Onuter HECEIVED FOR FILING Date 1/ - 14-0% IN RE: PETITIONS FOR VARIANCE

S/S Delaware Avenue, 225' & 275' W

Centerline Brian Street

(2909 & 2911 Delaware Avenue)

13th Election District
1st Council District

Robert Johnson, et ux Petitioners
Utz Enterprises, Inc.
Contract Purchasers * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case Nos. 07-057-A & 07-058-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the owners of the subject adjacent properties, Mr. Robert Johnson, and his wife, Linda Johnson. Since the properties are owned by the same individuals and are located adjacent to one another, the two cases were heard contemporaneously.

In Case No. 07-057-A, the Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a replacement dwelling and approval of an undersized lot, pursuant to Section 304, and any other variances deemed necessary by the Zoning Commissioner to develop the property with a single family dwelling.

In Case No. 07-058-A, the Petitioners request similar relief for the adjacent property known as 2911 Delaware Avenue, which is presently a vacant lot. The two properties at issue and requested relief are more particularly described on the site plan submitted in each case and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Karen Holtz and Carrie Dowd of Utz Enterprises, Inc., contract purchasers. There were no Protestants or other interested persons present.

As noted above, the subject properties are located adjacent to one another on the south side of Delaware Avenue, just west of centerline of Brian Street. The properties are also known as

Lots 113, 114, 115 and 116 on the record plat known as "Baltimore Highlands", Liber 1, Folio 50. Reviewing this record plat, it is apparent that many of the lots in this subdivision are undersized by five feet and do not meet the width requirement of 55 feet in the current DR 5.5 zone. Relief is requested as set forth above to allow development of the vacant lot with a single family dwelling, and to replace the existing house at 2909 Delaware Avenue with a new single family dwelling, Both structures meeting all DR 5.5 bulk requirements with the exception of the required 55 foot lot width requirement.

Each of the subject lots contains 7,250 square feet of area. The shed, as well as the existing house at 2909 will be removed from the property. Testimony indicated that the proposed houses will be compatible both is size and architecture with the surrounding neighborhood.

In sum, the petitions shall be granted to permit the proposed development. Both are lots of record that have existed for many years and although each is undersized, they are consistent with others in the community. The vacant lot has never been utilized as yard space for 2909 Delaware Avenue or in any way been improved to give the appearance of having been incorporated into the lots known as 2909 Delaware Avenue. The proposed dwellings will be compatible with the neighborhood and subject to architectural review by the Office of Planning. As the Office of Planning is one of the signatory departments for building permit approval, the Petitioners must comply with Planning's recommendations regarding the architectural styling of the proposed dwellings to assure compatibility with the surrounding neighborhood. In my view, the relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale and shall therefore be granted. Pursuant to the advertisement, posting of the property and public hearing on these petitions held, and for the reasons set forth herein, the relief requested shall be granted.

this _____ day of November, 2006 that the Petition for Variance filed in Case No. 07-057-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and approval of the subject property as an undersized lot pursuant to Section 304 of the B.C.Z.R, for the proposed single-family dwelling

on the property known as 2909 Delaware Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 07-058-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and approval of the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R. on the property known as 2911 Delaware Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; subject to the following restrictions:

- 1) The Petitioners may apply for their razing/building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WIELIAM J. WISEMAN, III Zoning Commissioner

for Baltimore County

OnDER RECEIVED FOR FILING Date 11-14-00 By Sy Sy St. 13 So.



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

November 14, 2006

Linda Johnson Robert Johnson 6431 Saint Phillips Road Linthicum, Maryland 21090

RE: PETITIONS FOR VARIANCE

S/S Delaware Avenue, 225' & 275' W Centerline Brian Street

(2909 & 2911 Delaware Avenue)

13th Election District – 1st Council District

Robert Johnson, et ux, Petitioners; Utz Enterprises, Inc., Contract Purchasers

Case Nos. 07-057-A & 07-058-A

Dear Mr. and Mrs. Johnson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance has been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

Zoning Commissioner for Baltimore County

WJW:dlw

c: Ms. Karen Holtz and Ms. Carrie Dowd, Utz Enterprises, Inc., 515 Benfield Road, Severna Park, Md. 21146
Office of Planning; People's Counsel; Case File



Jates LEGS

Pétition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at $\frac{2911 \cdot Delaware Ave}{\text{which is presently zoned} \frac{PR5.5}{\text{5}}$

of the property situate in Baltimore County and which is describered, hereby petition for a Variance from Section(s) 1B02 to be built on a lot with a width of 5 to approve an undersized lot per section deemed necessary by the zoning con	O feet in lieu of the required 55; and 304, and approve any other variances imissioner of the following reasons: (indicate hardship)
regulations and restrictions of Baltimore County adopted pursuant to the	sting, etc. and further agree to and are to be bounded by the zoning
is the subject of this Petiti	
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print Signature 515 Benfield Rd 410-975-0901 Address Telephone No. Severna Park, MD 21416 City State Zip Code Attorney For Petitioner: Name - Type or Print Signature Signature	Robert Johnson Name-Type or Print Lindo Johnson Name-Type or Print Mudd Sumser Signature (431 Saint Phillips Rd 913-9694 Address Telephone No. Linthicum Ma 21090 City State Zip Code Representative to be Contacted:
Company	Name

Address

City

Telephone No.

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

State

Telephone No.

Zip Code

Reviewed By Date

ZONING DESCRIPTION FOR 2911 Delaware Ave

Beginning at a point on the <u>South</u> side of <u>Delaware Ave</u> which is <u>50 foot</u> wide at the distance of <u>275 feet West</u> of the centerline of the nearest improved intersecting street <u>Brian Street</u> which is <u>50 foot</u> wide. Being lots# <u>113 & 114 Block K</u> in the subdivision of <u>Baltimore Highlands</u> as recorded in Baltimore County Plat # <u>3</u>, Folio # <u>50</u>, containing <u>7250 Square feet.</u> Also known as <u>2909 Delaware Ave</u> and located in the <u>13 Election District</u>, <u>1</u> Councilmanic District.

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: 07-058-A

2911 Delaware Avenue

'S/side of Delaware Avenue, 225 ft. +/- west of

centerline of Brian Street

13th Election District - 1st Councilmanic District

Legal Owner(s): Linda & Robert Johnson Contract Purchaser: Utz Enterprises, Inc.

Variance: to permit a proposed dwelling to be built on a 'lot with a width of 50 feet in lieu of the required 55, and t to approve an undersized lot per Section 304 and approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, October 4, 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 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 9/694 Sept. 19 ·

CERTIFICATE OF PUBLICATION

9/21,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 9 19 ,20 06
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

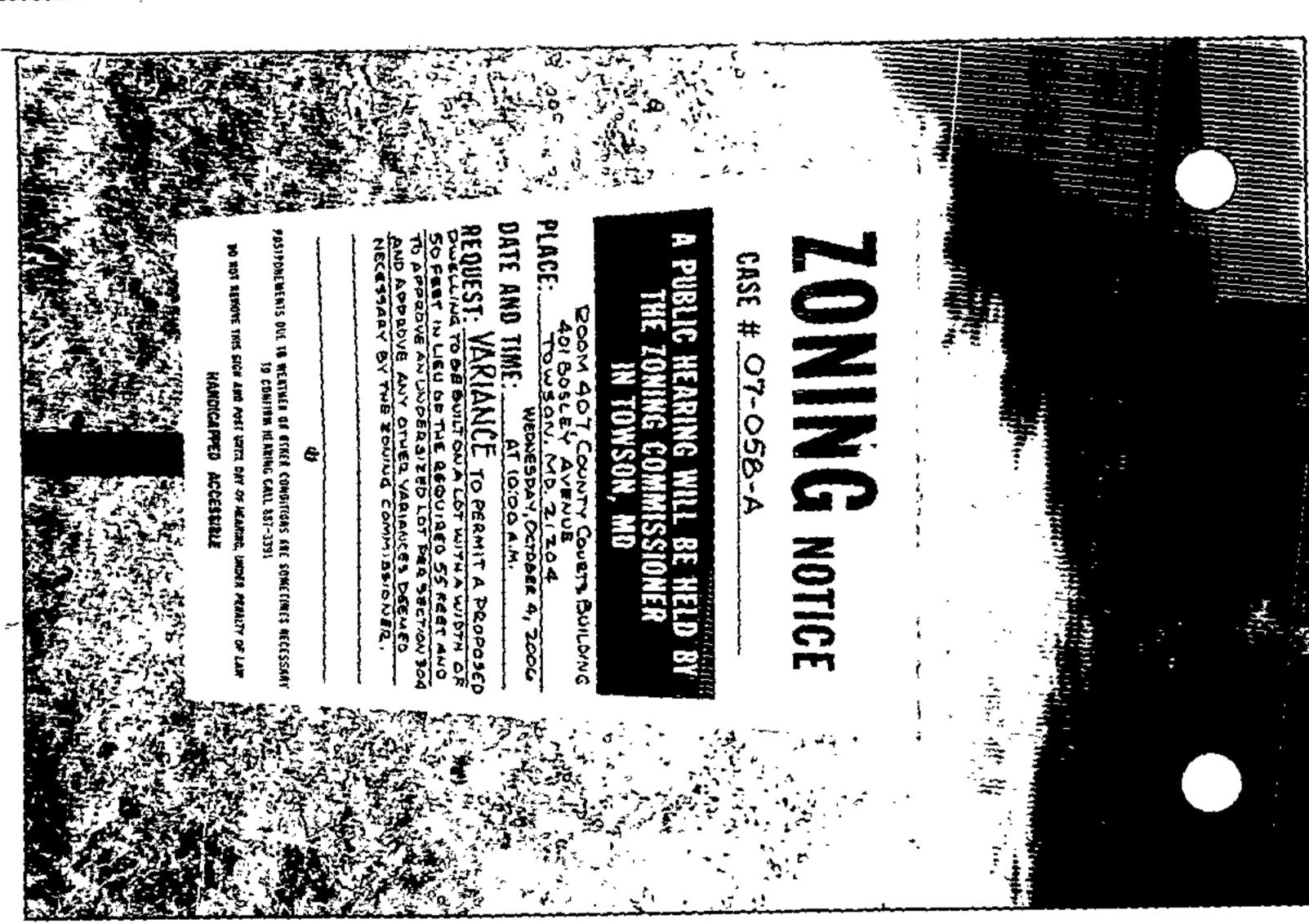
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MARYLAND	ACCOUNT			Morsus Custom
BALTIMORE COUNTY, OFFICE OF BUDGET & FIN, MISCELLANEOUS REC			PINK - AGENCY	The state of the s
BALTIMORE OFFICE OF BUI	PFCFIVE	FOR	DISTRIBUTION WHITE - CASHIER	

CERTIFICATE OF POSTING

Petitioner/I	Developer: UTZ BENZENZPLISE, INC.
Date of Hea	aring/Closing: OCT-4, 7006
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Fowson, MD 21204	
Attention: Christen Matthews	
Ladies and Gentlemen: This letter is to certify under the penalties of perjudence.	ry that the necessary sign(s)
required by law were posted conspicuously on the propery located at	
# 2911 DELAWARE	
The sign(s) were posted on SEPT. 18, ZOO (Month, Day,	Co Year)
	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
CAR	(Printed Name)
3225	RYGIZSONI CIRCLE (Address)
BAUT	1M012E, MD, 21227 (City, State, Zip Code)
<u>L410</u>	242-4263 (Telephone Number)

RE: Case No.: 07-058-A





SEP 2 0 2006

RE: PETITION FOR VARIANCE
2911 Delaware Avenue; S/S Delaware
Avenue, 275' W c/line Brian Street
13th Election & 1st Councilmanic Districts
Legal Owner(s): Linda & Robert Johnson
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

BALTIMORE COUNTY

* 07-058-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 22nd day of August, 2006, a copy of the foregoing Entry of Appearance was mailed to, Linda & Robert Johnson, 6431 Saint Phillips Road, Linthicum, MD 21090 and Utz Enterprises, Inc, 515 Benfield Road, Severna Park, MD 21146, Petitioner(s).

RECEIVED

AUG 2 2 2008

per and...

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Department of Permits Old Development Management

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





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

August 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: 07-058-A

2911 Delaware Avenue

S/side of Delaware Avenue, 225 ft. +/- west of centerline of Brian Street

13th Election District – 1st Councilmanic District

Legal Owners: Robert & Linda Johnson Contract Purchaser: Utz Enterprises, Inc.

<u>Variance</u> to permit a proposed dwelling to be built on a lot with a width of 50 feet in lieu of the required 55, and to approve an undersized lot per Section 304 and approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, October 4, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

- C: Robert & Linda Johnson, 6431 Saint Phillips Road, Linthicum 21090 Utz Enterprises, Inc., 515 Benfield Road, Severna Park 21146
- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 19, 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 19, 2006 Issue - Jeffersonian

Please forward billing to:

Utz Enterprises, Inc. 515 Benfield Road Severna Park, MD 21146

410-975-0901

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: 07-058-A

2911 Delaware Avenue

S/side of Delaware Avenue, 225 ft. +/- west of centerline of Brian Street

13th Election District – 1st Councilmanic District

Legal Owners: Robert & Linda Johnson Contract Purchaser: Utz Enterprises, Inc.

<u>Variance</u> to permit a proposed dwelling to be built on a lot with a width of 50 feet in lieu of the required 55, and to approve an undersized lot per Section 304 and approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, October 4, 2006 at 10:00 a.m. in Room 407, County Courts Building,

Busiev 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.

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: 07-058-A Petitioner: Linda & Robt Johnson Address or Location: 2911 Delaware Ave
PLEASE FORWARD ADVERTISING BILL TO: Name: Utz Enterprises Inc.
Address: 515 Benfield Rd Severna Park, MD 21146
Telephone Number: 4/0-975-0901



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 28, 2006

Robert Johnson Linda Johnson 6431 Saint Phillips Road Linthicum, MD 21090

Dear Mr. and Mrs. Johnson:

RE: Case Number: 07-058-A, 2911 Delaware Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 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

Utz Enterprises, Inc. 515 Benfield Road Severna Park 21146



INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: August 31, 2006

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SEP - 7 2006

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-057 and 7-058

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 Dennis Wertz with the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 23, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 28, 2006

Item Nos. 07-036, 057/058, 059, 060, 061, 062,

063, 064, 065, and 066

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

DAK:CZN:clw

cc: File

ZAC-NO COMMENTS-08232006.doc

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 22, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 21, 2006

Item No.: 057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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.

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

cc: File





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 8.20.06

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

RE: Baltimore County

Item No. 058 DD

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

1. 1. South

Engineering Access Permits Division

PLEASE PRINT CLEARLY

CASE NUMBER
CASE NUMBER

PETITIONER'S SIGN-IN SHEET

E- MAIL	Director of Sales										
CITY, STATE, ZIP	Severna Park, MD 21146										
ADDRESS	515 Benfield Rd										
-	Carrie Dowd/Utzent.	_									

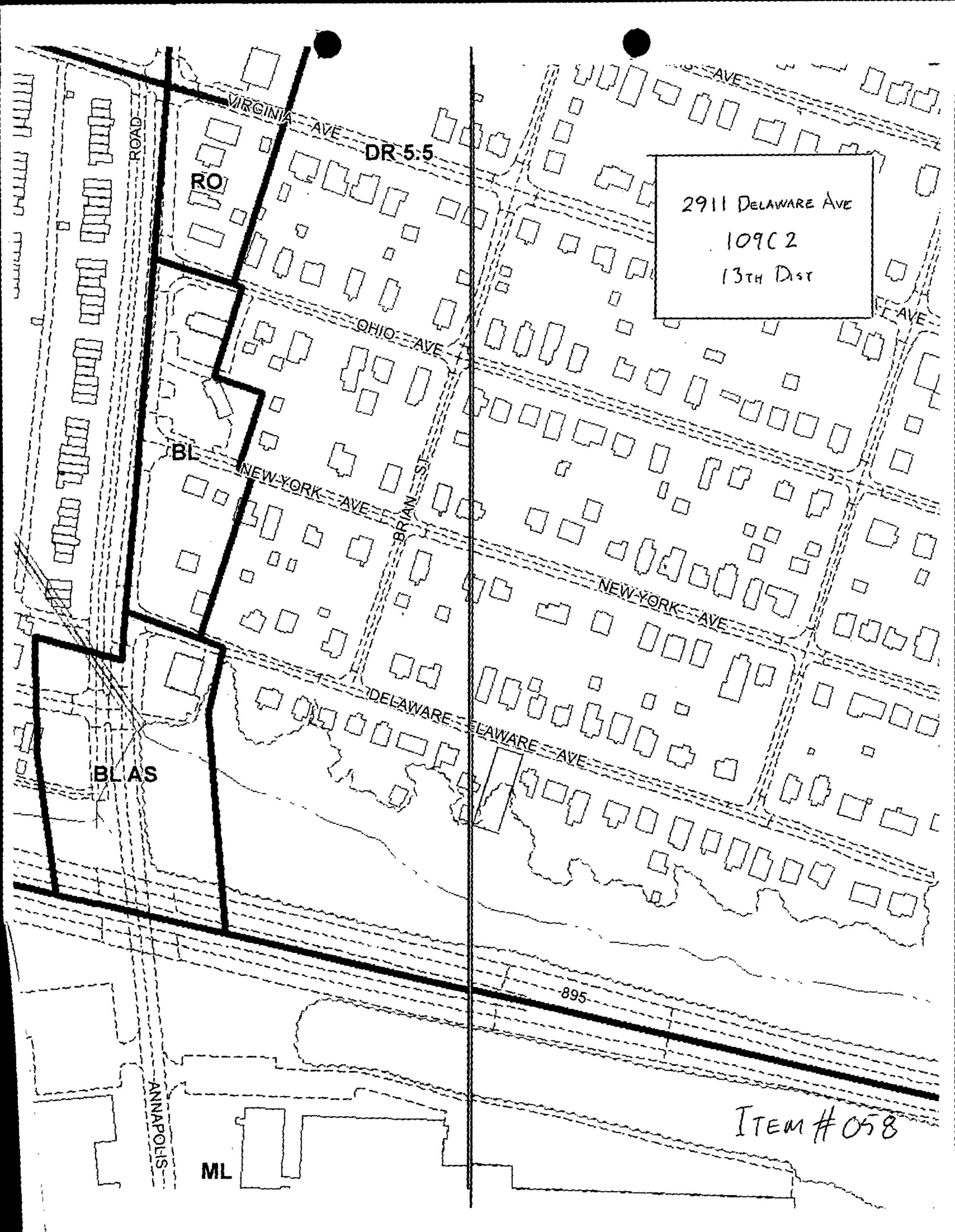
07-058-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Sitz PLAN	
No. 2	rufu to Photos-Case)	lot
No. 3	3 A - E Collectwally Either Side ? across Street, Button 50' Wide t	
No. 4	Built on 50/ Wide 6	675
No. 5		
No. 6		
No. 7		
No. 8	· · · · · · · · · · · · · · · · · · ·	
No. 9		
No. 10		
No. 11		
No. 12	·	



PLAT TO ACCOMPANY PETITION FOR ZONING EXPLANCE PROPERTY ADDRESS 2911 DETAILORS AVE. SUBDIVISION NAME BALLERIAGE HIGH CIRCLS PLAT BOOK # 3 FOLIO # 50, LOT # [13] SECTION # OWNER KODEET JUDIESSON & LIACLE JUDIESSON	SPECIAL MEAKING
Delaware Ave. 25' 25' 25' 25' 25' 25' 25' Shurky Parking 2 200 Charles Rout Front Front Front Front Front Front Front Front Parking Astony House 12 26' 1	CHESAPEAKE BAY CHESAPEAKE BAY CRITICAL AREA CHESAPEAKE BAY CRITICAL AREA 100 (CAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR CASE # 200 (CASE # 100 (CAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR CONLY BEVIEWED BY 200 (CASE # 100 (CAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZOHING HEARING NONE 200 (CASE # 20
repared by KH Scale of Drawing 1-40	

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PETITIONER'S

EXHIBIT NO.

