

IN RE: PETITION FOR VARIANCE
S/S of Gundale Avenue, south of c/l
Of Gunder Avenue
15th Election District
6th Councilmanic District
(13205 Gundale Avenue)

Gerald H. and Barbara C. Kestner
Petitioner and Legal Owner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 07-034-A

* * * * *

IN RE: PETITION FOR VARIANCE
S/S of Gundale Avenue, south of c/l
Of Gunder Avenue
15th Election District
6th Councilmanic District
(13207 Gundale Avenue)

Gerald H. and Barbara C. Kestner
Petitioner and Legal Owner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 07-035-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on September 19, 2006 as a Petition for Variance filed by the legal owners of the subject property, Gerald H. and Barbara C. Kestner. The Petitioners are requesting the following variance relief:

Case No. 07-034-A: This property is located at 13205 Gundale Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new single family residential dwelling on a 50.4 foot lot in lieu of the required 55 feet with a contiguous owner.

Case No. 07-035-A: This property is located at 13207 Gundale Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations

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(B.C.Z.R.) to permit an existing house with a side yard setback of 9.6 feet in lieu of the required 10 feet and a lot width of 50.4 feet in lieu of the required 55 feet.

The properties were posted with Notice of Hearing on September 4, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 5, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

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: ZAC comments were received from the Office of Planning dated August 29, 2006 which contains restrictions. ZAC comments

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were received from the Bureau of Development Plans Review dated August 4, 2006 which contains restrictions. Copies are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Gerald H. and Barbara C. Kestner, Petitioners. Sue Zack, an adjacent property owner, appeared at the hearing in support of the requests. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject properties are adjacent lots 50.4 foot wide lots zoned DR 5.5. Each lot is composed of two 25.2 foot wide lots which were created in the Twin River, Section A, subdivision which Ms. Zack opined was recorded in the land records in 1938. The lot at 13205 Gundale Road is composed of subdivision lot numbers 250 and 251 and is presently vacant. The lot at 13207 Gundale Road is composed of lot numbers 252 and 253 and is presently improved by the Petitioner's son's house which the Petitioner's believe was built in the 1940's. This house is 9.6 feet from the common property lot line and consequently does not meet the 10 foot setback required by the DR 5.5 regulations. The Petitioner opined that it would be impractical to remove 5 inches of house to meet the regulations. Both lots are 7560 square feet and meet the minimum lot area required by the regulations. See exhibit 1 which has had redline changes to reflect the ZAC comment from the Bureau of Development Plans Review regarding widening of the right of way of Gunvale Road.

The Petitioner's parent bought the subject properties in 1956 and the Petitioner lived in the house while growing up. He purchased the house from his parents as it was

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getting difficult for his parents to maintain the properties. The Petitioner proposes to build a house for another son on the vacant lot which would meet all setback regulations. They pointed out the they live close by the subject sites, that a brother owns the house at 13209 and Ms. Zack owns the house and lot directly behind the proposed house. The neighborhood is composed of older homes on 50 foot lots east of 13205 and newer homes sometimes on wider lots to the west of 13205. Ms. Zack mentioned that the newer homes are built on property which was wooded for much of the time the parties lived in this area. The Petitioners presented photographs of the vacant lot, the existing homes and houses in the area as exhibit 2. They also do not object to the conditions for approval prepared by the Planning Office or the Bureau of Development Plans Review.

In regard to zoning merger the Petitioner asserted that 13205 and 13207 are separately assessed and taxed and that the Petitioner's father always considered the lots separate and buildable especially when he got his tax bills in the mail. Other than cutting the grass the only use made of 13205 has been a driveway which the Petitioner constructed to make his father's entry onto Gundale Road easier than coming off 13207 directly. See photograph 2 A.

Ms. Zack, an adjacent property owner, testified in favor of the requests. She lives directly to the south of the property and would be most affected by the new house on this lot. She has lived in the neighborhood for 60 years and welcomed new residents. She noted that houses on the "older" section of the neighborhood are all one house on a 50 foot wide lot while those to the west in the newer section have larger lots at times. She supported the requests and did not think and new house as shown would change the

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pattern of development of the neighborhood. She indicated that the other neighbors knew of the request to build a new house on the property and had no objections.

Findings of Fact and Conclusions of Law

In regard to zoning merger I find the adjacent lots have not merged. While the Petitioners were unaware that proof of separate tax assessment would be helpful, I believe their testimony that the Petitioner's father always considered them separate especially when confronted with separate tax bills. I think the Petitioner's family's use of the vacant lot is miniscule towards showing that the lots had merged.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This subdivision and the subject lots were created much before the zoning was imposed on the area. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no other land available to widen the lots and it is impractical to reduce the size of the existing house to meet the side yard setbacks specified.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as the lot size for both meet the regulations.

Finally, I find 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

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P3

public health, safety and general welfare. The pattern of development shown by the Petitioner is similar to this plan so there will be no change to the character of the neighborhood. Ms. Zack was very supportive of the requests and indicated the neighborhood supported the requests as well.

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' variance request should be granted.

THEREFORE, IT IS ORDERED, this 20th day of September, 2006, by this Deputy Zoning Commissioner, that variance relief for properties set forth as follows:

Case No. 07-034-A: This property is located at 13205 Gundale Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a single family residential dwelling on a 50.4 foot lot in lieu of the required 55 feet, with a contiguous owner is hereby GRANTED; and

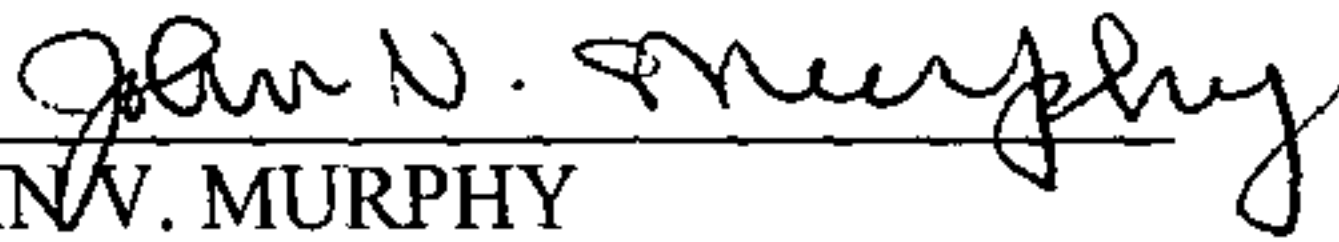
Case No. 07-035-A: This property is located at 13207 Gundale Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9.6 feet in lieu of the required 10 feet and a lot width of 50.4 feet in lieu of the required 55 feet is hereby GRANTED; both subject however to the following conditions precedent to the relief granted herein:

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, and be responsible for returning, said property to its original condition.
2. Submit building elevations to the Office of Planning for review and approval prior to the issuance of 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.

9-20-06
P3

3. Provide landscaping along the public road, if consistent with the existing streetscape.
4. Show a future 40 foot wide right-of-way on the existing 30 foot right-of-way and adjust the setback accordingly.
5. When applying for 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.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

ORDER RECEIVED FOR FILING
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CBA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #13205 GUNDALE AVENUE

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1; BC22, TO PERMIT A

SINGLE FAMILY RESIDENTIAL DWELLING ON A 50.4 ft. LOT IN LIEU OF THE REQUIRED 55ft., WITH CONTIGUOUS OWNERSHIP.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

12913 EASTERN AVENUE - 410-335-5939

Address

Telephone No.

BALTIMORE, MARYLAND

City

State

21220

Zip Code

Representative to be Contacted:

LINDA O'KEEFE

Name

523 PENNY LANE

Address

410-666-5366

Telephone No.

COCKEYSVILLE, MD.

City

State

21030

Zip Code

OFFICE USE ONLY

Case No. 07-034-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

REV 9/15/98

Reviewed By [Signature]

Date 7-25-06

ZONING DESCRIPTION

ZONING DESCRIPTION FOR # 13205 GUNDALE AVENUE

Beginning at a point on the south side of Gundale Avenue which is 30 feet wide at the distance of 415.0 feet south of the centerline of the nearest improved intersecting street:

Gunder Avenue which is 30 feet wide. *Being Lot # 250 and 251, and Block ,

Section # A in the subdivision of Twin River Beach as recorded in Baltimore County Plat

Book # 9, Folio # 33, containing 7, 560. Also known as # 13205 Gundale Avenue and

located in the 15th Election District, 6th Councilman District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

634

DATE 7.25.06

No. 3399

ACCOUNT

601-606-6150

RECEIVED FROM:

O'Keefe

AMOUNT \$

65.00

FOR:

V

13205

GRANDPALE

PAID

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS

ACTUAL

TIME

DAY

7/27/2006

7/25/2006 14:35:54

REB BUDS

WALTON

RONALD

5

7/27/2006

7/24/2006

OFFICE

5

5 329 JUDITH VERIFICATION

7/24/2006

OFFICE

REPORT FOR

7/24/2006

OFFICE

4:10 PM

1005.00

1005.00

Baltimore County, Maryland

1005.00

1005.00

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 07-034-A

13205 Gundle Avenue

Southside of Gundle Avenue, 415 feet +/- south of centerline of Gundle Avenue

15th Election District -- 6th Councilmanic District

Legal Owner(s): Gerald H. & Barbara C. Kestner

Variance: to permit a single family residential dwelling on a 50.4-foot lot in lieu of the required 55 feet, with a contiguous ownership.

Hearing: Tuesday, September 19, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bostey Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 9/607 Sept. 5 108299

CERTIFICATE OF PUBLICATION

9/7/2006

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 9/5/2006.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 9/5/06

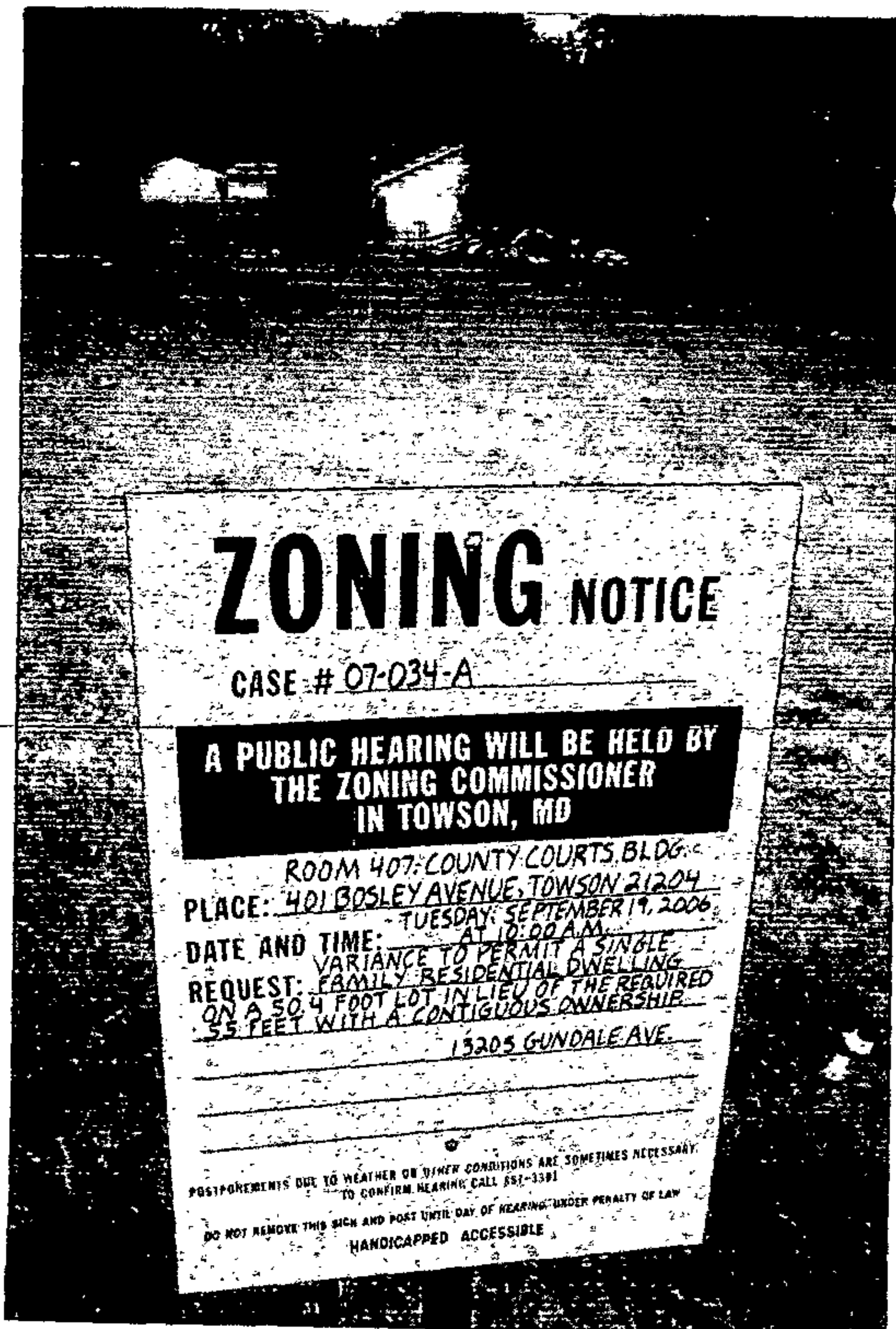
Case Number: 07-034-A

Petitioner/Developer: GERALD & BARBARA KESTNER

Date of Hearing (Closing): 09/19/06

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: 13205 GUNDALE AVENUE

The sign(s) were posted on: 9/04/06



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

**Department of Permits and
Development Management**

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



Baltimore County

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

August 3, 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: 07-034-A

13205 Gundale Avenue

Southside of Gundale Avenue, 415 feet +/- south of centerline of Gunder Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Gerald H. & Barbara C. Kestner

Variance to permit a single family residential dwelling on a 50.4-foot lot in lieu of the required 55 feet, with a contiguous ownership.

Hearing: Tuesday, September 19, 2006 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Gerald & Barbara Kestner, 12913 Eastern Avenue, Baltimore 21220
Linda O'Keefe, 523 Penny Lane, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 4, 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.

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



TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 5, 2006 Issue - Jeffersonian

Please forward billing to:
Gerald Kestner
12913 Eastern Avenue
Baltimore, MD 21220

410-335-7866

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: 07-034-A

13205 Gundale Avenue

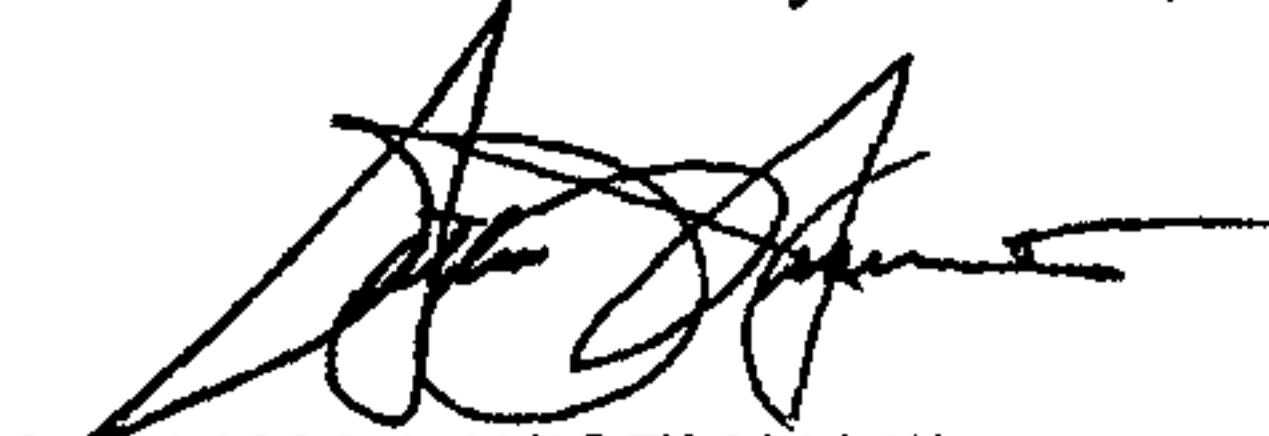
Southside of Gundale Avenue, 415 feet +/- south of centerline of Gunder Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Gerald H. & Barbara C. Kestner

Variance to permit a single family residential dwelling on a 50.4-foot lot in lieu of the required 55 feet, with a contiguous ownership.

Hearing: Tuesday, September 19, 2006 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

RE: PETITION FOR VARIANCE * BEFORE THE
13205 Gundale Avenue; S/S Gundale *
Avenue, 415' S c/line Gunder Avenue * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Gerald & Barbara Kestner * FOR
Petitioner(s) * BALTIMORE COUNTY
* 07-034-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August, 2006, a copy of the foregoing Entry of Appearance was mailed to, Linda O'Keefe, 523 Penny Lane, Cockeysville, MD 21030, Representative for Petitioner(s).

RECEIVED

AUG 03 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 07-034-A

Petitioner: GERALD KESTNER

Address or Location: #1320 ~~5~~ GUNDALE AVENUE (#13205)

PLEASE FORWARD ADVERTISING BILL TO:

Name: GERALD KESTNER

Address: 12913 EASTERN AVENUE
BALTO., MD. 21220

Telephone Number: 410-335-7866



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

September 13, 2006

Gerald H. Kestner
Barbara C. Kestner
12913 Eastern Avenue
Baltimore, MD 21220

Dear Mr. and Mrs. Kestner:

RE: Case Number: 07-034-A, 13205 Gundale Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 25, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Linda O'Keefe 523 Penny Lane Cockeysville 21030

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 29, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-034 and 7-035**

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 conditions shall apply to the proposed dwelling:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared By:

Curtis M. Murray

Division Chief:

John F. Laska

CM/LL

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AUG 31 2006

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 4, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For August 7, 2006
Item No. 034

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way width for Gundale Avenue is 40-feet. Show a future 40-foot-wide right-of-way centered on the existing 30-foot right-of-way and adjust the setback accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 034-08012006.doc

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 20, 2006

GERALD H. AND BARBARA C. KESTNER
12913 EASTERN AVENUE
BALTIMORE MD 21220

Re: Petition for Variance
Case No. 07-034-A and 07-035-A
Property: 13205 Gundale Avenue

Dear Mr. and Mrs. Kestner:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Linda O'Keefe, 523 Penny Lane, Cockeysville MD 21030
Sue Zack, 13204 Birdale Avenue, Baltimore MD 21220

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Fire Department

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



Baltimore County

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

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

August 1, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: July 31, 2006

Item No.: 492, 015, 024, 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





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. 034 JCM

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

My telephone number/toll-free number is _____

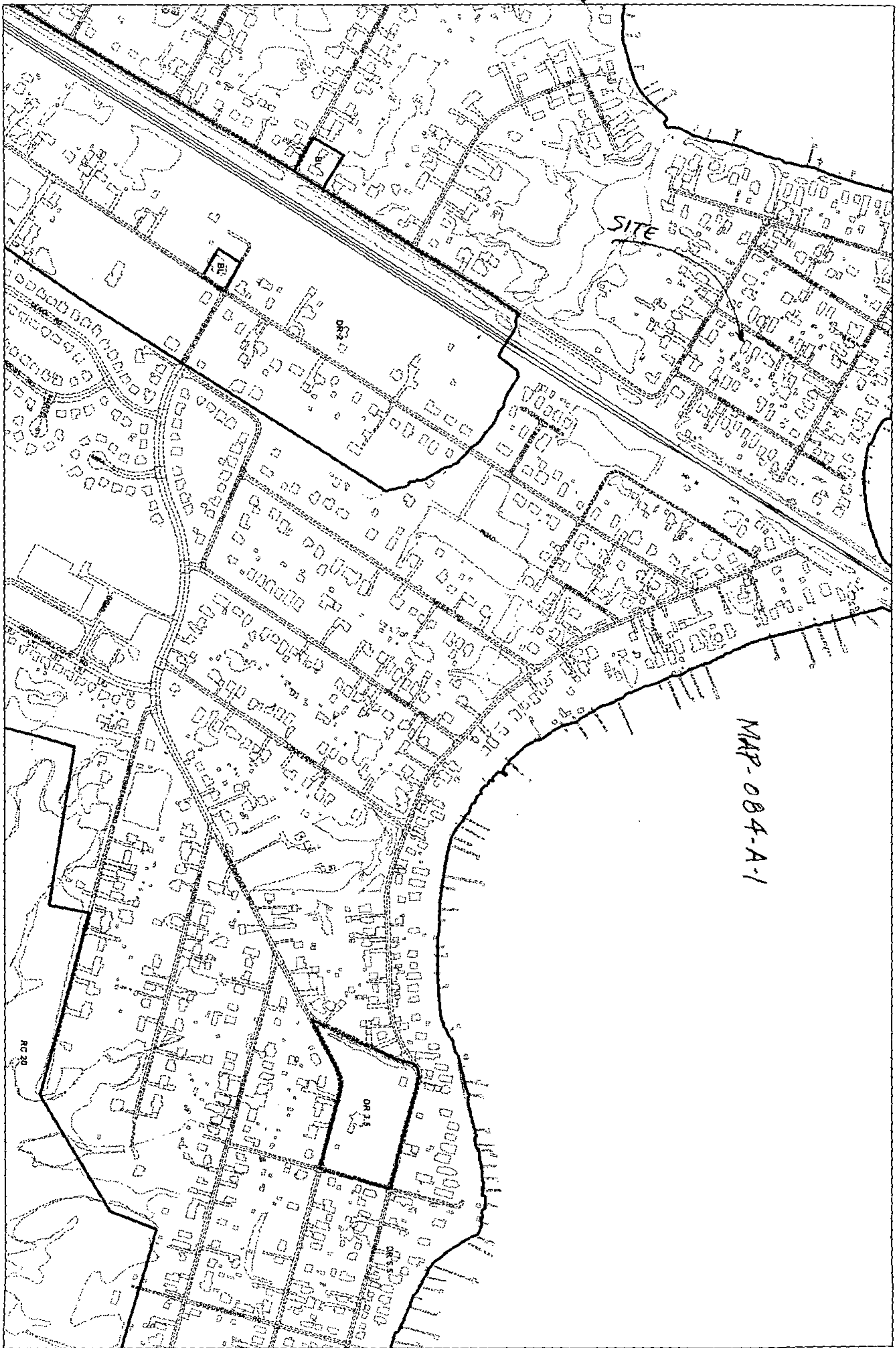
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	--	30
D.R.10.5	3,000	20	10	10	--	50
D.R.16	2,500	20	10	25	--	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.



MAP-084-A-1

Legend

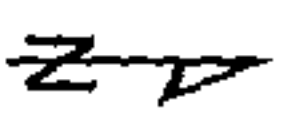
- Zoning
- Streams
- Buildings
- Roads
- Vegetation
- Rail Lines

**Baltimore County
Office of Planning and Zoning
Official Zoning Map**

0200	0201	0202	0203	0204
0205	0206	0207	0208	0209
0210	0211	0212	0213	0214
0215	0216	0217	0218	0219
0220	0221	0222	0223	0224
0225	0226	0227	0228	0229
0230	0231	0232	0233	0234
0235	0236	0237	0238	0239
0240	0241	0242	0243	0244
0245	0246	0247	0248	0249
0250	0251	0252	0253	0254
0255	0256	0257	0258	0259
0260	0261	0262	0263	0264
0265	0266	0267	0268	0269
0270	0271	0272	0273	0274
0275	0276	0277	0278	0279
0280	0281	0282	0283	0284
0285	0286	0287	0288	0289
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0315	0316	0317	0318	0319
0320	0321	0322	0323	0324
0325	0326	0327	0328	0329
0330	0331	0332	0333	0334
0335	0336	0337	0338	0339
0340	0341	0342	0343	0344
0345	0346	0347	0348	0349
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0355	0356	0357	0358	0359
0360	0361	0362	0363	0364
0365	0366	0367	0368	0369
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0385	0386	0387	0388	0389
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0395	0396	0397	0398	0399
0400	0401	0402	0403	0404
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0410	0411	0412	0413	0414
0415	0416	0417	0418	0419
0420	0421	0422	0423	0424
0425	0426	0427	0428	0429
0430	0431	0432	0433	0434
0435	0436	0437	0438	0439
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0445	0446	0447	0448	0449
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0465	0466	0467	0468	0469
0470	0471	0472	0473	0474
0475	0476	0477	0478	0479
0480	0481	0482	0483	0484
0485	0486	0487	0488	0489
0490	0491	0492	0493	0494
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0505	0506	0507	0508	0509
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0540	0541	0542	0543	0544
0545	0546	0547	0548	0549
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0565	0566	0567	0568	0569
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0575	0576	0577	0578	0579
0580	0581	0582	0583	0584
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0645	0646	0647	0648	0649
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0655	0656	0657	0658	0659
0660	0661	0662	0663	0664
0665	0666	0667	0668	0669
0670	0671	0672	0673	0674
0675	0676	0677	0678	0679
0680	0681	0682	0683	0684
0685	0686	0687	0688	0689
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0735	0736	0737	0738	0739
0740	0741	0742	0743	0744
0745	0746	0747	0748	0749
0750	0751	0752	0753	0754
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0765	0766	0767	0768	0769
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0860	0861	0862	0863	0864
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0870	0871	0872	0873	0874
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0895	0896	0897	0898	0899
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0950	0951	0952	0953	0954
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0960	0961	0962	0963	0964
0965	0966	0967	0968	0969
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0975	0976	0977	0978	0979
0980	0981	0982	0983	0984
0985	0986	0987	0988	0989
0990	0991	0992	0993	0994
0995	0996	0997	0998	0999

Scale

1" = 200'
0 100 200 400 Feet

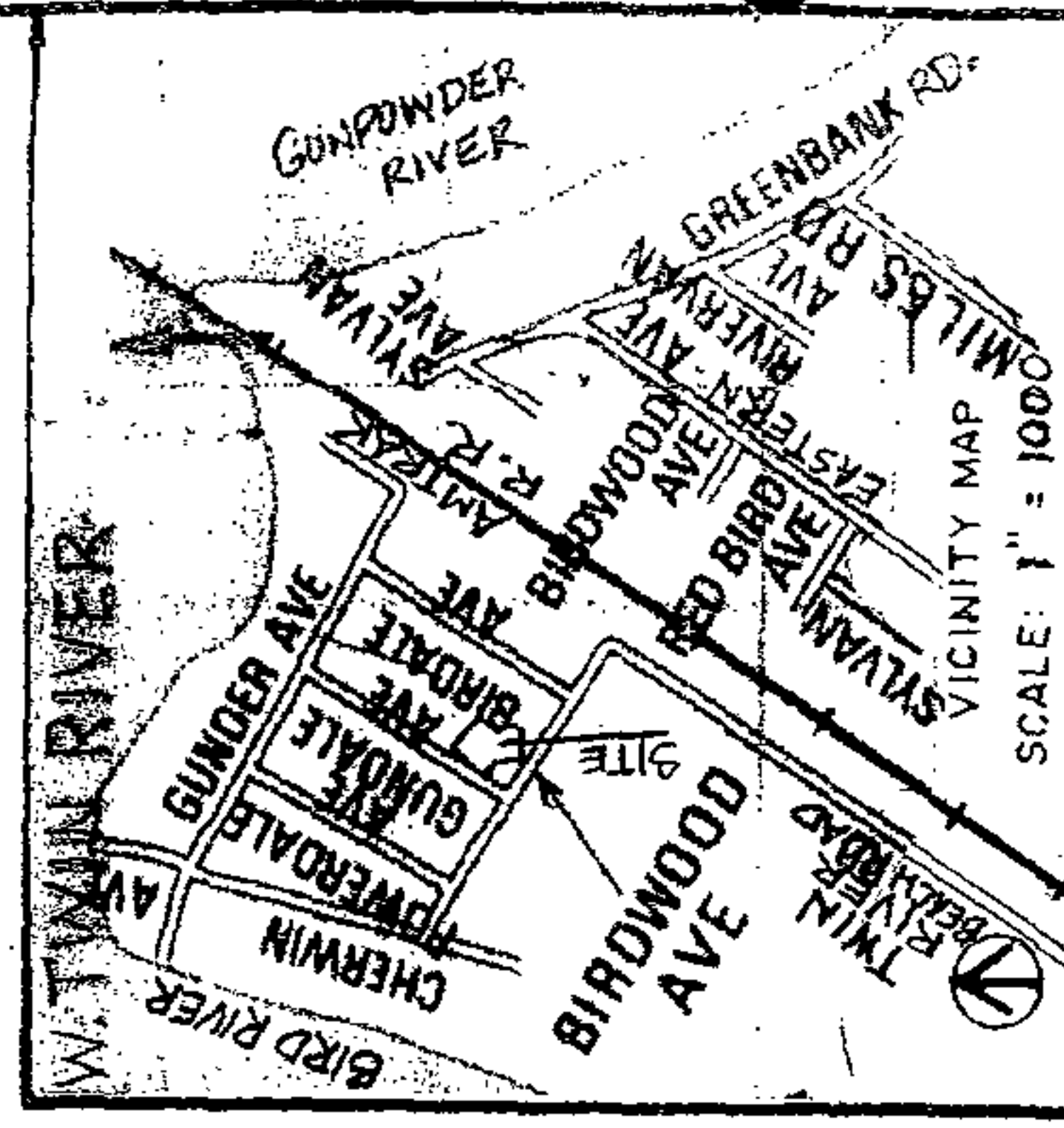
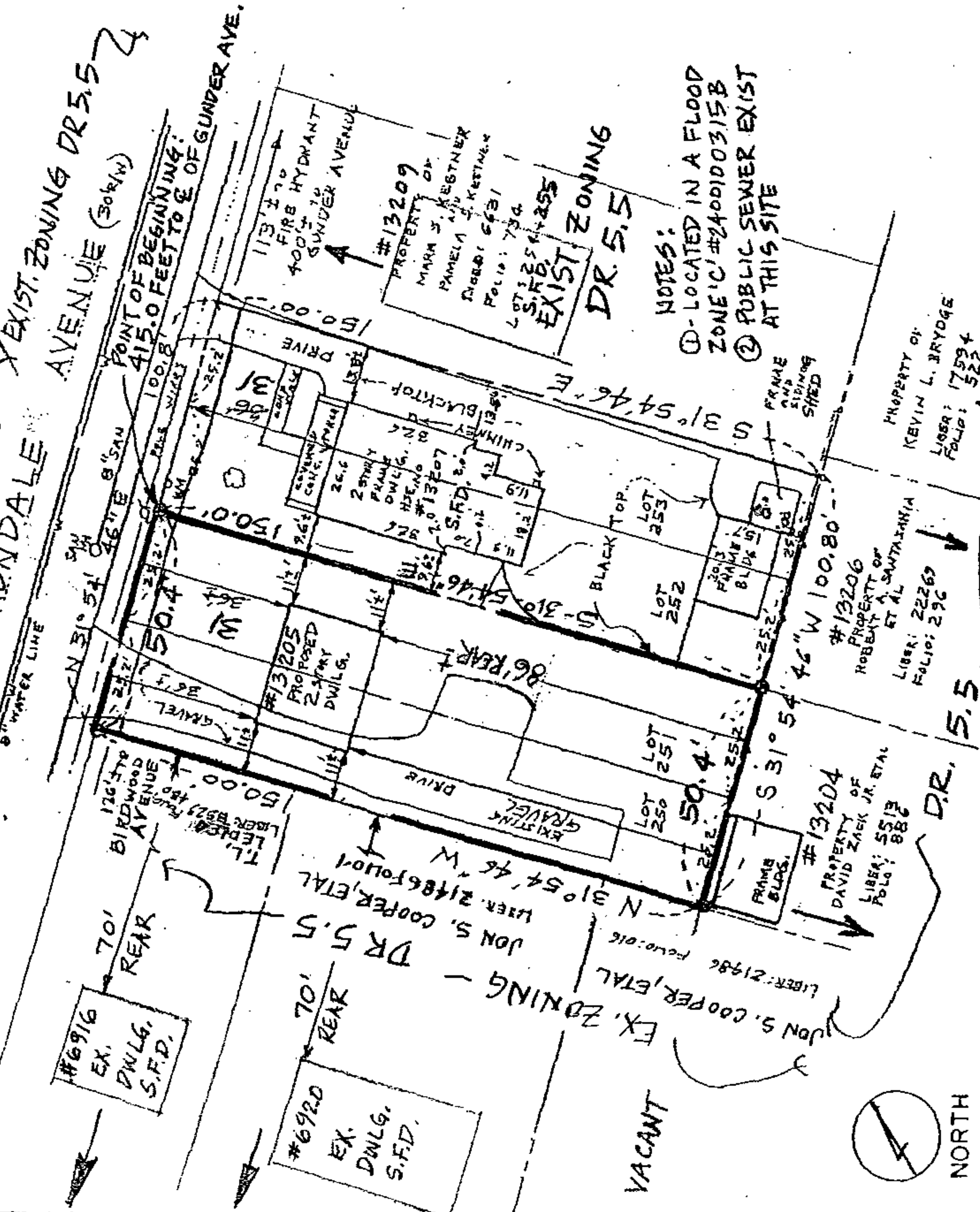


Data Source:
Baltimore County, Baltimore County
1:2400 from 1990s imagery
Zoning: Baltimore County Office of Planning
11/05/2004

Plan Sheet: 084A1
The zoning depicted in this application is subject to the zoning map of Baltimore County, Maryland, as amended by the Baltimore County Council on August 27, 2004 and the Baltimore County Council on August 27, 2004. The zoning map of Baltimore County, Maryland, as amended by the Baltimore County Council on August 27, 2004 and the Baltimore County Council on August 27, 2004, is available for public review at the Baltimore County Office of Planning, 1100 North Howard Street, Baltimore, Maryland 21201. The zoning map of Baltimore County, Maryland, as amended by the Baltimore County Council on August 27, 2004 and the Baltimore County Council on August 27, 2004, is available for public review at the Baltimore County Office of Planning, 1100 North Howard Street, Baltimore, Maryland 21201.

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS #13205 - GUNDAL AVENUE
 SUBDIVISION NAME TWIN RIVER BEACH, SECTION 'A'
 PLAT BOOK # 9 FOLIO # 33 LOT # 250
 OWNER GERALD A. & BARBARA C. KESTNER - 410-335-7866
 PROPERTY #151150530



LOCATION INFORMATION

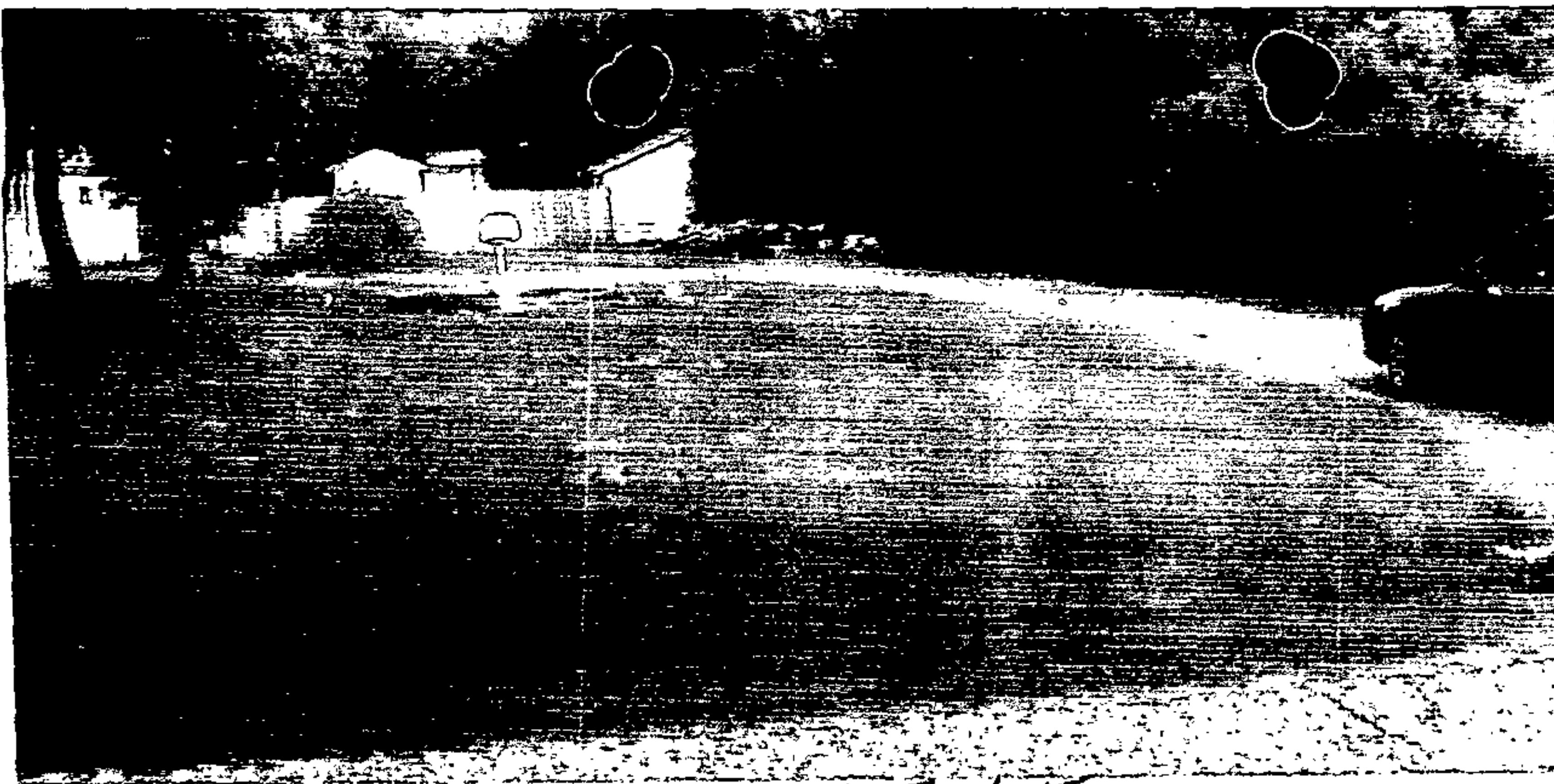
ELECTION DISTRICT - 15
 COUNCILMANIC DISTRICT - 15
 1" = 200' SCALE MAP # NE 8M (OLD)
 084-A1 (NEW)
 ZONING: DR 5.5
 LOT SIZE 0.172 ACRES
 SQUARE FEET 7500

SEWER ☒ PUBLIC ☒ PRIVATE ☐
 WATER ☒

CHESAPEAKE BAY CRITICAL AREA YES ☒ NO ☐
 100 YEAR FLOOD PLAIN YES ☐ NO ☒
 HISTORIC PROPERTY / BUILDING YES ☐ NO ☒
 PRIOR ZONING HEARING N/A

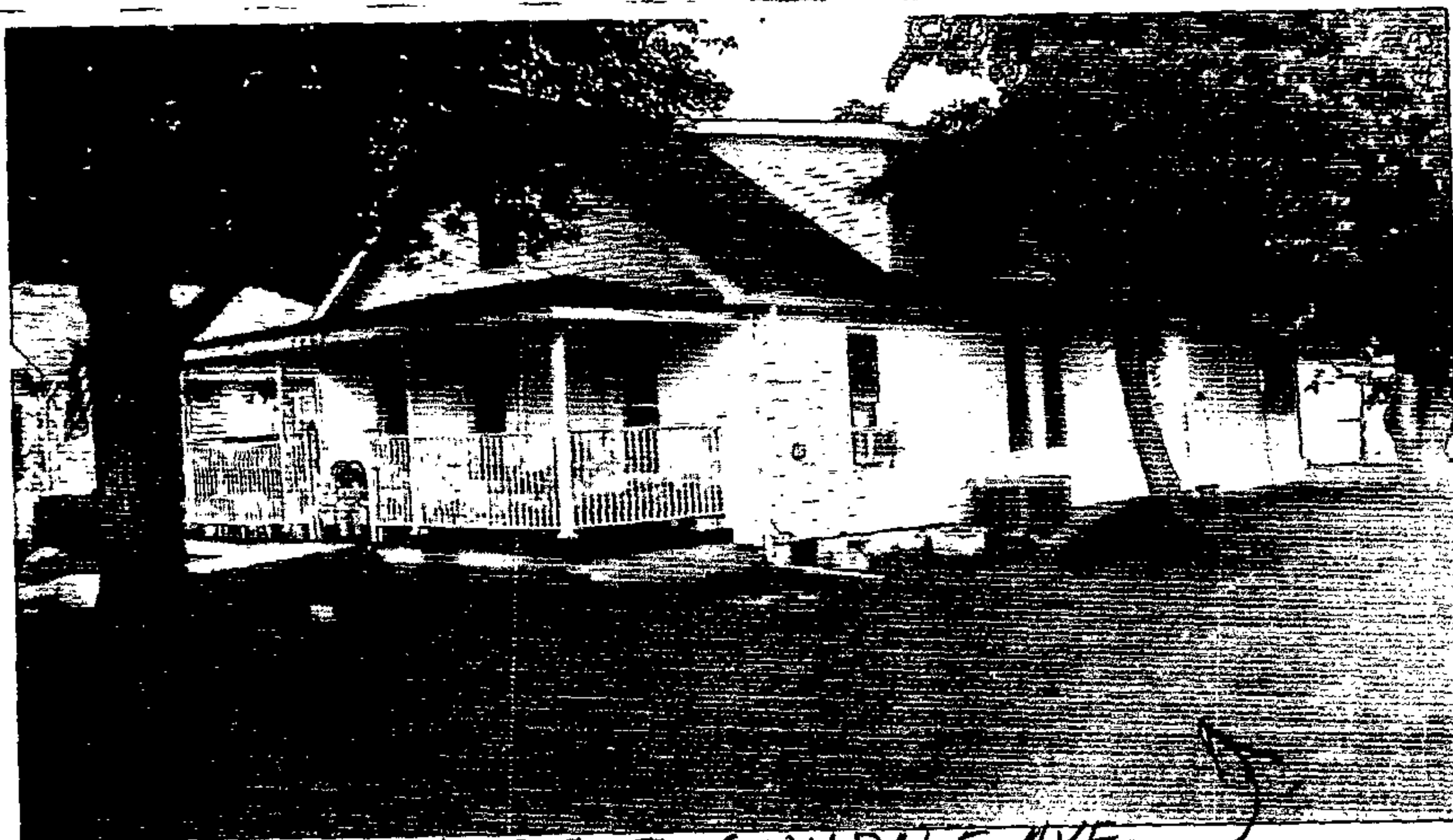
ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #
 22

PREPARED BY L.O'KEEFE - 410-666-5366
 SCALE OF DRAWING: 1" = 40'



#13205 GUNDALE AVE.

2A



#13207 GUNDALE AVE.

2B



#13209

2C



#13204 BIRDALE AVE.

ZACK

2D



#13206 - BIRDALE AVE.

2E



#6916 BIRDWOOD AVE

newer house #6920 BIRDWOOD AVE.

2F