IN RE: PETITION FOR VARIANCE
North side of Maryland Avenue

Opposite Patapsco Avenue
12th Election District
7th Councilmanic District

(116 Patapsco Avenue)

Ross E. Eichberg, Legal Owner Petitioner

- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 06-433-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Ross E. Eichberg, legal owner of the subject property. The variance request is for property located at 116 Patapsco Avenue in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an existing single-family dwelling to have a rear yard setback of 8 feet in lieu of the required 30 feet.

The property was posted with a notice of the public hearing date and time on April 1, 2006, and notice given to the general public by publication in the Jeffersonian Newspaper on March 30, 2006.

#### Interested Persons

Appearing at the hearing on behalf of the variance request was Edwin Kirby and Joseph L. Larson of Spellman, Larson & Associates, Inc., who prepared the site plan. Robert Huber attended the hearing for informational purposes. There were no protestants at the hearing. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

## Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from DEPRM dated April 11, 2006, a copy of which is attached hereto and made a part hereof.

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#### Applicable Law

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

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

## Testimony and Evidence

The subject property is approximately 0.6 acres in size, zoned ML-IM and improved by two single-family dwellings. The Petitioner would like to subdivide the lot so that each existing dwelling would have its own lot and thus could be sold separately. See Petitioner's Exhibit 1 for the proposed lot lines. Mr. Larson testified that the distance between the homes is only 48 feet and in locating the proposed lot line between the two homes, he could either have a situation in which front and rear yard variances are needed or only one rear yard variance is needed. He selected the latter as the least relief needed.

The property is part of a residential development next to the Maryland Port Authority's Dundalk Marine Terminal. As shown on the zoning map included in the file, there is a residential community zoned DR 5.5 between two large areas zoned ML-IM. For reasons unknown, the zoning line between the residential and industrial areas in the vicinity of subject property did not include these properties in the DR 5.5 zone. Instead the division line went straight down Maryland Avenue, leaving what appear to be at least five homes on the ML side of

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the division line. From the zoning map, the residential community has waterfront homes along the Patapsco River. If approved, this subdivision would create one more waterfront lot and likely a water view lot.

Mr. Larson opined that the waterfront home on proposed lot 2 was built in 1929 according to SDAT records. There is some confusion as to the address of the second home and when it was built. However, Mr. Kirby opined that the home on lot 1 was built in the 1950's based on the type of construction and style of the house. All agreed that the ML zoning was imposed on the property in the 1970's. The Petitioner indicated that they had no means of proving that these homes were nonconforming.

Robert Huber, from the adjoining Maryland Port Authority, attended the hearing to understand what was being requested and expressed no concern on behalf of the Authority regarding the request.

At the hearing the question arose whether the Petitioner also needed to file for a special hearing to allow residential uses in a manufacturing zone. Mr. Larson contacted the Zoning Review Office and apparently after extensive discussions, sent a letter to the undersigned dated June 23, 2006 in which he noted that there is no residential development proposed but rather he wanted to place each existing house on its own lot by lot line adjustment. He asked that any decision in this case include recognition of the lot line adjustment for residential property in and ML zone.

# Findings of Fact and Conclusions of Law

This is a strange case because the Petitioner is asking for a residential subdivision in a manufacturing zone. The ML regulations have no provision for such. Unlike business zones, residences are not listed as an allowed use in ML zones either by right or by special exception. While residences are prohibited in some manufacturing zones such as MR, there is no specific

prohibition of residences in ML zones. It is just that residential uses are not listed in the ML regulations.

Yet the ML area regulations of Section 255 direct that area regulations conform to those in BR zones, which allow residential uses. In fact, BR regulations Section 238.1 and 238.2 give very specific setback requirements for residences in BR zones referring to Section 302.

Section 302 in turn specifies,

"Residences hereafter erected in business and <u>manufacturing zones</u> shall be governed by all height and area regulations for the predominant residence zone which immediately adjoins, or by D.R.5.5 Zone regulations if no residence zone immediately adjoins". (Emphasis supplied)

Clearly, Section 302 envisions residential uses in manufacturing zones and since there are no residential zones immediately adjoining the property, it would seem DR 5.5 regulations apply. The Petitioner and the Zoning Office have applied DR 5.5 regulations and the small lot table of Section 1B02.3.C.1. So the Petition requests a variance of 8 feet in lieu of the permitted 30 feet.

On the other hand, ML regulation Section 255.1 directs that area regulations are to be the same as BR zones unless Section 255.2 applies. Section 255.2 directs that area requirements are to be the same as MR regulations if the subject property is within 100 feet of a residential zone boundary. As it turns out, this property is within 100 feet of a residential zone boundary. MR area regulations of Section 243 specify,

Minimum requirements, except as provided in Article 3, shall be as follows:

- 243.1 Front yard. The front building line shall be not less than 75 feet from the front property line.
- 143.2 Side yard: 50 feet measured from the side property line.
- 243.4 Proximity of structures to residential zones. No building or other structure shall be closer than 125 feet at any point to the nearest boundary line of a residential zone.

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This last requirement is particularly telling. It prohibits buildings closer than 125 feet of a residential zone. Incidentally, both homes on the subject lot are within 125 of a residential zone. It is clear to me, there is no reason to prohibit buildings and structures within 125 feet of a residential zone if the building or structure referred to was a residence. Said another way, the focus of Section 243.4 is to separate the buildings and structures associated with the manufacturing uses from adjacent residences. Consequently, I find that Section 243 does not apply to residences within ML zones but rather Section 302 applies as the Petitioner and Zoning Office have suggested.

However, this leaves the basic problem that although not specifically prohibited in ML zones, dwellings are not listed as a use by right or by special exception. Yet there they are. From the evidence presented, the two residences involved in this case likely predated the imposition of ML on this property and are therefore likely non-conforming uses. If so they clearly can continue as two houses on one lot and a zoning use division line could be established to separate the uses. The Petitioner however did not request a special hearing to confirm the non-conforming status or present much in the way of evidence in that regard. What the Petitioner wants is to subdivide the lot so that the houses can be sold separately.

Obviously, no new residential subdivision could be allowed in a ML zone where new homes would be built. However, in this case there are two existing homes on the property. As important, these homes are part of a larger existing residential community on the Patapsco River, almost all of which is zoned DR 5.5. It just happens that these homes and several others along Maryland Avenue were not zoned residentially as were the vast majority of homes in this community. Perhaps this may have been simply a map drafting error. From all evidence, these homes were likely built before the ML zoning was imposed. I see no reason why these homes should be treated differently from a subdivision perspective than the vast majority of the existing

homes in the adjacent community. I approve the lot line adjustment in these odd and narrow circumstances.

Finally, 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 existing structures were likely built before the ML zoning regulations were imposed on the property. Therefore, I find the property unique in a zoning standpoint.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. These homes cannot be sold if each does not have its own lot.

Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The neighbors do not object to the request. My only concern is that while public water and sewer are at the property, it is not apparent these homes are connected. For the sake of public health they must be.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 5<sup>th</sup> day of July, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an existing single-family dwelling to have a rear yard setback of 8 feet in lieu of the required 30 feet by way of lot adjustment, be and is hereby GRANTED subject to the following conditions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return.

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and be responsible for returning, said property to its original condition, and

- 2. The Petitioner shall comply with the Chesapeake Bay Critical Areas regulations pursuant to comments submitted by DEPRM dated April 11, 2006.
- 3. The Petitioner shall connect each house to public sewer and water systems for each house.

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

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

July 5, 2006

ROSS E. EICHBERG 2550 M STREET NW WASHINGTON DC 20037

Re: Petition for Administrative Variance (formal hearing)

Case No. 06-433-A

Property: 116 Patapsco Avenue

Dear Mr. Eichberg:

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John V. Sneighly

for Baltimore County

JVM:pz
Enclosure

c: Joseph I
Robert J 🗓 c: Joseph L. Larson, Spellman, Larson & Associates, Inc., 105 West Chesapeake Avenue, Towson MD 21204 Robert J. Huber, Maryland Port Administration, 2700 Broening Highway, Baltimore MD 21222

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# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at	116 Patapsco	Avenue	
	presently zoned		

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) 1 B02.3.C.1 (BCZR)

To permit an existing single family dwelling to have a rear yard setback of 8 feet in lieu of the required 30 feet.

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

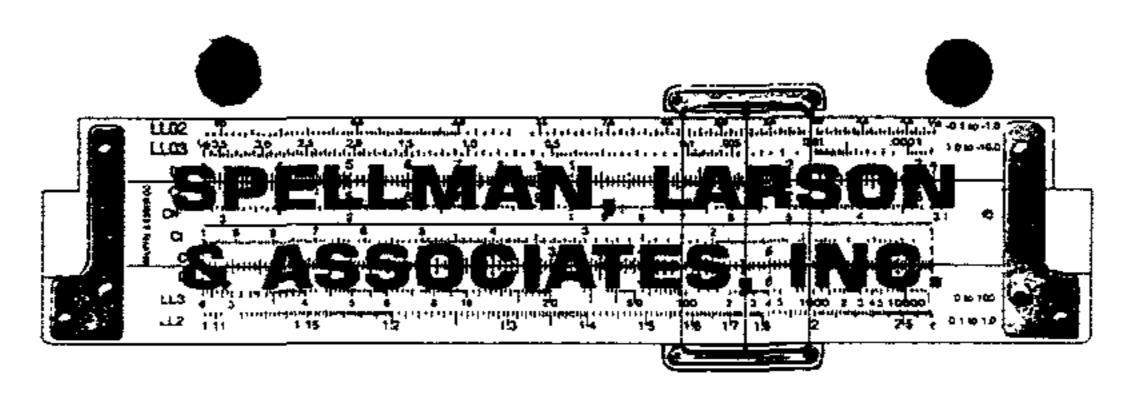
Reasons, documenting evidence, and argument to be presented at the Zoning Hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

If 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.

Case No.	<u>-455-4</u>	i i tamer ar a	UNAVAILABLE FOR P		
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SUCCES		Telephone No.	Address		Telephone No
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			Representative to be	e Contacted:	
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ROBERT E SPELLMAN PLS JOSEPH L LARSON

# CIVIL ENGINEERS AND LAND SURVEYORS 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

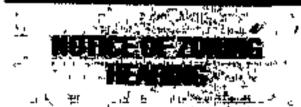
# DESCRIPTION TO ACCOMPANY ZONING PETITION PROPOSED LOT NO. 1 (FUTURE EICHBERG SUBDIVISION) ALSO KNOWN AS PART OF 116 PATAPSCO AVENUE

Avenue and the east side of Patapsco Avenue thence running along a line being the terminus of Patapsco Avenue north 89 degrees 39 minutes west 28.16 feet to a point on the terminus of Patapsco Avenue thence for a line of division north 17 degrees 15 minutes 44 seconds west 25.96 feet thence south 74 degrees 25 minutes 00 seconds west 117.5 feet thence north 15 degrees 35 minutes 00 seconds east 65 feet thence north 74 degrees 25 minutes east 153.5 feet thence south 22 degrees 03 seconds east 29.09 feet thence south 6 degrees 17 minutes east 70.71 feet to the place of beginning

CONTAINING 0.25 Acres of land more or less.

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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: #06-433-A 116 Patapsco Avenue

North side of Maryland Avenue opposite Patapsco Avenue

12th Election District

7th Councilmanic District
Legal Owner: Ross E.
Eichberg
Variance: to permit an existing single-family dwelling to have a rear yard setback of 8 feet in lieu of the required 30 feet

Hearing: Monday, April 17, 2006 at 2:06 p.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III Zoning Commissioner for

Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommoda-tions 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.

3/410 March 30

# CERTIFICATE OF PUBLICATION

3 30 , 2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 3/30/,2006.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS 7/22/05

Case Number: 06-433-A

Petitioner/Developer: ROSS EICHBERG-JOE LARSON OF SPELLMAN & LARSON & ASOCIATES

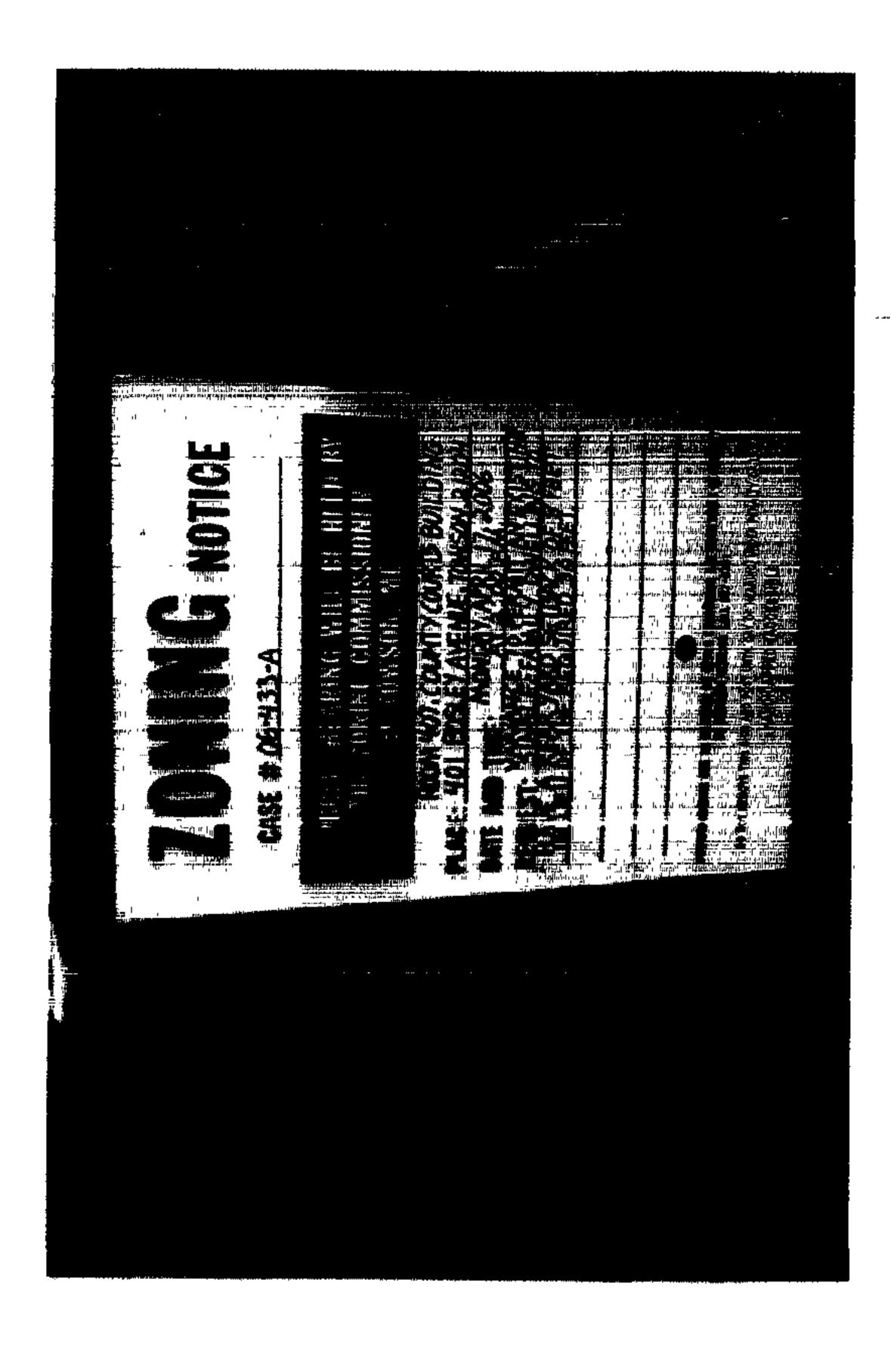
Date of Hearing (Closing): 04/17/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: NORTHWEST CORNER OF PATAPSCO & MARYLAND AVE.

A.K.A. 116 PATAPSCO AVENUE (ON-SITE)

The sign(s) were posted on:

4/1/06



Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

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

410-666-5366 (Telephone Number of Sign Poster) TO: PATUXENT PUBLISHING COMPANY

Thursday, March 30, 2006 Issue - Jeffersonian

Please forward billing to:

Ross E. Eichberg, Esq., (1-202-457-5644)

2550 M Street, N.W. Washington, D.C. 20037

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-433-A

116 Patapsco Avenue

North side of Maryland Avenue opposite Patapsco Avenue

12th Election District—7th Councilmanic District

Legal Owner: Ross E. Eichberg

Variance to permit an existing single-family dwelling to have a rear yard setback of 8 feet in lieu of the required 30 feet.

Hearing: Monday, April 17, 2006 @ 2:00 p.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.

> FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# Department of Permits and Development Management

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



# Baltimore County

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

March 21, 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:

CASE NUMBER: 06-433-A

116 Patapsco Avenue

North side of Maryland Avenue opposite Patapsco Avenue

12th Election District—7th Councilmanic District

Legal Owner: Ross E. Eichberg

Variance to permit an existing single-family dwelling to have a rear yard setback of 8 feet in lieu of the required 30 feet.

Hearing: Monday, April 17, 2006 @ 2:00 p.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco

TK: raj

Director

C: Ross E. Eichberg, 2550 M St., N.W., Washington, D.C. 20037

Joseph L. Larson, Speliman, Larson & Assoc., Inc., 105 W. Chesapeake Ave., Ste. 406, Towson, MD 21204

# NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN <u>POSTED</u> BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 1, 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 410-887-339

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is 'the 'subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: Ross E. EICHBERG ESQ.
Address or Location: 116 PATAPSCO AVE
PLEASE FORWARD ADVERTISING BILL TO:
Name: ROSS E EICHBERG ESQ.
Address: 2550 N. STOEET NW
WASHINGTON D.C. 20037
Telephone Number: 1-202-457-5644

# Department of Permits a Development Management

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





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

April 14, 2006

Ross Eichberg 2550 M Street, N.W. Washington D.C. 20037

Dear Mr. Eichberg:

RE: Case Number: 06-433-A, 116 Patapsco Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 8, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

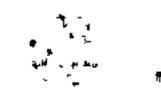
W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callibal)

WCR:amf

**Enclosures** 

c: People's Counsel Joseph L. Larson Spellman, Larson & Assoc., Inc. 105 W. Chesapeake Avenue, Ste 406 Towson 21204



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

# . Fire Department

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





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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 March 21, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: March 20, 2006

Item No.: Item Numbers 427 through 434 and 436 through 439 and 441

433

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

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

LT. Roland P. Bosley Jr. Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

To: Timothy M. Kotroco, Director

ector DATE: March 27, 2006

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For March 27, 2006

Item Nos. 429, 430, 431, 432, 433, 434, 435,

436, 437, 439, 440, and 441

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw

ce: lule

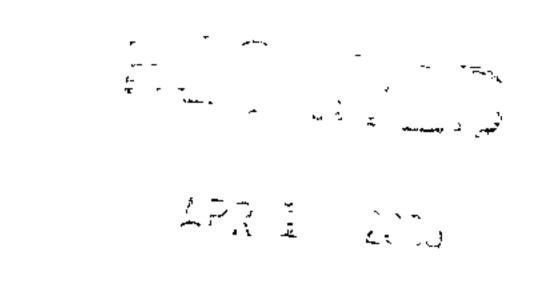
ZAC-NO COMMENTS-03272006 doc

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#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**





TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination

DATE: April 11, 2006

SUBJECT: Zoning Item # 06-433-A

Address 116 Patapsco Avenue

(Eichberg Property)

Zoning Advisory Committee Meeting of March 20, 2006

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 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

<u>X</u> Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

#### **Additional Comments:**

The proposed development must meet all Critical Area regulations as they pertain to minor subdivisions in Intensely Developed Areas (IDA's) that are waterfront.

Reviewer: Glenn Shaffer Date: March 30, 2006

Jrn-

**DATE:** March 31, 2006

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-433- Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By

Division Chief:

CM/LL



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

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

#### Maryland Department of Transportation

Date: 3.21.01

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

RE:

Baltimore County

Item No. 433

Dear. Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

1.1. Dull

RE:	PETITION FOR VARIANCE
	116 Patapsco Avenue; N/S Maryland
	Avenue opposite Patapsco Avenue
	12 <sup>th</sup> Election & 7 <sup>th</sup> Councilmanic Districts
	Legal Owner(s): Ross E. Eichberg
	Petitioner(s)

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* 06-433-A

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

## **ENTRY OF APPEARANCE**

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23rd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to, Joseph Larson, Spellman, Larson & Associates, 105 W. Chesapeake Avenue, Suite 406. Towson, MD 21204, Representative for Petitioner(s).

RECEIVED

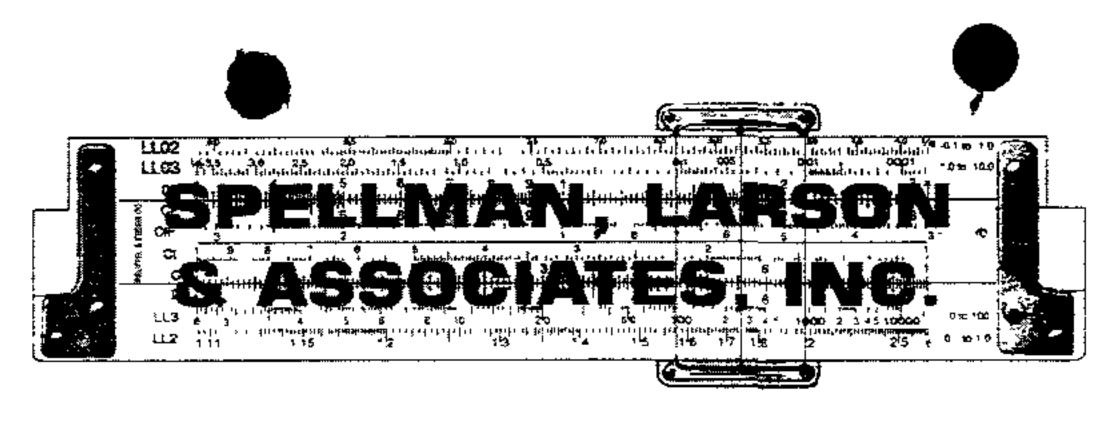
MAR 2 3 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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ROBERT E SPELLMAN PLS JOSEPH L LARSON

# CIVIL ENGINEERS AND LAND SURVEYORS 105 W CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

Mr. Carl Richards, Supervisor

Office of Zoning Dept. of Permits and Development Management Baltimore County

Re: 116 Patapsco Avenue

Eichberg Property
Zoning Case No. 06-433-A
Job No. 205113

Dear Carl,

The above captioned Zoning Case was filed this week with Mr. Lloyd Moxley, of your office, and is currently in the process of being scheduled for a Hearing date.

At this point, we would like to respectfully request that you afford us whatever cooperation possible to assign us an expedited Hearing date due to very time sensitive contractural and financial obligations assigned to the owner of the property.

Since we have to go through the Minor Subdivision Process following the Zoning Hearing it is paramount that we get the Zoning Hearing out of the way as quickly as possible.

Hence, we are making this request of your office and hope that you could cooperate with us in this matter.

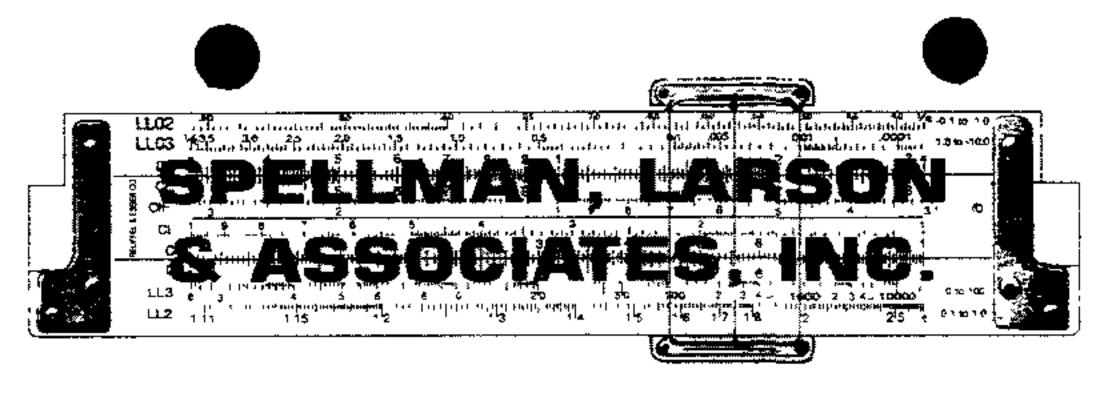
Very truly yours,

Joseph L. Larson, President SPELLMAN, LARSON & ASSOC., INC

March 10, 2006

cc Ross Fichberg





ROBERTE SPELLMAN PLS JOSEPH L LARSON

### CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

Mr. John Murphy, Deputy Zoning Commissioner

Zoning Commissioners Office New Courts Building Towson, MD 21204

Re: 116 Pataspco Avenue

Zoning Case No. 06-443-A

Job No. 205113

June 23, 2006

RECEIVED

JUN 27 2006

"HAND DELIVERED"

ZONING COMMISSIONER

Dear Commissioner Murphy,

Regarding the above-captioned Zoning Case and the current open status of that matter, I wish to herein review our pursuit of reconciling the issue that you brought to the attention of Zoning Supervisor Carl Richards related to residential development in an ML zone.

Notwithstanding the original Variance request as stated in our Zoning Petition, it is my understanding that you have expressed concerns regarding making a ruling on a residential action within an ML zone.

To hopefully reconcile this situation I would like to review specific issues related to this property which will hopefully allow you to move forward with your decision and quiet the ML ramifications associated with the Case.

Firstly, there is no development proposed for the subject property whereby the two principle structures exist on the property with the initial construction dating back to 1929.

Secondly, the subject property was submitted to the Development Review Committee for the approval of a Lot Line Adjustment, which has been tabled but will be granted upon obtaining the requirity zoning relief for the rear yard setback as requested in our Variance Petition.

Further, our basic objective here is to simply realign the division lot line between the two lots that comprise the subject property to allow the two principle structures to reside on individual lots.

Page 2

June 23, 2006

Re: 116 Patapsco Avenue

Based on this information and after several meetings with Zoning Supervisor Mr. Carl Richards, we wish to herein make a formal request of your office that we be allowed to expand our original zoning request for variance to also include a request to approve this lot line adjustment for a residential property in an ML zone.

I trust that this request is appropriate and is a viable and expedient means of resolving this issue short of having another Zoning Hearing, specifically due to the fact that there was only one attendee at the Zoning Hearing who was there only out of curiosity, and after discussion, voiced his support of our request.

Hence, I would appreciate your reviewing this request, and responding to me at your earliest convenience so hopefully we can finalize this matter and allow you to write a favorable decision on our behalf.

Should you need any additional information or further discussion, I'd be more than happy to meet with you at your convenience.

Very truly yours,

oseph L. Larson

SPELLMAN, LARSON & ASSOC., INC.

cc Ross Eichberg Carl Richards

PLEASE PRINT CLEARLY

CASE NAME 116 Papase CASE NUMBER 06-422 DATE

PETITIONER'S SIGN-IN SHEET

E-MAIL SURVEYORZONEZ.			
CITY, STATE, ZIP  (all) Son Me 21204  I couse ) X/10 21005			
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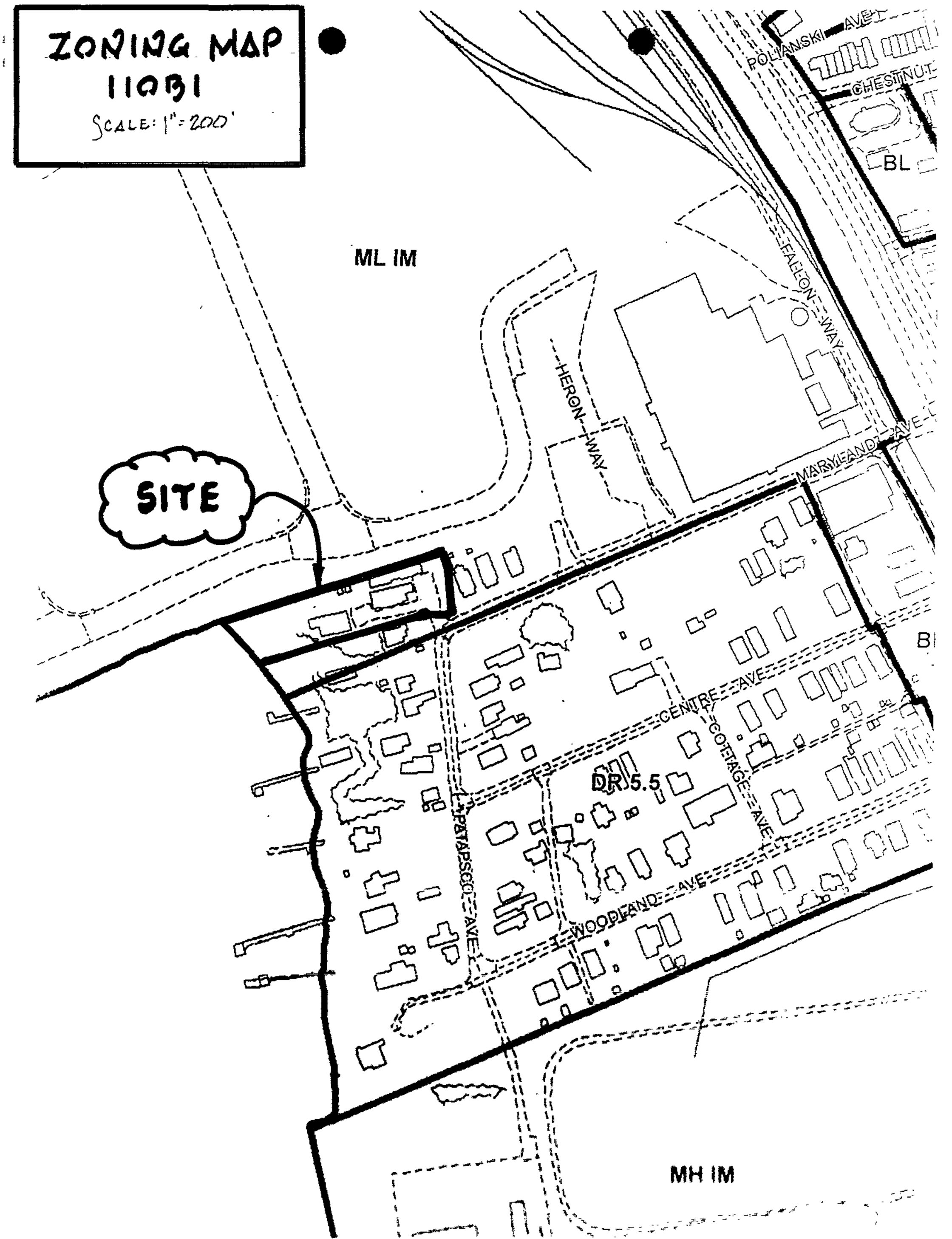
**4** 33-1-90 CASE NAME CASE NUMBER DATE

# CITIZEN'S SIGN-IN SHEE

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Date Completed/Initials	
3/14/06	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)
W/21/04	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)
<u> </u>	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)
<u> </u>	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
<del></del>	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)



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MNSR INFORMATION

ADOD EILHMER BOX

2550 M STREET NW

WATHINGTON DC 20057

SPELLMAN, LARSON

ASSOCIATES, INC. CIVIL ENGINEERS AND LAND SURVEYORS

SUITE 406, JEFFERSON BLDG , TOWSON, MD 21204

#116 MARYLAND AVENUE #32 PATAPSCO AVENUE EICHMERG PROPERTY