IN RE: PETITION FOR VARIANCE S side of Putty Hill Avenue, 500 feet +/- C/l of Oakleigh Road 9th Election District 5th Councilmanic District **(1818 Clearwood Road)**	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
Charles T. and Eugunia G. Robinson *Petitioners*	*	CASE NO. 07-231-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Charles T. and Eugunia G. Robinson. The Petitioner is requesting variance relief for property located at 1818 Clearwood Road. The variance request is from Section 1B02.3.C.1 to permit a proposed lot width of 50 feet in lieu of the required 55 feet in a DR 5.5 zone.

The property was posted with Notice of Hearing on January 16, 2007 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 January 16, 2007 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,

ORDER RECEIVED FOR FILING
Date 2-1-07
By

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 dated December 26, 2006 were received from the Office of Planning. That Office is concerned about creating new lots that are less than that allowed under the current BCZR because of the undue burden these unforeseen lots (and their associated dwellings) have on the public services, and on surrounding property owners in terms of storm water runoff.

Interested Persons

Appearing at the hearing on behalf of the variance request were Charles Freitag, builder, and Dwight Little with Little & Associates, Inc., who prepared the site plan. Howard Alderman, Esquire, represented the Petitioners. Aston Galbraith, a nearby property owner, came to the hearing to inquire about storm water management and after discussion with Mr. Little left the hearing prior to its start. Mr. Little indicated that Mr. Galbraith was satisfied with the answers provided. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 0.4137 acres +/- zoned DR 5.5 and is improved by the Petitioner's single family dwelling which fronts on Clearwood Road. The lot is 50 x 360 foot which the Petitioner would like to subdivide as shown in Petitioner's exhibit 1 so that a new single family home can be built which will front on Putty Hill Avenue.

RECEIVED FOR FILING
Date 2-1-07
By

Mr. Alderman proffered that the Petitioners have owned the property since 1956 and that the lot (no. 120) was created in 1924 by the Hillendale Farms Subdivision. See exhibit 2. He noted that Putty Hill Avenue was cut through the subdivision after it was recorded approximately as shown in red on exhibit 2. This gave many lots in the subdivision double frontage on Clearwood and Putty Hill. As a result, many of these extremely long 50 foot lots have been subdivided similarly to what is being sought herein. The result has been building a number of homes on Putty Hill as shown on exhibit 1.

Mr. Alderman indicated that the new lot would contain 6804 square feet and meet the minimum DR 5.5 requirement of 6000 square feet. The existing house on Clearwood would have a lot of 11,218 square feet. Mr. Little noted that the new line of division between the proposed lots was selected to preserve an existing mature tree as shown on exhibit 1 and on the aerial photograph of the area, exhibit 3. Both the existing and proposed houses meet all setback regulations.

Mr. Alderman opined that the proposed home would be consistent with many previous similar subdivisions of these double frontage lots, and consequently was consistent with the pattern of development of the community. In support of this contention he presented photographs of similar homes built on Putty Hill as the result of similar subdivisions as exhibit 4. He proffered that the property was unique from a zoning perspective having been created at 50 feet wide many years before zoning was imposed on this portion of the County, that the request was not self imposed as the new line of division did not create the 50 foot dimension, the Petitioner would suffer hardship and practical difficulty as there is no land available on either side of lot

120 which could be employed to widen the lot, and there would be no adverse impact on the community by allowing the new home on this single lot.

Finally Mr. Alderman indicated that he agrees with the Planning Office comments and either each recommendation already is incorporated into the site plan or will be in the future.

Findings of Fact and Conclusions of Law

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 lot were created much before zoning was imposed on the area. The imposition of zoning requiring a 55 foot lot width 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. The Petitioner has no land which could be added to the subject lot to allow the lot to meet the lot width requirements

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as both lots 120 A and 120 b meet the minimum area for DR 5.5 zoned property.

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 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 as it is clear many homes have been built on Putty Hill as the result of similar subdivision of these very long double frontage lots. Also the Petitioner agrees to comply with the Planning Office comments.

2-1-07

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 1st day of February, 2007 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 1B02.3.C.1 to permit a proposed lot width of 50 feet in lieu of the required 55 feet in a DR 5.5 zone is hereby GRANTED with the following:

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. Provide turn out room on the lot so the cars do not back out onto Putty Hill Avenue.
3. Submit building elevations to the Planning Office 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. Note that the other dwellings do not have front entry garages.
4. Provide landscaping along the public road, if consistent with the existing streetscape.

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

MICROFILMED
Date 2-1-07

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1818 CLEARWOOD ROAD

which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1

1B02.3.C.1 To permit a proposed lot width of 50' in lieu of the required 55' in a DR 5.5 zone.

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

To be discussed at the 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 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 City

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

CHARLES T. ROBINSON
Name - Type or Print

Charles T. Robinson
Signature

EUGUNIA G. ROBINSON
Name - Type or Print

Eugunia G. Robinson
Signature

1818 CLEARWOOD ROAD (410) 668-2163
Address Telephone No.

BALTIMORE MARYLAND 21234
State Zip Code

Representative to be Contacted:

KEVIN ROWAN, LITTLE & ASSOCIATES, INC.
Name

1055 TAYLOR AVENUE, SUITE 307 (410) 296-1636
Address Telephone No.

TOWSON MARYLAND 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-231-A

Reviewed By LTM Date 11/17/06

REV 9/15/98

Date 2-1-07

By

DESCRIPTION TO
ACCOMPANY ZONING VARIANCE

PROPOSED LOT 120B AT
#1818 CLEARWOOD ROAD

NINTH ELECTION DISTRICT
FIFTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at the end of the second following course and distance measured from the intersection of the centerline of Oakleigh Road (60 feet wide) with the centerline of Putty Hill Road (70 feet wide), (1) Easterly 588 feet, more or less, and thence (2) Southerly 35 feet, more or less to the point of beginning, thence (1) South 02 degrees 44 minutes 14 seconds East 142.00 feet, thence (2) South 87 degrees 15 minutes 46 seconds West 50.00 feet, thence (3) North 02 degrees 44 minutes 14 seconds West 151.04 feet, thence (4) South 88 degrees 16 minutes 50 seconds East 30.52 feet, and thence (5) Southeasterly by a curve to the left, having a radius of 1035.00 feet, for a distance of 20.68 feet, (the arc of said curve being subtended by a chord bearing South 73 degrees 55 minutes 03 seconds East 20.68 feet) to the point of beginning.

STATE OF MARYLAND
PATTIANNE SMITH
No. 21267
PROFESSIONAL LAND SURVEYOR
11-6-06

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: # 07-231-A
1818 Clearwood Road
S/side of Putty Hill Avenue, 500 feet +/- of centerline of Oakleigh Road
9th Election District
5th Councilmanic District
Legal Owner(s): Charles T. & Eugunia G. Robinson
Variance: To permit a proposed lot width of 50 feet in a D.R. - 5.5 zone.
Hearing: Thursday, February 1, 2007 at 9:00 a.m. in Room 106, County Office Building,111 West Chesapeake 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 1/702 Jan. 16 121657

CERTIFICATE OF PUBLICATION

1/18/, 2007

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 1/16/, 2007.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22715

DATE 11/17/06 ACCOUNT R006 6150

AMOUNT $ 165.00

RECEIVED FROM: CHAS FREITAG JR

FOR: 07-231-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTIVITY	TIME	DRW
11/20/2006	11/17/2006	11:35:09	2

REG NSUF MAIL SILVA JEE
>>RECEIPT # 470919 11/17/2006 OFLN
Dept 5 ZONING VERIFICATION
CR NO. 022715
Recpt Tot $65.00
$65.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-231-A

Petitioner/Developer: ROBINSON

Date of Hearing/Closing: FEB. 1, 2007

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

Attention: **Christen Matthews**

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the propery located at #1818 CLEARWOOD RD, SIGN POSTED-S.S. OF PUTTY HILL ROAD EAST OF OAKLEIGH ROAD

The sign(s) were posted on JAN. 16, 2007
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

ZONING NOTICE

CASE # 07-231-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: ROOM 106 BALTIMORE COUNTY OFFICE BLDG, 111 W. CHESAPEAKE AVENUE TOWSON, MD. 21204

DATE AND TIME: THURSDAY, FEBRUARY 1, 2007 AT 9:00 A.M.

REQUEST: VARIANCE TO PERMIT A PROPOSED LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET IN A D.R.-5.5 ZONE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

RE: PETITION FOR VARIANCE 1818 Clearwood Road; S/S Putty Hill Avenue, 500' E c/line Oakleigh Road 9th Election & 5th Councilmanic Districts Legal Owner(s): Charles & Eugunia Robinson* Petitioner(s)	* * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-231-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/ 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 28th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, Kevin Rowan, Little & Associates, Inc, 1055 Taylor Avenue, Suite 305, Towson, Md 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
NOV 28 2006
Per.....

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

December 11, 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: 07-231-A
1818 Clearwood Road
S/side of Putty Hill Avenue, 500 feet +/- of centerline of Oakleigh Road
9th Election District – 5th Councilmanic District
Legal Owners: Charles T. & Eugunia G. Robinson

Variance to permit a proposed lot width of 50 feet in lieu of the required 55 feet in a D.R. – 5.5 zone.

Hearing: Thursday, February 1, 2007 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Charles & Eugunia Robinson, 1818 Clearwood Road, Baltimore 21234
Kevin Rowan, 1055 Taylor Avenue, Ste. 307, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 17, 2007.**
(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, January 16, 2007 Issue - Jeffersonian

Please forward billing to:
Chad Freitag
Tomorrow Builders, Inc.
7808 Tilmont Avenue
Baltimore, MD 21234

443-271-9139

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: 07-231-A
1818 Clearwood Road
S/side of Putty Hill Avenue, 500 feet +/- of centerline of Oakleigh Road
9th Election District – 5th Councilmanic District
Legal Owners: Charles T. & Eugunia G. Robinson

Variance to permit a proposed lot width of 50 feet in lieu of the required 55 feet in a D.R. – 5.5 zone.

Hearing: Thursday, February 1, 2007 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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 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: 07-231-A

Petitioner: CHARLES T. ROBINSON

Address or Location: 1818 CLEARWOOD ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHAD FREITAG, TOMORROW BUILDERS, INC.

Address: 7808 TILMONT AVE.

BALTIMORE MARYLAND 21234

Telephone Number: (443) 271-9139

Revised 2/20/98 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 25, 2007

Charles T. Robinson
Eugunia G. Robinson
1818 Clearwood Road
Baltimore, MD 21234

Dear Mr. and Mrs. Robinson:

RE: Case Number: 07-231-A, 1818 Clearwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 17, 2007.

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
Kevin Rowan Little & Associates, Inc. 1055 Taylor Avenue, Suite 307 Towson 21286

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

SHA
Driven to Excel
State Highway Administration
MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 12/5/2006

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

RE: Baltimore County
Item No. 7-231-A
1818 CLEARWOOD ROAD
ROBINSON PROPERTY
VARIANCE - PERMIT A PROPOSED
LOT WIDTH OF 50'

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-231-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

November 28, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 27, 2006

Item No.: 230, 231, 232, 233, 234, 235, 236, 237, 238, 239.

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

jm
2/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 26, 2006

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

SUBJECT: 1818 Clearwood Road

INFORMATION:

Item Number: 7-231

Petitioner: Charles T. Robinson

Zoning: DR 5.5

Requested Action: **Special Hearing**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the above referenced project and offers the following comments:

Upon further review of the site plan submitted, the petitioner is proposing to subdivide an existing lot of record into two separate lots. One lot (Lot 120) contains an existing dwelling fronting on Clearwood Road, with a second proposed lot (Lot 120B) fronting on Putty Hill Avenue being created for the purposes of constructing a new, single-family detached dwelling. The site plan submitted with the petition shows the newly created lot as having a width of 50 feet. The applicant is requesting relief from BCZR section 1B02.3.c.1, to permit a lot width of 50 feet in lieu of 55 feet in a DR 5.5 zone.

Section 304.1 of the Baltimore County Zoning Regulations (BCZR) states that a single family detached dwelling may be erected on a lot having an area or width at the building line less than that required by the current bulk and/or area regulations if such a lot has been duly recorded either by deed or in a validly approved subdivision prior to March 30th, 1955. The subject property had its original lot created as part of a subdivision prior to March 30th, 1955 (*Lot 120 of "Hillendale Farms" / Liber 8, Folio 92 recorded August 1927*).

The Office of Planning is concerned about creating new lots that are less than that allowed under the current BCZR because of the undo burden these unforeseen lots (and their associated dwellings) have on the public services, and on surrounding property owners in terms of storm water runoff. This being said, if the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

1. Provide turn out room on the lot so the cars do not back out onto Putty Hill Avenue.
2. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area. Note that the other dwellings do not have front entry garages.
3. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Reviewed by: _____

Division Chief: _____
AFK/LL: CM

W:\DEVREV\ZAC\7-231.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 30, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 4, 2006
Item Nos. 07-229, 230, 231, 232, 233, 234, 235, 237, 238, and 239

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-11292006.doc

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 1, 2007

HOWARD ALDERMAN, ESQUIRE
LEVIN & GANN
502 WASHINGTON AVENUE, 8TH FLOOR
TOWSON, MD 21204

Re: Petition for Variance
Case No. 07-231-A
Property: 1818 Clearwood Road

Dear Mr. Alderman:

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,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Charles T. and Eugunia G. Robinson, 1818 Clearwood Road, Baltimore MD 21234
G. Dwight Little Jr., Little & Associates Inc., 1055 Taylor Avenue, Suite 307, Towson MD 21286
Aston Galbraith 1813 Putty Hill Avenue, Baltimore MD 21234

PLEASE PRINT CLEARLY

CASE NAME ROBINSON
CASE NUMBER 07-231-A
DATE 01 FEB 07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Howard L Alderman Jr	502 Washington Ave Suite 5a	Towson 21204	
G Dwight Little PE	1055 Taylor Ave Suite 307	Towson MD 21286	
Charles Freitag	7808 Tilmont Ave	Balto MD 21234	

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ASTON GALBRAITH	1813 PUTTY HILL AVE	PARKVILLE	MINNI4@HOTMAIL.COM

HILLENDALE FARMS

JOSEPH F. MORELAND

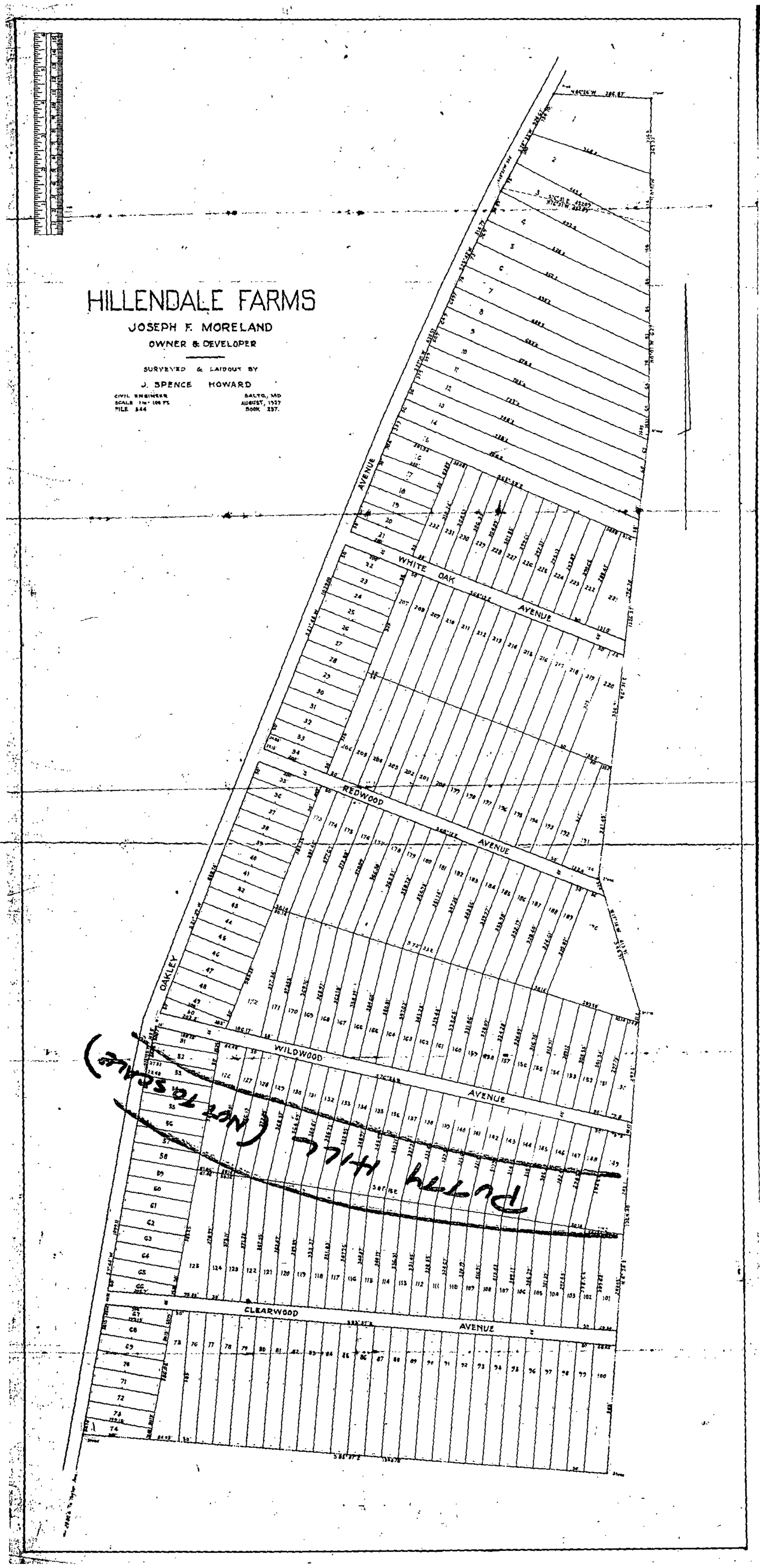
OWNER & DEVELOPER

SURVEYED & LAIDOUT BY

J. SPENCE HOWARD

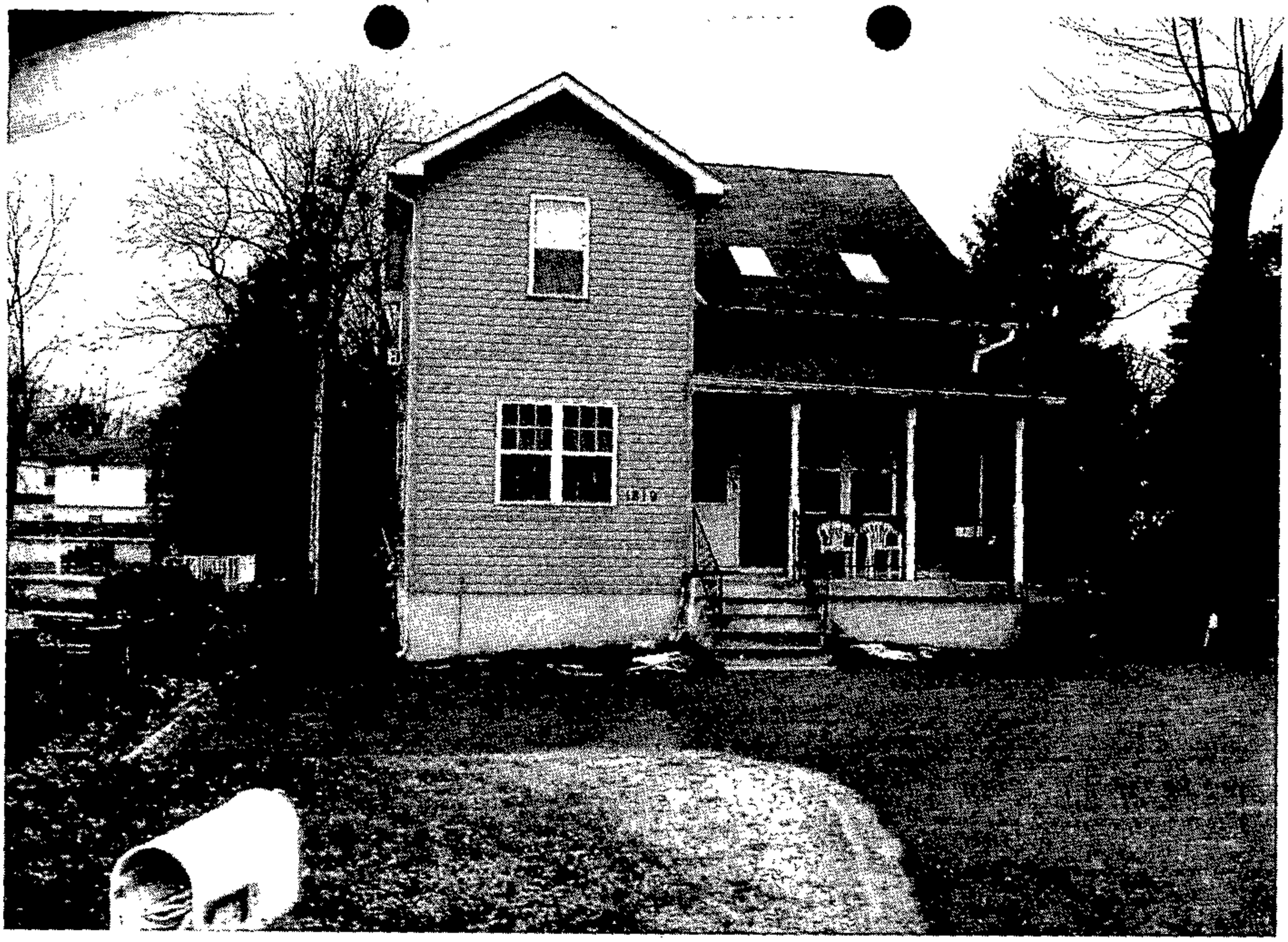
CIVIL ENGINEER
SCALE 1 in = 100 FT.
FILE 544

BALTO., MD
AUGUST, 1927
BOOK 237.



ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
2

ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
3



Pet 4

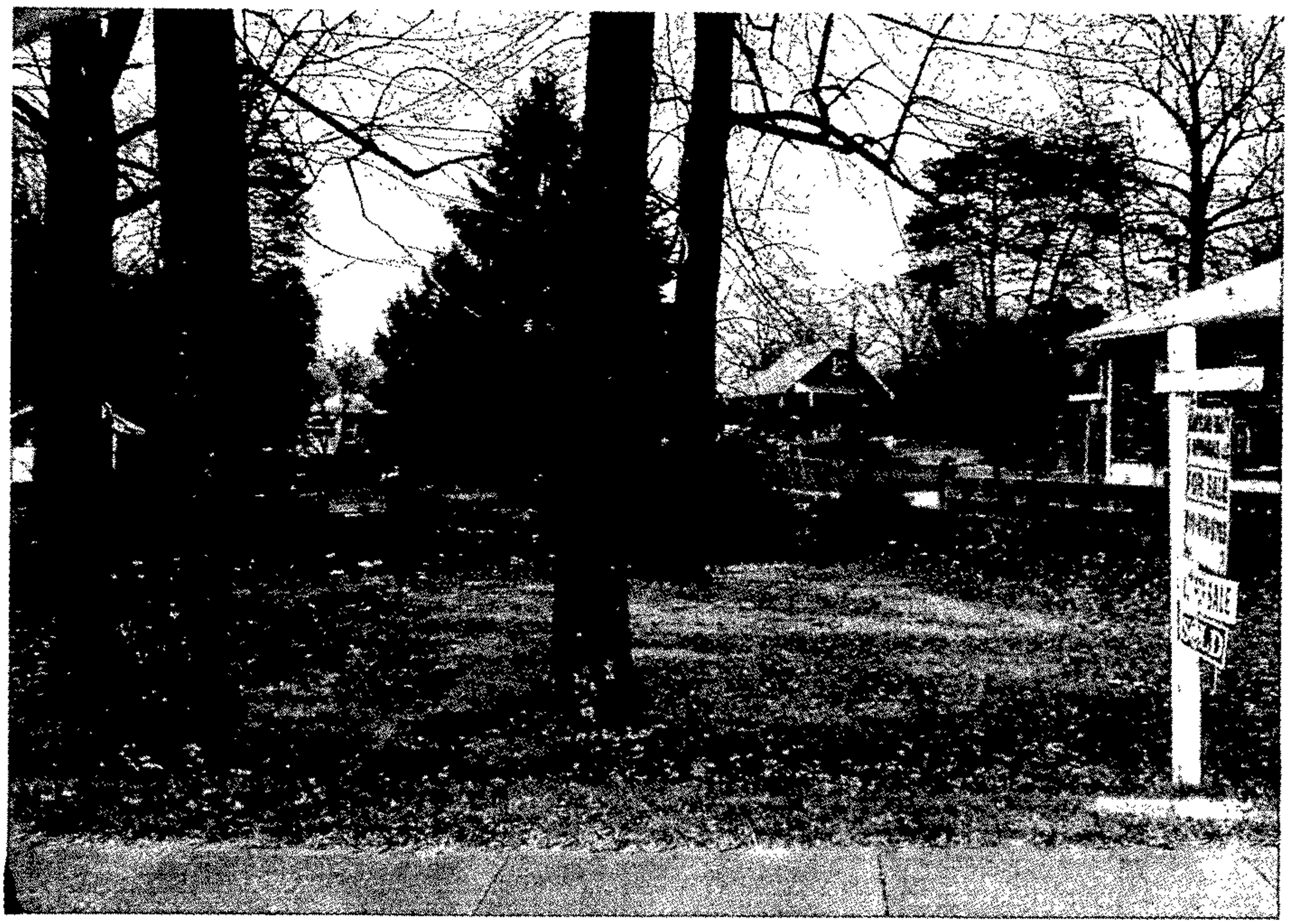
Pet 4

ALL-STATE LEGAL®

PETITIONER'S EXHIBIT

4

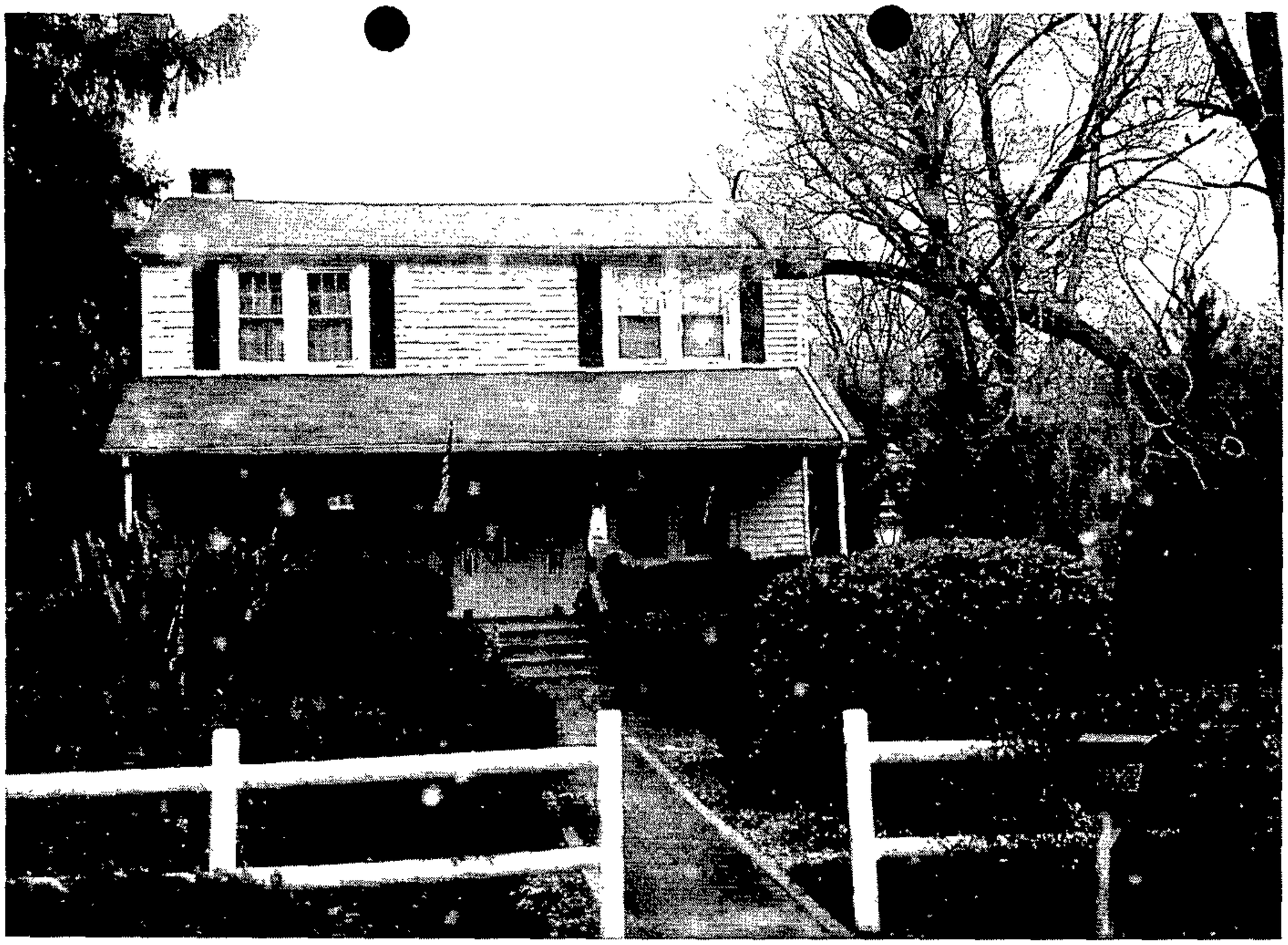
P.44



Lot

Pat 4

Pat 4



Clearwood

Clearwood

Ex House

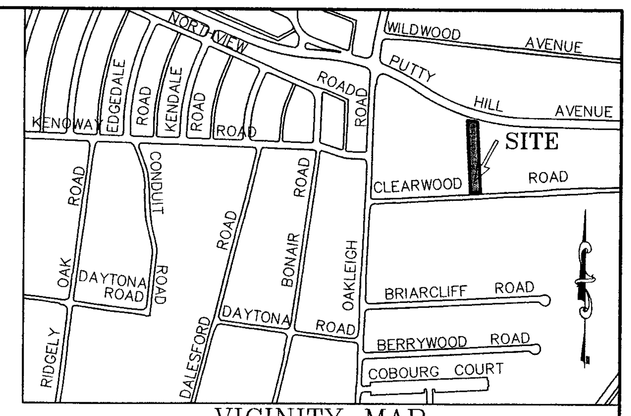
Clear-cut

SMALL LOT TABLE

ZONING CLASSIFICATION	MINIMUM NET LOT AREA PER DWELLING UNIT (SQ. FT.)	MINIMUM LOT WIDTH	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

LEGEND

- SANITARY MANHOLE
- STORM DRAIN MANHOLE
- WATER METER
- FIRE HYDRANT
- WATER VALVE
- CLEANOUT
- UTILITY POLE
- SPECIMEN TREE
- EXISTING CONTOUR
- TRACT BOUNDARY
- LIMITS OF DISTURBANCE
- SOILS



VICINITY MAP

SCALE: 1"=500'

TYPICAL LOT LAYOUT

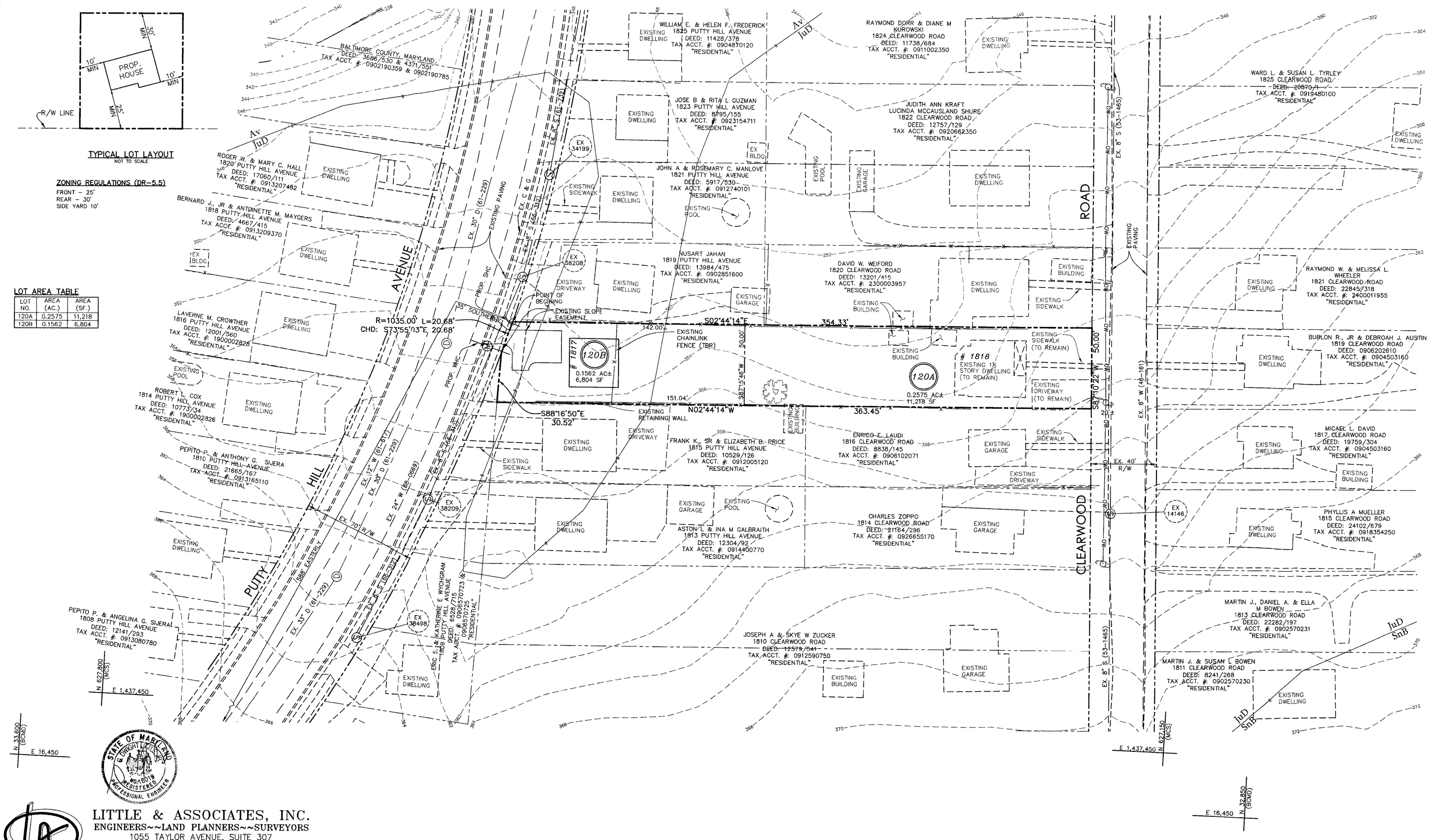
NOT TO SCALE

ZONING REGULATIONS (DR-5.5)

FRONT – 25'
REAR – 30'
SIDE YARD 10'

LOT AREA TABLE

LOT NO.	AREA (AC.)	AREA (SF.)
120A	0.2575	11,218
120B	0.1562	6,804



SITE DATA

GROSS AREA: 0.4137 AC±
EXISTING ZONING: DR 5.5, 200 SCALE MAP 70c3
EXISTING USE: 1 SINGLE FAMILY DWELLING
PROPOSED USE: 2 SINGLE FAMILY DWELLINGS (1 EXISTING)
DENSITY CALCULATIONS:
UNITS ALLOWED: 0.4137 AC x 5.5 (DR 5.5)= 2 UNITS
TOTAL UNITS PERMITTED: 2
TOTAL UNITS PROPOSED: 2
OWNER: CHARLES T. & EUGUNIA G. ROBINSON
1818 CLEARWOOD ROAD
BALTIMORE, MD 21234
TAX ACCOUNT NUMBER: 0918474460
TAX MAP NO. 70 GRID 18 PARCEL 719
DED: 4281/447
CENSUS TRACT: 4920 REGIONAL PLANNING DISTRICT: 315
SCHOOL DISTRICT: OAKLEIGH ELEMENTARY
LOCH RAVEN ACADAMY
LOCH RAVEN HIGH
PARKING REQUIRED: 2 P.S./LOT x 2 LOTS= 4 P.S.
PARKING PROPOSED: 4 P.S. (9' x 18')
WATER & SEWER DESIGNATIONS: W-1,S-1
SUBSEWERSHED 50
BACK RIVER WATERSHED

GENERAL NOTES

1. TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE 70c3.
2. BOUNDARY SHOWN IS BASED ON A SURVEY PREPARED BY LITTLE & ASSOCIATES DATED JUNE-13-2006.
3. THE ZONING WITHIN 200 FEET OF THE SUBJECT SITE IS DR 5.5, PER 200 SCALE MAP # 70C3
4. THERE ARE NO KNOWN CRITICAL AREAS, HAZARDOUS WASTE SITES, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES ON THIS PROPERTY.
5. THIS PROPERTY HAS BEEN HELD INTACT SINCE 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
6. THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
7. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON SITE.
8. THERE ARE NO EX. WELLS OR SEPTIC SYSTEMS ON SITE.
9. THE SOIL TYPES FOR THIS SITE WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 35.
10. THE GRID SYSTEM SHOWN IS BASED ON THE MARYLAND COORDINATE SYSTEM.
11. THE FOREST CONSERVATION REQUIREMENT WILL BE MET BY PURCHASING 0.1 A.C. IN AN APPROVED FOREST RETENTION BANK.
12. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, FOR TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITH CURB AND GUTTER.
13. THE LOTS AND UNITS CREATED BY THIS SUBDIVISION PLAT ARE SUBJECT TO A FEE OR ASSESSMENT TO COVER OR DEFRAY ALL OR PART OF THE DEVELOPERS COST OF INSTALLATION OF WATER AND SEWER FACILITIES, PURSUANT TO THE BALTIMORE COUNTY CODE SECTION 32-4-310. THIS FEE OR ASSESSMENT, WHICH RUNS WITH THE LAND, IS A CONTRACTUAL OBLIGATION BETWEEN THE DEVELOPER AND EACH OWNER OF THIS PROPERTY AND IS NOT IN ANY WAY A FEE OR ASSESSMENT OF BALTIMORE COUNTY.
15. AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
15. A ZONING VARIANCE IS REQUESTED FOR THE MINIMUM LOT WIDTH ON LOT 120B.

ZONING VARIANCE REQUEST

A VARIANCE FROM SECTION 1B02.3.C.1 BCZR ~~AND THE ZONING COMMISSIONERS POLICY MANUAL (PAGE 1B-26)~~, TO ALLOW FOR A PROPOSED LOT WIDTH OF 50' IN LIEU OF THE REQUIRED 55 FEET IN A DR 5.5 ZONE.

STATE OF MARYLAND
CHRISTOPHER J. MCCARTHY
No. 19
REGISTERED PROFESSIONAL ENGINEER

LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

PLAN TO ACCOMPANY ZONING VARIANCE
CHARLES ROBINSON

DISTRICT 09c5 BALTIMORE COUNTY, MD
SCALE: 1"=30' NOVEMBER 14, 2006

231

Plan Sheet: *070C3*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

070A2	070B2	070C2	071A2	071B2
070A3	070B3	070C3	071A3	071B3
080A1	080B1	080C1	081A1	081B1

Scale

1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

231

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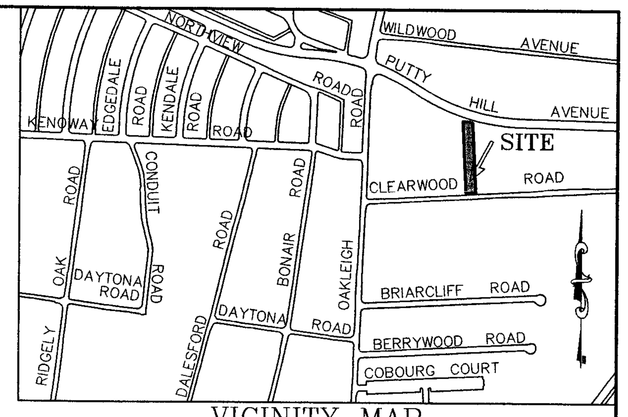

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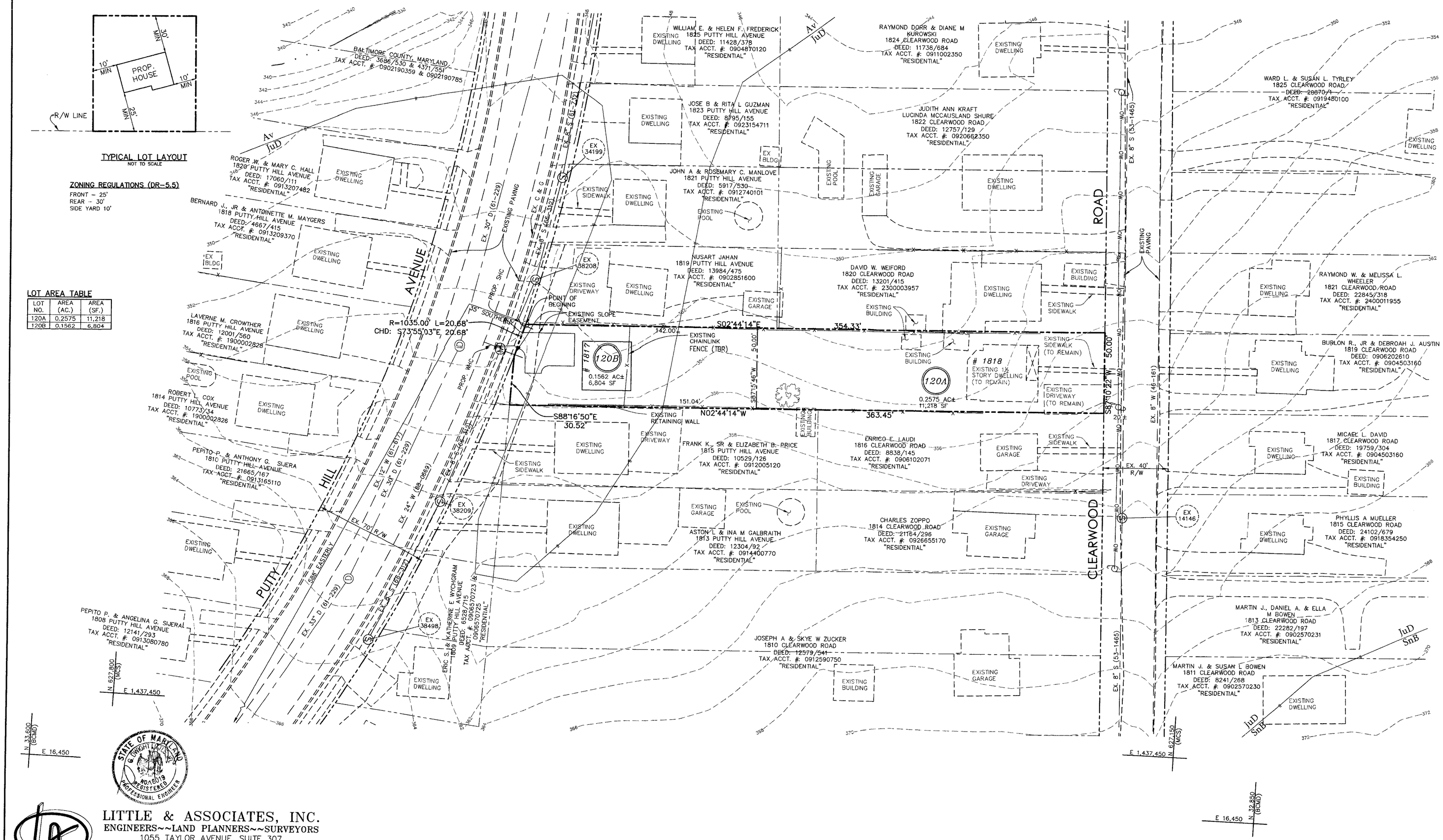

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