IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
W/S of New Avenue, 247 feet south of
C/I of Bond Avenue
4th Election District
3rd Councilmanic District
(306 New Avenue)

Mary A. Beard

Petitioner

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * CASE NO. 07-025-SPHA

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, Mary A. Beard. The Petitioner is requesting special hearing relief for property owned at 306 New Avenue. The Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm that lot #13 was not merged with lot #14, that the current owner of lot #13 does not own sufficient adjoining property to allow the property owner to conform to the current zoning requirements, and to confirm that the accompanying petition for a variance, if granted, will render lot #13 a buildable lot for zoning purposes. The Variance is to permit a lot width of 44 feet in lieu of the required 70 feet and to permit a front yard setback of 19 feet in lieu of the required 30 feet and to permit a side yard setback of 7 feet in lieu of the required 15 feet and a sum of side yard widths of 17 feet in lieu of the required 25 feet.

The property was posted with Notice of Hearing on August 20, 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 August 22, 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."

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Environmental Protection and Resource Management dated August 16, 2006 which contains a restriction and is attached hereto and made a part hereof.

Interested Persons

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Appearing at the hearing on behalf of the requested special hearing and variance relief were Edie Beard and Mary A. Beard, Petitioner. Joseph Larson, with Spellman Larson &

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Associates, Inc., prepared the site plan. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 10,593 square feet zoned DR 3.5 and is improved by the Petitioner's deceased father's home. Mr. Larson proffered that the subject property is lot 13 of a subdivision that was recorded in the land records in July 1979. He indicated that John Beard owned this lot and the adjacent lot (lot 14) prior to his death. He conveyed lot 13 to the Petitioner and lot 14 to her sister, Edie Beard, upon his death. Both lots are 44 feet wide while the DR 3.5 regulations require 70 feet.

The Petitioner would like to replace the existing house which measures only 20 x 36 feet with a more modern house which would be 27.3 x 64 feet as shown on Petitioner's exhibit 1, the Plat to Accompany. Mr. Larson explained that the reason for the special hearing arises because some years ago the deceased Mr. Beard built a swimming pool on lot 14 without a zoning hearing which likely merged the two lots. He noted that the lots were separately assessed for tax purposes as shown by exhibit 2. Edie Beard said that when her father applied for a permit in the County to build the pool, no one told her or her father that this might show intent to merge or that this intent to merge could be avoided by applying for a special hearing for an accessory structure without a principal structure. She believes her father had no intent to merge the lots.

In regard to the variance requests, the proposed house on lot 13 would be located exactly the same distance from the front street as the existing house or 19 feet. The DR 3.5 regulations require 30 feet. In addition the existing house is within 9 feet of the common lot line between lots 13 and 14. The new home would be 7 feet from the common lot line to allow for a larger, more modern home. Finally the larger home would not meet the sum of the side yard setback requirements of 25 feet. Instead the sum of the side yard setbacks would be 17 feet.

Findings of Fact and Conclusions of Law

As I indicated at the hearing by erecting the swimming pool on lot 14, the late Mr. Beard showed his intent to merge the two lots. Otherwise the deceased Mr. Beard would have had to request a special hearing to allow an accessory structure on a lot without a principal structure. Having a pool on an adjacent lot is one of the facts of the seminal merger case in Maryland, Remes v Montgomery County, where the Court of Appeals found adjoining lots in common ownership had merged. I accept Ms. Beard's testimony that no one in the County warned her father that to do so would imply the lots had merged. I realize merger may not have entered her father's mind, but the case law associated with the zoning merger doctrine tells us that this is the kind of overt action in public forum shows an intent to merge. Therefore I find the lots have merged.

Once the lots have merged there is no internal common lot line between the lots from which new construction can be varied. In addition the appellate cases are clear there is no way to undo the merger once this has occurred such as removing the pool or the like. In fact the pool had been removed from the adjoining lot when the Court of Appeals decide the lots had merged in the *Remes* case. Therefore I must deny the variance requests at this time.

The Court of Appeals tells us that the only solution is to take the now merged lots through the resubdivision process. This would likely result in a second request for variance for the proposed lots similar to the subject requests plus requests perhaps for any new dwelling on lot 14. Those issues are not before me and I make no decision in regard to those possible variance requests. Said another way, the Petitioner is not prevented by the legal principle of res judicata from filing another request for variance for the proposed house on lot 13. My decision to deny the variance requests in this case is based on the procedural process and not on the merits

of the variance case. The merits of a variance case at resubdivision will turn on classic variance case criteria including pattern of development of the neighborhood.

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 7th day of September, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm that lot #13 was not merged with lot #14 and the current owner of lot #13 does not own sufficient adjoining property to allow the property owner to conform to the current zoning requirements and to confirm that the accompanying petition for a variance, if granted, will render lot #13 a buildable lot for zoning purposes is hereby DENIED; and

IT IS FURTHER ORDERED, that the Variance request is to permit a lot width of 44 feet in lieu of the required 70 feet and to permit a front yard setback of 19 feet in lieu of the required 30 feet and to permit a side yard setback of 7 feet in lieu of the required 15 feet and a sum of side yard widths of 17 feet in lieu of the required 25 feet are hereby DENIED without prejudice or a determination of the variance case on the merits. The Petitioner may apply for the requested variances along with others needed during the resubdivision process.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 7, 2006

MARY A. BEARD 6407 RIDGEVIEW AVENUE BALTIMORE MD 21206

Re: Petition for Special Hearing and Variance

Case No. 07-025-SPHA
Property: 306 New Avenue

Dear Ms. Beard:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and Variance has been denied in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

c: Edie E. Beard, 14 Middlebrook Court, Westminster MD 21201 Joseph Larson, 105 West Chesapeake Avenue, Towson MD 21204



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at _	306 New Avenue
· · · · · · · · · · · · · · · · · ·	presently zoned DR 3.5

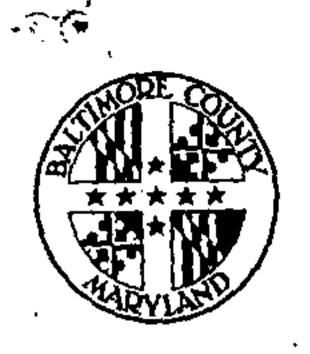
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Refer To Attached Sheet

Property is to be posted and advertised as prescribed by the zoning regulations.
If 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 parjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Mary A. Beard Name - Type or Print Name - Type or Print MILLIA BLOID Signature Signature: Name - Type or Print Address Telephone No. Zip Code Signature City State 410~396~0052 6407 Ridgeview Ave. Attorney For Petitioner: Telephone No. Address 21206 MD Baltimore Zip Code State Name - Type or Print City Representative to be Contacted: Signature Joseph L. Larson Name Company 410-823-3535 105 W. Chesapeake Ave. Telephone No. Address Telephone No. Address 21204 MD Towson Zip Code City State State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING ____ Case No. 07-025-58/1/3 UNAVAILABLE FOR HEARING Reviewed By Bh

That lot #13 was not merged with lot#14 and the current owner of lot #13 does not own sufficient adjoining property to allow the property owner to conform to the current zoning requirements pursuant to Section 1B02.3.C.1, BCZR, and to confirm that the accompanying petition for a Variance, if granted, will render lot #13 a buildable lot for zoning purposes.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 306 New Avenue	<u>e</u>
which is 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)

Refer To Attached Sheet

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

Hardship and practical difficulty testimony to be presented at Zoning Hearing.

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

		is the subject of this Petit				
Contract Purchaser/	Lessee:		Legal Owne	r(s):		
		and the same of th	Mary A. Be	ard		
Name - Type or Print	· 		Name - Type or P			
Signature	····		Signature	LU. KILU	LCA.	
Address		Telephone No.	Name - Type or P	rint		
City	State	Zip Code	Signature			
Attorney For Petition	er:		6407_ Rida	eview Rd eno	ie.	<u>410-396-0</u> 052
			Address Baltimore		MD	Telephone No.
Name - Type or Print	·- - .		City	 	State	Zip Code
Signature			Representat	ive to be Co	ntacted.	
			Joseph L.	Larson		
Company	· · ·		Name 105 W. Ch	esapeake A	/e	410-823-3535
Address		Telephone No.	Address	coapeane n		Telephone No.
·			Towson		MD	21204
City	State	Zip Code	City	- Mart the B shock by-an	State	Zip Code
		イン・モンタンが大学(大学者)	OFFICE USE ONLY			
Case No. 67-02	5- SPHA	-	ESTIMATED L	ENGTH OF H	EARING	
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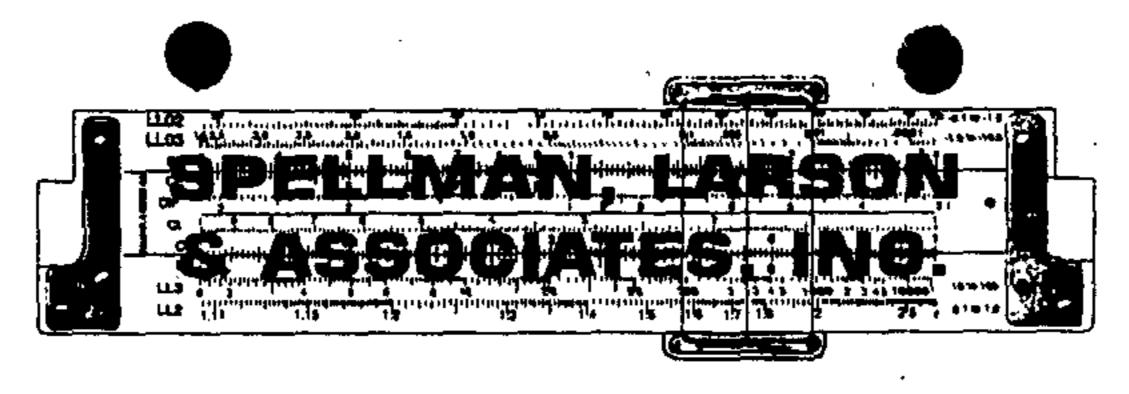
SECTION 1B02.3.C.1

To allow a lot width of 44' in lieu of the required 70'.

To allow a front yard setback of 19' in lieu of the required 30'.

To allow a sideyard setback of 7' in lieu of the required 15' and a sum of sideyard widths of 17' in lieu of the required 25'.





ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

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

LEGAL DESCRIPTION TO ACCOMPANY ZONING PETITIONS 306 NEW AVENUE 4TH ELECTION DISTRICT BALTIMORE COUNTY

BEGINNING for the same at a point on the west side of New Avenue (Wolf Avenue) said point being 247 feet more or less southerly from the center line of Bond Avenue and continuing along the west side of New Avenue south 14 degrees 50 seconds west 45.00 feet to a point on the west side of New Avenue and thence continuing for a line of division between lots 13 and 14 as shown on the Plat of Subdivision of Jacob W. Wolf Property recorded among the Land Records of Baltimore County in Plat Book 7, Folio 79 north 82 degrees 30 seconds west 220.00 feet to the end of said division line thence continuing for a new line of division north 8 degrees 20 seconds east 44.60 feet to a point on the division line between lots 13 and 12 as shown on the Plat of Subdivision of the Jacob W. Wolf Property and continuing for a line of division south 82 degrees 30 minutes east 225.00 feet to the place of beginning.

Said property also being known as Lot No. 13 on the Plat of Subdivision of the Jacob W. Wolf Property recorded among the Land Records of Baltimore County in Plat Book 7, Folio 79 and containing 0.24 acres of land more or less.

June 20, 2006

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thority of the Zoning Act and Regulations of Baltimore the property identified herein as follows:

Case: # 07-025-SPHA

West side of New Avenue

Variance: to permit a lot width of 44 feet in lieu of the required 70 feet and to permit a front yard setback of 19 quired 70 feet and to permit a front yard setback of 19 feet in lieu of the required 30 feet and to permit a side yard setback of 7 feet in lieu of the required 15 feet and a yard setback of 7 feet in lieu of the required 25 feet. Special Hearing: to allow that lot #13 was not 25 feet. Special Hearing: to allow that lot #13 was not does not own sufficient adjoining property to allow the property owner to conform to the current zoning requirements and to confirm that the accompanying petition for ments and to confirm that the accompanying petition for a variance, if granted, will render lot #13 a buildable lot

at 11:00 111 West 6, 2006 Building, a variance, if granted, will render lot a for zoning purpose.

Hearing: Wednesday, September 6 a.m. in Room 106, County Office Brochesapeake Avenue, Towson 21204.

william J. WiseMan, III
Zoning Commissioner for Baitimore County
Xoning Commissioner for Baitimore 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.

JT 8/750 August 22.

OF PUBLICATION

S 24 , 2006

that the annexed advertisement was published THIS IS TO CERTIFY

in the following weekly newspaper published in Baltimore County, Md.,

successive weeks, the first publication appearing each of once in on

X The Jeffersonian

- Arbutus Time
- Catonsville Times
- Towson Times
- Times Owings Mills
- Reporter NE Booster/]
- North County News

1 Mulus

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE:

8/24/06

Case Number: 07-025-SHPA

Petitioner/Developer: MARY BEARD~JOE LARSON OF SPELLMAN & LARSON & ASSOCIATES

Date of Hearing (Closing): 09/06/06

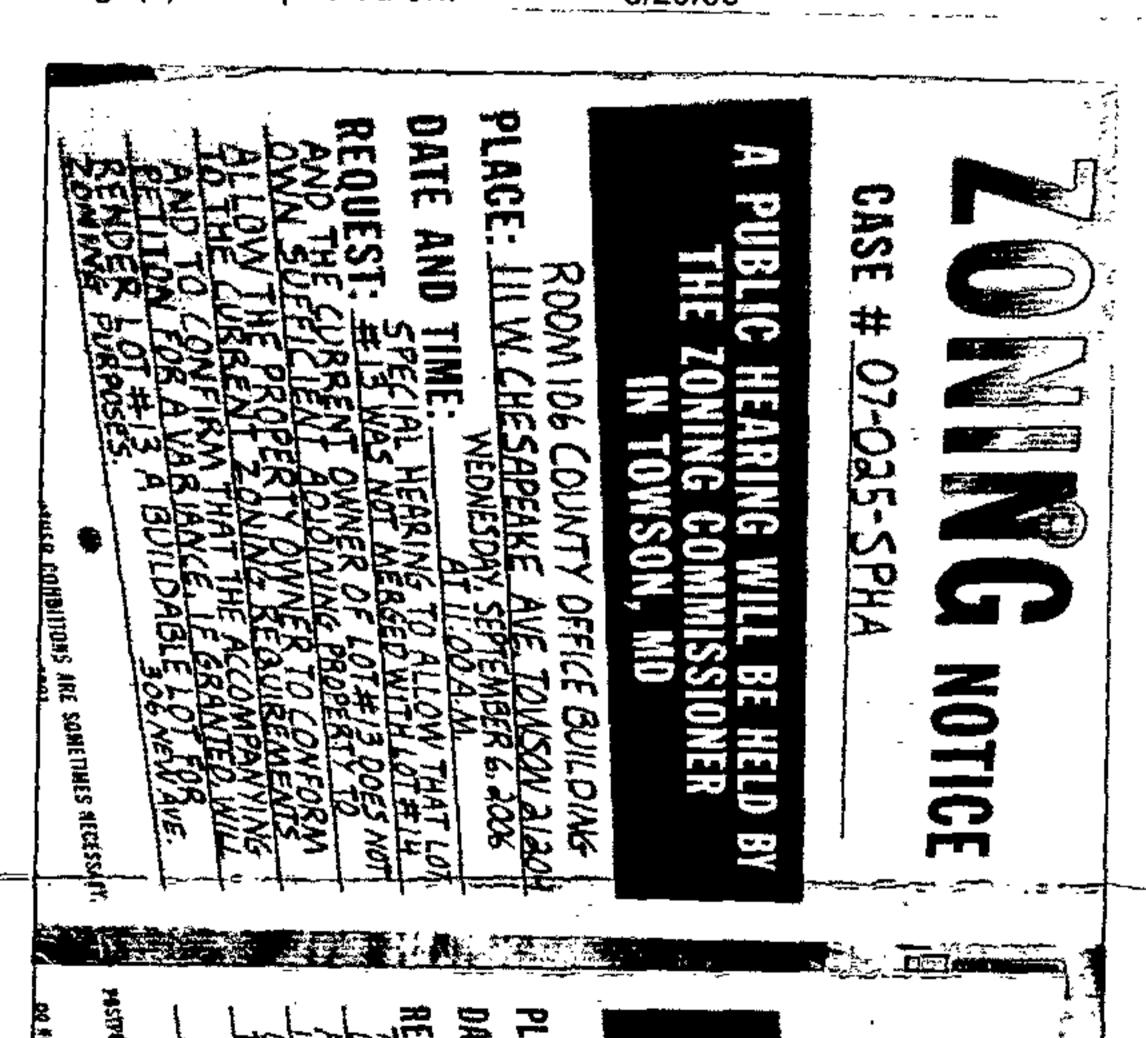
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 306 NEW AVENUE

思

The sign(s) were posted on:

306 NEW ALEK

8/20/08





Linda O'Keefe
(Printed Name of Sign Poster)

----523 Penny Lane (Street Address of Sign Poster)

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

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

Department of Permits and Development Management

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



Baltimore County

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

July 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:

CASE NUMBER: 07-025-SPHA

306 New Avenue

West side of New Avenue, 247 feet south of centerline of Bond Avenue

4th Election District – 3rd Councilmanic District

Legal Owner: Mary A. Beard

<u>Variance</u> to permit a lot width of 44 feet in lieu of the required 70 feet and to permit a front yard setback of 19 feet in lieu of the required 30 feet and to permit a side yard setback of 7 feet in lieu of the required 15 feet and a sum of side yard widths of 17 feet in lieu of the required 25 feet. <u>Special Hearing</u> to allow that lot #13 was not merged with lot #14 and the current owner of lot #13 does not own sufficient adjoining property to allow the property owner to conform to the current zoning requirements and to confirm that the accompanying petition for a variance, if granted, will render lot #13 a buildable lot for zoning purposes.

Hearing: Wednesday, September 6, 2006 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

buth Rotroco

Director

TK:klm

C: Mary Beard, 6407 Ridgeview Avenue, Baltimore 21206 Joseph Larson, 105 W. Chesapeake Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 22, 2006.

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 22, 2006 Issue - Jeffersonian

Please forward billing to:

Mary Beard 6407 Ridgeview Avenue Towson, MD 21204 410-396-0052

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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Hearing: Wednesday, September 6, 2006 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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: 07-025 - SPHA
Petitioner: MAZY BEARD
Address or Location: 706 NEW DVENUE
PLEASE FORWARD ADVERTISING BILL TO:
Name: MARY BEARD
Address: GAOT RIDGEVIEW AVE
BALTO. MD. 21206
Telephone Number: <u>41の・3の6・0の5</u> 2



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 31, 2006

Mary A. Beard 6407 Ridgeview Avenue Baltimore, MD 21206

Dear Ms. Beard:

RE: Case Number: 07-025-SPHA, 306 New Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 20, 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

WCR:amf

Enclosures

c: People's Counsel Joseph L. Larson 105 W. Chesapeake Avenue Towson 21204

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 4, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 7, 2006 Item Nos. 06-492, 07-015, 024, 025, 027, 029, 030, 032, and 033

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-08012006.doc



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

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

Maryland Department of Transportation

Date: 8.1.06

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

RE: Baltimore County

Item No. 725

BPR

Dear. Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

Fire Departmen:

700 East Joppa Road Towson, Maryland 21286-5 100 Tel: 410-887-4500



Baltimore County

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

County Office Building, Room 111 Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 212 14

August 1,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: July 31,2006

Item No.: 492, 015, 124, 025, 027, 028, 029, 030, 032, 033, 034 and 035.

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

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F



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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

August 16, 2006

SUBJECT:

Zoning Item

07-25-SPHA

Address

306 New Avenue

(Beard Property)

Zoning Advisory Committee Meeting of July 31, 2006

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

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

Prior to building permit approval, soil evaluations must be conducted and a septic reserve area established.

S-7-00 REFERENCE OF THE SECOND SECOND

Reviewer:

S. Farinetti

Date: August 11, 2006

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-25-SPHA.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 17, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

306 New Avenue

INFORMATION:

Item Number:

7-025

Petitioner:

Mary A. Beard

Zoning:

DR 3.5

Requested Action:

Variance

RECEIVED

AUG 2 5 2006

70NING 000

CONING COMMISSIONER

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. Additionally the Office of Planning is of the position that there does appear to be a self-imposed hardship. This office recommends the petitioner use lots 12 and 13 in combination for the placement of the proposed dwelling, in doing such minimum lot area and width requirements will be met.

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

Prepared by:

Division Chief:

AFK/LL: CM

W:\DEVREV\ZAC\7-025.doc

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
306 New Avenue; W/S New Avenue,
247' S c/line Bond Avenue
4th Election & 3td Councilmanic Districts

Legal Owner(s): Mary A. Beard

Petitioner(s)

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 07-025-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

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 3rd day of August, 2006, a copy of the foregoing Entry of Appearance was mailed Joseph Larson, 105 W. Chesapeake Avenue, Towson, MD 21204, Representative for Petitioner(s).

RECEIVED

AUG 0 3 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

11/30/2005

M.D.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

OWNER INFORMATION

DISTRICT: 04 ACCT NO: 0402020875

OWNER NAME: BEARD JOHN OLIVER

USE: RESIDENTIAL

PRINCIPAL

RESIDENCE

YES

MAILING ADDRESS: 306 NEW AV

REISTERSTOWN

MD 21136

TRANSFERRED

FROM: WASHINGTON WILLIAM M

DATE: 03/29/1950 PRICE:

\$0

DEED REFERENCE: 1) / 6182/ 28

2)

* NONE *

SPECIAL TAX RECAPTURE

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO

<F6> SELECT NEXT PROPERTY

M.D.A.T. REAL PROPERTY SYSTEM BALTIMORE COUNTY LOCATION INFORMATION

DISTRICT: 04 ACCT NO: 0402020875

NAME: BEARD JOHN OLIVER

USE: RESIDENTIAL

PREMISES ADDRESS

LEGAL DESCRIPTION

306 NEW AVE

JACOB W WOLFE PLAT

MAP GRID PARCEL SUBDIV SECT BLOCK LOT ASSESSMENT AREA

17 519 48

13

PLAT NO : PLAT REF:

SPECIAL TAX AREAS -

PRIMARY STRUCTURE DATA

PROPERTY LAND AREA

COUNTY

YEAR BUILT ENCLOSED AREA

9,931.00 SF

USE 04

720 SF 1931

<F3> TRANSFER/STRUCTURE INFO

PRESS: <F1> OWNER INFO <F2> VALUE INFO

<F6> SELECT NEXT PROPERTY

12/06/2005

M.D.A.T. REAL PROPERTY SYSTEM BALTIMORE COUNTY

LOCATION INFORMATION

PREMISES ADDRESS

DISTRICT: 04 ACCT NO: 0402020900

519

NAME: BEARD JOHN O

NEW AVE

48

LEGAL DESCRIPTION

USE: RESIDENTIAL

LT 14 PT 15

JACOB W WOLFE PLAT

GRID PARCEL SUBDIV SECT BLOCK LOT ASSESSMENT AREA MAP

14

PLAT NO :

PLAT REF:

SPECIAL TAX AREAS -

17

PRIMARY STRUCTURE DATA PROPERTY LAND AREA YEAR BUILT ENCLOSED AREA

COUNTY

11,412.00 SF

USE

0000

04

PRESS: <F1> OWNER INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO

<F5> RETURN TO LIST SCRN

<F6> SELECT NEXT PROPERTY

M.D.A.T. REAL PROPERTY SYSTEM BALTIMORE COUNTY

12/06/2005

DISTRICT: 04 ACCT NO: 0402020900

USE: RESIDENTIAL

OWNER NAME: BEARD JOHN O PRINCIPAL

RESIDENCE

MAILING ADDRESS: 306 NEW AV REISTERSTOWN

NO

MD 21136-1320

TRANSFERRED

OWNER INFORMATION

DATE: 10/06/1980 PRICE: FROM: BEARD JOHN E

DEED REFERENCE: 1) / 6213/ 564 SPECIAL TAX RECAPTURE

* NONE *

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO

<F5> RETURN TO LIST SCRN <F6> SELECT NEXT PROPERTY

PLEASE PRINT CLEARLY

CASE NAME DEALLS
CASE NUMBER 07-03-5PA
DATE 9-6-06

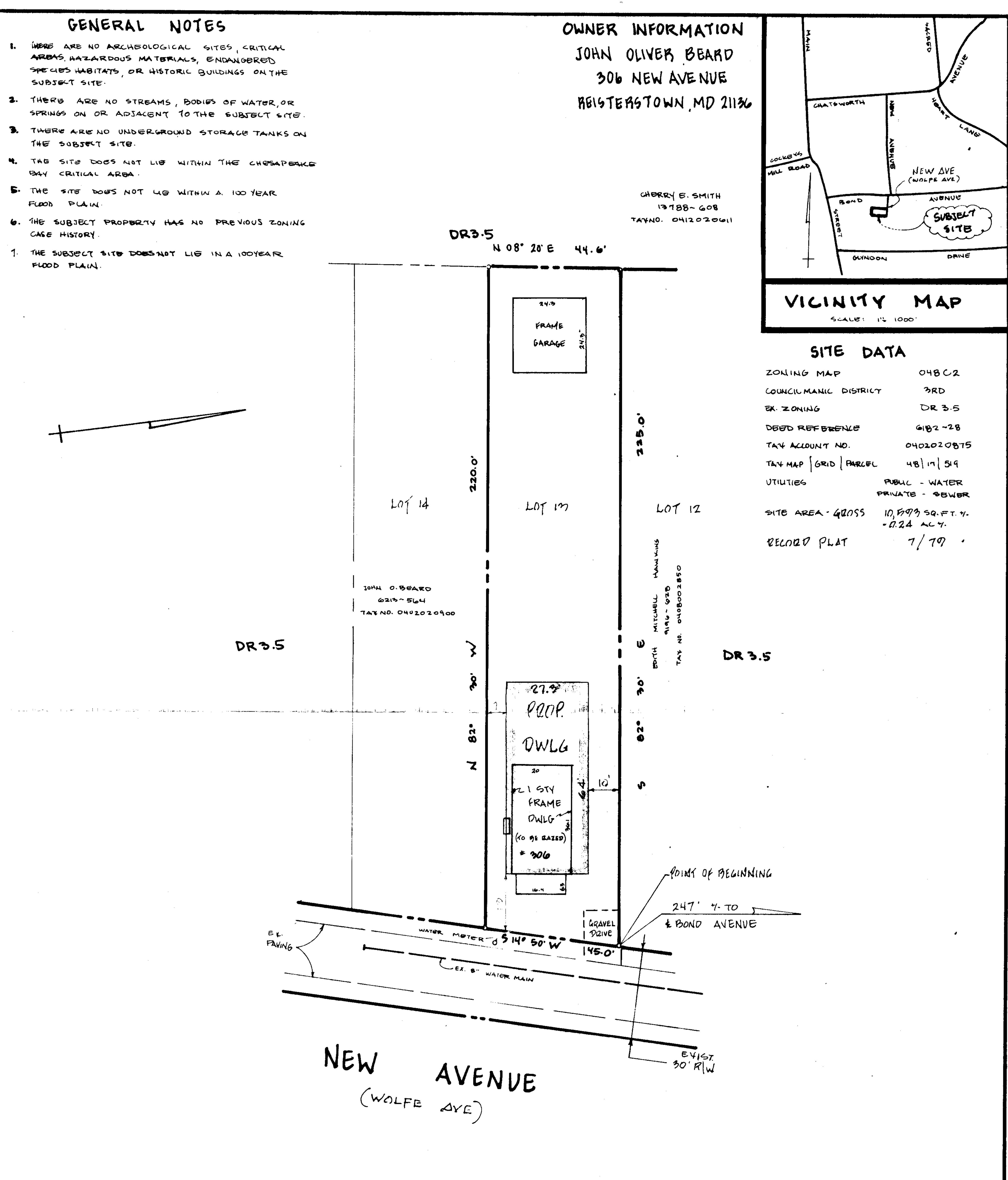
PETITIONER'S SIGN-IN SHEET

E- MAIL				
CITY, STATE, ZIP TOWNSON MJ ZIZULE Bayo, MD ZIZULE Bayo, MD ZIZULE Washminson MD SYSON				
105 W. Chesapealle Lux 6400 Ridgevieu Pre 14 Modle brook Court				
MAME LOS EPIT LARSON MONGO BROAD				



SCALE: 1"= 200.

#025



PLAT TO ACCOMPANY ZONING PETITION

306 NEW AVENUE

6182~ 28

414 DISTRICT

BALTIMORE CO., MID

SCALE: 1' 20

MARCH 14, 2006

SPELLMAN, LARSON
& ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 404, JEFFERSON BUILDING
TOWSON, MARYLAND 21204
PHONE: 410-823-3535
FAX: 410-825-5215