RE:	PETITION FOR VARIANCE 2110 Smith Avenue; E/S Braddock Road, 280' N of c/line Smith Avenue 3rd Election & 2nd Councilmanic Districts Legal Owner(s): Evelyn Zulver Brown Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-254-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

RECEIVED
DEC 19 2006
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of December, 2006, a copy of the foregoing Entry of Appearance was mailed to, William Aibrocato, Merritt Development Consultants, Inc, 2416 East Joppa Road, Baltimore, MD 21234 , Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2110 SMITH AVENUE
which is presently zoned DR. 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3A.5., 1B02.3B. (BCZR)

TO PERMIT THE CONSTRUCTION OF A DWELLING WITH A 25-FOOT REAR SETBACK IN LIEU OF THE MINIMUM REQUIRED 30-FEET.

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

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):

EVELYN ZULVER BROWN
Name - Type or Print

Evelyn Zulver
Signature

Name - Type or Print

Signature

7529 STREAM CROSSING RD.
Address Telephone No.

BALTO. MD. 21209
City State Zip Code

Representative to be Contacted:

MERRITT DEVELOPMENT CONSULTANTS, INC.
C/O WILLIAM A. BROCATO
Name

2416 E. JOPPA RD. 410-663-5525
Address Telephone No.

BALTO. MD. 21234
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-254-A

Reviewed By D.T. Date 12/4/06

REV 9/15/98

HARDSHIP

We request a variance to construct a 40ft x 30ft single family dwelling on my property. The front and side setbacks will be in accordance with zoning regulations. The rear setback will need to be 25ft in lieu of the required 30ft. When our request is granted we can construct this single family dwelling which will have no direct affect on the majority of homes in the neighborhood. At least four homes are similar or larger in size and two are slightly smaller in size.

07-254-A

ZONING DESCRIPTION FOR 2110 SMITH AVENUE

Beginning at a point on the East side of Braddock Road at the distance of 280 feet and North of the center line of the nearest improved intersecting street, Smith Avenue. Being lots 804 to 807 in the subdivision of Mt. Washington Summit, as recorded in Plat Book 8; Folio # 51 containing 0.287 Acres. Also known as 2110 Smith Avenue and located in the 3rd Election District and 3rd Councilman District.

07-254-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22977

DATE 10/4/06 ACCOUNT 001006060150

AMOUNT $ 65.00

RECEIVED FROM: MERRITT DEV.

FOR: 07-254-A

2110 SMITH AVE. D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

Rcpt Tot 65.00

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: # 07-254-A
2110 Smith Avenue
East side Braddock Road, 280 feet north of centerline Smith Avenue
3rd Election District
2nd Councilmanic District
Legal Owner(s): Evelyn Zulver Brown

Variance: To permit the construction of a dwelling with a 25-foot rear setback in lieu of the minimum required 30 feet.

Hearing: Thursday, February 1, 2007 at 9:00 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 1/706 Jan. 16 121675

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 16, 2007 Issue - Jeffersonian

Please forward billing to:
Dino Cimino
8704 Winands Road
Randallstown, MD 21133

410-922-1526

NOTICE OF ZONING HEARING

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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.

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, Director
Department of Permits and Development Management

December 26, 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:

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2110 Smith Avenue
East side Braddock Road, 280 feet north of centerline Smith Avenue
3rd Election District –2nd Councilmanic District
Legal Owner: Evelyn Zulver Brown

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Hearing: Thursday, February 1, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Evelyn Zulver Brown, 7529 Stream Crossing Road, Baltimore 21209
William Brocato, 2416 E. Joppa Road, Baltimore 21234

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.

MERRITT DEVELOPMENT
CONSTULTANTS, INC.
2416 East Joppa Road Baltimore, Maryland 21234
Phone (410) 663-5525 Fax (410) 663-4315

TRANSMITTAL FORM

TO:: BALTIMORE COUNTY
ZONING OFFICE

ATTN: TIM KOTROCO

DATE:: 1-16-07

PROJECT NAME: 2110 SMITH AVENUE
CASE NO. 07-254-A

PROJECT NO:

We are submitting the following:

For approval ____ For your use/file ✓ For review ____

Quantity	Description
1	ZONING HEARING LETTER DATED DEC. 26, 2006

JAN 16 2007

Comments:

MY CLIENT HAS DIRECTED ME TO CANCEL THE VARIANCE REQUEST FOR THE REFERENCED PROPERTY. THE VARIANCE WILL NOT BE NEEDED AT THIS TIME. I HAVE ENCLOSED HEARING LETTER FOR YOUR REFERENCE.

Sincerely,

W. A. Brocato

Bill Brocato
Project Engineer

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: _____

Petitioner: EVELYN ZULVER BROWN

Address or Location: 7529 STREAM CROSSING ROAD, BALTO, MD. 21209

PLEASE FORWARD ADVERTISING BILL TO:

Name: DINO CIMINO

Address: 8704 WINANDS ROAD
RANDALLSTOWN, MD. 21133

Telephone Number: 410-922-1526

Revised 2/20/98 - SCJ

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

SHA
State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 12-13-2006

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

RE: Baltimore County
Item No. 7-254-A
2110 SMITH AVE
BROWN PROPERTY
VARIANCE-PERMIT TO
CONSTRUCT A DWELLING IN LIEU
OF REQUIRED SETBACK

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. 7-254A.

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,

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

December 12, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: December 11, 2006

Item No.: **252, 253, 254, 255, 256, 257, 258, 259, 261, 262, 263, 264 and 265.**

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

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 13, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 18, 2006
Item No. 07-254

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

We have no objection to granting of the requested variance; however, we wish to point out that this lot does not have in-fee frontage on a public road and that the access issues will have to be addressed prior to issuance of a building permit.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-254-12132006.doc

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 07-254-A

Date Completed/Initials	
12/5/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

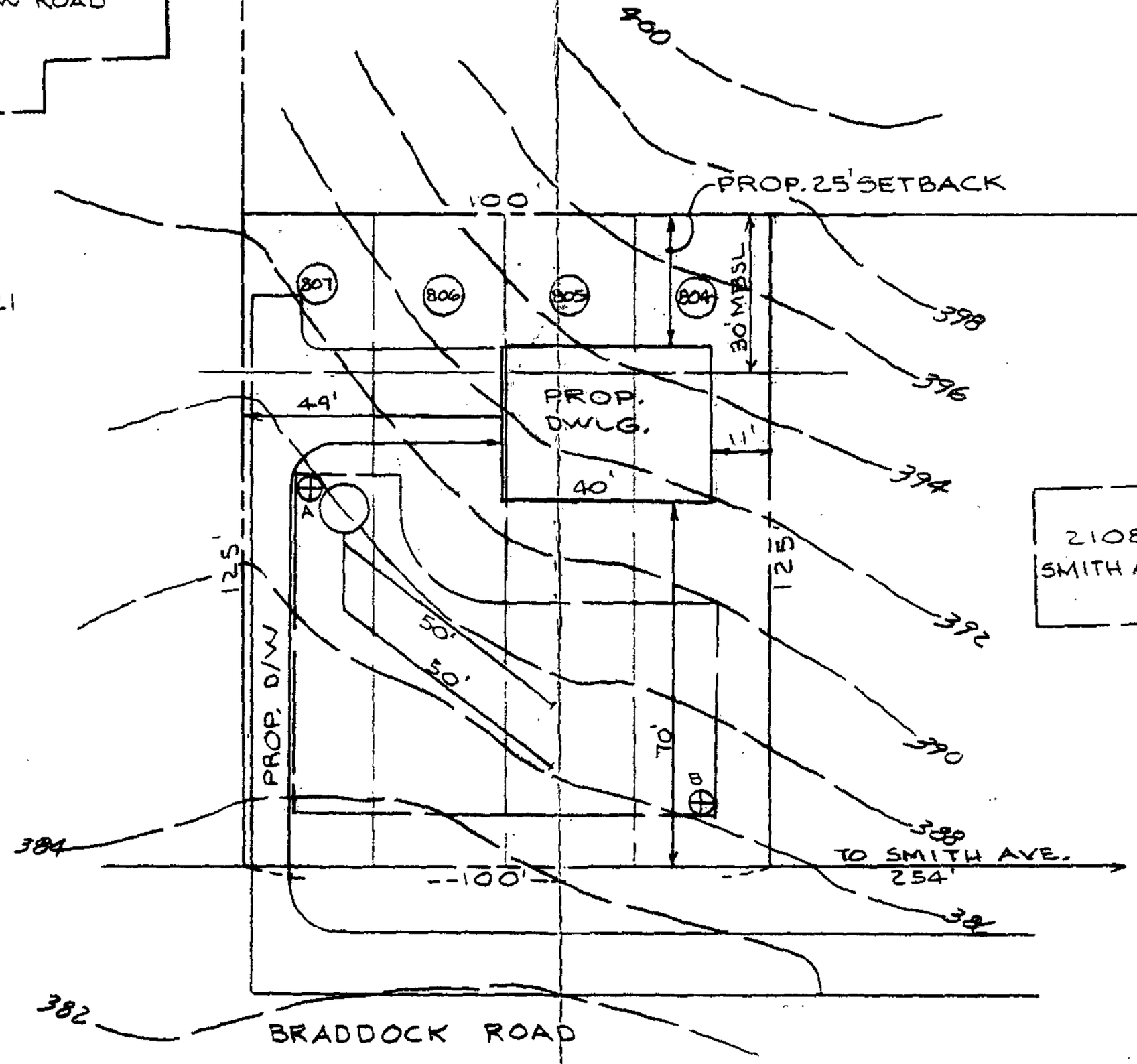
MCS NORTH

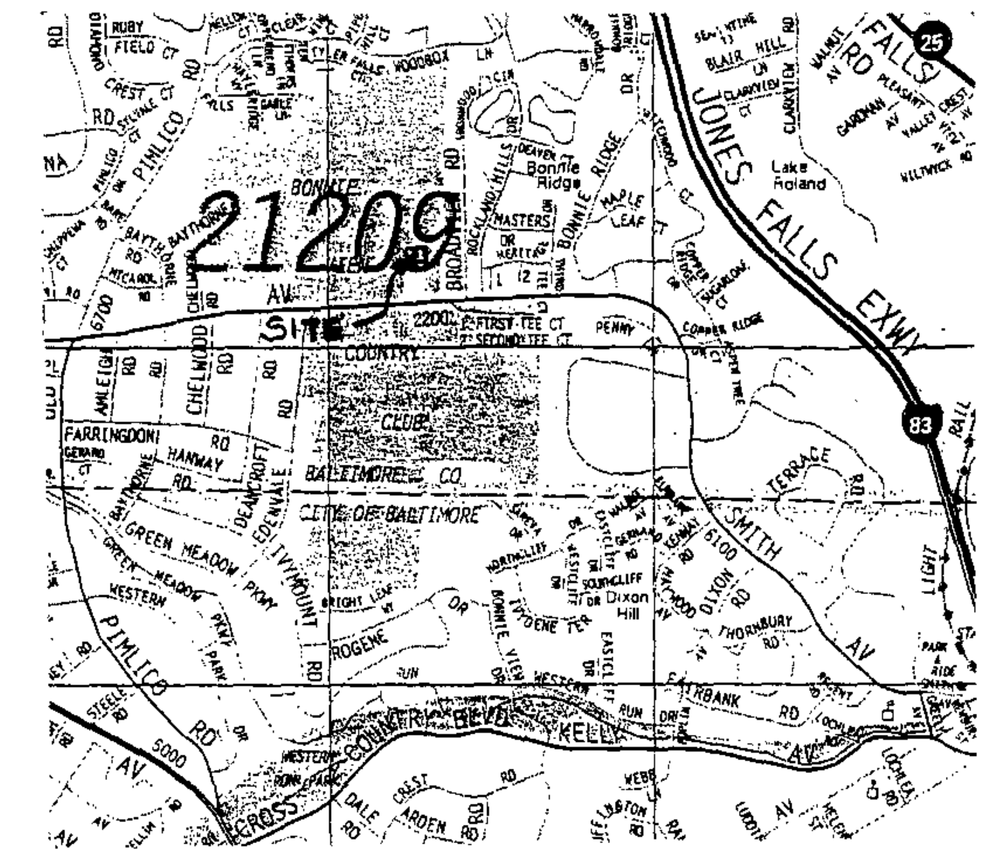
6708
BROADVIEW ROAD

STEPHEN A. HUSTER
6708 BROADVIEW RD.
BALTO., MD. 21209
MAP 79 PARCEL 184
PLAT 8/51
TAX ACC'T. 1800011221

ALEXANDER D. COCKEY, 3RD.
CATHERINE COCKEY
6702 BROADVIEW RD.
BALTO., MD. 21209
MAP 79 PARCEL 184
PLAT 8/53
TAX ACC'T. 1900008341

6702
BROADVIEW
ROAD





VICINITY MAP
SCALE: 1" = 2000'

2108
SMITH AVE.

WILLIAM WRIGHT
2108 SMITH AVE.
BALTO., MD. 21209
MAP 79 PARCEL 184
PLAT 8/51
TAX ACC'T. 0319036220

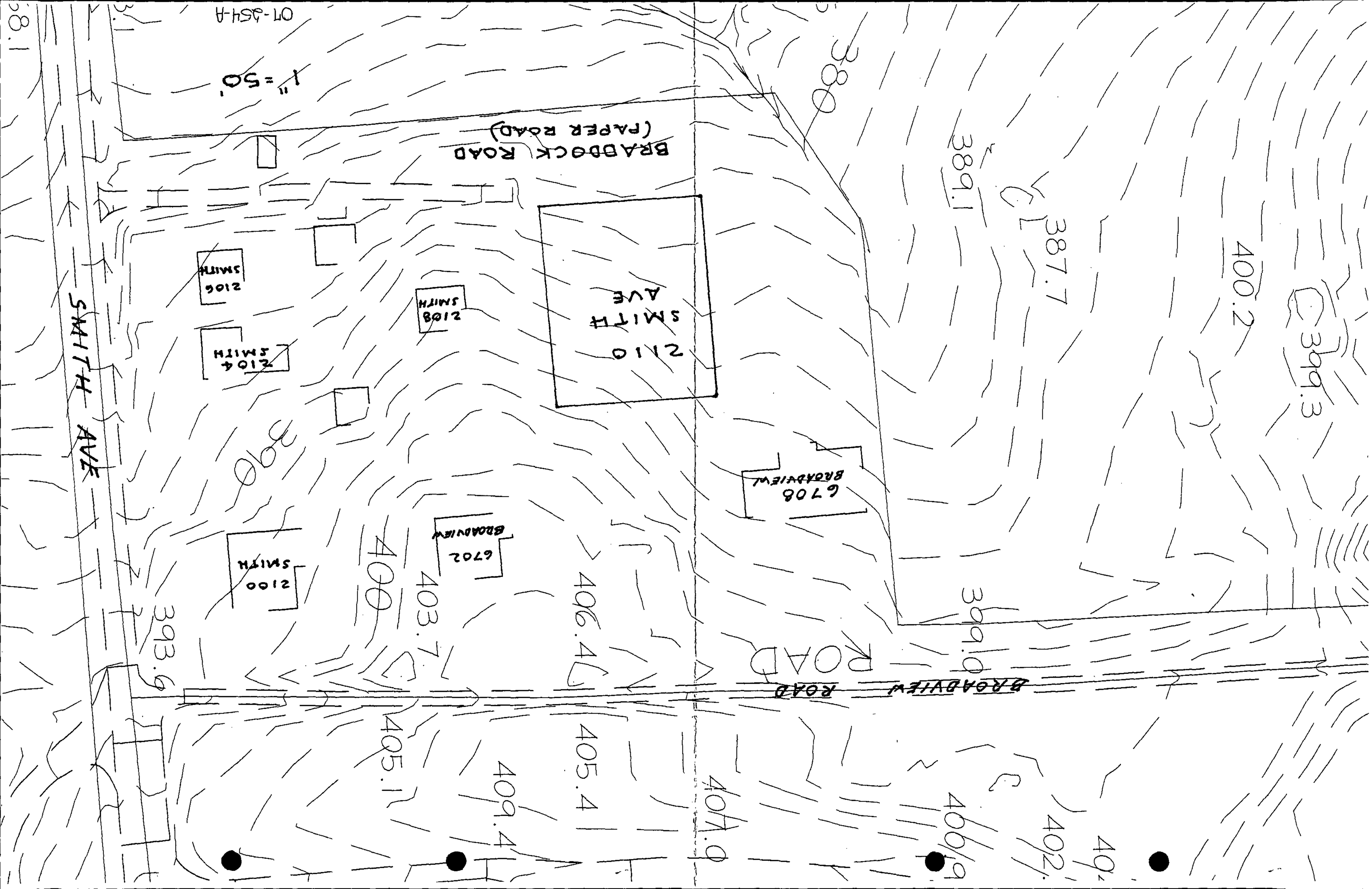
1. THERE ARE NO PRIOR ZONING CASES FOR THIS PROPERTY.
2. ZONING MAP 1":200' # 079 A1
3. ENTIRE SITE IS ZONED DR.3.5.
4. LOT SIZE IS 0.287 AC.± OR 12,500 SQ.FT.
6. NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.

MERRITT DEVELOPMENT
CONSULTANTS, INC.
2416 E. JOPPA ROAD
BALTO., MD. 21234
410-663-5525

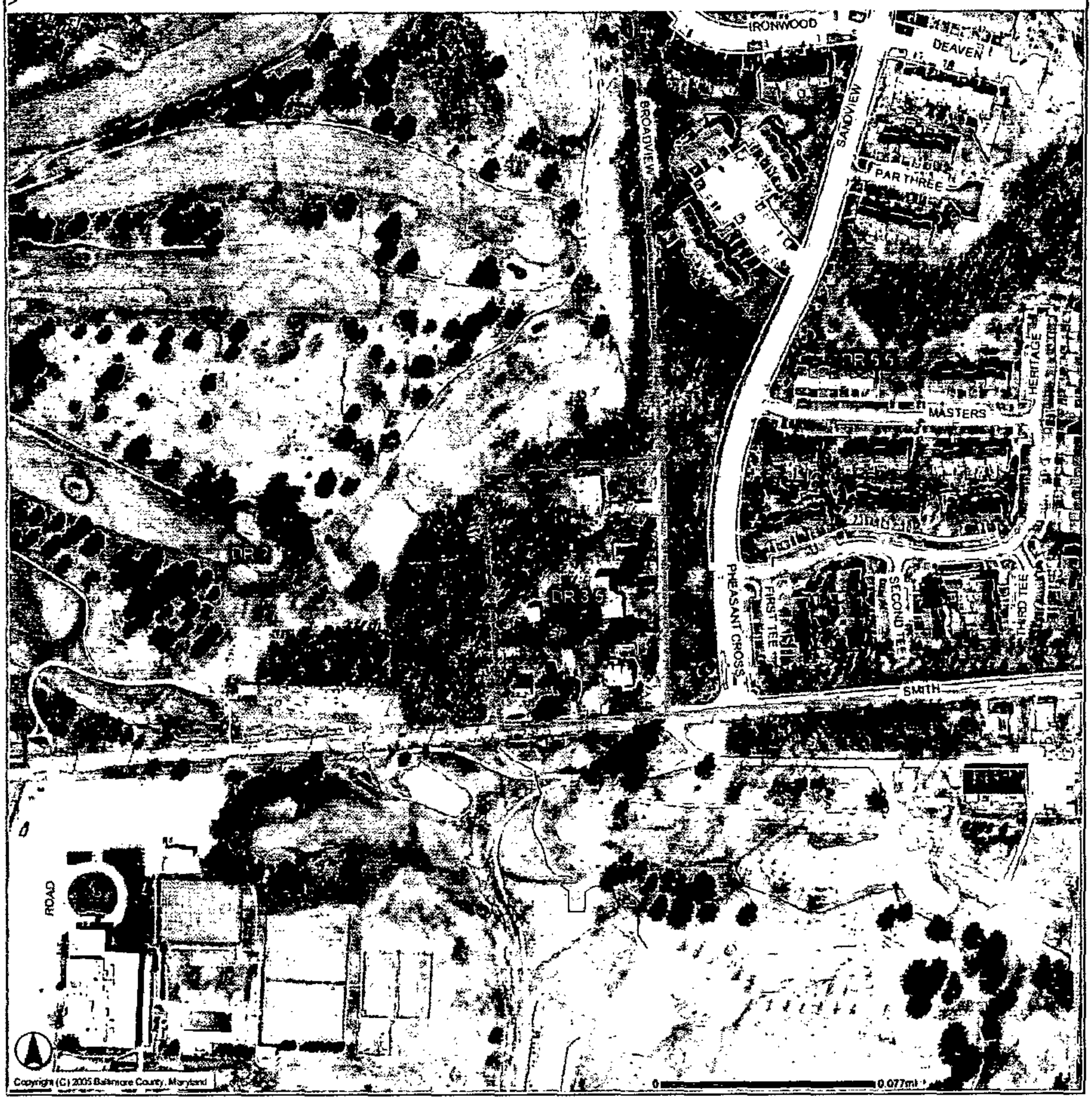
OWNER
EVELYN ZULVER BROWN
DEED REF.: 6537/658
TAX ACC'T. 0323036550

PLAN TO ACCOMPANY
VARIANCE PETITION
2110 SMITH AVENUE
PLAT BOOK 8 FOLIO 51
LOTS 804 TO 807
DISTRICT-3C2 BALTO. CO., MD.
SCALE-1" = 30' NOV. 15, 2006

07-254-A


07-354-A
1" = 50'
BRADDOCK ROAD
(PAPER ROAD)
2110
SMITH
AVE
2104
SMITH
2108
SMITH
2100
SMITH
6702
BROADVIEW
6708
BROADVIEW
BROADVIEW ROAD
SMITH AVE
390
400
403.7
406.4
405.1
405.4
409.4
404.9
399.0
389.1
387.7
400.2
399.3
393.6
380

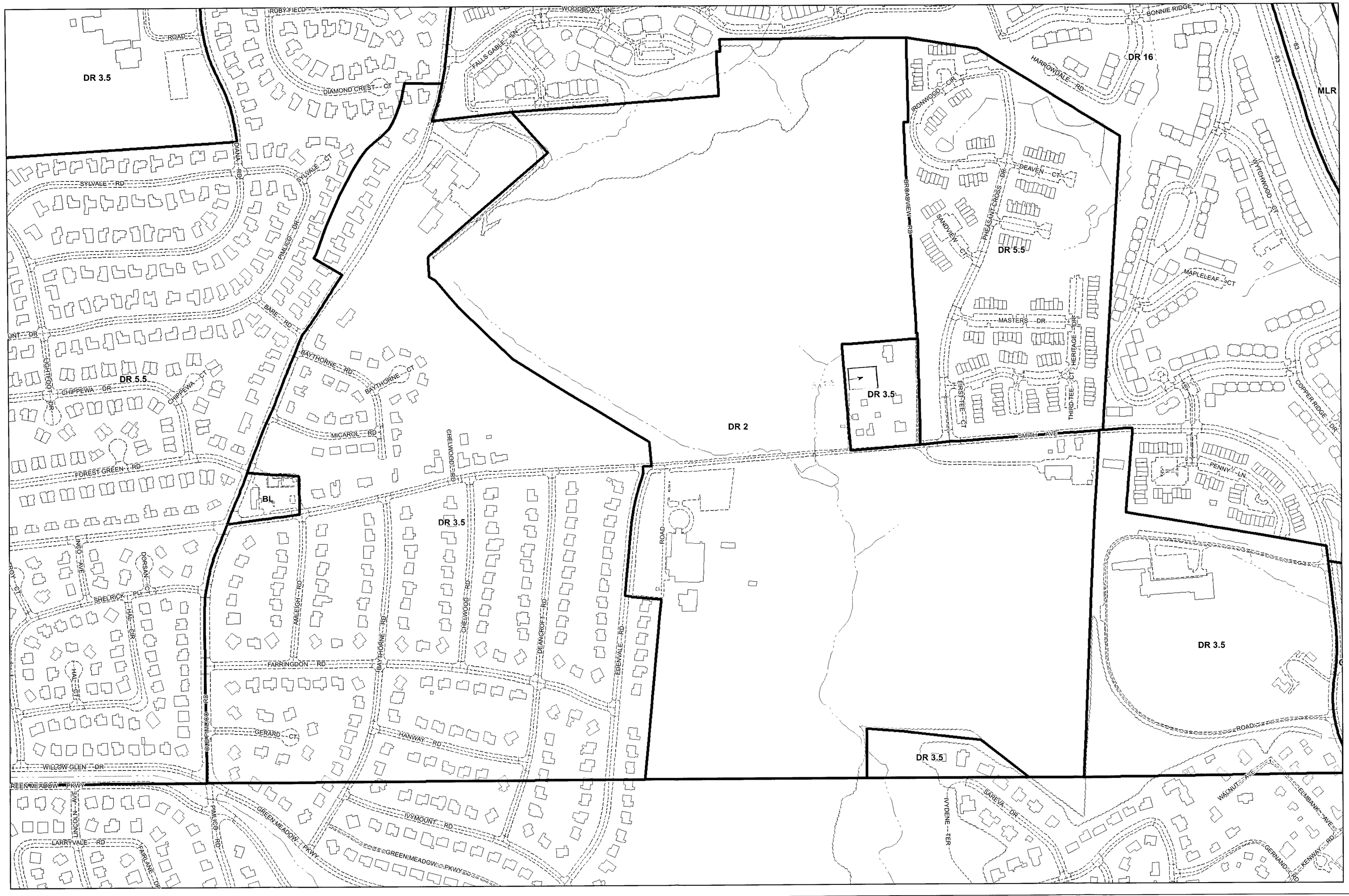
Baltimore County - My Neighborhood



07-254-A

Baltimore County - My Neighborhood

07-254-A



Plan Sheet: *079A1*

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
- Buildings
- Streams
- Roads
- Vegetation
- Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

068B3	068C3	069A3	069B3	069C3
078B1	078C1	079A1	079B1	079C1

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

07-254