IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE Southeast of Corkley Avenue, 795' NE Of Centerline of Elligson Road 14th Election District 6th Councilmanic District	*	BEFORE THE
	*	DEPUTY ZONING COMMISSIONER
	*	FOR
	*	BALTIMORE COUNTY
(6531 & 6531 A Corkley Avenue, Lots 5 & 6)	*	
Fotini S. Jones, *Petitioner*	*	CASE NOS. 06-360-SPHA & 06-361-SPHA
Keith Brown, *Contract Purchaser*	*	

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Fotini S. Jones, Petitioner, and Keith Brown, Contract Purchaser. The subject properties are located in the Golden Ring area of Baltimore County on Corkley Avenue near Kenwood Avenue.

In case 06-360-SPHA, the Petitioner is requesting special hearing and variance relief for property owned at 6531 Corkley Avenue, Lot 5. The variance request is filed pursuant to 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 required 55 feet. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve Lot 5 as a separate building lot.

In case 06-361-SPHA, the Petitioner is requesting special hearing and variance relief for property located at 7531A Corkley Avenue, Lot 6. The variance request is filed pursuant to 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 required 55 feet. The special hearing request is filed pursuant to

ORDER RECEIVED FOR FILING
Date 3-6-06
By

Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve Lot 6 as a separate building lot.

Both properties were posted with Notice of Hearing on February 6, 2006, 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 February 9, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

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.

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."

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Date 3-9-06
By

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Anibal Gonzalez, Jr. and Keith A. Brown, as well as Donald E. Hicks, P.E. of Hicks Engineering Associates, Inc. J. Neil Lanzi, Esquire represented the Petitioner. Suzanne M. Fine and Sally Lysakoski attended the hearing in opposition to the requested relief. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

These cases were consolidated by agreement such that any evidence presented on one case applies to both. Mr. Lanzi proffered that these are adjacent lots on which an existing home is built and will be razed if the requested relief is granted. He noted that each lot is approximately 8,500 square feet, 50 feet wide and zoned DR 5.5. See Petitioner's Exhibits 1 and 2 for the proposed homes on individual lots and Exhibit 3 for the existing home and lots. The DR 5.5 regulations require 55 feet lot width. The Petitioner would like to raze the existing home and build two (2) homes on the subject lots, which will meet all DR 5.5 zoning regulations including minimum area except lot width. He opined that the new homes would be consistent with the type of home and pattern of development in the neighborhood which primarily is one home on each 50 foot lot.

Mr. Brown indicated that he originally hoped to rehabilitate the existing home but that the home was in very bad condition including substantial water in the basement as shown on Petitioner's photographs 4 K thru 4 M. He indicated that it was economically impractical to

ORDER RECEIVED FOR FILING
Date 3-6-06
By

rehab the existing house and the only practical approach was to raze the house and build two (2) in its place. This approach has the advantage of making the homes more affordable.

Mr. Lanzi proffered that these two (2) lots are Lots 5 and 6 in an unrecorded subdivision known as Kenwood Gardens but as shown by the deed history, Petitioner's Exhibit 8, these lots were created much before the DR 5.5 regulations were imposed.

Mr. Brown denied that building two (2) homes would increase a storm water run off problem which Ms. Lysakoski described since grading the property would have to meet all County standards. He also denied that homeowners of the new homes would park on narrow Corkley Avenue as each home would have a driveway and one would have a garage.

Ms. Fine who lives next door at 6533 Corkley presented letters of opposition from neighbors (Protestant's Exhibit 1) and opined that she opposed two (2) homes on these two (2) lots as the distance to her home would decrease from approximately 50 feet to approximately 20 feet. This would greatly affect her privacy and use and enjoyment of her property. She indicated that rebuilding the existing home would be far better for the neighborhood which has had one home on this double lot since the 1940's. There are other double lots in the neighborhood.

Ms. Lysakoski described existing problems with storm water runoff and opined that building the proposed homes would make things worse. After the hearing she sent correspondence.

Findings of Fact and Conclusions of Law

JULIEN RECEIVED FOR FILING
Date 3-6-06
By

One of the clearest signs that an owner of two (2) lots wanted to merge the two (2) lots is to build a home across the common lot line between the lots. That is exactly what happened here and the kind of overt action in a public forum that indicates merger. In 1947, the prior owner built a home bridging the two (2) lots and demonstrating his intent under the zoning

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 Petitioners, I find that the Petitioners' special hearing and variance requests should be denied.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6 day of March, 2006, the following:

In Case No. 06-360-SPHA that the Petitioners' request for the variance filed pursuant to 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 required 55 feet, be and is hereby DENIED; and

The special hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve Lot 5 as a separate building lot, be and are hereby DENIED; and

IT IS FURTHER ORDERED that the Petitioners' request for the variance in Case No. 06-361-SPHA filed pursuant to 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 required 55 feet, be and is hereby DENIED; and

The special hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve Lot 6 as a separate building lot, be and are hereby DENIED.

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

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
Date 3-6-06
By Dawn Jones

JVM:dlw

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6531 Corkley Ave Lot 5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Lot 5 as separate building lot.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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:

Keith Brown
Name - Type or Print

Signature

9763 Deltom Court 410-668-8595
Address Telephone No.

Baltimore MD 21234
City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi
Name - Type or Print

Signature

J. Neil Lanzi, P.A.
Company

409 Washington Ave Ste 617 410-296-0686
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

Fotini S. Jones
Name - Type or Print

Signature

Name - Type or Print

Signature

8400 Coco Road
Address Telephone No.

Baltimore, MD 21237
City State Zip Code

Representative to be Contacted:

J. Neil Lanzi
Name

409 Washington Ave Ste 617 410-296-0686
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING —

Reviewed By DRC OFF Date 1/25/06

FILED JL

Case No. 06 360 SPHA

REV 9/15/98

Please consolidate hearing with 6531 A Corkley Ave (Lot 6)

CASE RECEIVED FOR FILING
Date 3-1-

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6531 Corkley Ave Lot 5

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 of BCZR to permit a lot width of 50 feet in lieu of required 55 feet

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

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:

Keith Brown
Name - Type or Print

Signature

9763 Deltom Court 410-668-8595
Address Telephone No.

Baltimore, MD 21234
City State Zip Code

Legal Owner(s):

Fotini S. Jones
Name - Type or Print

Fotini S. Jones
Signature

Name - Type or Print

Signature

8400 Coco Road
Address Telephone No.

Baltimore, MD 21237
City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi
Name - Type or Print

Signature

J. Neil Lanzi, P.A.
Company

409 Washington Ave, Ste 617 410-296-0686
Address Telephone No.

Towson, MD 21204
City State Zip Code

Representative to be Contacted:

J. Neil Lanzi
Name

409 Washington Ave, Ste 617 410-296-0686
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING

Reviewed By DROP OFF FILED JL Date 1/25/06

HEAR CONSECUTIVELY WITH # 361

Case No. 06 360 SPHD

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 3-1-06
By

Hicks Engineering Associates, Inc.

DESCRIPTION FOR ZONING
OF
JONES PROPERTY

NO 6531 CORKLEY AVENUE
14TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the southeastern right of way line of Corkley Avenue, existing 50-foot right of way, said point being 795 feet, more or less, northeast of the centerline of Elligson Road, 50-foot right of way, thence leaving said point and running with the southeastern right of way line of Corkley Avenue;

1.) North 55 degrees 53 minutes East 50.00 feet, thence leaving the right of way line and running;

2.) South 34 degrees 07 minutes East 171.50 feet, thence,

3) South 55 degrees 53 minutes West 50.00 feet, thence,

4) North 34 degrees 07 minutes West 171.50 feet to the point of beginning.

CONTAINING 8,575 square feet or 0.1969 acres of land, more or less.

BEING KNOWN AS LOT No. 5 on the unrecorded plat of Kenwood Gardens. The improvements thereon being known as No. 6531 Corkley Avenue.

STATE OF MARYLAND
DONALD EDWIN HICKS
No. 3676
REGISTERED
PROFESSIONAL ENGINEER

HICKS ENGINEERING ASSOCIATES, INC.
200 EAST JOPPA ROAD, SUITE 402
TOWSON, MARYLAND 21286

JANUARY 6, 2006

360

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: #06-360-SPHA
6531 Corkley Avenue
Southeast side of Corkley Avenue, 795 feet northeast of Ellilgson Road
14th Election District - 6th Councilmanic District
Legal Owner(s): Fotini S. Jones
Contract Purchaser: Keith Brown

Variance: to permit a lot width of 50 feet in lieu of the required 55 ft. **Special Hearing:** to allow Lot 5 as a separate building lot.

Hearing: Friday, February 24, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 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) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

2/129 February 9 83737

CERTIFICATE OF PUBLICATION

2/9/, 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 2/9/, 2006.

- [x] 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

Variance

No. 443577

DATE 1/24/06

ACCOUNT 001 006 6150

AMOUNT $ 120.00

RECEIVED FROM: Hicks Engineering

FOR: RVTSPH

6031 Gwynn Oak

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-360-SPHA

Petitioner/Developer: KIETH BROWN

Date of Hearing/Closing: 2/24/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

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 located at:

6531 CORKLEY AVENUE

The sign(s) were posted on 2/6/06
(Month, Day, Year)

Sincerely,

Robert Black 2/7/06
(Signature of Sign Poster) (Date)

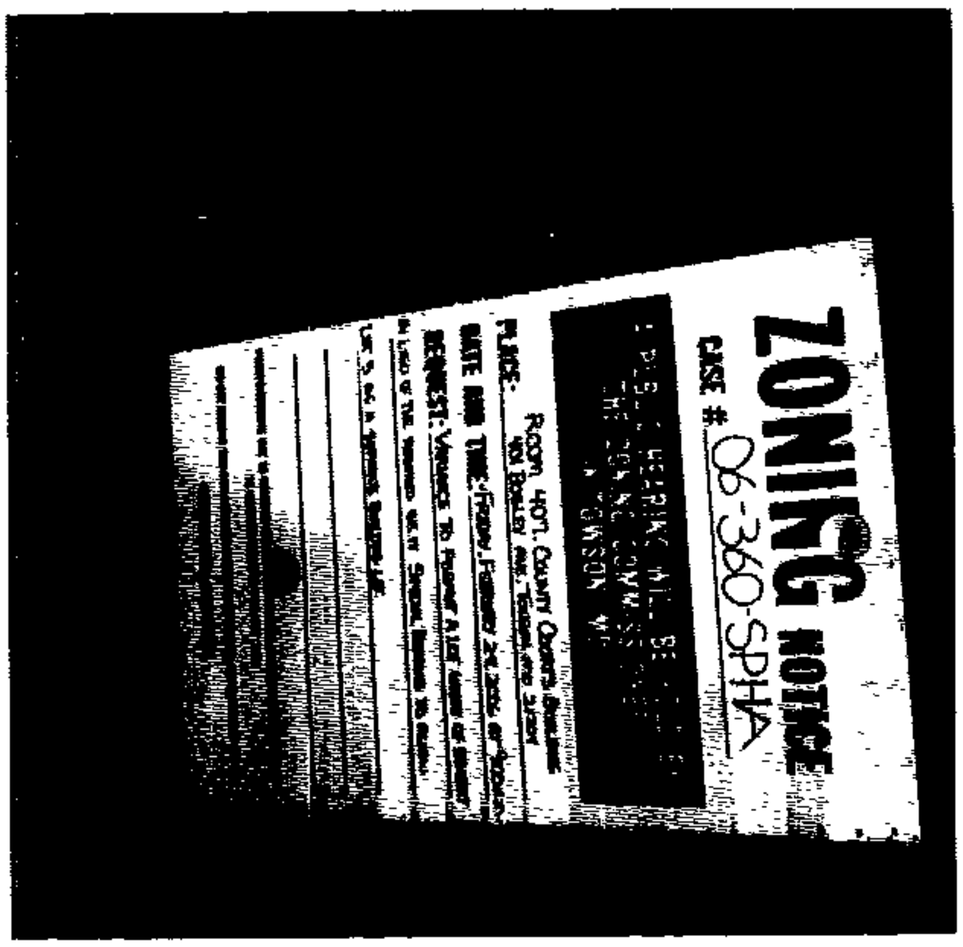
SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

6531-A CORKLEY AVE



ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 06-360-SPHA

Date Completed/Initials

11/31/06 JCB — PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

_____ DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

_____ TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

_____ UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

_____ COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

_____ POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

_____ RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

_____ INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

2/9 2/6 _____ ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

_____ COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

_____ FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

1194-0001

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: 06 360 SPHA

Petitioner: ~~V. HELL LAHIZI, ESQ.~~ JONES

Address or Location: ~~409 WASHINGTON AVENUE TOWSON, MD 21204~~ 6531 CORKLEY AVE

~~TELEPHONE: 410-296-0686~~

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. KEITH BROWN

Address: ~~11 9763 DELTON COURT~~ Delton Ct

~~BALTIMORE, MD 21234~~

Telephone Number: 410-627-3875

FAX: 410-557-0129

06 360 SPHA

FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with **all** technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.

2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.

3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

NO P.O.B. ON PLAN

3/22/05
JLL/rjc

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

January 31, 2006

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:

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6531 Corkley Avenue
Southeast side of Corkley Avenue, 795 feet northeast of Elligson Road
14th Election District, 6th Councilmanic District
Legal Owner: Fotini S. Jones
Contract Purchaser: Keith Brown

Variance to permit a lot width of 50 feet in lieu of the required 55 ft.
Special Hearing to allow Lot 5 as a separate building lot.

Hearing: Friday, February 24, 2006 @ 9:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:raj

c: J. Neil Lanzi, Esquire, 409 Washington Ave., Ste. 617, Towson, MD 21204
Fotini S. Jones, 8400 Coco Road, Baltimore, MD 21237
Keith Brown, 9763 Deltom Court, Baltimore, MD 21234

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 9, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 9, 2006 Issue - Jeffersonian

Please forward billing to:
Keith Brown (410-627-3875)
9763 Deltom Court
Baltimore, MD 21234

NOTICE OF ZONING HEARING

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WILLIAM J. WISEMAN, III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 27, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-360 & 361- Special Hearing and Variance**

The Office of Planning has reviewed the subject request and has determined that the petitioner owns 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. However, 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 condition shall apply to the proposed dwelling:

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.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lynn Lochner

CM/LL

W:\DEVREV\ZAC\6-360 & 361.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 27, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-360 & 361- Special Hearing and Variance**

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

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.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lynn Lewis

CM/LL

W \DEVREV\ZAC\6-360 & 361 doc

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 6531 Corkley Avenue; SE/S Corkley Avenue, 795' NE Elligson Road 14th Election & 6th Councilmanic Districts Legal Owner(s): Fotoni S. Jones Contract Purchaser(s): Keith Brown Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-360-SPHA

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

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/ 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 6th day of February, 2005, a copy of the foregoing Entry of Appearance was mailed J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

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

RECEIVED
FEB 06 2006
Per.....

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

February 28, 2006

John V. Murphy, Deputy Zoning Commissioner
Suite 405
County Courts Building
401 Bosley Avenue
Towson, MD 21204

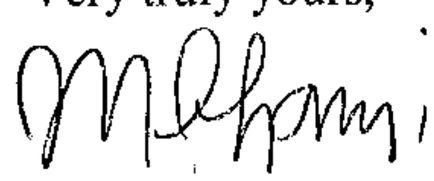
Re: Case No. 06-360-SPHA
Case No. 06-361-SPHA

Dear Mr. Murphy:

At the zoning hearing held last Friday, February 24, 2006 before you, you agreed to allow the record to remain open for one week. During that time I agreed to check with the Baltimore County Board of Appeals with regard to the status of Case Nos. 05-678-A and 05-677-A - Rossville Boulevard. In contacting the Board last Friday, I was advised that no appeal was filed to either of those two cases. However, appeals were filed to case Nos. 05-547-A, 05-548-A and 05-549-A, Clarks Point Road. As you will recall, those cases were part of your October 6, 2005 Order addressing several cases in one Memorandum Opinion. The hearings before the Board will be set in May or June of 2006 and thus no decisions have been rendered by the Board.

Hopefully, this letter provides the information you requested. Thank you for your consideration.

Very truly yours,



J. Neil Lanzi

JNL\mal
cc: Suzanne Fine
Sally Lisakowski
Don Hicks
Keith Brown

Hicks Engineering Associates, Inc.
200 East Joppa Road, Suite 402
Towson, Maryland 21286-3160
(410) 494-0001
Facsimile: (410) 821-8890

December 19, 2005

Baltimore County
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Attention: Mr. Carl Richards
Office of Zoning

Subject: Petition For Variance
6531 Corkley Avenue
Lot 5 & Lot 6
HEA J.O. NO. 21704

In accordance with the discussion between yourself and Neil Lanzi, Esq., a drop-off submittal is made for the subject property.

In the event you have any questions or require additional information, please contact Mr. Lanzi (410-296-0686) or the undersigned.

Very truly yours,

HICKS ENGINEERING ASSOCIATES, INC.

Donald E. Hicks, P.E.

cc: J. Neil Lanzi, Esq.

360

e - 360 - SPHA

2/24
9 AM

From: Sally Lysakoski
To: Murphy, John; Wiseman, Bill
Date: 02/24/06 3:41:03 PM
Subject: Zoning Hearing

Please give this to the Commissioner who heard the Zoning Hearing at 9:30 this morning for the property on Corkley Road.

I live at 6528 Corkley Road and attended a Zoning Hearing this morning. I don't know who the commissioner was at the hearing, but he will make his decision in a week or two. A contractor has purchased a home on Corkley Road with a 100' lot and wants to subdivide it, tear down the existing house, and erect two homes. Each of the homes on either side of the sub-divided property would be 20' away (10' property line for each home). I can't imagine the law to allow someone to build one house almost on top of another existing home that has been lived in for many, many years, but apparently it does. To me, it feels like an invasion of privacy. My husband is a retired Baltimore City Police Officer. We've worked hard to raise our children and plan for retirement. I also have concerns about drainage problems. I've contacted Public Works about this to ensure that the new homes will not cause flooding into other homes and the street.

Additionally, after the hearing I spoke to the contractor. He said he originally wanted to restore the house, but it was condemned due to excessive "water damage". He said he had to build the two homes to make money. I asked him not to go to settlement on Monday and buy something else. He said he was going to settle anyway and I could pay him the $20,000 he would lose and he would only build one house.

Anyway thank you for letting me vent. I fully understand that the law doesn't include people's feelings and you are there to make sure that no laws are broken. If there is anything you can do to stop this, I would be very grateful. But I can certainly understand if you have to abide by the law and be impartial. Thanks.

Sally Lysakoski
6528 Corkley Road
Baltimore, MD 21237
410-866-4684 - home
410-887-4511- work
slyaskoski@co.ba.md.us email

Case Number:0
Property: 6531 Corkley Ro
Variance to permit a lot w
The require

Home owners in close proximity of the property.

ZONING REVIEW BOARD
Department of Permits and Development Mai
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

To Whom It May Concern:

We, the owners of the property located at

6537 Corkley Rd. 21237 PARCEL ID 14-19-076870

have reviewed the zoning variation of the property located at 6531 Corkley Road Baltimore County, MD 21237 and are familiar with the proposal. We understand that the proposed variance concerns the building of two homes where one has stood before.

- ☑ We believe that the purpose of the variation is based exclusively upon a desire to obtain a higher financial return on the property.
- ☑ We believe that the splitting of the property would negatively impact the surrounding properties, and would adversely affect the character of the neighborhood.
- ☑ We also believe that a **single** property home on the site in question would be far more advantageous to the general property values of the surrounding neighbors and retain a more open environment.

Therefore, we must enter an objection to the aforesaid Zoning Appeal.

Signed M. Elaine Licato Dated 2-11-06

(Printed) M Elaine Licato

Signed [signature] Dated 2/11/06

(Printed) ANTHONY LICATO

Pro #1

Case Number:06-360-SPHA
Property: 6531 Corkley Road Balto Co. MD 21237
Variance to permit a lot width of 50 feet in lieu of
The required 55 feet

ZONING REVIEW BOARD
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

To Whom It May Concern:

We, the owners of the property located at

6528 Corkley Rd. 21237 PARCEL ID 14-12-020050

have reviewed the zoning variation of the property located at 6531 Corkley Road Baltimore County, MD 21237 and are familiar with the proposal. We understand that the proposed variance concerns the building of two homes where one has stood before.

- ☑ We believe that the purpose of the variation is based exclusively upon a desire to obtain a higher financial return on the property.
- ☑ We believe that the splitting of the property would negatively impact the surrounding properties, and would adversely affect the character of the neighborhood.
- ☑ We also believe that a **single** property home on the site in question would be far more advantageous to the general property values of the surrounding neighbors and retain a more open environment.

Therefore, we must enter an objection to the aforesaid Zoning Appeal.

Signed Sally A. Lysakoski Dated 2/11/06
(Printed) SALLY A. LYSAKOSKI

Signed Gregory E. Lysakoski Dated 2/11/06
(Printed) GREGORY E. LYSAKOSKI

Case Number:06-360-SPHA
Property: 6531 Corkley Road Balto Co. MD 21237
Variance to permit a lot width of 50 feet in lieu of
The required 55 feet

ZONING REVIEW BOARD
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

To Whom It May Concern:

We, the owners of the property located at
6534 Corkley Rd 21237 PARCEL ID 14-23-079240

have reviewed the zoning variation of the property located at 6531 Corkley Road Baltimore County, MD 21237 and are familiar with the proposal. We understand that the proposed variance concerns the building of two homes where one has stood before.

- ☑ We believe that the purpose of the variation is based exclusively upon a desire to obtain a higher financial return on the property.
- ☑ We believe that the splitting of the property would negatively impact the surrounding properties, and would adversely affect the character of the neighborhood.
- ☑ We also believe that a **single** property home on the site in question would be far more advantageous to the general property values of the surrounding neighbors and retain a more open environment.

Therefore, we must enter an objection to the aforesaid Zoning Appeal.

Signed Christina Fisher Dated Feb 11 2006
(Printed) Christina Fisher

Signed John R Mitcheck Dated Feb 11 2006
(Printed) John R Mitcheck

Home owners adjoining
The property.

ZONING REVIEW BOARD
Department of Permits and Development M
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

Case Number:06-360-SPHA
Property: 6531 Corkley Road Balto Co. MD 21237
Variance to permit a lot width of 50 feet in lieu of
The required 55 feet

To Whom It May Concern:

Parcel ID # 14-13-092100

We, the owners of the property located at
6529 Corkley Rd Baltimore Md 21237

which abuts the property in question, have reviewed the zoning variation of the property located at 6531 Corkley Road Baltimore County, MD 21237 and are familiar with the proposal. We understand that the proposed variance concerns the building of two homes where one has stood before.

We believe that the purpose of the variation is based exclusively upon a desire to obtain a higher financial return on the property.

We believe that the splitting of the property would negatively impact the surrounding properties, and would adversely affect the character of the neighborhood.

We also believe that a **single** property home on the site in question would be far more advantageous to the general property values of the surrounding neighbors and retain a more open environment.

Therefore, we must enter an objection to the aforesaid Zoning Appeal.

Signed
Juanita C. Myers

Dated
2/7/06

Signed (Printed)
JUVITA C. MYERS

Dated

ZONING REVIEW BOARD
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

Case Number:06-360-SPHA
Property: 6531 Corkley Road Balto Co. MD 21237
Variance to permit a lot width of 50 feet in lieu of
The required 55 feet

To Whom It May Concern:

We, the owners of the property located at
6533 Corkley Road Rosedale, MD 21237 Parcel # 14-03-067150

which abuts the property in question, have reviewed the zoning variation of the property located at 6531 Corkley Road Baltimore County, MD 21237 and are familiar with the proposal. We understand that the proposed variance concerns the building of two homes where one has stood before.

We believe that the purpose of the variation is based exclusively upon a desire to obtain a higher financial return on the property.

We believe that the splitting of the property would negatively impact the surrounding properties, and would adversely affect the character of the neighborhood.

We also believe that a **single** property home on the site in question would be far more advantageous to the general property values of the surrounding neighbors and retain a more open environment.

Therefore, we must enter an objection to the aforesaid Zoning Appeal.

Signed	Dated
Suzanne M Fine (Suzanne M Fine)	Feb 11, 2006
Signed	Dated

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – W/S Regwood Road, 800' & 925' N of the c/l Harford Road **(12414 & 12416 Regwood Road)** 11th Election District 3rd Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	**Case No. 05-334-SPH & 05-335-A**
12416 Regwood Road, LLC Legal Owners/Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject adjacent properties, 12416 Regwood Road, LLC. Since the properties are owned by the same entity and abut one another, the two cases were heard contemporaneously. In **Case No. 05-334-SPH,** special hearing relief is requested to approve a proposed single-family dwelling on a lot that is not part of a subdivision, with an area of .6011 acres in lieu of the required 1.5 acres, side yard setbacks of 30 feet each in lieu of the required 50 feet, and approval of the property known as 12416 Regwood Road, as an undersized lot. In **Case No. 05-335-A**, variance relief is requested from Section 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an existing single-family dwelling, known as 12416 Regwood Road, with a side yard setback of 43 feet in lieu of the required 50 feet and approval of that property as an undersized lot. The two properties in question, the proposed improvements and zoning relief requested are more particularly described on the site plans submitted in each case and marked into evidence, respectively as Petitioner's Exhibits 2 and 1.

Appearing at the requisite hearing in support of the request were Sean Ruppert, managing member of 12416 Regwood Road, LLC, property owners; Paul Naldrett and Donald Hicks, Professional Engineers with Hicks Engineering, Inc, the consultants who prepared the site plans for both properties; and J. Neil Lanzi, Esquire, attorney for the Petitioners. Appearing as an interested citizen was Luke Glasgow, who owns the property adjacent to the vacant lot. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject properties are adjacent parcels located with frontage on the west side of Regwood Road, just north of Harford Road in Kingsville. The property known as 12414 Regwood Road is an unimproved parcel, approximately 134' wide and 204' deep, and contains a gross area of .6011 acres, or 26,184 sq.ft. The property known as 12416 Regwood Road, is improved with a single-family dwelling, and is approximately 186' wide and 210' deep, and contains a gross area of .849 acres, or 36,982 sq.ft. Both lots are described in separate deeds recorded in the Land Records of Baltimore County, said deeds dating back to 1911, predating the Baltimore County Zoning Regulations (B.C.Z.R.), and the Petitioner receives separate tax bills for each lot. Both lots are zoned R.C.5.

Testimony and evidence offered revealed that the Petitioners have owned both lots since September 2004 and that Mr. Ruppert's mother currently resides in the existing dwelling. Mr. Ruppert testified that he grew up in the neighborhood and that his family has been familiar with the area for many years. In fact, Mrs. Ruppert is acquainted with various members of the Class family who reside immediately north and to the rear of the subject property. In any event, the Petitioners are desirous of developing the vacant lot with a single-family dwelling. However, given the small size of the lot and its R.C.5 zoning classification, the requested relief is necessary to legitimize existing conditions on the improved lot and allow construction of the new dwelling on the vacant lot.

As shown on the site plan marked as Petitioner's Exhibit 2 in Case No. 05-334-SPH, the proposed dwelling will be a two-story structure featuring an attached garage with access provided thereto via a driveway leading into the property from Regwood Road along its southern boundary. Testimony indicated that the new dwelling will be similar in size and scope as other existing homes in the neighborhood and that extensive efforts have been undertaken in the design and location of the proposed home so as to retain as many mature trees as possible.

Mr. Glasgow, who resides immediately south of the unimproved lot at 12412 Regwood Road, testified that he was concerned as to the location of the proposed dwelling and what impact the new house might have on his well and septic systems. He also voiced concerns about water

resources in the area and indicated that he would prefer to see the lot remain undeveloped; however, conceded that building elevation drawings of the proposed dwelling appear to be well thought out. Mr. Glasgow indicated that he appreciated the Petitioners' efforts to retain trees where possible, particularly the one between his house and the proposed new driveway on the subject lot. The Petitioners' engineer indicated that the driveway was purposely shifted in order to save that particular tree.

Pursuant to the R.C.5 zoning regulations set forth in Section 1A04.3 of the B.C.Z.R., a minimum lot area of 1½ acres and 50-foot setbacks to any lot line are required. Moreover, the maximum building coverage allowed is 15% of the total square footage of the lot. In its Zoning Advisory Committee (ZAC) comment dated February 11, 2005, the Office of Planning recommended approval of the special hearing and variance requests for both lots. It was indicated that the site plan and building elevation drawings of the proposed development were submitted for their review and approval, and were found to meet the spirit and intent of the R.C.5 zoning regulations as well as the performance standards set forth in Section 1A04.4 of the B.C.Z.R. It is also to be noted that the vacant lot has been subject to percolation tests and will require an approved well prior to the issuance of any permits.

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing and variance requests. In my judgment, the Petitioner has complied with the requirements of Section 307 of the B.C.Z.R. and the case law by establishing that the subject properties contain unique characteristics that disproportionately impact these lots. As noted above, the subject properties were recorded as separate lots of record prior to the effective date of the R.C.5 zoning regulations. Given their small size, I find that strict compliance with the regulations would result in a practical difficulty or unreasonable hardship for the Petitioners and meets the spirit and intent of the R.C.5 zoning regulations. Moreover, I find that the proposed development is consistent with the character of other development in the neighborhood, and will not result in any detriment to the health, safety or general welfare of the surrounding locale. Thus, I am persuaded that the relief requested is appropriate in this instance and should be granted.

Pursuant to the advertisement, posting of the property 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 22nd day of March 2005 that the Petition for Special Hearing filed in **Case No. 05-334-SPH** seeking approval, pursuant to Section 1A04.3.B of the B.C.Z.R., to approve a proposed single family dwelling on a pre-existing lot not part of a recorded subdivision, with an area of 0.6011 acres in lieu of the required 1.5 acres, with side yard setbacks of 30 feet each in lieu of the required 50 feet, and approval of the property known as 12416 Regwood Road as an undersized lot, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in **Case No. 05-335-A** seeking relief from Section 1A04.3.B.2.b of the B.C.Z.R. to permit a side yard setback of 43 feet in lieu of the required 50 feet for the existing dwelling, known as 12414 Regwood Road, and approval of the property as an undersized lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their 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) Compliance with the ZAC comments submitted by the Office of Planning and the Department of Environmental Protection and Resource Management (DEPRM), both dated February 3, 2005, copies of which are attached hereto and made a part hereof. The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 3, 2005

RECEIVED

FEB - 3 2005

ZONING COMMISSIONER

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

SUBJECT: 12414 and 12416 Regwood Road

INFORMATION:

Item Number: 5-334 and 5-335

Petitioner: 12416 Regwood Road, LLC.

Zoning: RC 5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has determined that the petitioner owns 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.

In addition, the subject property is an existing lot of record that is not within a subdivision approved by record plat. As such, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of the existing dwelling.
2. 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.
3. Orient the front of the proposed dwelling towards Regwood Road and incorporate prominent entries and porches or stoops in the front building façade.

4. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
5. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
6. Ensure that exterior of all buildings use the same finish materials and architectural details on all front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
7. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

MAC/LL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED
FEB - 3 2005
ZONING COMMISSIONER

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
DEPRM

DATE: February 3, 2005

SUBJECT: Zoning Item # 05-334
Address 12414 Regwood

Zoning Advisory Committee Meeting of January 18, 2005.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Soil evaluations must be conducted and a well drilled prior to building permit approval.

Reviewer: Sue Farinetti Date: February 3, 2005

S:\Devcoord\ZAC SHELL 11-20-03.doc

IN RE: PETITION FOR VARIANCE
SW/S of Hiss Avenue, 62.5 ft. SE
from centerline of Willac Avenue
14th Election District
6th Councilmanic District
(3103 Hiss Avenue)

PETITION FOR VARIANCE
SW/S of Hiss Avenue, 112.5 ft. SE
from centerline of Willac Avenue
14th Election District
6th Councilmanic District
(3105 Hiss Avenue)

Kathryn Forsythe- Majchrzak
& Paul J. Majchrzak
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* *CASE NO. 04-608-A*
and
* *CASE NO. 04-609-A*
*
*
*
*

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner as Petitions for Variance filed by the legal owners, Kathryn Forsythe-Majchrzak and Paul J. Majchrzak.

In the first case (#04-608-A), the Petitioners are requesting variance relief for property located at 3103 Hiss Avenue in the "Glen Haven" subdivision of Baltimore County. The variance request is from Sections 1B02.3C.5 and 1B02.3C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 6 ft. in lieu of the required 10 ft. and to permit a lot width of 50 ft. in lieu of the required 55 ft.

In the companion case (#04-609-A), Petitioners are requesting variance relief for property located at 3105 Hiss Avenue in the "Glen Haven" subdivision of Baltimore County. The variance request is from Sections 1B02.3A.5, 304 & 1B02.3C 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. and to permit a proposed dwelling on an undersized lot.

The properties were posted with Notice of Hearing on August 14, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notices of Zoning hearing were published in "The Jeffersonian" newspaper on August 12, 2004 to notify any interested persons of the scheduled hearing date.

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."

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 July 8, 2004 stating that certain conditions must apply if the request is granted, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance requests were Vincent Moskunas from Site Rite Surveying, Inc. and Paul and Kathryn Majchrzak, Petitioners. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

These are companion cases and all testimony and evidence presented is applicable to both cases. Mr. Moskunas proffered that these cases involve side by side properties in the Parkville area. Case No. 04-608 involves Lots 63 and 64 in the "Glen Haven" subdivision, which was recorded in the Land Records for Baltimore County in 1923. Case No. 04-609 involves Lots 65 and 66 in the same subdivision. All lots are 25 ft. wide by 140 ft. long. All are in the same ownership and zoned DR 5.5.

In Case No. 04-608, testimony and evidence indicated that the property consists of 7,000 sq. ft., more or less. These lots are presently improved by an existing single-family dwelling which is located on the center of the two lots. Even so, Mr. Moskunas explained the existing house is only 6 ft. from the property line and thus does not meet the 10 ft. setback for this DR 5.5 zone. In Case No. 04-609 testimony and evidence indicated that this property consists of Lots 65 and 66 which are vacant. It is on these lots that the Petitioner proposes to build a new home that will once again be located in the center of these two lots. The new home will meet all requirements of the DR 5.5 zone, including having a lot area of 6,000 sq. ft. It will be compatible with the neighborhood in size and design. However, the minimum lot width in this zone is 55 ft. so that combining two 25 ft. lots will not meet this requirement for either case.

Mr. Moskunas explained that the pattern of development in this area is to erect one single-family dwelling on two 25 ft. lots giving each one 50 ft. of property. Petitioners' Exhibit No. 1 shows the layout of the subject and properties. Petitioners' Exhibit No. 2 also indicates that pattern of development. The new home would be built next to the Maggitti property, adjacent property owners, who have reviewed the proposal and have no objection.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were part of a subdivision that was recorded in the Land Records of Baltimore County in 1923 much before the DR 5.5 zoning regulations were imposed in 1970. As such, I find that the imposition of the zoning regulations impact these lots differently than lots in the area laid out in accord with the DR regulations. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Although 5 ft. could be transferred from the property with the existing home to make the new home lot meet all regulations, that transfer would simply increase the deficiency of the property with the existing house. Instead of a 6 ft. variance the Petitioner would be asking for a 1 ft. variance. I find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of granting these variances. By combining two 25 ft. lots the properties will meet the 6,000 sq. ft. area requirement for DR 5.5 zoned property.

I further find that these variances can be granted in strict harmony with the spirit and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. Mr. Moskunas has demonstrated that the pattern of development is for homes in this area to be placed on two 25 ft. lots. Thus, a new home in this location will not change the character of the neighborhood.

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

THEREFORE, IT IS ORDERED, this 10th day of September, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance in Case No. 04-608-A (3103

Hiss Avenue), from Sections 1B02.3C.5 and 1B02.3C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 6 ft. in lieu of the required 10 ft. and to permit a lot width of 50 ft. in lieu of the required 55 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petitioners' request for variance in Case No. 04-609-A (3105 Hiss Avenue), from Sections 1B02.3A.5, 304 & 1B02.3C 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. and to permit a proposed dwelling on an undersized lot, be and is hereby GRANTED.

Approval of the above variance requests are subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

2. Compliance with the ZAC comments submitted by the Office of Planning dated July 8, 2004, a copy of which is attached hereto and made a part hereof; and

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

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

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

Anjani Dibello & Robert D. Leas,
Legal Owners
Petitioners

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

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

IN RE: PETITION FOR VARIANCE
SW/S of Rossville Boulevard, 150 ft. NW
centerline of Gum Spring Road
14th Election District
6th Councilmanic District
(150 ft. W of Gum Spring Road on
S/S of Rossville Boulevard)

Jennifer Adams, Legal Owners
Petitioner

* CASE NO. 05-678-A
* AND

PETITION FOR VARIANCE
SW/S of Rossville Boulevard, 200 ft. NW
centerline of Gum Spring Road
14th Election District
6th Councilmanic District
(200 ft. W of Gum Spring Road on
S/S of Rossville Boulevard)

Stephen Collesano
Petitioner

CASE NO. 05-677-A

* *

IN RE: PETITION FOR VARIANCE
E/S of Lincoln Avenue, 96 ft. S
centerline of Geise Avenue
15th Election District
7th Councilmanic District
(2225 Lincoln Avenue)

Emma M. Hardesty & Edward Lister, Jr.,
Legal Owners
Petitioners

* CASE NO. 05-585-A
* AND

PETITION FOR VARIANCE * CASE NO. 05-586-A
E/S of Lincoln Avenue, 146 ft. S
centerline of Geise Avenue *
15th Election District
7th Councilmanic District *
(2221 Lincoln Avenue)
*
Emma M. Hardesty & Edward Lister, Jr.,
Petitioners *

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

IN RE: PETITION FOR VARIANCE *
N/S of St. Lukes Lane, 25 ft. W
centerline of Yataruba Drive *
2nd Election District
4th Councilmanic District *
(3116 St. Lukes Lane)
* CASE NO. 06-001-A
Stanley Graves, Legal Owner
and *
W. Stephen Cook, Contract Purchaser
Petitioners *

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

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

PETITION FOR VARIANCE *
E/S of North Point Road, 270 ft. E
centerline of Elmore Avenue *
15th Election District
7th Councilmanic District *
(7618 North Point Road)
* CASE NO. 06-054-A
Paul Kennard Hidden, *Legal Owner*
and *
Douglas Keith Williams, *Contract Purchaser*
Petitioners *

* *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

Clark's Point

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

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

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

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

Rossville

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

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

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

Lincoln Avenue

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

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

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

St. Lukes Lane

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

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

North Point

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

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

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

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

Applicable Law

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

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

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

Zoning Advisory Committee Comments

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

Interested Persons

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

Introduction

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

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

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

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

Questions Presented

The questions presented in each case are:

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

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

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

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

Testimony and Evidence

Clark's Point

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

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

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

Lincoln Avenue

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

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

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

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

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

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

Roseville Boulevard

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

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

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

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

St. Lukes Lane

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

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

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

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

North Point Road

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

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

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

Findings of Fact and Conclusions of Law

Doctrine of Zoning Merger

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Case Law Summary

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

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

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

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

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

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

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

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

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

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

The County does not require permits for:

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

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

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

somewhat from his decision in the following.

Question A

Did zoning merger occur?

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

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

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

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

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

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

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

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

Question B

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

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

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

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

Question C

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

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

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

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

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

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

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

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

Question E

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

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

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

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

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

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

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

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

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

Variance Requests

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Case No. 05-586-A: Property located at 2221 Lincoln Avenue. The variance relief requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a minimum lot width of 50 ft. in lieu of the required 55 ft. for a proposed single-family dwelling, be and is hereby GRANTED subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

2. The Petitioners must be in compliance with the ZAC comments submitted by the Office of Planning dated June 27, 2005

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

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

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

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

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

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

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

6. The Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

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

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

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

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

EXHIBIT A – CLARK'S POINT ROAD

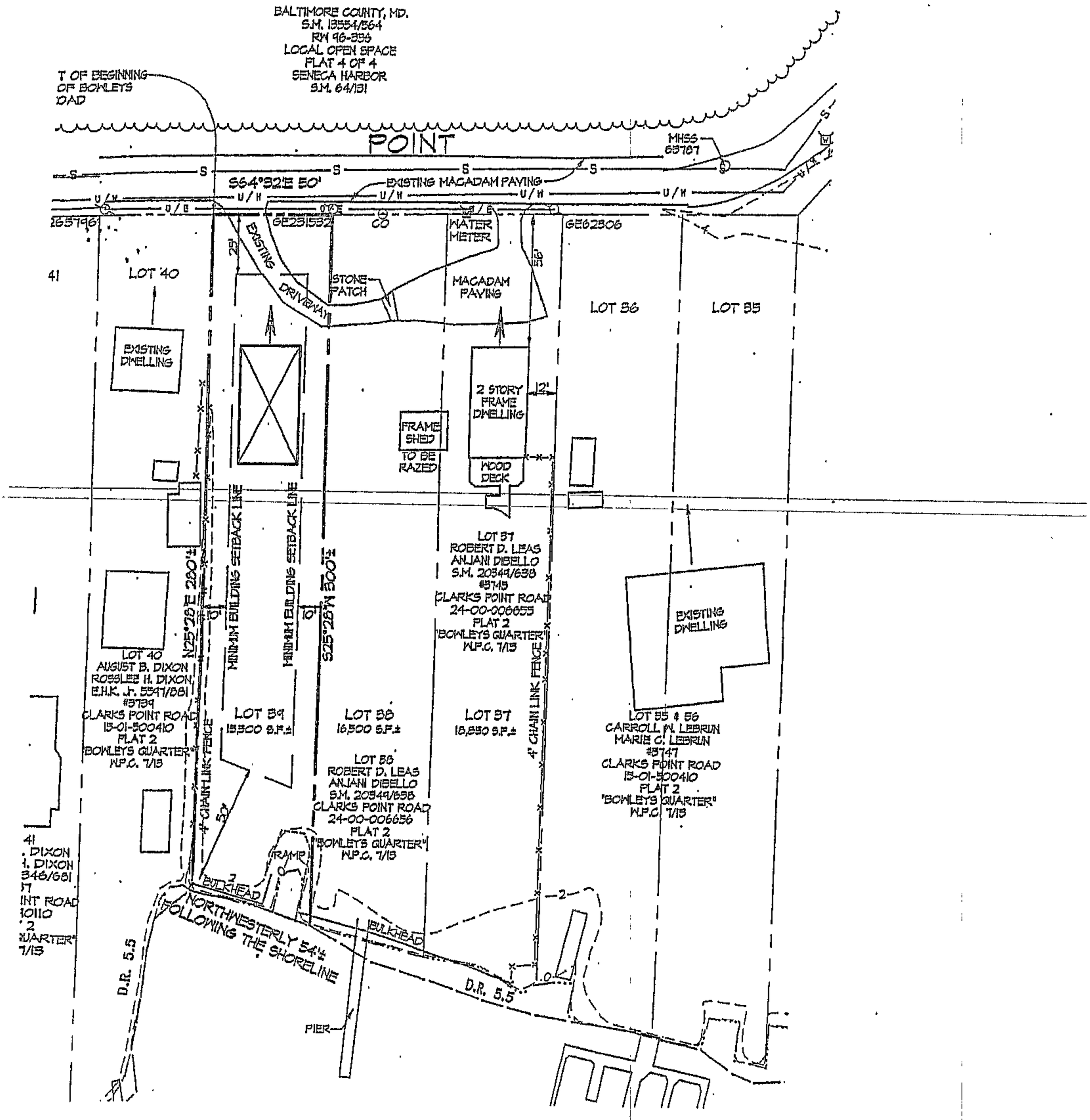


EXHIBIT B LINCOLN AVENUE

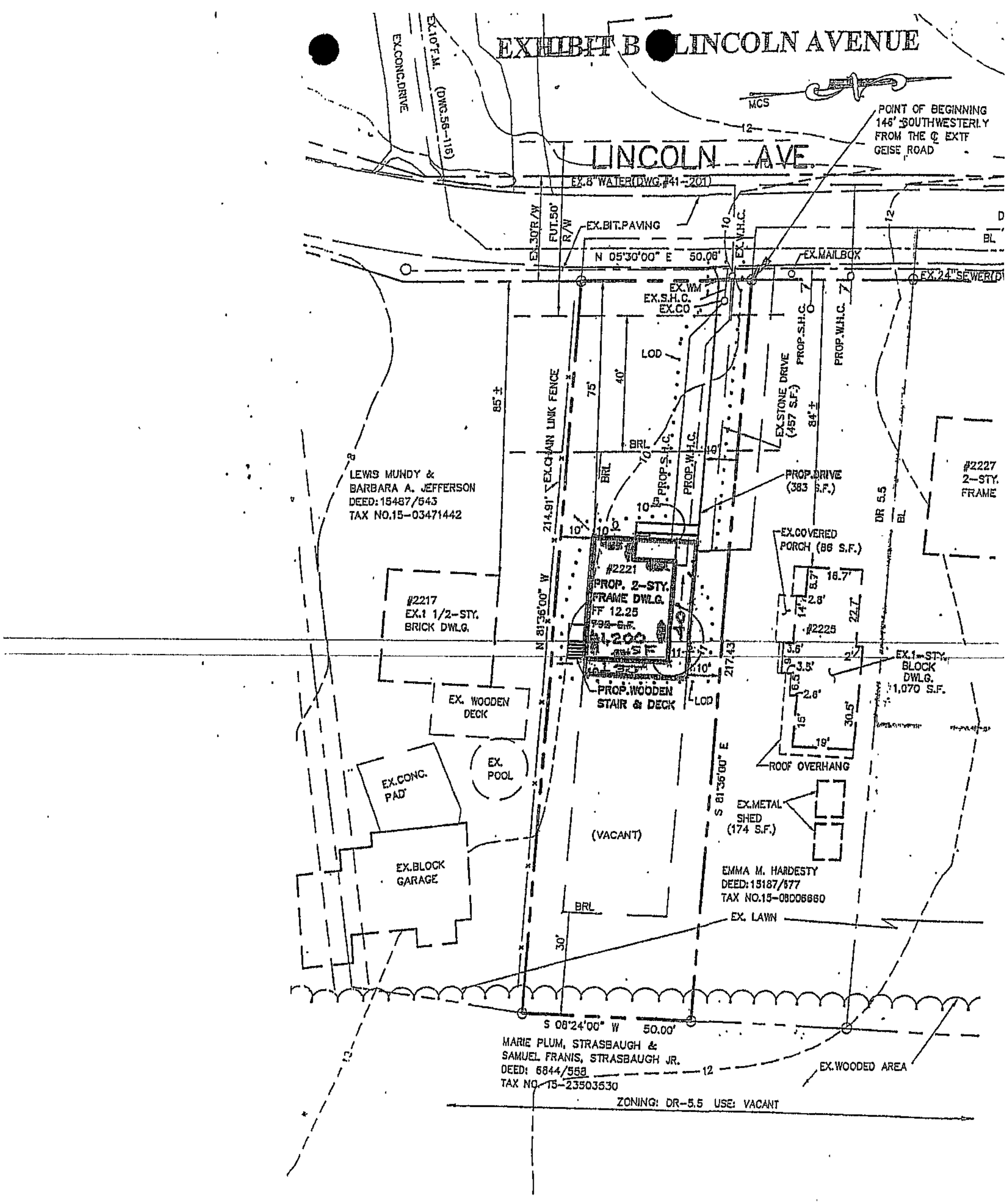


EXHIBIT C ROSSVILLE BLVD.

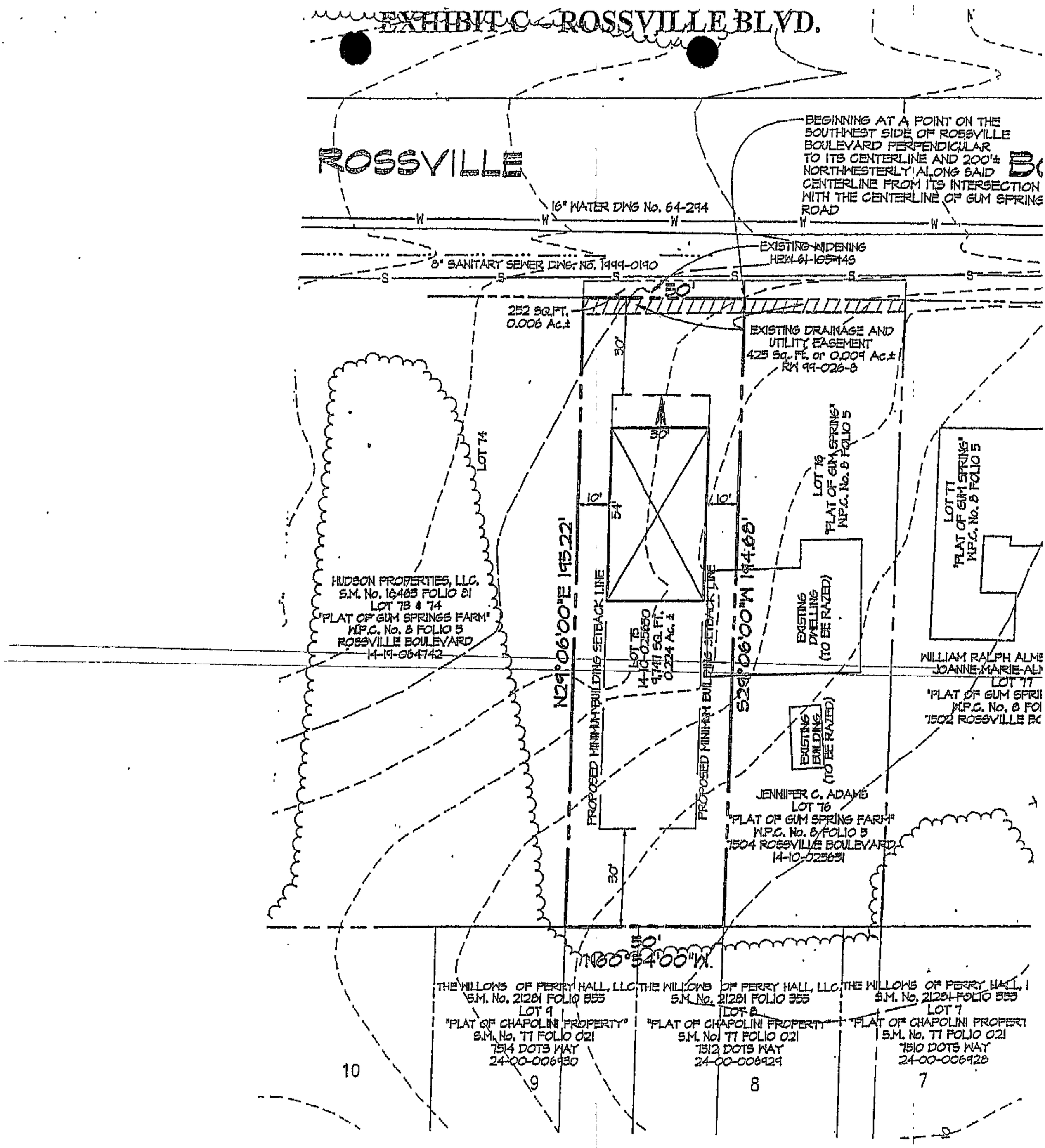
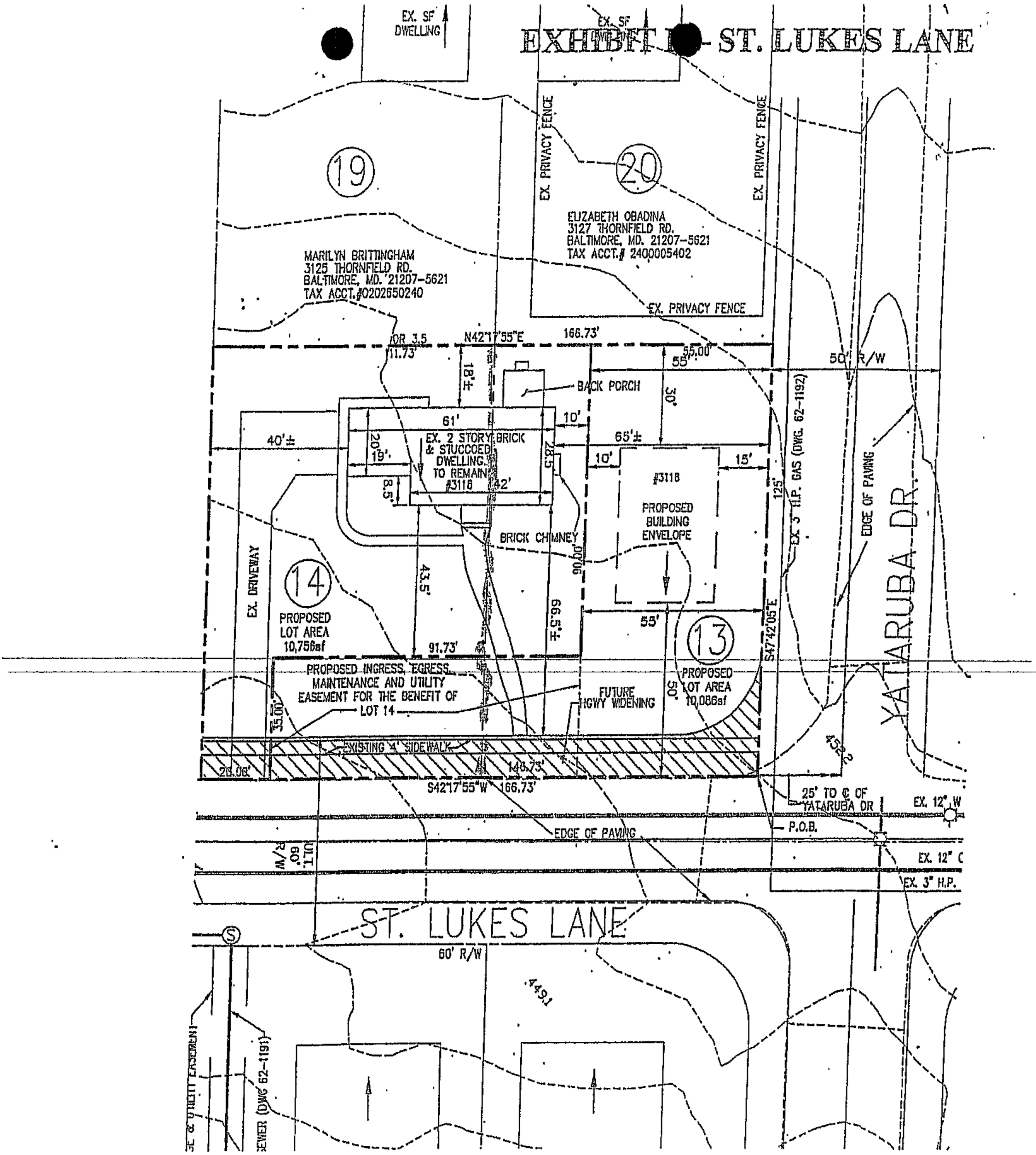


EXHIBIT I - ST. LUKES LANE



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

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

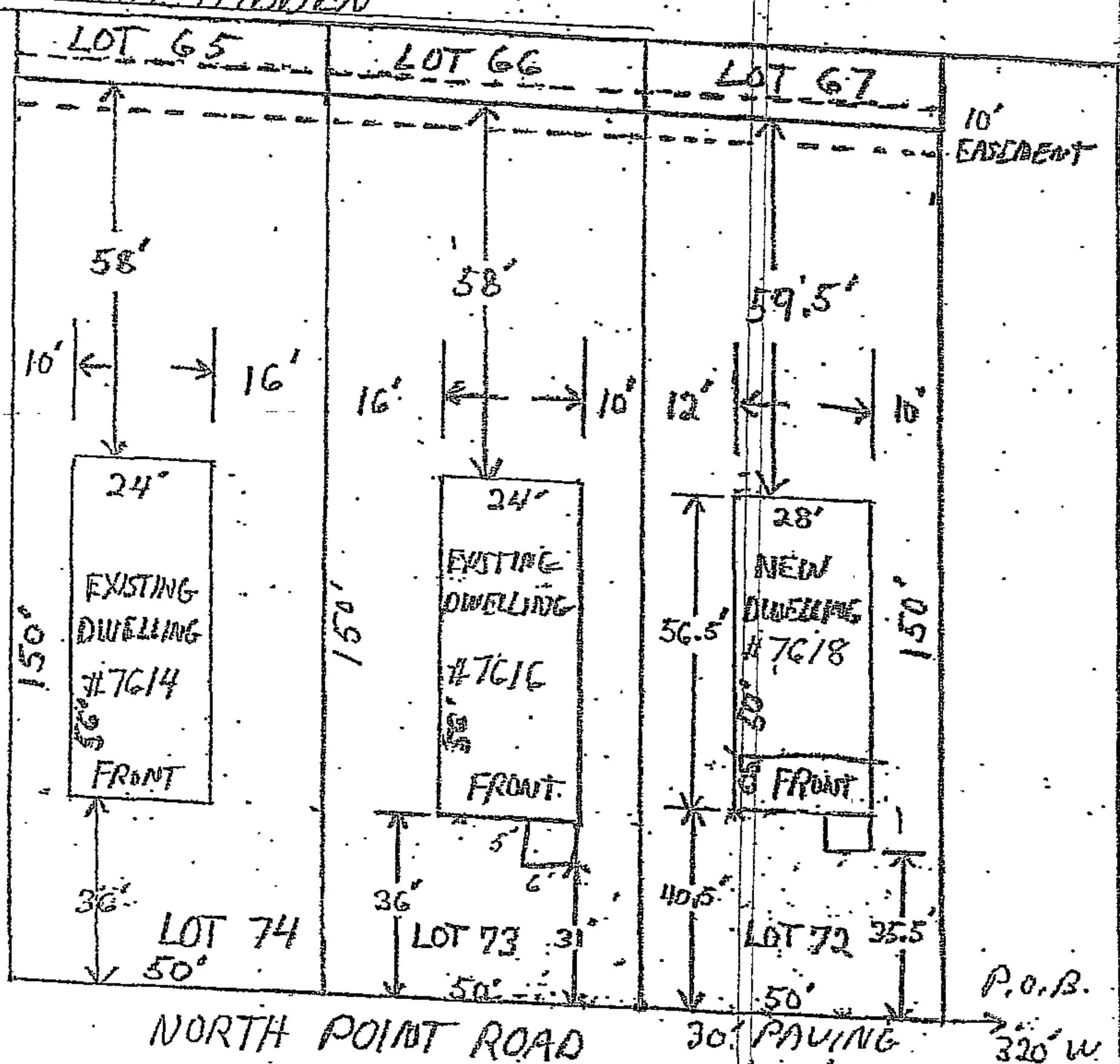
PROPERTY ADDRESS 7616 NORTH POINT RD.

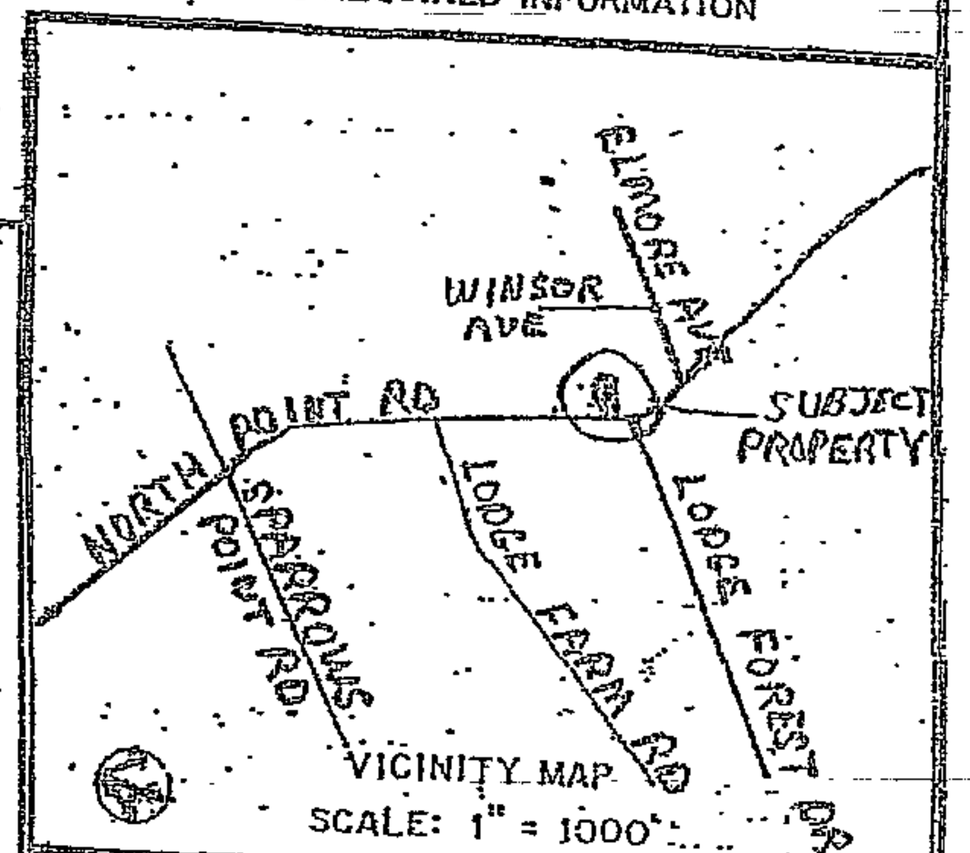
SUBDIVISION NAME TRIPLE UNION

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

OWNER PAUL HIDDEN

EXHIBIT E - NORTH POINT RD.





LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1"=200' SCALE MAP # 11C2

ZONING DR 5.5

LOT SIZE ____ ACREAGE 7500 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

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

PRIOR ZONING HEARING NONE

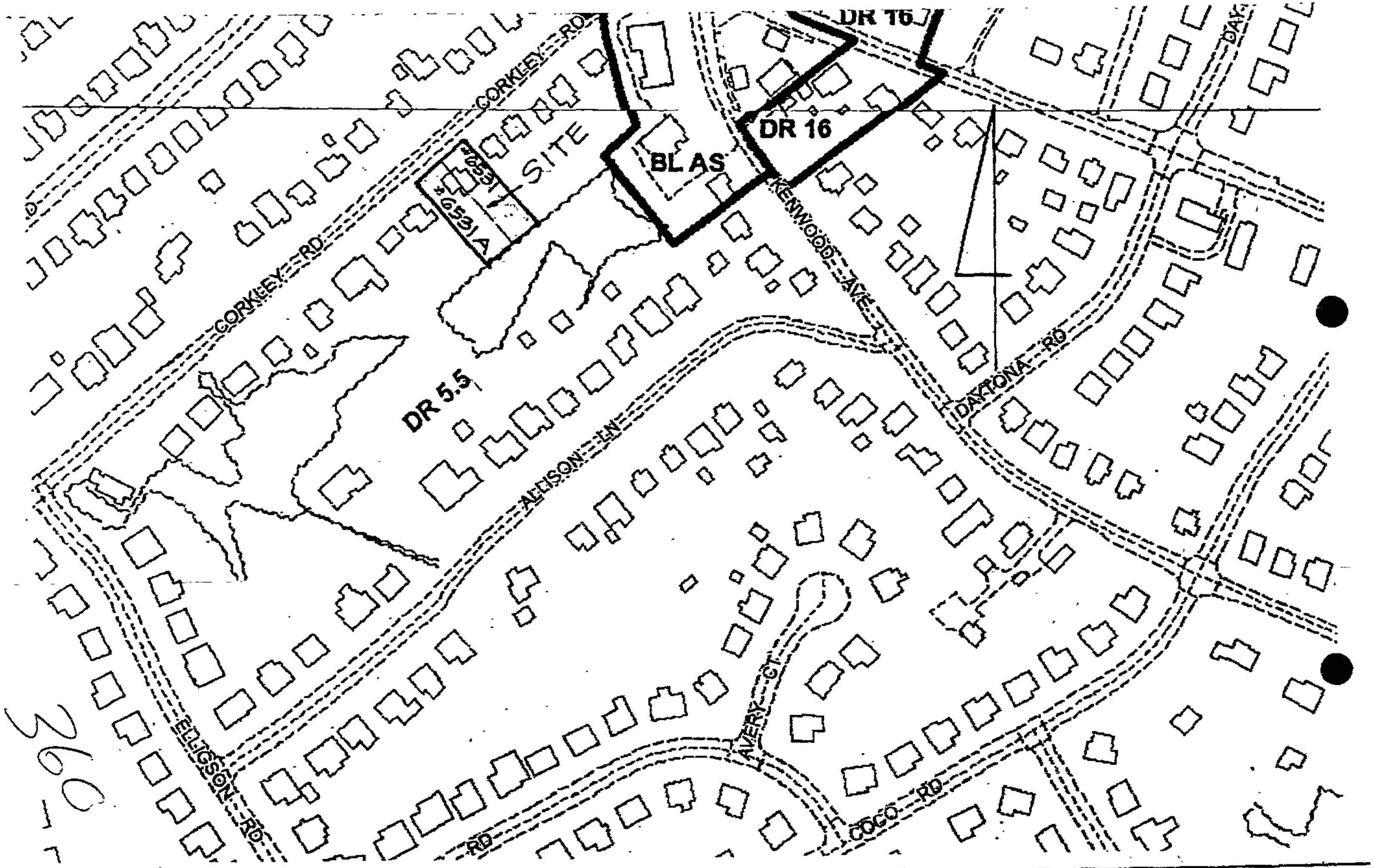
PREPARED BY PH

SCALE OF DRAWING: 1" = 30'

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
SP	053	

-15-



SCALE: 1"=200'

Baltimore County
Office of Planning and Zoning
Official Zoning Map

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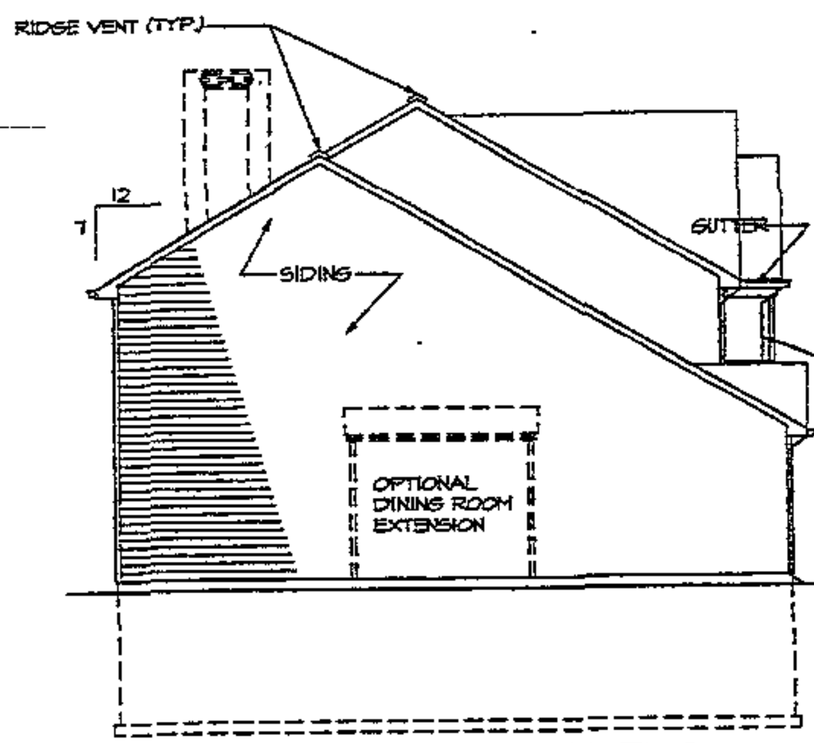
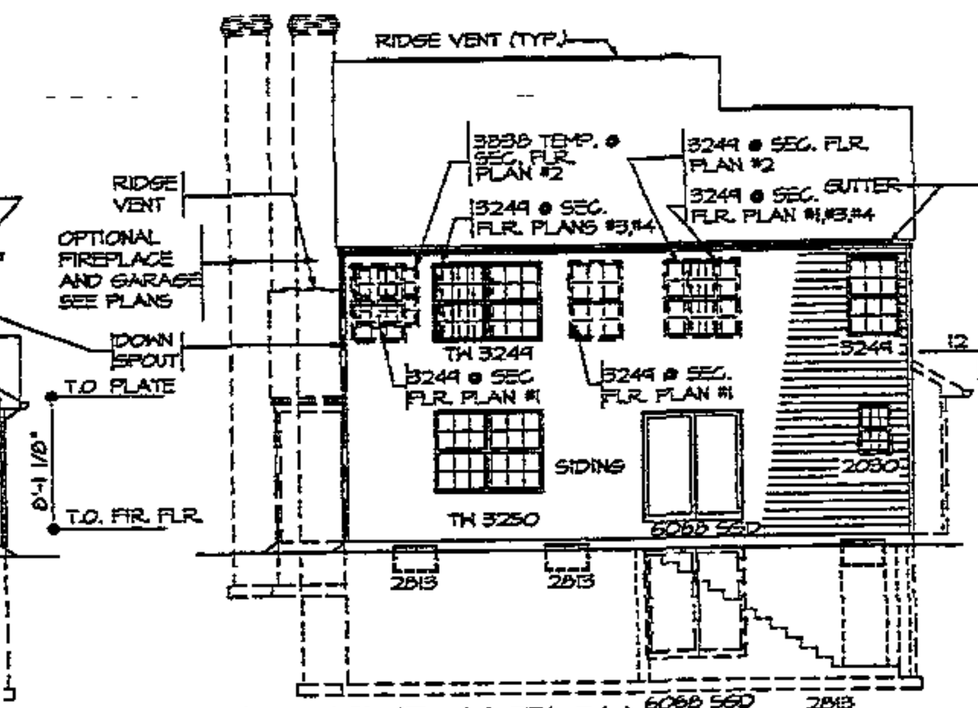
	089B2	089C2	090A2	090B2
	089B3	089C3	090A3	090B3

360



LEFT SIDE ELEVATION

SCALE: 1/8"=1'-0"

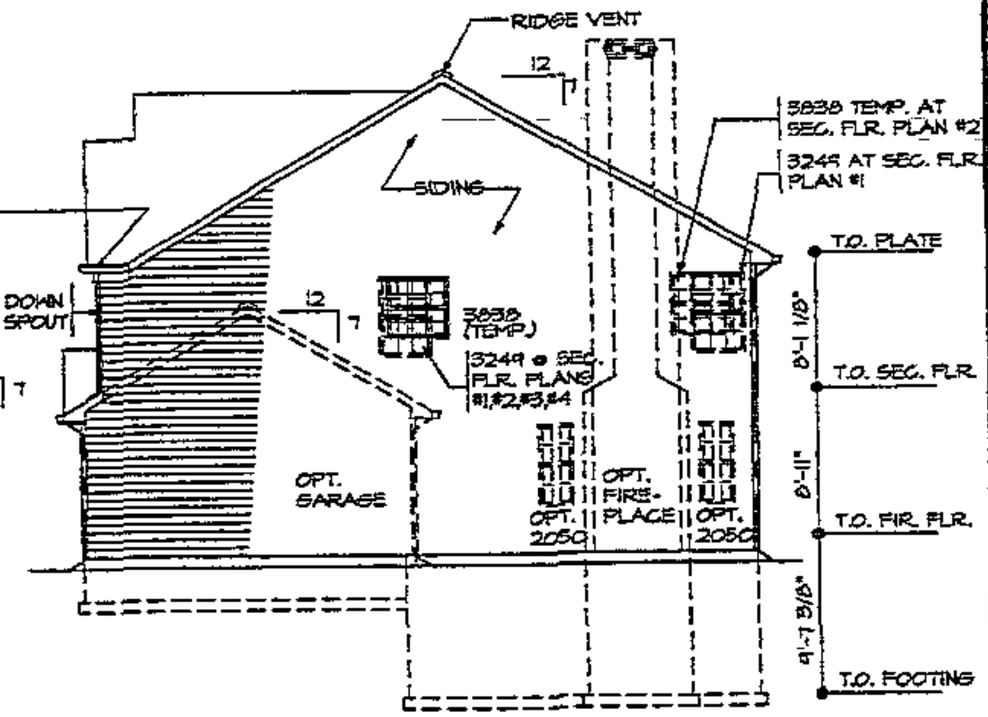


REAR ELEVATION

6068 SGD AT WALK-OUT

2813 2868 AND AREAWAY @ WALKOUT

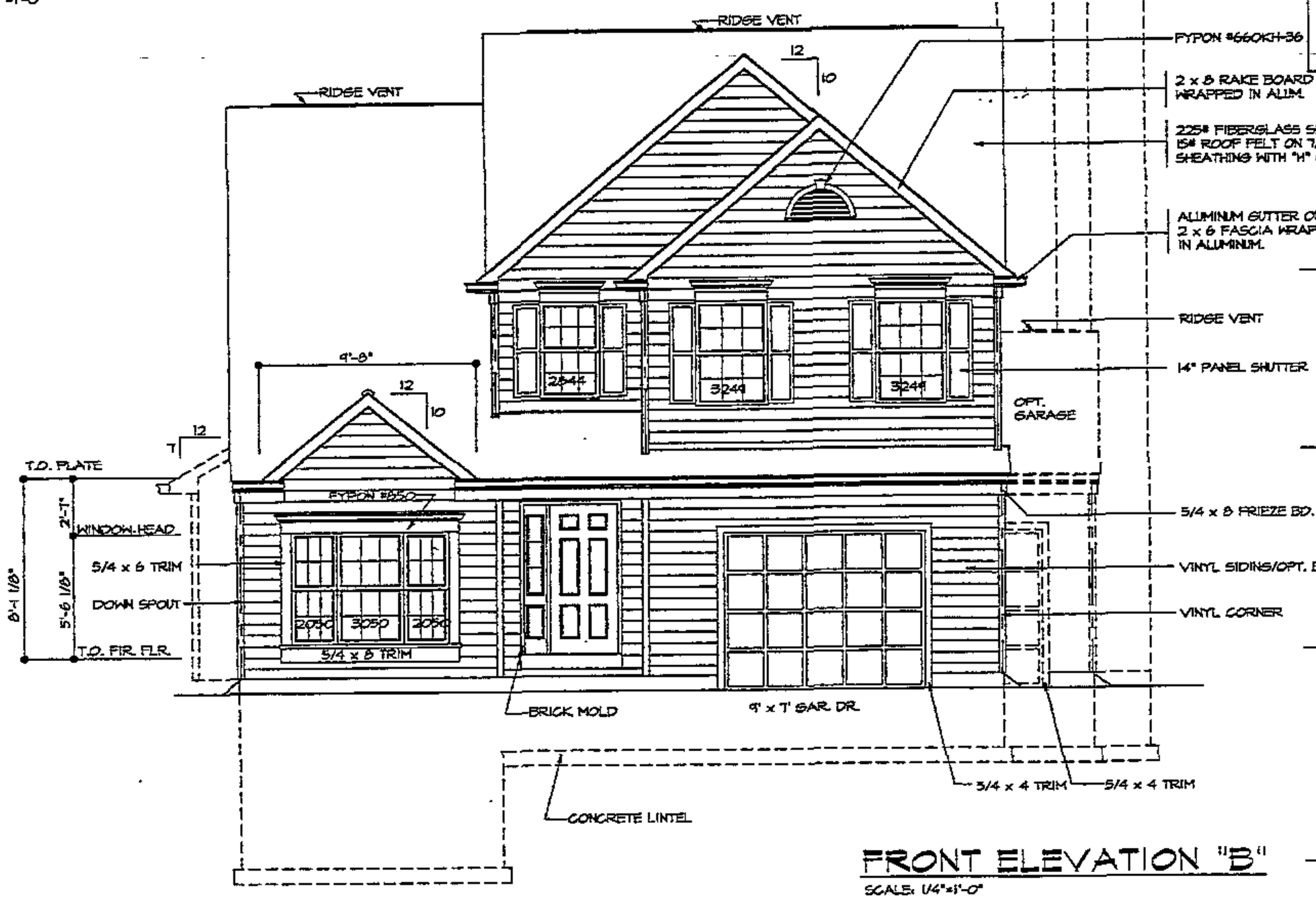
SCALE: 1/8"=1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/8"=1'-0"

OPTIONAL LAUNDRY AND FAM. RM. EXTENSIONS SHOWN-SEE SHT. 1d FOR OPTIONAL SIDE ELEVATIONS



FRONT ELEVATION "B"

SCALE: 1/4"=1'-0"

TOP OF PLATE

TOP OF SECOND FLOOR

8'-1 1/8"

8'-11"

TOP OF FIRST FLOOR

9'-7 3/8"

TOP OF FOOTING

19 JAN 2006

IF THIS STAMP IS NOT RED IT IS AN UNOFFICIAL COPY OF PLANS

MARYLAND RICHARD ELDER 14704 PROFESSIONAL ENGINEER

57

FRONT ELEVATION

CONTENTS

SCALE: AS NOTED

DATE:

DRAWN

PLAN NO.

LS-96811-MS

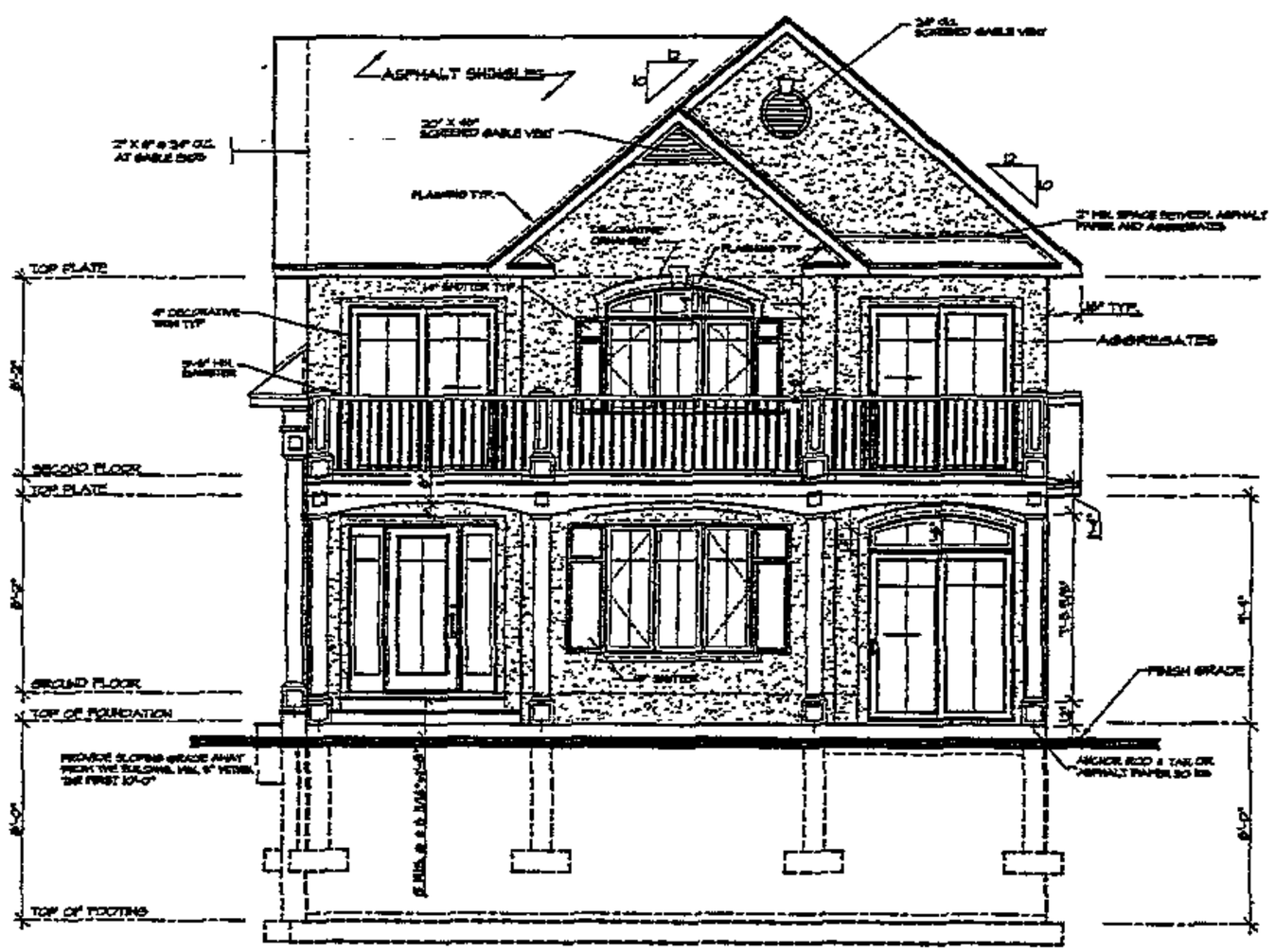
PROJECT TITLE:

ISSUE

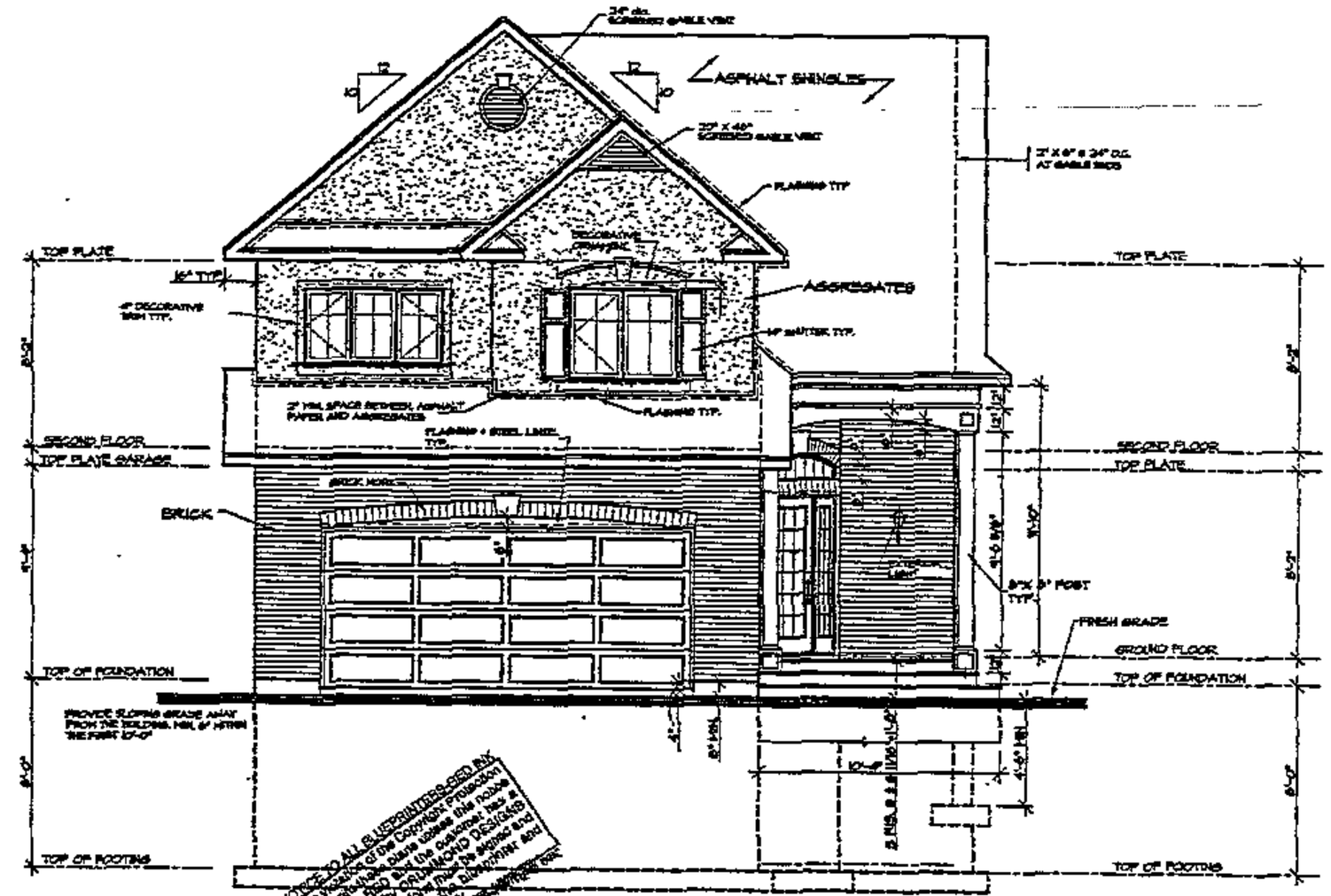
DATE

SHEET NO.

1



REAR ELEVATION



FRONT ELEVATION

NOTICE TO ALL BLUEPRINTERS AND BIDDERS
It is a violation of the Copyright Protection Act to print, copy, make copies, file, make access or post this plan. By the customer has a release form by DIAMOND DESIGNS INC. The release form must be signed and completed in full by the customer, the blueprinter and returned to the DIAMOND DESIGNS INC. BEFORE THE BLUEPRINTER WILL PRINT THE PLAN.

5B

AREA	
TOTAL LIVABLE AREA	
GROUND FLOOR :	870 sq. ft.
SECOND FLOOR :	1135 sq. ft.
TOTAL :	2005 sq. ft.
BONUS ROOM :	0 sq. ft.
GARAGE :	462 sq. ft.

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 - 14 Account Number - 1423051500

Owner Information

Owner Name: JONES FOTINI S

Mailing Address: 8400 COCO RD
BALTIMORE MD 21237-1812

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: 1) /16703/ 1
2)

Location & Structure Information

Premises Address
6531 CORKLEY AVE

Legal Description
LT 5,6
6531 CORKLEY AVE
UNREC KENWOOD GARDENS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	11	856						3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,092 SF	17,100.00 SF	04

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

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	35,520	35,520		
Improvements:	48,270	59,570		
Total:	83,790	95,090	91,322	95,090
Preferential Land:	0	0	0	0

Transfer Information

Seller:	NAUMANN AUGUST JOHN,3RD	Date:	08/14/2002	Price:	$99,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/16703/ 1	Deed2:	
Seller:	BENNETT EVELYN B	Date:	06/08/1988	Price:	$63,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/ 7881/ 30	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Det #6

Corkley

THIS DEED, Made this 23rd day of July, in the year two thousand two, by and between August John Naumann, III, of Baltimore County, State of Maryland, party of the first part, Grantor; and Fotini S. Jones, of Baltimore County, State of Maryland, parties of the second part, Grantee.

WITNESSETH, *That in consideration of the sum of Ninety-Nine Thousand and 00/100 Dollars* ($99,000.00), the actual consideration paid and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey to the said party of the second part, her personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME at a point on the southeast outline of the 10 acre tract of land which by deed dated October 26, 1943, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1313 folio 310, was conveyed by Alexander H. Ruhl and wife to Melvin J. Windisch at the distance of 369.98 feet reversely from the end of the North 54 degree east 60.50 perch line in deed above referred to and running thence binding reversely on part of said line South 55 degrees 53 minutes West 100 feet thence running north 34 degrees 07 minutes West 171.50 feet to the Southeast side of Corkley Avenue 50 feet wide thence running and binding on the southeast side thereof North 55 degrees 53 minutes East 100 feet to the southwest outline of the lot heretofore conveyed by M. Windisch to L. Crawford thence running and binding on the Southwest outline thereof South 34 degrees 07 minutes east 171.50 feet to the place of beginning. *Being known as Lots Nos. 5 and 6 on the unrecorded plat of Kenwood Gardens.* The improvements thereon being known as No. 6531 Corkley Avenue. ?

BEING the same parcel of ground which by Deed dated May 16, 1988 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. No. 7881 folio 030, was granted and conveyed by Evelyn B. Bennett unto John August Naumann, III, the Grantor herein.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described parcel of ground and premises to the said party of the second part, her personal representatives and assigns, forever in fee simple.

AND the said party of the first part hereby covenant 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..

Deed #7

WITNESS the hand and seal of said Grantor.

WITNESS:

(SEAL)
August John Naumann, III

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 23rd day of July, 2002, before me, the subscriber, Notary Public of the State aforesaid, in and for the County aforesaid, personally appeared August John Naumann, III, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

AS WITNESSETH, my hand and notarial seal.

Jerry S. Sopher, Notary Public

JERRY S. SOPHER NOTARY PUBLIC BALTIMORE COUNTY, MD

My commission expires: December 1, 2002

This is to certify that the within instrument has been prepared by the undersigned Maryland attorney.

Jerry S. Sopher, Esquire

AFTER RECORDATION, PLEASE RETURN TO:
Continental Title Company, Inc.
913 South Charles Street
Baltimore, Maryland 21230
(410) 332-0820
(File No. 6531 Corkley Ave
C1601702)

C:\Word\Deeds
C1601702\Corkley Ave
Ind to Ind

For Courtesy Copy Forwarded
Only to the Parties Hereto.
NO STATE RECORDING.

FEE SIMPLE DEED—STANDARD.

This Deed, Made this 27th. day of February

in the year one thousand nine hundred and sixty-one by - - - - - - - - -

WILLIAM F. WISSEL, Jr. and EVELYN B. WISSEL, his wife - - - - - - - - - - - - - -

of Baltimore City, in the State of Maryland, parties of the first part, and

ANN K. RAHLL, single -

of Baltimore City, in the State of Maryland, parties of the second part.

Witnesseth, That in consideration of the sum of five dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part doth grant and convey unto the said party of the second part, her - - - - - - - - - - - - - - - -

F. H. Schlueckesberg

heirs and assigns, in fee simple, all that lot of ground situate, lying and being in Baltimore County aforesaid, and described as follows, that is to say:

BEGINNING FOR THE same at a point on the Southeast outline of the 10-acre tract of land which by deed dated October 26, 1943, and recorded among the Land Records of Baltimore County in Liber R.J.S. 1313 folio 310 was conveyed by Alexander H. Rahl and wife to Melvin J. Windisch at the distance of 369.98 feet reversely from the end of the North 54 degree East 60.50 perch line in deed above referred to and running thence binding reversely on part of said line South 55 degrees 53 minutes West 100 feet thence running North 34 degrees 07 minutes West 171.50 feet to the Southeast side of Corkley Avenue 50 feet wide thence running and binding on the Southeast side thereof North 55 degrees 53 minutes East 100 feet to the Southwest outline of the lot heretofore conveyed by M. Windisch to J. Crawford thence running and binding on the Southwest outline thereof South 34 degrees 07 minutes East 171.50 feet to the place

of beginning. Known as Lots No. 5 and 6 on the unrecorded plat of Kenwood Gardens. The improvements thereon being known as 6531 Corkley Avenue.

Being the same lots of ground which by deed dated September 15, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. 1605 folio 33 was granted and conveyed by Melvin J. Windisch and wife unto the within named grantors.

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

To have and to hold said lots of ground and premises; above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said party of the second part, her heirs and assigns - - - - - - - - in fee simple.

And the said Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said Grantors.

Test:

Mary Virginia Hale
Mary Virginia Hale

William F. Wissel Jr. (Seal)
WILLIAM F. WISSEL, JR.

Evelyn B. Wissel (Seal)
EVELYN B. WISSEL

(Seal)

(Seal)

State of Maryland, Baltimore City, to wit:

I HEREBY CERTIFY, That on this 27th. day of February in the year one thousand nine hundred and sixty-one before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, aforesaid, personally appeared WILLIAM F. WISSEL, JR. and EVELYN B. WISSEL, his wife - - - - - - -

and they acknowledged the aforegoing Deed to be their act.

As witness my hand and Notarial Seal,

Mary Virginia Hale
Notary Public.

MARY VIRGINIA HALE NOTARY PUBLIC

Rec'd for record FEB 28 1961 at 10 57 A M
Per Walter J. Robinson, Clerk
Rec'd by Wm. S. Arnold, Jr.
Receipt No. 15420 $3.50

NO STAMPS REQUIRED.

THIS DEED, Made this 27th. day of February, in the year one thousand nine hundred and sixty-one by ANN K. RAHLL, single, of Baltimore City, in the State of Maryland, party of the first part, and WILLIAM F. WISSEL, JR. and EVELYN B. WISSEL, his wife, of Baltimore County in the State of Maryland, parties of the second part.

WITNESSETH, that in consideration of the sum of five dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part doth grant and convey unto the said WILLIAM F. WISSEL, JR. and EVELYN B. WISSEL, his wife, as tenants by the entireties, for and during the term of their joint natural lives and the natural life of the survivor of them, and with full power to the said WILLIAM F. WISSEL, JR. and EVELYN B. WISSEL, his wife, and the survivor of them to sell, lease, mortgage, grant, convey or in any other manner whatsoever to dispose of or encumber the whole of said property or any part thereof absolutely both life estate and remainder with their signatures and the signature of the survivor of them alone, and without the consent or joinder of any remainderman and to appropriate the entire proceeds thereof to their and the survivor's own use, but without the power to dispose of by Will, and from and after the death of the survivor of the said WILLIAM F. WISSEL, JR. and EVELYN B. WISSEL, his wife, without having disposed of the said property, then unto SHARON LYNN WISSEL, her heirs and assigns in fee simple, all that lot of ground situate in Baltimore County aforesaid, and described as follows, that is to say:

BEGINNING FOR THE SAME at a point on the Southeast outline of the 10-acre tract of land which by deed dated October 26, 1943, and recorded among the Land Records of Baltimore County in Liber R.J.S. 1313 folio 310 was conveyed by Alexander H. Ruhl and wife to Melvin J. Windisch at the distance of 369.98 feet reversely from the end of the North 54 degree East 60.50 perch line in deed above referred to and running thence binding reversely on part of said line South 55 degrees 53 minutes West 100 feet thence running North 34 degrees 07 minutes West 171.50 feet to the Southeast side of Corkley Avenue 50 feet wide thence running and binding on the Southeast side thereof North 55 degrees 53 minutes East 100 feet to the Southwest outline of the lot heretofore conveyed by M. Windisch to J. Crawford thence running and binding on the Southwest outline thereof South 34 degrees 07 minutes East 171.50 feet to the place of beginning. Being Lots Nos. 5 and 6 on the unrecorded Plat of Kenwood Gardens.

The improvements thereon being known as 6511 Corkley Avenue.

Being the same lots of ground which by deed of even date herewith and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto were granted and conveyed by William F. Wissel, Jr. and wife unto the within named grantor.

TOGETHER with the buildings thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said WILLIAM F. WISSEL, JR. and EVELYN B. WISSEL, his wife, as tenants by the entireties, for and during the term of their joint natural lives and the natural life of the survivor of them, and with full power to the said WILLIAM F. WISSEL, JR. and EVELYN B. WISSEL, his wife, and the survivor of them to sell, lease, mortgage, grant, convey or in any other manner whatsoever to dispose of or encumber the whole of said property or any part thereof absolutely both life estate and remainder with their signatures and the signature of the survivor of them alone, and without the consent or joinder of any remainderman and to appropriate the entire proceeds thereof to their and the survivor's own use, but without the power to dispose by Will, and from and after the death of the survivor of the said WILLIAM F. WISSEL, JR. and EVELYN B. WISSEL, his wife, without having disposed of the said property, then unto SHARON LYNN WISSEL, her heirs and assigns in fee simple.

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

Witness the hand and seal of the said grantor.

Test:

Mary Virginia Hale
Mary Virginia Hale

Ann K. Rahll (Seal)
ANN K. RAHLL

STATE OF MARYLAND, BALTIMORE CITY, to wit:

I hereby certify, that on this 27th. day of February in the year one thousand nine hundred and sixty-one, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared ANN K. RAHLL, single, and she acknowledged the aforegoing deed to be her act.

As witness my hand and Notarial Seal.

Mary Virginia Hale
Notary Public

MARY VIRGINIA HALE NOTARY PUBLIC

Rec'd for record FEB 28 1961 at 11 o'clock
Per Walter J. Carmichael, Clerk

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

MAIL TO:
BAY STATE TITLE CO.
1 East Redwood Street
Baltimore, Md. 21202
539-5878

File # 39745/clc

This Deed, Made This 16TH day of May

in the year one thousand nine hundred and eighty-eight, by and between

EVELYN B. BENNETT, pursuant to and in exercise of the powers contained in the Deed hereinafter referred to,

of Baltimore County, Grantor, party of the first part, and

AUGUST JOHN NAUMANN III, Grantee, party

of the second part.

Witnesseth, That in consideration of the sum of $63,000.00, the actual consideration paid or to be paid, and other good and valuable considerations, the receipt of which is hereby acknowledged,

the said party of the first part, pursuant to and in exercise of the powers contained in the Deed hereinafter referred to,

C RC/F 14.00
C T TX 315.00
C RDCS 315.00
DEED 0 #
SR CLERK 644.00
#59518 C001 R02 T08:55
06/0[redacted]

do es grant and convey to the said party of the second part, his

personal representatives/~~successors~~ and assigns, in fee simple, all

that lot of ground situate in Baltimore County, State of Maryland,

and described as follows, that is to say:

No. 6531 Corkley Avenue

FOR LEGAL DESCRIPTION SEE SCHEDULE A, ATTACHED HERETO AND MADE A PART HEREOF.

BEING the same property which by Deed dated February 27, 1961 and recorded among the Land Records of Baltimore County in Liber WJR No. 3814 folio 236 was granted and conveyed by Ann K. Rahll, single, unto William F. Wissel Jr. and Evelyn B. Wissel, his wife, for life with full powers, including the power of sale. The said William F. Wissel Jr. The said William F. Wissel Jr. departed this life on or about May 15, 1967 thereby vesting absolute fee simple title in Evelyn B. Wissel. The said Evelyn B. Wissel have since remarried on February 18, 1977 and is now known as Evelyn B. Bennett, the herein Grantor.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JR DATE 6-2-88

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JR 6-2-88
By Date

B B 302****100800:a 8278A

SCHEDULE A

BEGINNING FOR THE SAME at a point on the Southeast outline of the 10-acre tract of land which by deed dated October 26, 1943 and recorded among the Land Records of Baltimore County in Liber RJS No. 1313 folio 310 was conveyed by Alexander H. Ruhl and wife to Melvin J. Windisch at the distance of 369.98 feet reversely from the end of the North 54 degree East 60.50 perch line in deed above referred to and running thence binding reversely on part of said line South 55 degrees 53 minutes West 100 feet thence running North 34 degrees 07 minutes West 171.50 feet to the Southeast side of Corkley Avenue 50 feet wide thence running and binding on the Southeast side thereof North 55 degrees 53 minutes East 100 feet to the Southwest outline of the lot heretofore conveyed by M. Windisch to J. Crawford thence running and binding on the Southwest outline thereof South 34 degrees 07 minutes East 171.50 feet to the place of beginning. Being Lots Nos. 5 and 6 on the unrecorded Plat of Kenwood Gardens. The improvements thereon being known as No. 6531 Corkley Avenue.

THIS DEED, Made this 23rd day of July, in the year two thousand two, by and between August John Naumann, III, of Baltimore County, State of Maryland, party of the first part, Grantor; and Fotini S. Jones, of Baltimore County, State of Maryland, parties of the second part, Grantee.

WITNESSETH, That in consideration of the sum of Ninety-Nine Thousand and 00/100 Dollars ($99,000.00), the actual consideration paid and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey to the said party of the second part, her personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME at a point on the southeast outline of the 10 acre tract of land which by deed dated October 26, 1943, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1313 folio 310, was conveyed by Alexander H. Ruhl and wife to Melvin J. Windisch at the distance of 369.98 feet reversely from the end of the North 54 degree east 60.50 perch line in deed above referred to and running thence binding reversely on part of said line South 55 degrees 53 minutes West 100 feet thence running north 34 degrees 07 minutes West 171.50 feet to the Southeast side of Corkley Avenue 50 feet wide thence running and binding on the southeast side thereof North 55 degrees 53 minutes East 100 feet to the southwest outline of the lot heretofore conveyed by M. Windisch to J. Crawford thence running and binding on the Southwest outline thereof South 34 degrees 078 minutes east 171.50 feet to the place of beginning. *Being known as Lots Nos. 5 and 6 on the unrecorded plat of Kenwood Gardens.* The improvements thereon being known as No. 6531 Corkley Avenue.

BEING the same parcel of ground which by Deed dated May 16, 1988 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. No. 7881 folio 030, was granted and conveyed by Evelyn B. Bennett unto John August Naumann, III, the Grantor herein.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described parcel of ground and premises to the said party of the second part, her personal representatives and assigns, forever in fee simple.

AND the said party of the first part hereby covenant 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.

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 -** 14 **Account Number -** 1423051500

Owner Information

Owner Name:	JONES FOTINI S	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	8400 COCO RD BALTIMORE MD 21237-1812	**Deed Reference:**	1) /16703/ 1 2)

Location & Structure Information

Premises Address
6531 CORKLEY AVE

Legal Description
LT 5,6
6531 CORKLEY AVE
UNREC KENWOOD GARDENS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	11	856						3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,092 SF	17,100.00 SF	04

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

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	35,520	73,150		
Improvements:	59,570	82,400		
Total:	95,090	155,550	95,090	115,243
Preferential Land:	0	0	0	0

Transfer Information

Seller:	NAUMANN AUGUST JOHN,3RD	**Date:**	08/14/2002	**Price:**	$99,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/16703/ 1	**Deed2:**	
Seller:	BENNETT EVELYN B	**Date:**	06/08/1988	**Price:**	$63,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 7881/ 30	**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 *

liam F Wissel Jr et al 11000/53)
$1.65 SS $1.65)
)

and Dorety-[illegible] by MELVIN J WINDISCH AND DORETT[illegible] WINDISCH his wife of the County of Baltimore in the State of Maryland parties of the first part and LIAM F WISSEL JR AND EVELYN B WISSEL his wife of the same County and State parties of second part

WITNESSETH that in consideration of five dollars and other good and valuable siderations the receipt whereof is hereby acknowledged the said parties of the first t do grant and convey unto William F Wissel Jr and Evelyn B Wissel his wife as tenants the entireties their assigns the survivor of them his or her heirs and assigns in fee-ple all those lotsof ground situate lying and being in BaltimoreCounty and described follows that is to say

Beginning for the same at a point on the southeast outline of the 10 acre tract land which by deed dated October 26 1943 and recorded among the Land Records of Balti- County in Liber R J S No 1313 folio 310 was conveyed by Alexander H Ruhl and wife to in J Windisch at the distance of 369.98 feet reversely from the end of te North 54 ee East 60.50 perch line in deed above referred to and running thence binding rsely on part of said line south 55 degrees 53 minutes West 100 feet thence running h 34 degrees 07 minutes West 171.50 feet to the south east side of Corkley Avenue eet wide thence running and binding on the southeast side thereof North 55 degrees inutes East 100 feet to the southwest outline of the lot heretofore conveyed by M ish to J Crawford thence running and binding on the southwest outline thereof south egrees 07 minutes East 171.50 feet to the place of beginning Known as Lots #5 and 6 he unrecorded plat of Kenwood Gardens

BEING a part of all that tract of land which by deed dated March 22nd 1943 recorded among the Land Records of Baltimore County in Liber R J S No 1313 folio 310 as conveyed by Alexander H Ruhl and wife unto Melvin J Windisch

Subject to an agreement between Melvin J Windisch and wife and the Gas and tric Company dated May 7 1947 and recorded in J W B No 1577 folio 55 as to poles s etc

Together with the buildings and improvements thereon erected made or being and and every the rights alleys ways waters privileges appurtenances and advantages to same belonging or in anywise appertaining

To have and to hold said lots of ground and premises above described and ioned and hereby intended to be conveyed together with the rights privileges appurten- s and advantages thereto belonging or appertaining unto and to the proper use and fit of the said William F Wissel Jr and Evelyn B Wissel his wife as tenants by the eties their assigns the survivor of them his or her heirs and assigns in fee-simple

And the said Grantors hereby covenant that they will warrant specially the rty hereby granted and conveyed and that they will execute such further assurances aid property as may be requisite

Witness the hands and seals of said grantors

REL PER TICKET JAN - 9 1945

For Partial Release see Liber 1520 Fol 145
For Partial Release see Liber 1220 Fol 508
For Ass'gt see Liber 1417 Fol 402

49161
Alexander H Ruhl & wf
Deed to
Melvin J Windisch
U S $3.30 St $2.70

This deed made this 22nd day of March in the year one thousand nine hundred and forty three by and between Alexander H Ruhl and Edythe W Ruhl his wife of the City of Washington in the District of Columbia parties of the first part and Melvin J Windisch of Baltimore County in the State of Maryland party of the second part

Witnesseth that in consideration of the sum of five dollars ($5.00) and other good and valuable considerations the receipt whereof is hereby acknowledged the said parties of the first part do hereby grant and convey unto the said party of the second part his heirs and assigns in fee simple all that lot of ground situate in Baltimore County in the State of Maryland and described as follows that is to say

Beginning for the same in the center of the county road at the beginning of the land heretofore leased to John Neiser by William H Brown and wife and now occupied by Cornelius Johnson thence running with and binding on the center of said road the two following courses viz north eight and one quarter degrees west nine tenths of a perch north one and three quarters degrees west eight and six tenths perches to the center of the New Cut Road as laid out by Robert Howard thence running with and binding on the center of said road north sixty four degrees west eighteen perches thence south fifty four degrees west sixty nine perches more or less to the outline of conveyance from Charles E Brown to William H Brown dated November 10 1881 and recorded among the land records of Baltimore County in liber WMI No 125 folio 282 thence running with and binding on said outline south sixty four and one half degrees east twenty seven perches to the end of the south fifty four degrees west sixty and one half perches line of the said Neiser's lot thence running with and binding on said line reversely north fifty four degrees east sixty and one half perches to the place of beginning Containing ten acres of land more or less excepting so much of the property above described as was conveyed by deed from Selma Windisch widow to Cora Bramble dated June 17 1924 and recorded in liber WPC 593 folio 592

Being the same property described in the deed from William L Fink trustee to Alexander H Ruhl one of the within named grantors dated even date herewith and duly recorded or intended to be recorded among the land records of Baltimore County prior hereto

Together with the buildings and improvements thereupon and the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

To have and to hold the said lot of ground and premises unto and to the use of the said party of the second part his heirs and assigns in fee simple forever

And the said grantors hereby covenant that they have not done nor suffered to be done any act matter or thing whatsoever to encumber the property hereby granted that they will warrant specially the property hereby granted and conveyed and they will execute such further assurances of said land as may be requisite

Witness the hands and seals of the within named grantors

Witness

Alexander H Ruhl (Seal)
Edythe W Ruhl (Seal)

District of Columbia City of Washington to wit

PLEASE PRINT CLEARLY

CASE NAME ~~06-360-SPH~~ 6531 Corkley Road
CASE NUMBER 60-360-SPHA
DATE Feb 24, 2006

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Suzanne M Fine	6533 Corkley Road	Rosedale, MD 21237	NA
SALLY LYSAKOSKI	6528 CORKLEY Rd	BALTO MD 21237	N/A

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 06-360 SPHA
DATE 06-361 SPHA

PETITIONER'S SIGN-IN SHEET

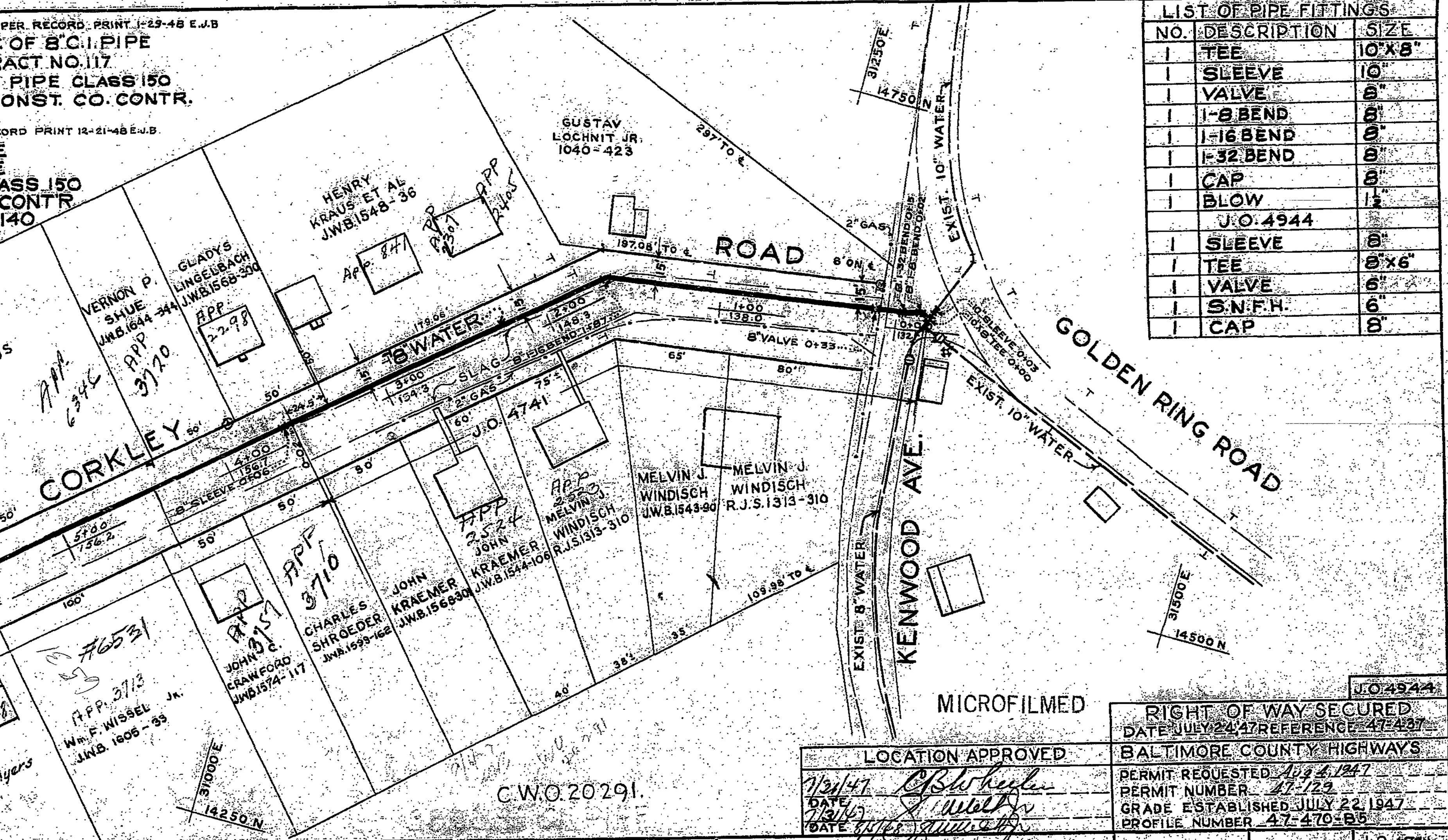
NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
DONALD E. HICKS, P.E.	HICKS ENG. ASSOC. INC.	TOWSON, MD 21286	410-494-0001
KEITH A BROWN	9763 DELTON RD 1 Delton ct.	BALTIMORE MD 21234	410-627-3875
Aniba/ GONZALEZ JR.	7815 Highpoint Rd	Baltimore MD 21234	443-829-9205
NEIL GANZI	409 Washington Ave #617	Towson 21204	410 296 0686

PER RECORD PRINT 1-29-48 E.J.B
OF 8" C.I. PIPE
ACT NO. 117
PIPE CLASS 150
ONST. CO. CONTR.

ORD PRINT 12-21-48 E.J.B.

ASS 150
CONTR
140

LIST OF PIPE FITTINGS		
NO.	DESCRIPTION	SIZE
1	TEE	10"X8"
1	SLEEVE	10"
1	VALVE	8"
1	1-8 BEND	8"
1	1-16 BEND	8"
1	1-32 BEND	8"
1	CAP	8"
1	BLOW	1½"
	J.O. 4944	
1	SLEEVE	8"
1	TEE	8"X6"
1	VALVE	6"
1	S.N.F.H.	6"
1	CAP	8"



MICROFILMED

J.O. 4944

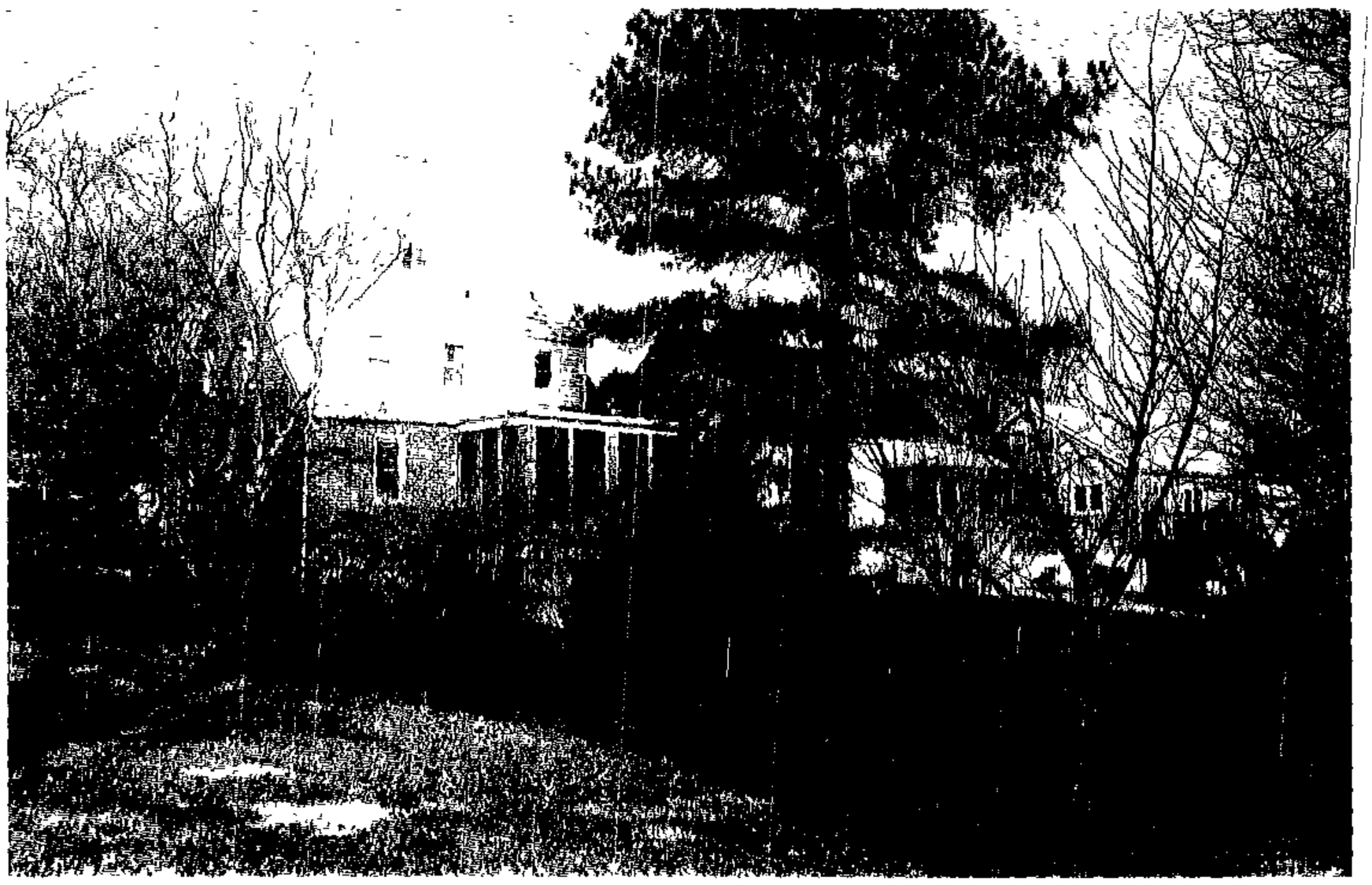
RIGHT OF WAY SECURED	
DATE JULY 24 '47	REFERENCE 47-437
BALTIMORE COUNTY HIGHWAYS	
PERMIT REQUESTED Aug 4, 1947	
PERMIT NUMBER 47-129	
GRADE ESTABLISHED JULY 22, 1947	
PROFILE NUMBER 47-470-B5	

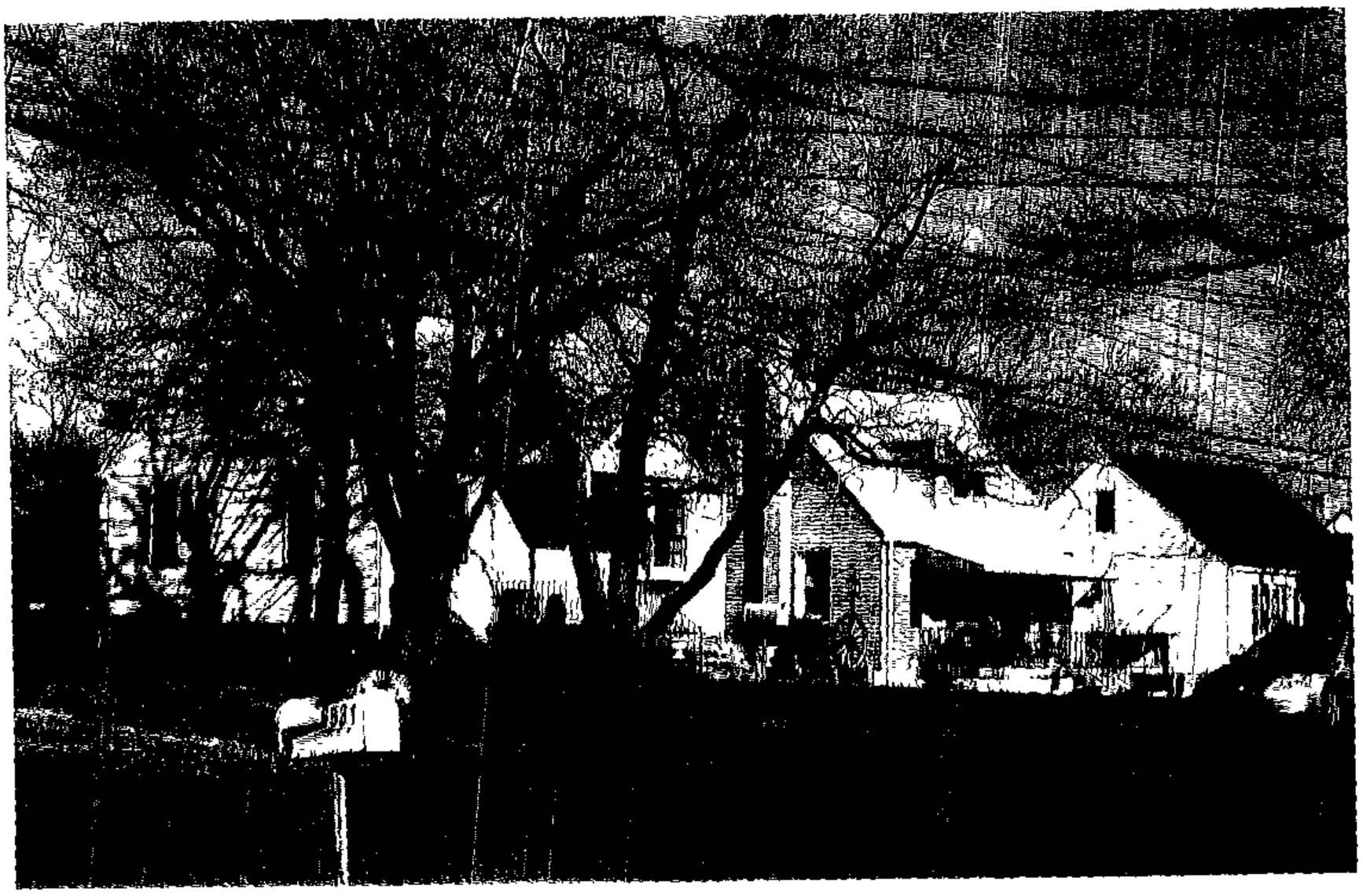
LOCATION APPROVED	GRADE ESTABLISHED AND LOCATION APPROVED	APPROVED FOR CITY OF BALTIMORE	8" WATER MAIN	DRAWING	SCALE:	
7-31-47 DATE	Aug 4, 1947 DATE	8-7-47 DATE	CORKLEY ROAD	NO. 1	1" = 50'	J.O. 4741
CHIEF ENGINEER	ROADS ENGINEER BALTO. COUNTY	WATER ENGINEER / DIR. OF PUBLIC WORKS	KENWOOD AVE. WESTERLY 400 FEET	OF 1	MICROFILMED	47-439
			GOLDEN RING ELECT. DIST. 14			FILE A-4-B
						15 NE 21

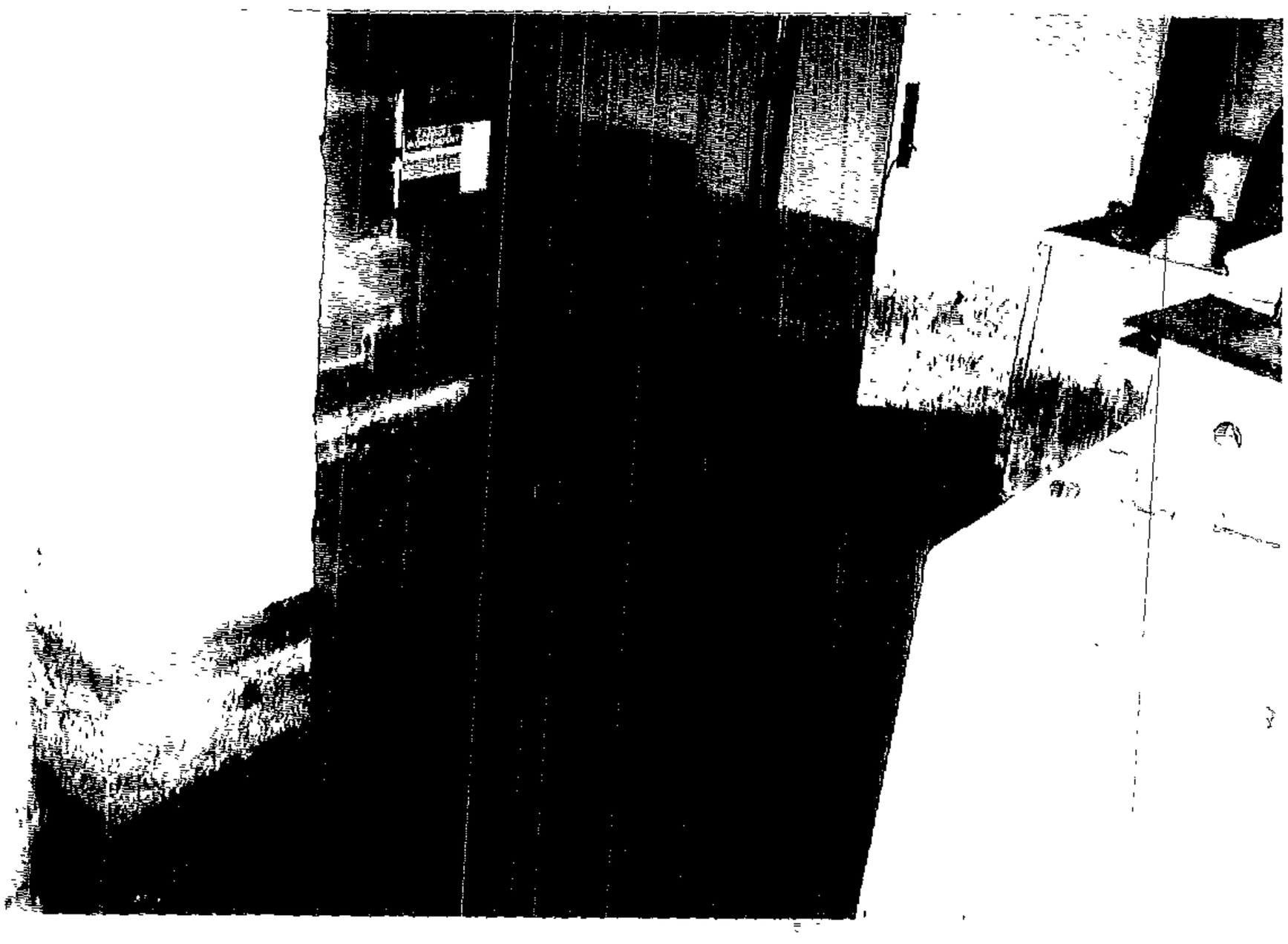
Per #10

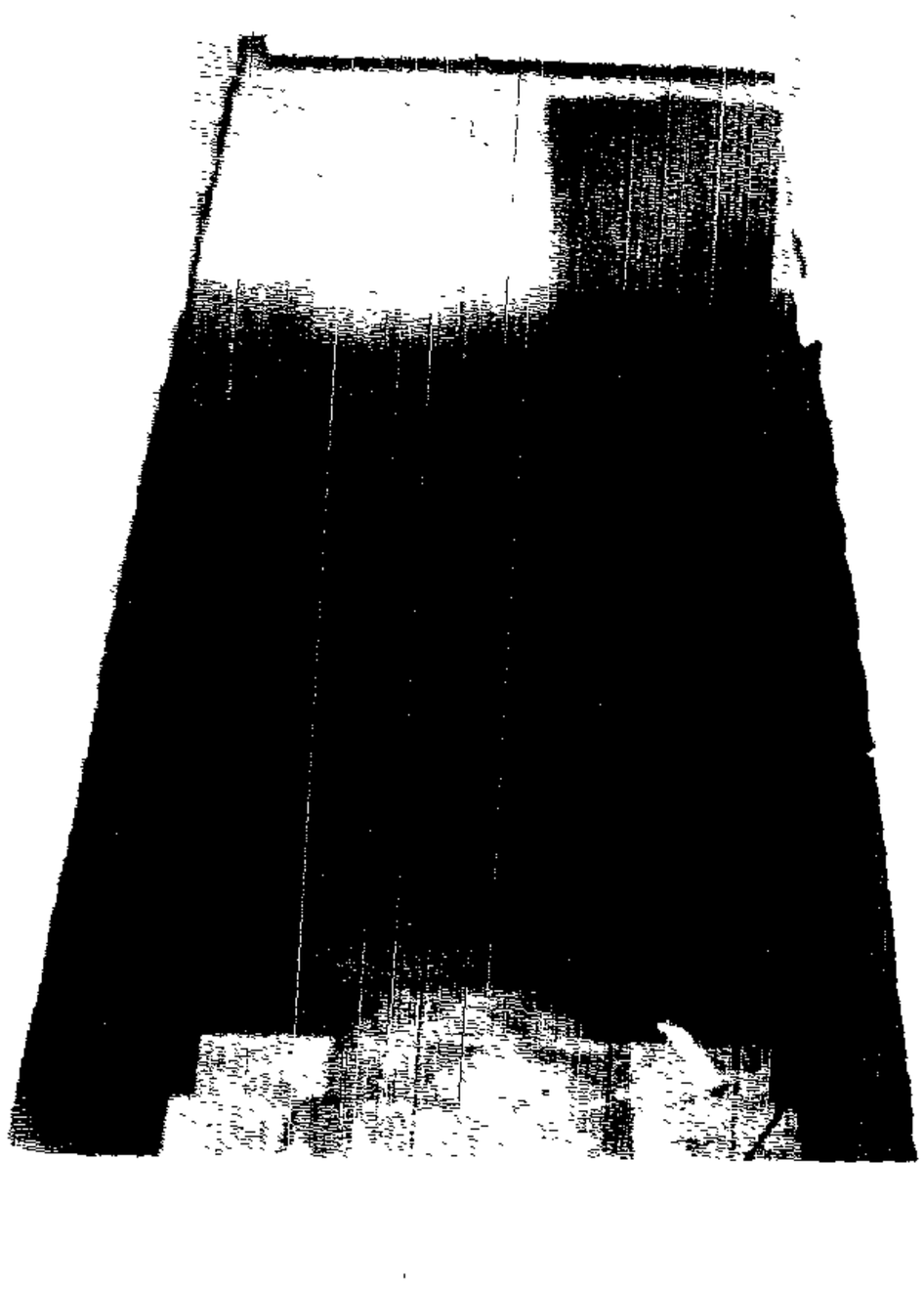
4A - 4M

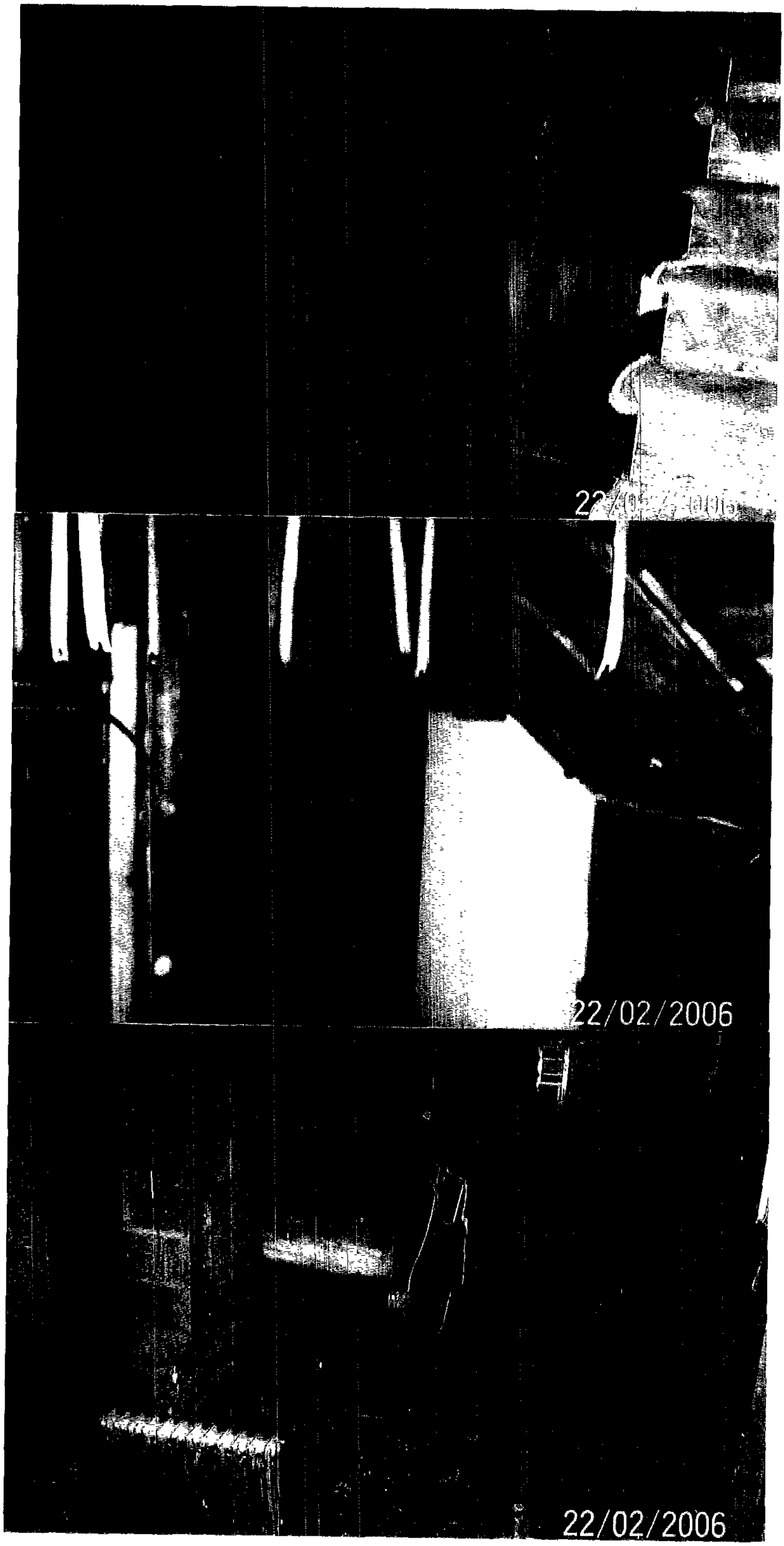
2

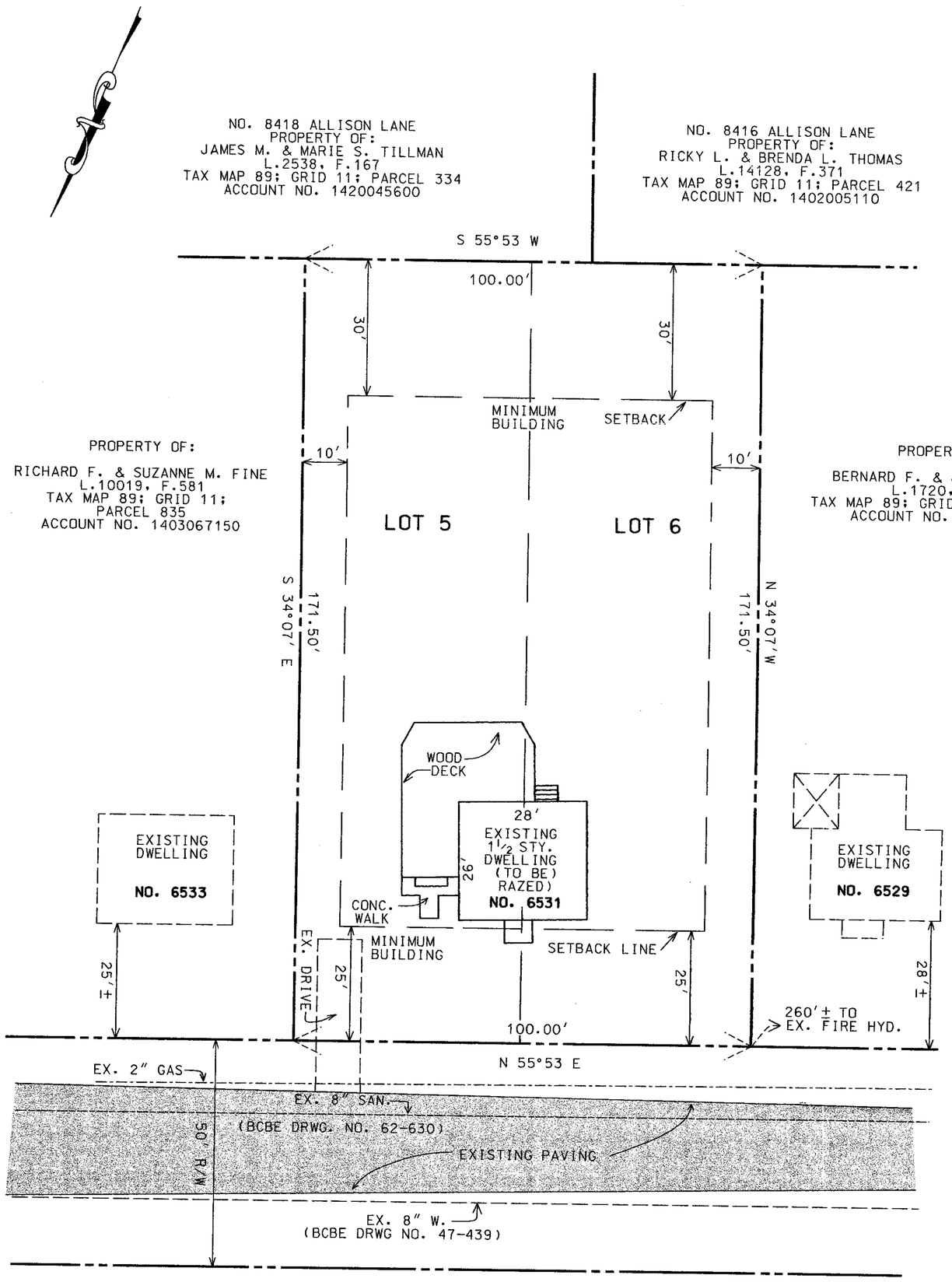




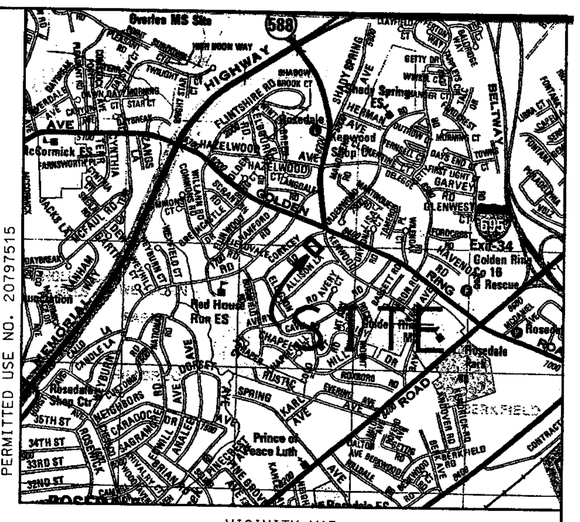





22/02/2006
22/02/2006
22/02/2006



CORKLEY AVENUE
(50' R/W)



COPYRIGHT ADC
THE MAP PEOPLE
PERMITTED USE NO. 20797515

VICINITY MAP
SCALE: 1" = 2,000'

SITE DATA

DEED REFERENCE:	L.16703, F.01
SITE AREA:	LOT 5/LOT 6 17,150.00 SQ.FT./0.394 ACS.
EXISTING ZONING:	DR 5.5
ZONING MAP:	089C2
PLAT REFERENCE:	KENWOOD GARDENS (UNRECORDED)
TAX ACCT. NO.:	1423051500
MAXIMUM HEIGHT OF BUILDING:	50 FEET
ELECTION DISTRICT:	14
COUNCILMANIC DISTRICT:	6

ZONING REQUEST

1. A VARIANCE TO SECTION 1B02.3.C.1 BCZR TO PERMIT A LOT WITH A WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET.
2. A SPECIAL HEARING TO APPROVE LOT 5 AND LOT 6 AS SEPARATE BUILDING LOTS.
3. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER FACILITIES.
4. THE SUBJECT PROPERTY IS NOT A HISTORICAL SITE NOR DOES IT LIE WITHIN A HISTORICAL DISTRICT.
5. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE 100-YEAR FLOOD PLAIN.
7. THE ADJACENT ROADS ARE NOT COLLECTOR ROADS NOR DO THEY LEAD TO A COLLECTOR ROAD.
8. FOTINI S. JONES ACQUIRED PROPERTY BY DEED DATED JULY 23, 2002.

Hicks Engineering Associates, Inc.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE 402
TOWSON, MARYLAND 21286-3160
(410) 494-0001 FAX: (410)821-8890

OWNER:
FOTINI S. JONES
NO. 8400 COCO ROAD
BALTIMORE, MD 21237-1812

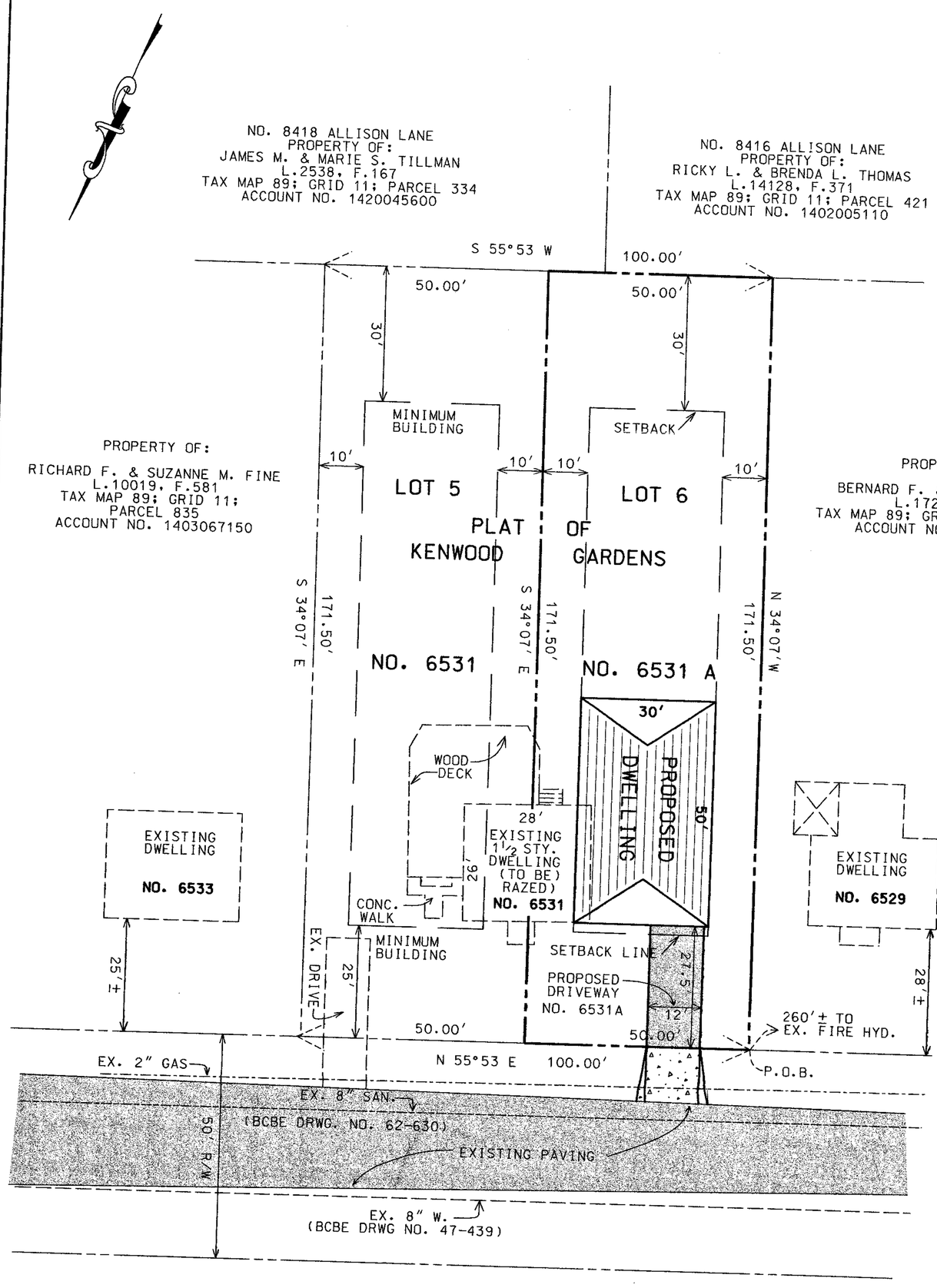
PROJECT TITLE:
NO 6531 CORKLEY AVENUE
BALTIMORE, MD 21237
LOT 5 AND LOT 6

TAX MAP 89; GRID 11; PARCEL 856

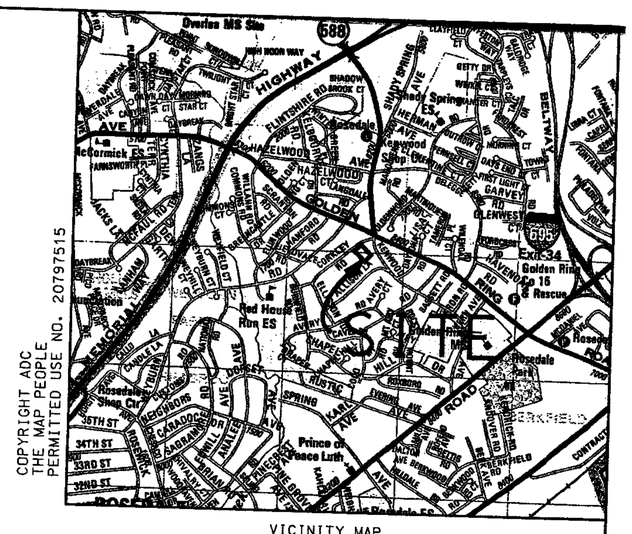
DRAWING TITLE:
PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE
AND SPECIAL HEARING FOR
LOT 5 AND LOT 6 (NO. 6531)

STATE OF MARYLAND
DONALD EDWIN HICKS
No. 8676
REGISTERED
PROFESSIONAL ENGINEER

JOB NO.: 21704	DRAWING NO.: C-1
DRAWN BY: MEH/JK	
CHECKED BY: DEH	
DATE: JANUARY 6, 2006	
SCALE: 1"=20'	SHEETS PER SET: 1 OF 1



CORKLEY AVENUE
(50' R/W)



VICINITY MAP
SCALE: 1" = 2,000'

SITE DATA

DEED REFERENCE:	L.16703, F.01
AREA:	LOT 6 8,575 SQ.FT./0.1969 ACS.
TOTAL SITE AREA:	LOT 5 & LOT 6= 17,150.00 SQ.FT./0.3938 ACS.
EXISTING ZONING:	DR 5.5
ZONING MAP:	089C2
PLAT REFERENCE:	KENWOOD GARDENS (UNRECORDED)
TAX ACCT. NO.:	1423051500
MAXIMUM HEIGHT OF BUILDING:	50 FEET
ELECTION DISTRICT:	14
COUNCILMANIC DISTRICT:	6

ZONING REQUEST

1. A VARIANCE TO SECTION 1B02.3.C.1 BCZR TO PERMIT A LOT WITH A WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET .
2. A SPECIAL HEARING TO APPROVE LOT 6 AS A SEPARATE BUILDING LOT.
3. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER FACILITIES.
4. THE SUBJECT PROPERTY IS NOT A HISTORICAL SITE NOR DOES IT LIE WITHIN A HISTORICAL DISTRICT.
5. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE 100-YEAR FLOOD PLAIN.
7. THE ADJACENT ROADS ARE NOT COLLECTOR ROADS NOR DO THEY LEAD TO A COLLECTOR ROAD.
8. FOTINI S. JONES ACQUIRED PROPERTY BY DEED DATED JULY 23, 2002.

AVERAGE OF BUILDING SETBACKS

HOUSE NO.	SETBACK (FT.)
6513	28 FT.
6515	27 FT.
6529	28 FT.
—	
6533	25 FT.
6535	25 FT.
6537	30 FT.
	163 FT. ÷ 6 = 27.2'±

361
Drop off

STATE OF MARYLAND
DONALD EDWIN HICKS
No. 8670
REGISTERED
PROFESSIONAL ENGINEER

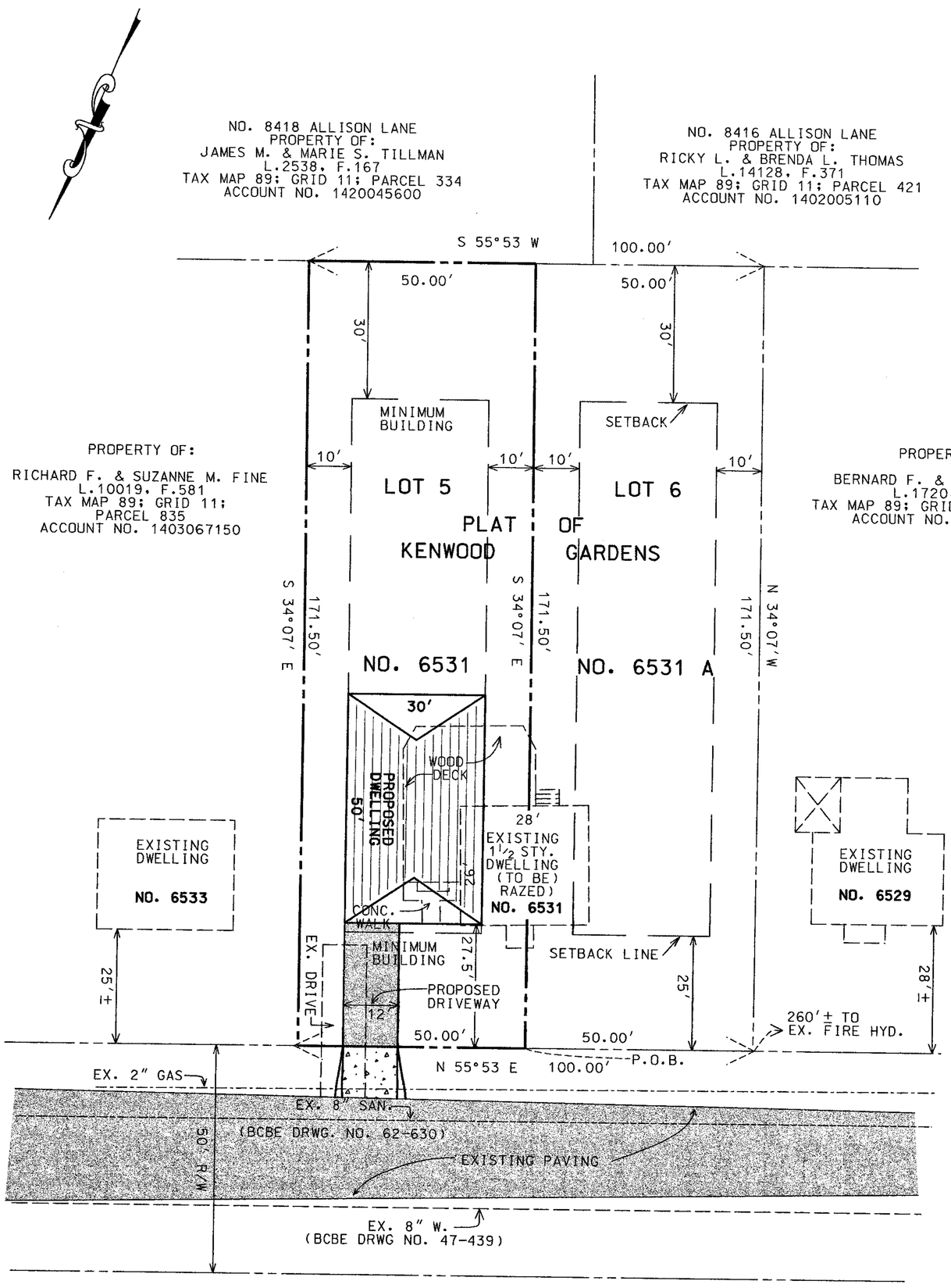
Hicks Engineering Associates, Inc.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD – SUITE 402
TOWSON, MARYLAND 21286-3160
(410) 494-0001 FAX: (410)821-8890

OWNER:
FOTINI S. JONES
NO. 8400 COCO ROAD
BALTIMORE, MD 21237-1812

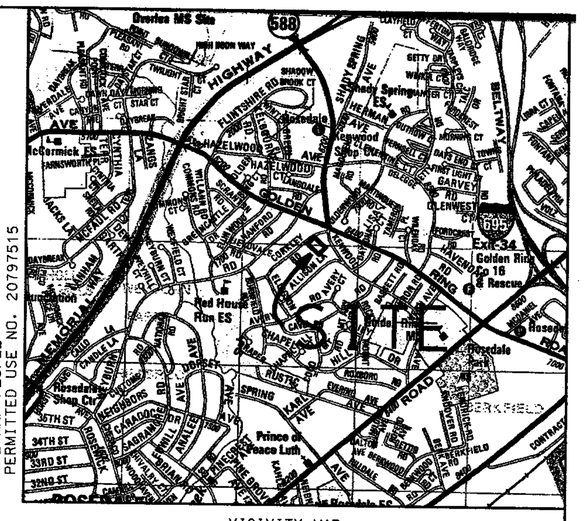
PROJECT TITLE:
NO 6531A CORKLEY AVENUE
BALTIMORE, MD 21237
(LOT 6)
TAX MAP 89; GRID 11; PARCEL 856

DRAWING TITLE:
PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE
AND SPECIAL HEARING FOR LOT 6 (NO.6531A)

JOB NO.: 21704	DRAWING NO.: C-2
DRAWN BY: MEH/JK	
CHECKED BY: DEH	
DATE: JANUARY 6, 2006	
SCALE: 1"=20'	SHEETS PER SET: 1 OF 1



CORKLEY AVENUE
(50' R/W)



VICINITY MAP
SCALE: 1" = 2,000'

SITE DATA

DEED REFERENCE:	L.16703, F.01
AREA:	LOT 5 8,575 SQ.FT./0.1969 ACS.
TOTAL SITE AREA:	LOT 5 & LOT 6= 17,150.00 SQ.FT./0.3938 ACS.
EXISTING ZONING:	DR 5.5
ZONING MAP:	089C2
PLAT REFERENCE:	KENWOOD GARDENS (UNRECORDED)
TAX ACCT. NO.:	1423051500
MAXIMUM HEIGHT OF BUILDING:	50 FEET
ELECTION DISTRICT:	14
COUNCILMANIC DISTRICT:	6

ZONING REQUEST

1. A VARIANCE TO SECTION 1B02.3.C.1 BCZR TO PERMIT A LOT WITH A WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET.
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AVERAGE OF BUILDING SETBACKS

HOUSE NO.	SETBACK (FT.)
6513	28 FT.
6515	27 FT.
6529	28 FT.
6533	25 FT.
6535	25 FT.
6537	30 FT.
	163 FT. ÷ 6 = 27.2'±

360

DROP OFF

STATE OF MARYLAND
DONALD EDWIN HICKS
No. 9676
REGISTERED
PROFESSIONAL ENGINEER

Hicks Engineering Associates, Inc.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE 402
TOWSON, MARYLAND 21286-3160
(410) 494-0001 FAX: (410)821-8890

OWNER:
FOTINI S. JONES
NO. 8400 COCO ROAD
BALTIMORE, MD 21237-1812

PROJECT TITLE:
NO 6531 CORKLEY AVENUE
BALTIMORE, MD 21237
(LOT 5)
TAX MAP 89; GRID 11; PARCEL 856

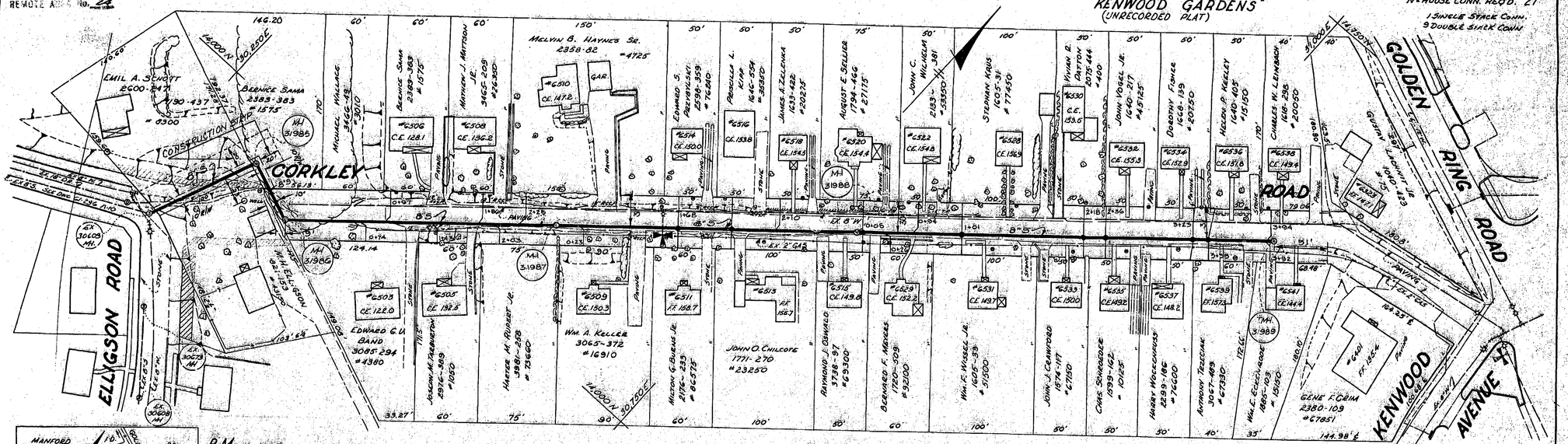
DRAWING TITLE:
PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE
AND SPECIAL HEARING FOR LOT 5 (NO.6531)

JOB NO.: 21704	DRAWING NO.: C-3 Pet #1
DRAWN BY: MEH/JK	
CHECKED BY: DEH	
DATE: JANUARY 6, 2006	
SCALE: 1"=20'	SHEETS PER SET: 1 OF 1

REMOTE AREA No. 24

"KENWOOD GARDENS"
(UNRECORDED PLAT)

No. HOUSE CONN. REQ'D. 27
1 SINGLE STACK CONN.
9 DOUBLE STACK CONN.


CORKLEY
ELLIGSON ROAD
GOLDEN RING ROAD
KENWOOD AVENUE
CONSTRUCTION STAKE
EMIL A. SCHOTT 2600-471
BERNICE SAMA 2383-383 #1575
MICHAEL WALLACE 2462-38 #3010
BERNICE SAMA 2383-383 #1575
NATHAN J. MATTSON JR. 3465-209 #26300
MELVIN B. HAYNES SR. 2338-82 #4725
EDWARD S. PRZYBYLSKI 2298-359 #7680
PRISCILLA L. KING 1646-359 #30500
JAMES A. ZELENKA 1639-422 #20235
AUGUST E. SELLICK 1794-466 #27175
JOHN C. WILHELM 2183-361 #33500
STEPHAN KRUS 1605-31 #77650
VIVIAN E. DAYTON 2075-444 #400
JOHN VOGEL JR. 1640-217 #43125
DOROTHY FANCE 1668-139 #20750
HELEN P. KELLEY 1640-405 #15150
CHARLES W. LEINBACH 1618-236 #20050
GUSTAV L. LOWITT JR. 1040-423 #35
EDWARD G. U BAND 3085-294 #4380
JASON M. PARKINSON 2976-353 #1050
HARTER M. RUPERT JR. 3981-228 #73660
WM. A. KELLER 3065-372 #16910
MILTON G. BURNS JR. 2776-233 #86775
JOHN O. CHILCOTE 1771-270 #23250
RAYMOND J. EDWARD 1738-97 #69300
BERNARD F. MEYERS 1720-309 #92100
WM. F. WISSEL JR. 1605-39 #51500
JOHN J. CRAWFORD 1874-117 #2750
CARL SCHROEDER 1599-162 #10125
HARRY WOLCHOWSKY 2259-186 #76600
ANTHONY TESCIAK 3067-403 #67330
WM. E. ECKELBERGER 1865-103 #15050
GENE F. COBIM 2380-109 #67851
MELVIN B. HAYNES SR. 2338-82 #4725
GAR.
MH 31986
MH 31985
MH 31987
MH 31988
MH 31989
EX. 30609 MH
EX. 30608 MH
EX. 30603 MH
EX. 30608 MH
PAVING
STONE
FENCE
EX. 8" W
EX. 2" GAS
8'-5"
8'-5"
8'-5"