearing pursuant to Section 500.7 of the B.C.Z.R., to approve an existing lot having an area of 18,581 sq. ft. and to determine that density will not be affected, be and is hereby DENIED.

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

____SIGNED_____
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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** - 01 **Account Number** - 0103670750

Owner Information

Owner Name: BRASSARD MARTHA

Mailing Address: 221 BEAUMONT AVE
BALTIMORE MD 21228-4308

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /19763/ 455
2)

Location & Structure Information

Premises Address
221 BEAUMONT AVE

Legal Description
LT 53,54
221 BEAUMONT AVE
SHATZ BROTHERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: / Plat Ref:
101	1	1197					53	1	8/ 39

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1930	1,389 SF	14,800.00 SF	04

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

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	43,950	51,450		
Improvements:	96,890	109,890		
Total:	140,840	161,340	154,506	161,340
Preferential Land:	0	0	0	0

Transfer Information

Seller:	DENTON JOHN A	Date:	03/19/2004	Price:	$269,900
Type:	IMPROVED ARMS-LENGTH	Deed1:	/19763/ 455	Deed2:	
Seller:	FAVINGER PATRICK J	Date:	05/15/1990	Price:	$128,650
Type:	IMPROVED ARMS-LENGTH	Deed1:	/ 8479/ 449	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 *

PROTESTANT'S
EXHIBIT NO. 2

September 20, 2005

Zoning Office
Permits and Development
1111 Chesapeake Avenue/Room 111
Towson, Maryland 21204

Re: 9/26/05 Zoning Hearing on Case No. 06-065-A and Case No. 06-057-A

Dear Baltimore County Zoning Board:

As residents of Oak Crest community, we would like to make you aware of the opposition that exists to the petitions pertaining to an Oak Crest property (case no. 06-065-A and case no. 06-057-A) scheduled to be reviewed in zoning hearings on Monday, September 26, 2005. Upon your review of the petitions, you will note that these two cases are interrelated. We are officially presenting our opposition to both cases in this correspondence.

The following zoning violations are of concern to us and represent violations **in addition** to the lot width violation officially recorded in the petitions:

1. <u>If granted, the requests would violate the density ratio for each of the proposed sub-divided lots.</u> The petitions submitted are inaccurate in that they indicate that there is no density violation, and no accompanying harm to public safety. The resulting lots would each be at a 5.9 density ratio. This violates the maximum allowable density ratio of 5.5 in this area.

2. <u>The plans, as indicated in the petition, are to build a structure that will violate the harmony of the neighborhood's architecture</u>. The residential structures to either side of subject property are either 1 story or 1.5 stories in height, whereas the petitioner indicated that a two-story structure with no maximum height limit is planned for the subject area. Furthermore, the petitioner has not provided additional information to allay neighborhood concerns regarding disharmony between the final features of proposed structure and the neighborhood's existing architecture.

Furthermore, the petitions, if granted, would replace one lot that is currently in compliance with zoning regulations, with two lots that violate several zoning regulations.

For the reasons listed above, we respectfully request your support in denyi
your consideration.

PROTESTANT'S

EXHIBIT NO. 3

Sincerely,

J. Barget + Eric Hines, J. Barget + E. Hines, 225 N. Beaumont Ave.
Cathy Taylor 227 N. Beaumont Ave Catonsville, MD. 21228
Betty Hyle 227 Beaumont Ave, Catonsville MD. 21228
Judy Skulnik 222 N. Beaumont Ave Catonsville MD 21228
Frances V. Stevens 242 Glenmore Ave Catonsville MD 21228
Lee Rinehart 306 GLENMORE AVE CATONSVILLE MD 21228
Mary Jo Tyler 244 Glenmore Ave " MD 21228
Karen Kellogan 219 Beaumont Ave 21228
220 N. Beaumont Ave 21228
Dawn Taylor 235 Beaumont Ave Balt, MD 21228
Lorraine D. Morris 229 N. Beaumont MD 21228

Edward Ritz 224 Beaumont Ave, Edward Ritz

Amy & Brian Mansfield 215 N. Beaumont Ave - Amy J. Mansfield

TIMOTHY & DIANE WALKER 213 BEAUMONT AVE

TOM & MARYJO GUBRICKY 217 BEAUMONT AVE Sincerely

A. **uniqueness** – year 221 Beaumont was built in 1930, prior to the implementation of the current zoning regulation…

It is currently deeded as one lot in the tax records and always treated as one lot by original developer and 3 previous owners over the past 75 years. As a real estate agent, the petitioner was aware of this information before she bought the property in 2004.

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i. conformance zoning renders lot unbuildable…

The area being discussed is recorded was one property 75 years ago. When it was recorded as 221 Beaumont the side yard subject area was no longer a viable, buildable lot.

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Denying the zoning variance for subdividing and building an additional single family, detached home at 221 would cause **NO** injustice to the other homeowners in the neighborhood. According to section 305 BCZR, regarding "replacement of destroyed or damaged dwellings," these existing homes are grand fathered for replacement purposes.

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This petition contradicts the spirit of the ordinance. Specifically, it contradicts the intent of the Baltimore County Council to halt "infill" in this part of Catonsville, as highlighted by the Deputy Zoning Commissioner in a similar petition for a variance in minimum lot width in May 2004 (04-424). **[PRESENT CASE] The variance for relief was denied by the DZC.**

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Again, yes, this is an increase in residential density beyond that allowed by the BCZR. Current dwellings in neighborhood have already over-taxed our allowable density. The resulting lots would each be at a 5.9 density ratio. This violates the maximum allowable density ratio of 5.5 in this area. Granting this petition would contradict the intent of the county council and violate the maximum allowable density ratio.

PROTESTANT'S
EXHIBIT NO. 4

D. Will the relief requested be in strict harmony with the intent of height, area, parking and sign regulations?

NO. The appellant's plat to accompany zoning variance indicates plans for a **two-story** dwelling, (with no maximum height limit given) in the middle of a block where the adjacent houses to the north area all single story and to south the mix of single and 1.5 stores homes.

NO elevations drawings or architectural designs have been submitted with the application and made accessible to the surrounding community to determine appropriateness. Which raises the concern of whether the bulk, massing or architectural façade will also be in disharmony with the surrounding neighborhood. Section (304.2 A&B of BCZR)

Furthermore, the petitioner's plat that accompanied the application does not provide any clear indication for off-street parking in an area that already suffers from traffic congestion. A survey of the community members present and those who submitted their opposition to this petition indicates that this plan is clearly in disharmony with our neighborhood.

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IN RE: PETITIONS FOR VARIANCE
AND SPECIAL HEARING
SE/S of Edmondson Avenue,
255 ft. SW of Rosewood Avenue
1st Election District
1st Councilmanic District
(**1509 Edmondson Avenue**)

Aldo & Heather Caropreso
Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 04-424-SPHA

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Variance and Special Hearing filed by the legal owners of the subject property, Aldo and Heather Caropreso. The Petitioners are requesting relief for property located at 1509 Edmondson Avenue in the western 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 permit a proposed single-family dwelling having side yard setbacks of 6.5 ft. and 14 ft., a sum of side yards of 20.5 ft. on a lot having a width of 51.28 ft. in lieu of the required 15 ft., 40 ft. and 55 ft. respectively and to approve an undersized lot. In addition, the Petitioners are requesting a special hearing pursuant to Section 500.7 of the B.C.Z.R., to approve an existing lot having an area of 18,581 sq. ft. and to determine that density will not be affected.

The property was posted with Notice of Hearing on April 16, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 20, 2004 to notify any interested persons of the scheduled hearing date.

Amended Petition

After the hearing on this matter it came to the attention of this Commissioner that the petition as stated was in error. The petition and the zoning map in the file indicate that the property is zoned

PROTESTANT'S
EXHIBIT NO. 1

DR 2. Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), specifies that in DR 2 zones the required lot width is 100 ft., side yard set backs are 15 ft. and sum of side yard setbacks is 40 ft. The petition indicated that the required lot width was 55 ft. instead of 100 ft. I have treated this as a typographical error and have corrected the petition accordingly.

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

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: : A ZAC comment was received from the Office of Planning dated April 2, 2004 recommending denial of this request, 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 Aldo and Heather Caropreso, Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This is a companion case to Case No. 04-425. By agreement, testimony and evidence in this case applies to the companion case. Testimony and evidence indicated that the property, which is the subject of this variance request, is a vacant lot whose address is 1509 Edmondson Avenue owned by Heather Caropreso. The property, which is the subject of Case No. 04-425, is an adjacent lot improved by a single-family dwelling whose address is 1505 Edmondson Avenue and is owned by Aldo and Heather Caropreso who are husband and wife. The Petitioners testified that these properties had been created in the 1930's and have been owned by the family since the 1940's. The Petitioners purchased the lot with the existing home in the 1970's and then bought the vacant lot next door seven years ago.

They would like to develop the vacant lot so as to build a new home on the property that would be sold to the public. Many reasons were given at the hearing by the Petitioners for the development of the property, namely that the taxes on the vacant lot were going up quickly and that they were approaching the time when they would find it difficult to maintain the property, both physically and financially, because they would retire shortly and have fixed incomes. Mr. Caropreso appeared at the hearing in a motorized wheel chair indicating his severe physical disabilities and the reason he was having difficulty maintaining both properties. The Petitioners testified that if they could sell the vacant lot, they would have money for needed repairs on their home at 1509 and the remaining money would be for their retirement fund. Mr. Caropreso indicated that he and his brother-in-law would actually build the house on the vacant lot.

The Petitioners presented a County right-of-way map for the area dated June 11 1956, which depicted both lots. See Petitioners' Exhibit No. 2 wherein the properties are marked "1505 and 1509". While the lots are 52 ft. and 55 ft. wide, they are on the average approximately 360 ft. deep. As a result, although the regulations require lots of 20,000 sq. ft., both lots are approximately 18,000 sq. ft. in area. The Petitioners point out that this is close to the area required for DR 2 zoned property. They also note that the house next door to them at 1513 Edmondson Avenue is developed as a single-family home and has approximately 56 ft. of frontage. Again, this lot is very deep. They also point to the zoning map in the file that indicates the properties along nearby Smithwood and Rosewood Avenues are developed on narrow lots similar to the lots owned by Petitioners. The Petitioners recognize that their lots do not conform to the present DR 2 zoning regulations. They point out, however, that their property was zoned at a higher density (certainly DR 3.5 and likely DR 5.5) some years ago, but the area was downshifted in zoning density more recently. They were not sure of the dates when this occurred.

The Planning Office recommended both requests be denied because lots in the area are generally wider than the vacant lot, insufficient architectural elevations were submitted, and additional driveways should not be allowed presumably on Edmondson Avenue. Mr. Caropreso testified that he did not have sufficient money to have the elevations prepared professionally and submitted to the Office of Planning, but would do so if the requests were granted.

Findings of Fact and Conclusions of Law

The Planning Office recommends that both petitions be denied. It is interesting to note that missing among the reasons traditionally given by the Office of Planning when they recommend denial in such cases, is the fact that the two lots are in common ownership and can be combined to meet the regulations. Thus, the two lots together meet the minimum lot width of 100 ft. and area of 20,000 sq. ft. in area. The most significant argument given by the Office of Planning is that lots in

this area are generally not developed as 50 ft. front lots. The Petitioners dispute this and cite the zoning map to indicate otherwise.

I will deny both requests, but because the Petitioners may want to appeal my decision to the Board of Appeals, I will make a specific finding on each point, which is required in variance cases. First, I find that the properties are unique even though there are no physical anomalies such as wetlands or steep slopes on the property. I find this because where lots were created before the zoning laws were applied, those lots are impacted by the regulations in a different way than other lots in the neighborhood that were created to meet the regulations. Here the lots were created, to the Petitioners' best knowledge, in the 1930's and the DR 2 regulations were imposed very recently.

I further find that the Petitioners would suffer hardship and practical difficulty in conforming to the newly applied regulations. First, there is an existing house, which simply can not meet the new DR side yard setback regulations. Secondly, any reasonable size home placed on the vacant lot can not meet the new DR regulations. Thirdly, the Petitioners present a compelling case for their difficulty in maintaining the existing two lots. Just cutting the grass is a hardship for Mr. Caropreso, although to his credit he never once indicated that he should have special treatment because of his physical disabilities. He is ready to install the tile in the new home and certainly would not want me to think he required special treatment.

However, I can not ignore the fact that recently the County Council specifically downshifted the zoning density in this area to DR 2. Examination of the zoning map in the file shows that a large area south of Edmondson Avenue, which includes these properties, is now zoned DR 2. Just to the north, across Edmondson Avenue, the area is still zoned DR 5.5 and to the west DR 3.5. Comparing the spacing and number of homes in each area, I am lead to believe that the area south of Edmondson Avenue, where the subject property is located, was zoned DR 5.5 until recently.

Then for some reason the subject area was downshifted to DR 2. The Petitioners confirm this scenario.

It is obvious to me that in downshifting the area to DR 2, the County Council wanted to stop some process of development that was occurring at the higher density zoning. This downshifting often occurs to stop lots being developed in the back and side yards of existing homes with large lots in these older neighborhoods such as exist in this part of Catonsville. This is generally referred to as "infill". Whatever the reason, the message is clear. The County Council does not want infill development in this area of the County, as is being presented by these Petitioners. I must respect this direction in deciding this case.

Therefore, I find that although the petition meets all of the other criteria for granting a variance, it does not meet the requirement that the variance be granted only if it is in strict harmony with the spirit and intent of the 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. I find that the petition does not meet the spirit and intent of the present zoning regulations.

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 denied

THEREFORE, IT IS ORDERED, this 18th day of May 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling having side yard setbacks of 6.5 ft. and 14 ft., a sum of side yards of 20.5 ft. on a lot having a width of 51.28 ft. in lieu of the required 15 ft., 40 ft. and 55 ft. respectively and to approve an undersized lot, be and is hereby DENIED.

IT IS FURTHER ORDERED, that Petitioners' request for special hearing pursuant to Section 500.7 of the B.C.Z.R., to approve an existing lot having an area of 18,581 sq. ft. and to determine that density will not be affected, be and is hereby DENIED.

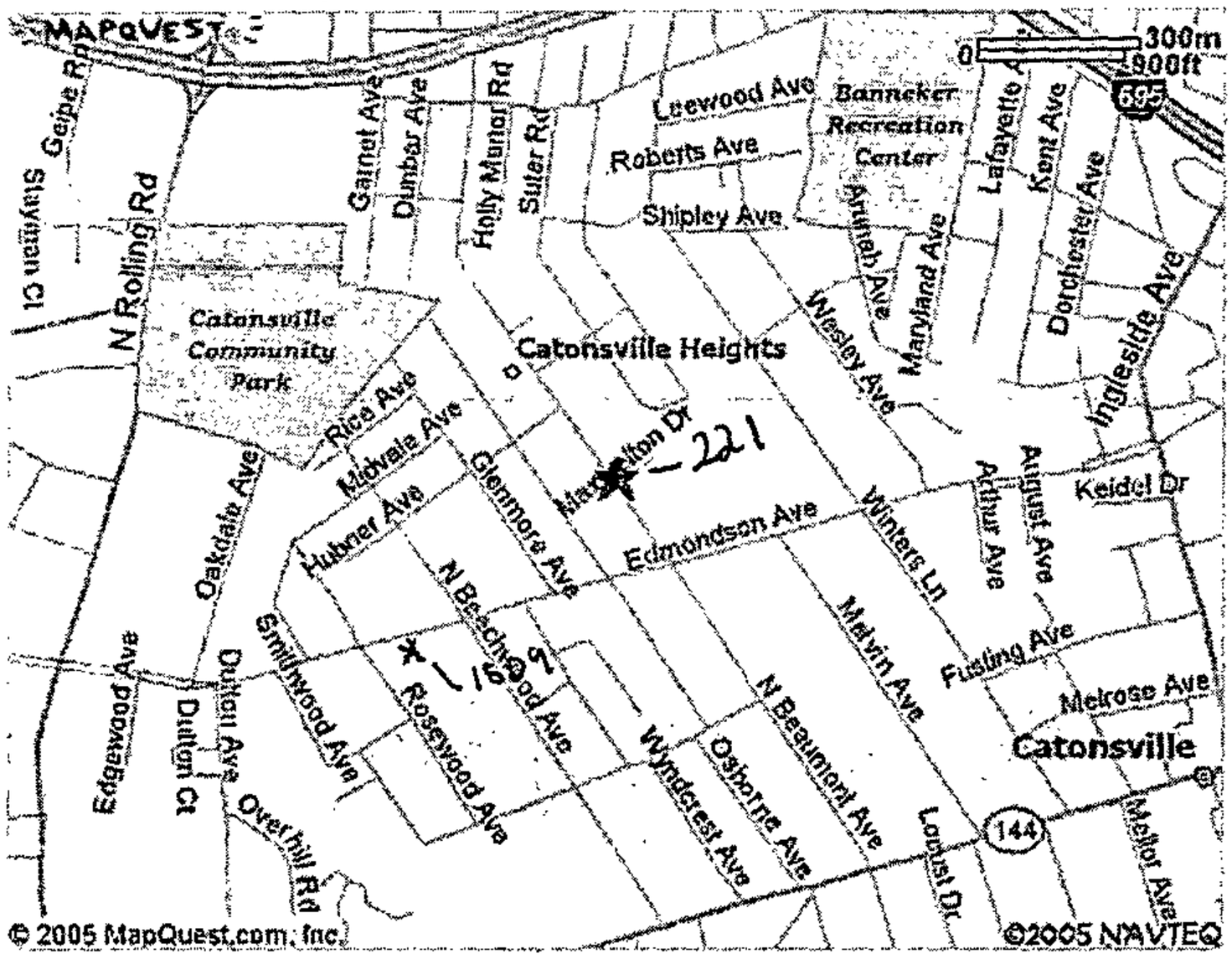
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

SIGNED
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

MAPQUEST.

☆ 221 N Beaumont Ave Catonsville, MD
21228-4308, US



Web Offers:

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** - 01 **Account Number** - 0103670750

Owner Information

Owner Name: BRASSARD MARTHA

Mailing Address: 221 BEAUMONT AVE
BALTIMORE MD 21228-4308

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /19763/ 455
2)

Location & Structure Information

Premises Address
221 BEAUMONT AVE

Legal Description
LT 53,54
221 BEAUMONT AVE
SHATZ BROTHERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
101	1	1197					53	1	Plat Ref: 8/ 39

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1930	1,389 SF	14,800.00 SF	04

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

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	43,950	51,450		
Improvements:	96,890	109,890		
Total:	140,840	161,340	154,506	161,340
Preferential Land:	0	0	0	0

Transfer Information

Seller:	DENTON JOHN A	Date:	03/19/2004	Price:	$269,900
Type:	IMPROVED ARMS-LENGTH	Deed1:	/19763/ 455	Deed2:	
Seller:	FAVINGER PATRICK J	Date:	05/15/1990	Price:	$128,650
Type:	IMPROVED ARMS-LENGTH	Deed1:	/ 8479/ 449	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:

PROTESTANT'S
EXHIBIT NO. 2

September 20, 2005

Zoning Office
Permits and Development
1111 Chesapeake Avenue/Room 111
Towson, Maryland 21204

Re: 9/26/05 Zoning Hearing on Case No. 06-065-A and Case No. 06-057-A

Dear Baltimore County Zoning Board:

As residents of Oak Crest community, we would like to make you aware of the opposition that exists to the petitions pertaining to an Oak Crest property (case no. 06-065-A and case no. 06-057-A) scheduled to be reviewed in zoning hearings on Monday, September 26, 2005. Upon your review of the petitions, you will note that these two cases are interrelated. We are officially presenting our opposition to both cases in this correspondence.

The following zoning violations are of concern to us and represent violations **in addition** to the lot width violation officially recorded in the petitions:

1. <u>If granted, the requests would violate the density ratio for each of the proposed sub-divided lots.</u> The petitions submitted are inaccurate in that they indicate that there is no density violation, and no accompanying harm to public safety. The resulting lots would each be at a 5.9 density ratio. This violates the maximum allowable density ratio of 5.5 in this area.

2. <u>The plans, as indicated in the petition, are to build a structure that will violate the harmony of the *neighborhood's architecture*</u>. *The residential structures to either side of subject property* are either 1 story or 1.5 stories in height, whereas the petitioner indicated that a two-story structure with no maximum height limit is planned for the subject area. Furthermore, the petitioner has not provided additional information to allay neighborhood concerns regarding disharmony between the final features of proposed structure and the neighborhood's existing architecture.

Furthermore, the petitions, if granted, would replace one lot that is currently in compliance with zoning regulations, with two lots that violate several zoning regulations.

(11)

For the reasons listed above, we respectfully request your support in denyi
your consideration.

PROTESTANT'S

EXHIBIT NO. 3

Sincerely,

[signature] + Eric Hines. J.Barget + E. Hines, 225 N. Beaumont Ave.
Cathy Taylor 227 N. Beaumont Ave Catonsville, MD. 21228
[signature] 227 Beaumont Ave, Catonsville MD. 21228
Judy Skolnik 222 N. Beaumont Ave Catonsville MD 21228
Frances V. Stern 249 Glenmore Ave Catonsville Md 21228
[signature] 306 Glenmore Ave Catonsville MD 21228
[signature] 244 Glenmore Ave " Md 21228
[signature] 219 Beaumont Ave 21228
[signature] 220 N. Beaumont Ave 21228
[signature] 235 Beaumont Ave B.H., MD 21228
[signature] 229 N. Beaumont 21228

Edward Ritz 224 Beaumont Ave, Edward Ritz

Amy & Brian Mansfield 215 N. Beaumont Ave - Amy J. Mansfield

TIMOTHY & DIANE WALKER 213 BEAUMONT AVE

TOM & MARYJO GUBRICKY 217 BEAUMONT AVE. Maryjo G. Gubricky

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PROTESTANT'S

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