

IN RE: PETITION FOR VARIANCE

East side of Shady Nook Avenue, 170' &
225' southeast of Paradise Avenue
1st Election District
1st Councilmanic District
(400 & 402 Shady Nook Avenue)

Dawn E. Hoffman and Sauter &
Lloyd Companies, LLC,
Legal Owners/Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NOS. 06-301-A & 06-302-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject properties, Dawn E. Hoffman and Sauter & Lloyd Companies, LLC, located in the Catonsville portion of Baltimore County.

In both cases, the variance requests are pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Case No. 06-301-A is to permit a lot width of 47 feet in lieu of the required 55-ft. for an existing dwelling. Case No. 06-302-A is to permit a lot width of 50 ft. in lieu of the required 55 ft. for a proposed dwelling.

Notice of both hearings were given to the public by posting the properties with notice of the hearing date and time on January 7, 2006 and by publication in "The Jeffersonian" newspaper on January 5, 2006.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Office of Planning dated January 11, 2006, 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 Dawn E. Hoffman and Ronald Lloyd from Sauter & Lloyd Companies, LLC, Petitioners. Lawrence M. Hammond, Esquire

COPIES RECEIVED FOR FILING

Date

By

1-31-06

Dawn E. Hoffman

represented the Petitioners. Angela Pfeifer, Charles Papale, Darlene Papale and Ruby Cunningham appeared at the hearing in opposition to the requested variances. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

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.”

Testimony and Evidence

By agreement, the testimony and evidence in both cases applies to each case. These cases involve two (2) adjacent lots, which contain 7,125-sq. ft. or .163 acres and 7,500-sq. ft. or .172 acres and are zoned DR 5.5. Mr. Hammond indicated that these are Lots 11 and 13 of the Craigie Burn subdivision, which was recorded in the land records in 1923. See Petitioner's Exhibit 4. He noted that Lot 11 is 47 ft. wide and Lot 13 is 50 ft. wide, while the DR 5.5 regulations require 55 ft. lot width. Lot 11 is improved by an existing home now owned by Ms. Hoffman, which was built in 1926. Lot 13 is presently vacant but the Petitioner would like to build a new single family dwelling as shown in Petitioner's Exhibit 2 on the lot. The new dwelling would meet all DR 5.5 regulations except lot width. The same request applies to Ms. Hoffman's home on Lot 11 except that the State

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Highway Administration purchased 3 ft. of the lot some time ago for access to the door in the sound barrier along this portion of the Beltway.

Mr. Hammond noted that these same two (2) lots were the subjects of Case No. 04-264-A that the Petitioner dismissed after the public hearing. He opined that bringing the case back once again did not violate the 6-year rule set out in Section 304 of the Zoning Commissioner's Policy Manual. He submitted photographs of other homes in the neighborhood and indicated that the new home on Lot 13 would be compatible with the community. In support of that contention, he agreed with submitting plans and elevations to the Planning Office for review as indicated on their comment dated January 11, 2006.

He admitted that these two (2) lots were in common ownership prior to the sale of Lot 13 to Ms. Hoffman by the Petitioner. However, he denied that the doctrine of zoning merger applied to this situation as Lot 13 has never been improved, was not used to support the house on Lot 11 nor was Lot 13 used even for parking for Lot 11. He also noted that the two (2) lots have always been separately assessed for real estate tax purposes.

In response to a question, he explained that his client paid for the request by Ms. Hoffman for the variance for her property knowing the Zoning Office would require this property to be brought up to date as well. Ms. Hoffman who purchased her property (Lot 11) from the Petitioner supported the Petitioner's requests.

Mr. Papale argued against the request to allow a new home on Lot 13. He noted the prior case and the ruling by the Deputy Zoning Commissioner that this matter could not be revisited for six (6) years under the Zoning Commissioner's Policy Manual. He also indicated that he wanted the testimony and evidence in the prior case to apply to this hearing noting the extensive petition previously submitted. He mentioned the two day care facilities at the end of this very narrow dead end street which produces a lot of traffic. He observed that there are no curbs or sidewalks on this

Date 1-31-06
By [Signature]

street, and that there have been problems with drainage and water in the area. He opined that another house would make these problems worse. Darlene Papale supported her husband's concerns.

Ms. Pfeifer, who is the Papale's daughter, observed that the day care centers are near the end of the street so that any houses built near the start, as the proposed house will impact the neighborhood. She questioned what guarantee would there be to the Petitioner's proffer to build a cape cod stick-built house on Lot 13.

Finally, the Petitioner noted that the pattern of development of this immediate neighborhood was primarily one (1) home on each 50-ft. lot. He estimated that 60 to 70 % of homes on this street are on single lots. He admitted the pattern is less dense in the neighborhoods to the north.

Findings of Fact and Conclusions of Law

I have no evidence before me that these two (2) lots were merged from a zoning standpoint under the zoning merger doctrine. Mr. Hammond proffered that Lot 13 was not used to support the house on Lot 11. Mr. Papale did not dispute this allegation.

In regard to the issue of the six-year rule, Mr. Hammond points out that he has not requested approval of an undersized lot under Section 304 of the B.C.Z.R. as had been done in the prior case. Therefore, the six-year rule, which is given in the Zoning Commissioner's Policy Manual under Section 304, does not apply. He also argued that this rule does not apply by analogy to this case because the purpose of the rule is to prevent unscrupulous property owners from skirting the law by putting adjacent properties in different names. Here, he points out the Petitioner rehabbed the Hoffman home, sold it openly to Ms. Hoffman, who attended the hearing, and wants to build on the adjacent lot. Mr. Papale argues the six-year rule was promised at the last hearing and should apply here.

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Finally, the Petitioner noted that the pattern of development of this immediate neighborhood was primarily one (1) home on each 50-ft. lot. He estimated that 60 to 70 % of homes on this street are on single lots. He admitted the pattern is less dense in the neighborhoods to the north.

Findings of Fact and Conclusions of Law

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I agree with Mr. Hammond. This is a full variance hearing, not the modified administrative procedure envisioned under Section 304. There is no request this time for approval of an undersized lot under Section 304. While it may have been relevant in the prior hearing, it is not here.

In regard to the requested variances, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were created and recorded long before the DR regulations were imposed on the property. Consequently, I find the properties unique in a zoning sense as they are affected differently from lots created after the regulations were imposed.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Neither Ms. Hoffman nor the Petitioner can obtain more property on either side to meet the regulations. The Petitioner cannot build the proposed homes unless relief is given.

Density is not an issue as the lot size meets the DR 5.5 area regulations.

The most difficult question is whether the proposed home will have an adverse impact on the community. It is apparent from the evidence presented that the pattern on development is primarily one (1) house on each 50-ft. lot at least in this immediate vicinity. The street surely has parking problems, traffic problems, storm water problems, etc. as described by the Papale family. My problem is whether one (1) more house will somehow increase these problems so significantly that the variances should be denied.

Considering all the testimony and evidence, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. I am not saying that there will be absolutely no impact. But I do not see that the impact will be so significant that the Petitioner's

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Date 1-31-06
By [Signature]

should lose its right to use Lot 13 in a manner given by right in the regulations, that is, erect a single family dwelling.

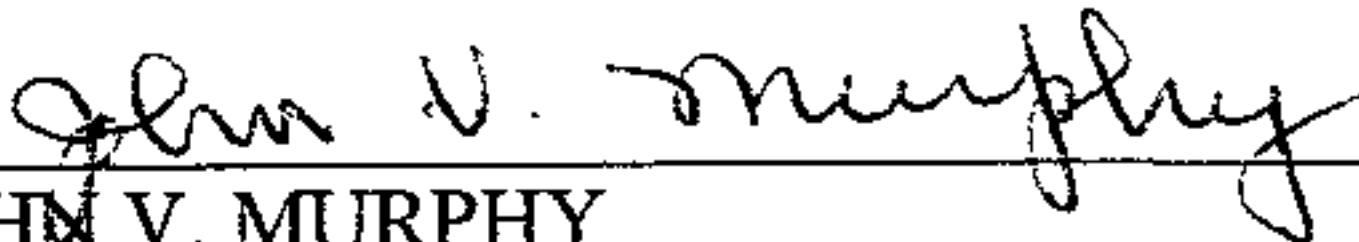
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 31 day of January, 2006, by this Deputy Zoning Commissioner, that the Petitioners' request in Case No. 06-301-A pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 47 feet in lieu of the required 55 ft. for an existing dwelling, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioners' request in Case No. 06-302-A pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 50 ft. in lieu of the required 55 ft. for a proposed dwelling, be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition, and
2. The Petitioner's shall comply with the ZAC comments from the Office of Planning dated January 11, 2006, a copy attached hereto and made a part hereof.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

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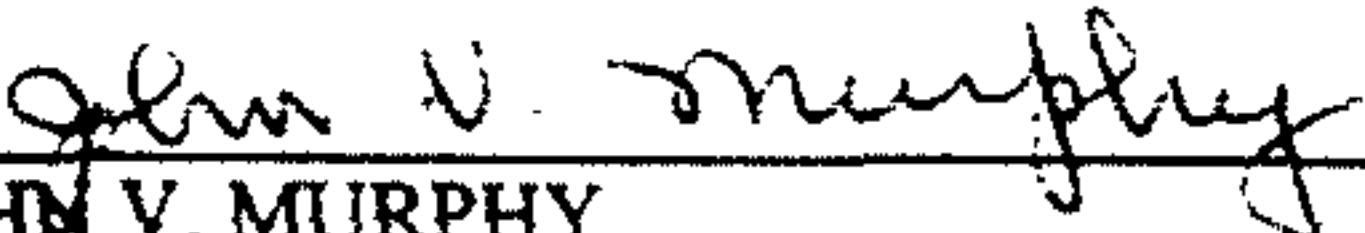
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DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 31, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Lawrence M. Hammond, Esq.
465 Main Street
Reisterstown, Maryland 21136

Re: Petitions for Variance
Case Nos. 06-301-A & 06-302-A
Property: 400 & 402 Shady Nook Avenue

Dear Mr. Hammond:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Dawn E. Hoffman, 400 Shady Nook Avenue, Catonsville, MD 21228
Ronald Lloyd, 8773 Stonehouse Drive, Ellicott City, MD 21043
Angela Pfeifer, 6419 Old Highgate, Elkridge, MD 21075
Charles and Darlene L. Papale, 401 Shady Nook Avenue, Catonsville, MD 21228
Ruby Cunningham, 401 Shady Nook Avenue, Catonsville, MD 21228
People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 402 Shady Nook Avenue

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 lot width of 50 ft. in lieu of the required 55 ft.; and to obtain any other variances deemed necessary by the Zoning Commissioner for a proposed dwelling.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The subject property known as Lot 13 as shown on the plat of "Craigie Burn", which plat is recorded among the Land Records of Baltimore County in Plat Book 7, folio 4, was created in 1923 and without the requested relief is unbuildable.

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

Attorney For Petitioner:

Lawrence M. Hammond

Name - Type or Print

City

Signature

Hammond & Hammond, LLC
Company

465 Main Street, PO Box 569

Address

Telephone No.

Reisterstown, MD 21136 (410) 833-7576

City

State

Zip Code

Legal Owner(s):

Sauter & Lloyd Companies, LLC

Name - Type or Print

Signature

Ronald Sauter, Member

Name - Type or Print

Signature

P.O. Box 1496 Ellicott City

Address

Telephone No.

Maryland 21041-1496

State

Zip Code

Representative to be Contacted:

Lawrence M. Hammond

Name

465 Main Street, PO Box 569

Address

Telephone No.

Reisterstown, MD 21136 (410) 833-7576

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

EV 9/15/98

Case No.

06-302-A

UNDER RECEIVED FOR FILING

Date 1-31-06

By [Signature]

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 402 SHADY NOOK AVENUE

Beginning at a point on the East side of Shady Nook Avenue which is Twenty-four (24') feet wide at the distance of Two Hundred Twenty Five (225') feet southeast of the centerline of the nearest improved intersecting street Paradise Avenue which is Twenty-four (24') feet wide. Being Lot #13 as shown on the Plat of Craigie Burn, which plat is recorded among the Land Records of Baltimore County in Plat Book No. 7, folio 4, containing 7,500 square feet. The improvements thereon being known and designated as 402 Shady Nook Avenue, being located in the 1st Election District and 1st Councilmanic District of Baltimore County.

06-302-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1570

DATE

12/12/05

ACCOUNT

A-001-006-6150

AMOUNT

\$ 65.00

RECEIVED FROM:

William D. & Leonard, LLC

FOR:

Mileage - 4028 Study, Mark Ave

06-300-A (Mileage & Lodging Comp, etc)

DISTRIBUTION
 WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

ISSUES: 10/10/04

TIME

NO.

12/12/2005 12/12/05 10:07:00

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CASHIER'S VALIDATION

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: #06-302-A

402 Shady Nook Avenue

East side of Shady Nook Avenue, 225 feet southeast of Paradise Avenue

1st Election District — 1st Councilmanic District
Legal Owner(s): Sauter & Lloyd Companies, LLC,

Ronald Sauter, Member

Variance: to permit a lot width of 50 feet in lieu of the required 55 feet and to obtain any other variances deemed necessary by the Zoning Commissioner for an existing dwelling.

Hearing: Monday, January 23, 2006 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.

1/014 January 5

79847

CERTIFICATE OF PUBLICATION

1/6/ 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/5/ 2006.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 1/09/06

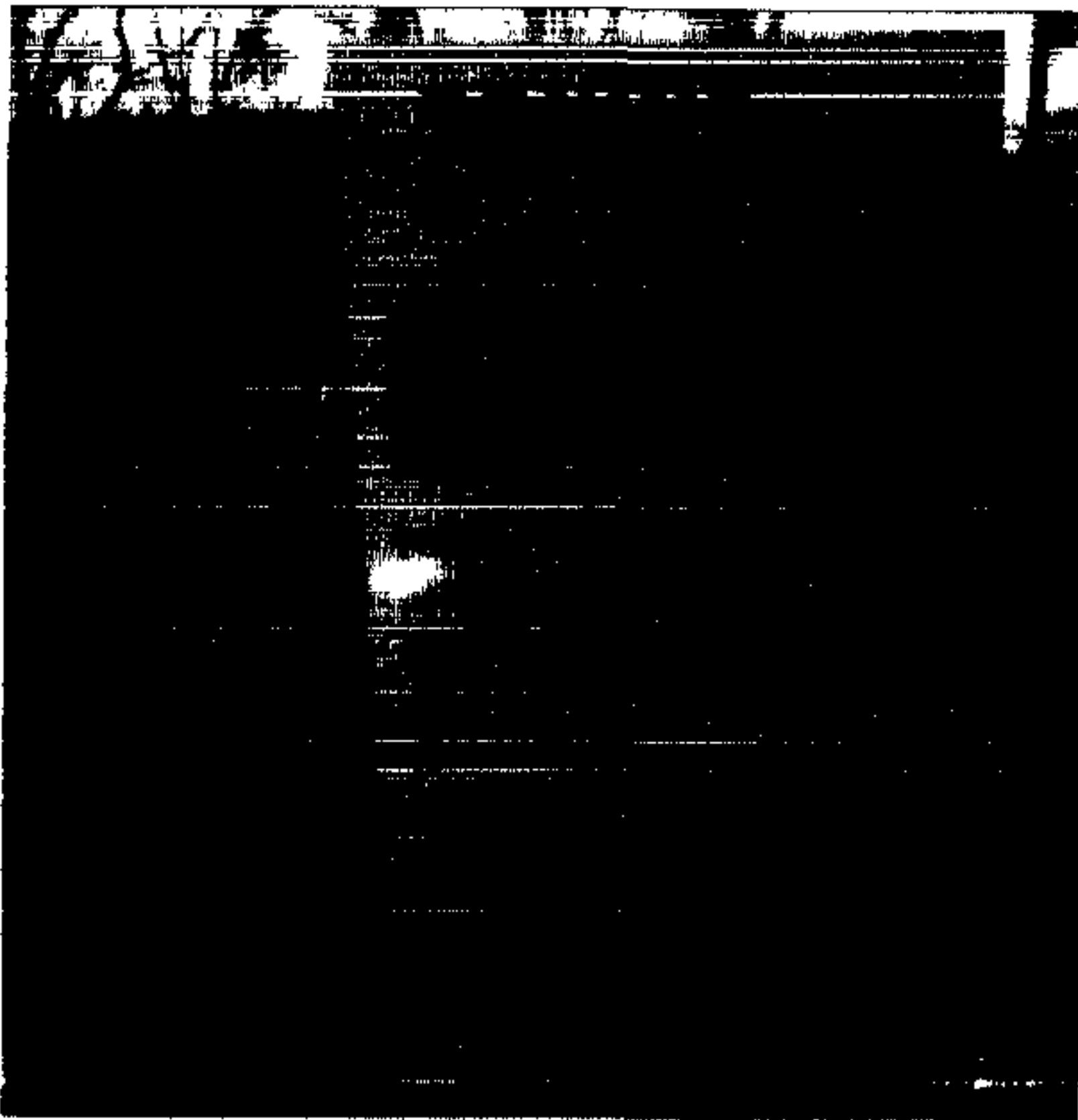
Case Number: 06-302-A

Petitioner/Developer: SAUTER & LLOYD COMPANIES, LLC

Date of Hearing (Closing): 01/23/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted
conspicuously on the property located at: 402 SHADY NOOK AVENUE

The sign(s) were posted on: 1/07/06



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

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

**Department of Permits and
Development Management**



Baltimore County

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

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

December 20, 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: 06-302-A

402 Shady Nook Avenue

East side of Shady Nook Avenue, 225 feet southeast of Paradise Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Sauter & Lloyd Companies, LLC, Ronald Sauter, Member

Variance to permit a lot width of 50 feet in lieu of the required 55 feet to obtain any other variances deemed necessary by the Zoning Commissioner for an existing dwelling.

Hearing: Monday, January 23, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson, MD 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Lawrence Hammond, 465 Main Street, P.O. Box 569, Reisterstown 21136
Ronald Sauter, P.O. Box 1496, Ellicott City 21041-1496

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 7, 2006.**
- (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, January 5, 2006 Issue - Jeffersonian

Please forward billing to:

Ronald Sauter/Ronald Lloyd
P.O. Box 1496
Ellicott City, MD 21041

410-461-2007/410-984-6776

NOTICE OF ZONING HEARING

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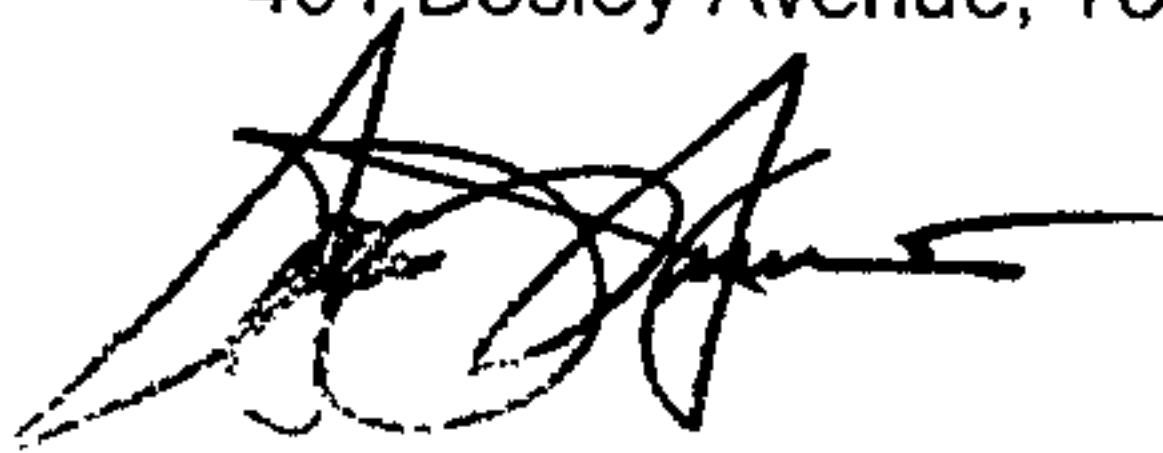
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1st Election District – 1st Councilmanic District

Legal Owners: Sauter & Lloyd Companies, LLC, Ronald Sauter, Member

Variance to permit a lot width of 50 feet in lieu of the required 55 feet to obtain any other variances deemed necessary by the Zoning Commissioner for an existing dwelling.

Hearing: Monday, January 23, 2006 at 11:00 a.m. in Room 407, County Courts Building,
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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: 06-302-A
Petitioner: Sawter & Lloyd Companies, LLC
Address or Location: 402 Shadybrook Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ronald Sawter or Ronald Lloyd
Address: P.O. Box 1496 Ellicott City
Maryland 21041

Telephone Number: (410) 461-2007 (410) 984-6776

**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*

January 23, 2006

Lawrence M. Hammond
Hammond & Hammond
P.O. Box 569 465 Main Street
Reisterstown, Maryland 21136

Dear Mr. Hammond:

RE: Case Number: 06-302-A, 402 Shady Nook Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 12, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", written in a cursive style.

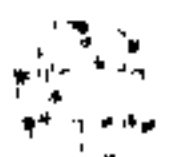
W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Sauter & Lloyd Companies Ronald Sauter P.O. Box 1496 Ellicott City 21041

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



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

December 19, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of

Item No. 267, 286, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304
and 305

Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 21, 2005

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For *December* 19, 2005
Item Nos. 267, 286, 295, 296, 298, 299,
301, 302, 303, 304, and 305

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-12212005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 11, 2006

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-301 and 5-302 Variance(s)

The Office of Planning has reviewed the subject request and has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. There appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. A plan that shows the location of all off-street parking. The required off-street parking spaces shall be provided in the side or rear yard. Parking in the front of the dwelling shall be prohibited.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz with the Office of Planning at 410-887-3480.

Prepared By: 

Division Chief: 

CM/LL

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



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

Maryland Department of Transportation

Date: 12-16-05

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

RE: Baltimore County
Item No. 302 JHP

Dear Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR VARIANCE * BEFORE THE
402 Shady Nook Avenue; E/S Shady Nook *
Avenue, 225' SE Paradise Avenue * ZONING COMMISSIONER
1st Election & 1st Councilmanic Districts
Legal Owner(s): Sauter & Lloyd Companies,* FOR
LLC by Ronald Sauter
Petitioner(s) * BALTIMORE COUNTY
* 06-302-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 20th day of December, 2005, a copy of the foregoing Entry of Appearance was mailed to, Lawrence Hammond, Esquire, 465 Main Street, Reisterstown, MD 21136, Attorney for Petitioner(s).

RECEIVED

DEC 20 2005

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 402 Shady Nook Ave

SEE PAGES 8 & 9 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

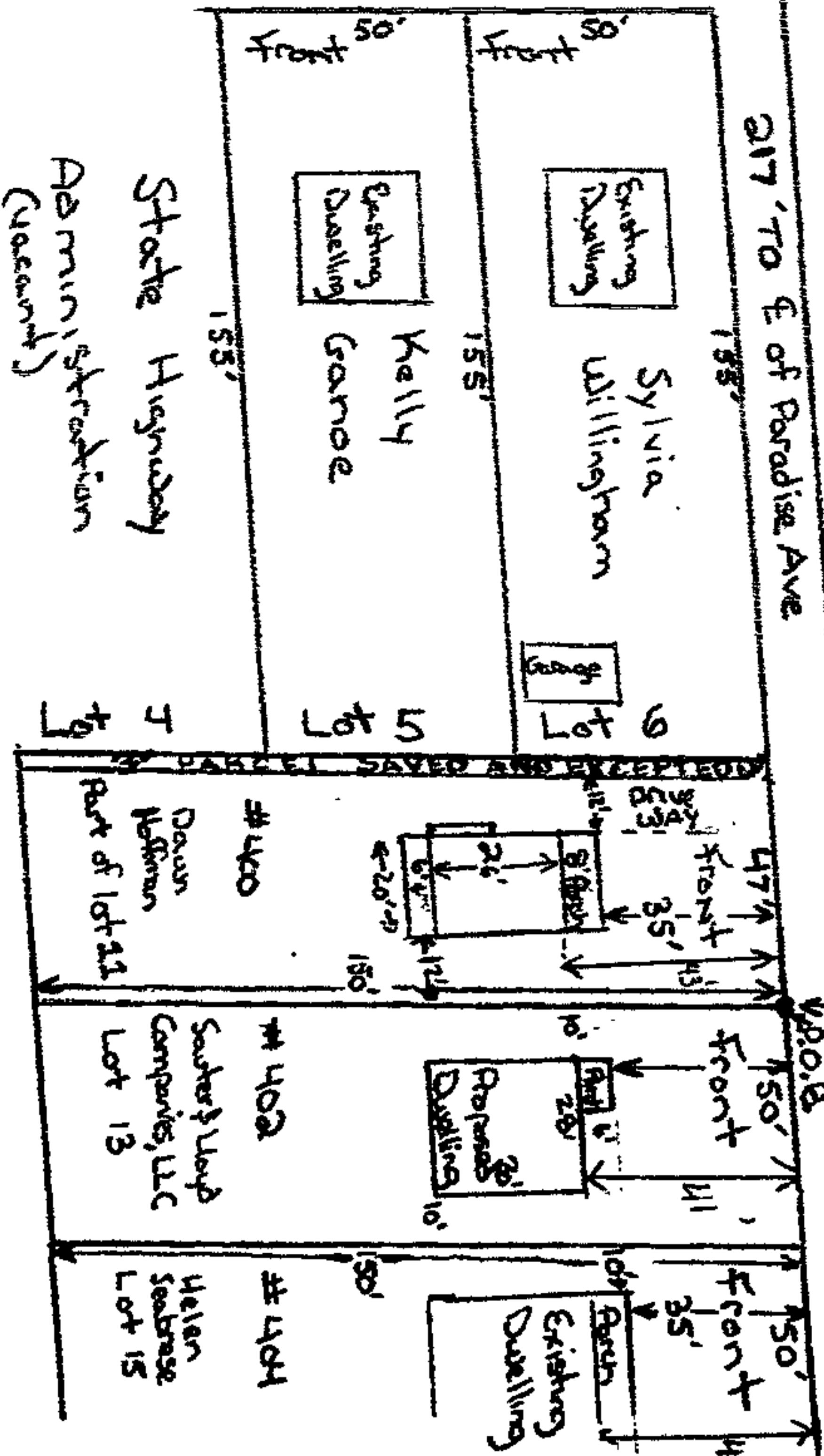
SUBDIVISION NAME Craigie BURN

PLAT BOOK # 7 FOLIO # 4 LOT # 13 SECTION # 1

OWNER Sauter & Lloyd Companies, LLC

SHADY NOOK AVENUE (24' Paved)

217' TO E of Paradise Ave



695 BALTIMORE BELTWAY

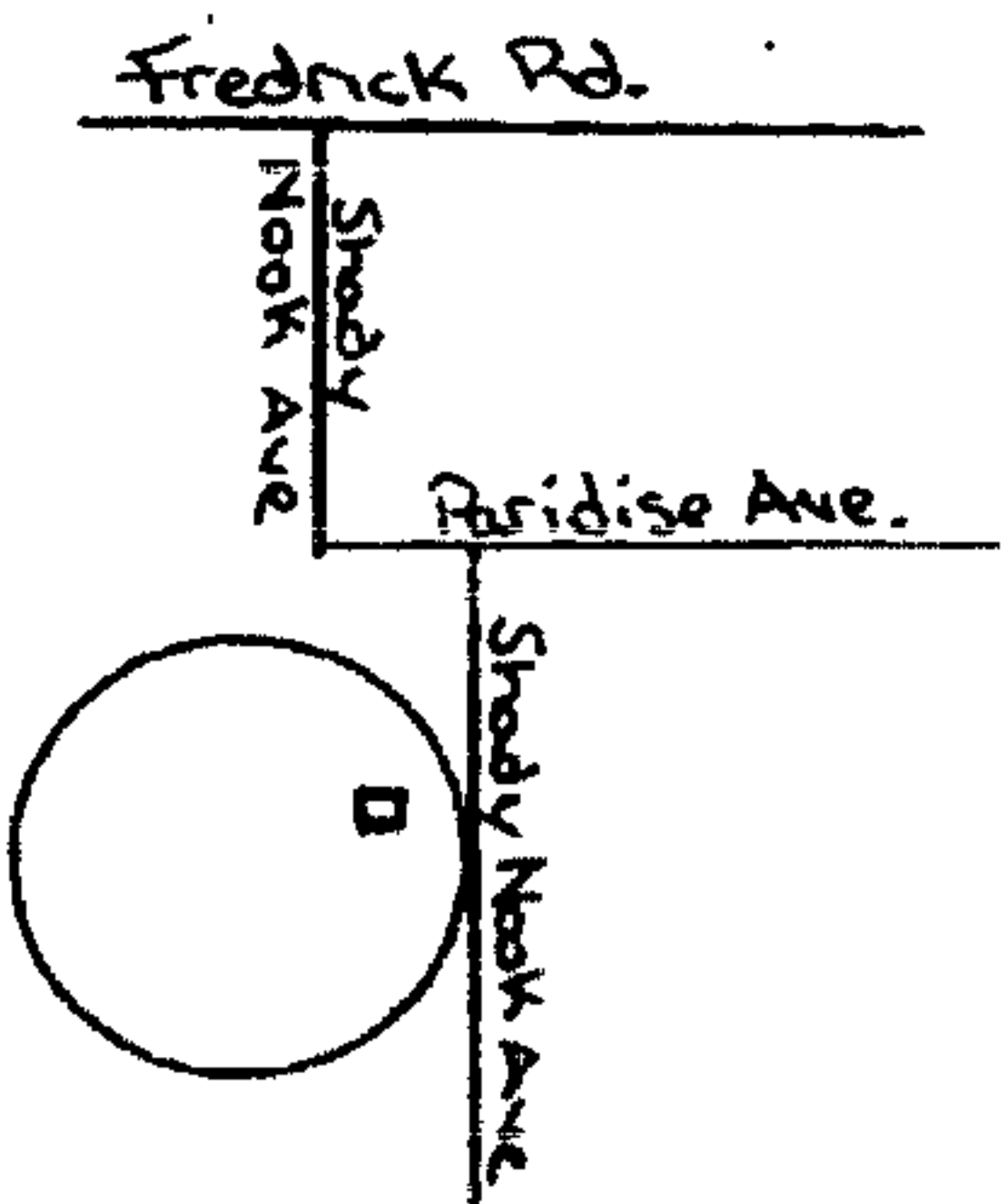


PREPARED BY Bon Sauter

SCALE OF DRAWING: 1" = 50'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 101B2

ZONING DRS.5

LOT SIZE .172 ACRES 7500 SQ. FT.

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒

CESAREAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING 04-264-A

ZONING OFFICE USE ONLY

REVIEWED BY JNP ITEM # 302 DATE 06-20-04



06-302-A