IN RE: PETITION FOR VARIANCE

NW/S Pinewood Drive, 257' NE c/line

Wise Avenue

(1718 A Pinewood Drive)

12<sup>th</sup> Election District 7<sup>th</sup> Council District

W. Scott Dawson Petitioner

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 07-344-A

is also also also also also also

#### ORDER OF DISMISSAL

WHEREAS, this matter came before this Zoning Commissioner for consideration of a Petition for Variance by the owner of the subject property, W. Scott Dawson, seeking approval of a proposed dwelling to be built on a lot 50 feet wide in lieu of the required 55 feet.

Although a public hearing was scheduled on the matter for Thursday, May 3, 2007, no one appeared. Moreover, a review of the case file disclosed that the property was not posted for this particular hearing and was postponed from the April 2, 2007 hearing. It is also to be noted that the property at 1718 Pinewood Drive, Case No. 07-345-A, (that should have been heard concurrently with 07-344-A) was heard by the Deputy Zoning Commissioner on April 2, 2007 and denied.

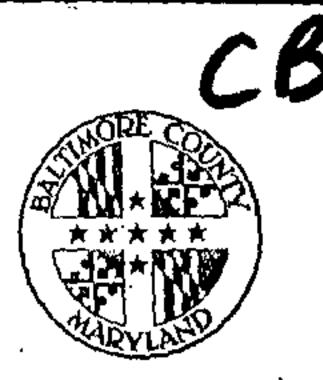
NOW, THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of May 2007 that the Petition for Variance seeking approval of a proposed dwelling to be built on a lot 50 feet wide in lieu of the required 55 feet, be and the same is hereby DISMISSED without prejudice.

Zoning Commissioner for Baltimore County

WJW:dlw

c: Richardson Engineering, LLC, 30 E. Padonia Road,
 Suite 500, Timonium, Md. 21093
 W. Scott Dawson, 1746 Drexel Road, Baltimore, Md. 21222
 People's Counsel; Kristen Matthews, DPDM; Case File

OFIDE	H RECEIVED FOR FI	MNG
Date_	5-7-07	
Bv	(D)(J)	



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 1718A PINEWOOD DRIVE 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.I - To PERMIT A PROPOSED DWELLING

TO BE BUILT ON A LOT 50' WIDE IN LIEU OF THE REQUIRED 55'

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 DISCUSCED 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.

		2Î	the subject of this Pe	tition.
Contract Pur	rchaser/Lesse	<u>:e:</u>		Legal Owner(s):
Name - Type or Pr	rint	<del></del>	<del></del>	SCOTT DAWSON Name - Type or Print
Signature	<del></del>	<del></del>	<del></del>	Signature Scott Jaurson
Address	— <del>————————————————————————————————————</del>	<del></del>	Telephone No.	Name - Type or Print
City	<del></del>	State	Zip Code	Signature
Attorney For	Petitioner:			1746 DREXEL ROAD 443-790-9937 Address Telephone No.
Name - Type or Pr	int	<del></del>	<del></del>	BALTIMORE MD 21222 City State Zip Code
Signature	<del>· • • • • • • • • • • • • • • • • • • •</del>	<del> </del>	<del></del>	Representative to be Contacted:
Company	<del></del>	<del></del>	·	RICHARDSON ENGINEERING, LLC
Address	<del></del>	<del></del>	Telephone No.	30 E PADONIA RD ST 500 410-560-1502 Address Telephone No.
City	_ <del></del>	State	Zip Code	TIMONIUM MD 21093 City State Zip Code
	•			OFFICE USE ONLY
Case NoC	07-344	~ <b>\( \Delta</b>	•	ESTIMATED LENGTH OF HEARING
~		AUEIVEU I	TORFILING	UNAVAILABLE FOR HEARING
REV 9/15/98	Date	-47-0	Reviewed By	Date
	By			

30 East Padonia Road, Suite 500 Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

# ZONING DESCRIPTION 1718A PINEWOOD DRIVE 12TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the north side of Pinewood Drive, a right-of-way (30) feet wide at the distance of 257 feet north of the centerline of the nearest improved intersecting street Wise Avenue, a right- of- way (50) feet wide. Being lots #351 & #352 in the subdivision of ROSEWALD BEACH as recorded in Baltimore County Plat Book #10, Folio #88, containing 6,700 Sq.Ft. or 0.154 Ac.+/-. Also known as 1718A Pinewood Drive and located in the 12<sup>th</sup>. Election District, 7<sup>th</sup> Councilmanic District.

Item# 344

# 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: # 07-344-A

1718A Pinewood Drive
Northwest side Pinewood Drive, 257 feet northeast

centerline Wise Avenue.
12th Election District-7th Councilmanic District
Legal Owner(s): W. Scott Dawson
Variance: To permit a proposed dwelling to be built on a lot 50 feet wide in lieu of the required 55 feet.

Hearing: Thursday, May 3, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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, (2) For information concerning the File and/or Hearing, (3) 4/701 Apr. 17

\_ 20D]

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md.,

successive weeks, the first publication appearing 100x once in each of g

X The Jeffersonian

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

Mulus

LEGAL ADVERTISING

# 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: #07-344-A
1718 A Pinewood Drive
Northwest side of Pinewood
Drive, 257 feet northeast
Centerline Wise Avenue.
12th Election District
7th Councilmanic District
7th Councilmanic District
Dawson
Variance: To permit a proposed dwelling to be built.
on a lot 50 feet wide in ileu of the required 55 feet.
Hearing: Monday, April 2,
2007 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Bosiey
Avenue, Towson 21204.

o

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible;

for special accommoda-tions Piease Contact the Zoning Commissioner's Of-fice at (410) 887-3868.

(2) For information con-cerning the File and/or Ing Review Office at (410) 887-3391.

3/232 March 15 128017

THIS IS TO CERTIFY, that the annexed advertisement was published

successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., once in each of

The Jeffersonian

- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter
- ews North County No

Mulus

LEGAL ADVERTISING

	VALIDATION
	CASHIER'S
No. 3038	
WTY, MARYLAND & FINANCE S RECEIPT ACCOUNT ACCOUNT S AMOUNT \$	C - AGENCY YELLOW - CUSTOME
BALTIMORE COUNTY OFFICE OF BUDGET MISCELLANEOUS  RECEIVED FROM: FOR:	DISTRIBUTION WHITE - CASHIER PINK

-

•

•

.

•

PETITION FOR VARIANCE RE: 1718 A Pinewood Drive; NW/S Pinewood Drive, 257' NE c/line Wise Avenue 12<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts Legal Owner(s): W. Scott Dawson

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

**BALTIMORE COUNTY** 

07-344-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 documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Max Limmenman

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 9th day of February, 2007, a copy of the foregoing Entry of Appearance was mailed Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, MD 21093, Representative for Petitioner(s).

RECEIVED

FEB 0 9 2007

ax dimerman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

March 27, 2007

#### **NEW 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: 07-344-A

1718 A Pinewood Drive

Northwest side Pinewood Drive, 257 feet northeast centerline Wise Avenue.

12th Election District – 7th Councilmanic District

Legal Owner(s): W. Scott Dawson

<u>Variance</u> to permit a proposed dwelling to be built on a lot 50 feet wide in lieu of the required 55 feet.

Hearing: Thursday, May 3, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, 21204

Timothy Kotroco

Director

TK:klm

C: Scott Dawson 1746 Drexel Road Baltimore 21222
Richardson Engineering, LLC~30 E. Padonia Road, Suite 500 Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 18, 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: PATÙXENT PUBLISHING COMPANY

Tuesday, April 17, 2007 Issue - Jeffersonian

Please forward billing to:

Scott Dawson 1746 Drexel Road Baltimore, MD 21222 443-790-9937

#### 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: 07-344-A

1718 A Pinewood Drive

Northwest side Pinewood Drive, 257 feet northeast centerline Wise Avenue.

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner(s): W. Scott Dawson

Variance To permit a proposed dwelling to be built on a lot 50 feet wide in lieu of the required 55 feet.

Hearing: Thursday, May 3, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, 21204

WILLTAM WHSEMAN 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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and
February 27pa200ment Management

#### 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: 07-344-A

1718 A Pinewood Drive
Northwest side Pinewood Drive, 257 feet northeast centerline Wise Avenue.

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District
Legal Owner(s): W. Scott Dawson

Variance To permit a proposed dwelling to be built on a lot 50 feet wide in lieu of the required 55 feet.

Hearing: Monday, April 2, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, 21204

Timothy Kotroco

Director

TK:amf

C: Scott Dawson 1746 Drexel Road Baltimore 21222 Richardson Engineering, LLC 30 E. Padonia Road, Suite 500 Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 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

Thursday, March 15, 2007 Issue - Jeffersonian

Please forward billing to:

Scott Dawson 1746 Drexel Road Baltimore, MD 21222

443-790-9937

#### 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: 07-344-A

1718 A Pinewood Drive

Northwest side Pinewood Drive, 257 feet northeast centerline Wise Avenue.

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner(s): W. Scott Dawson

Variance To permit a proposed dwelling to be built on a lot 50 feet wide in lieu of the required 55 feet.

Hearing: Monday, April 2, 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 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.



#### 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: 07-344-A	
Petitioner: SCOTT DAWSON	
Address or Location: 1718 A PINEWOOD DRIVE	
PLEASE FORWARD ADVERTISING BILL TO:  Name: SCOTT DAWSON	
Address: 1746 DREKEL ROAD	
BAUT MD 21222-5039	
Telephone Number: 443-790-9937	



JAMES T. SMITH, JR. County Executive

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

April 26, 2007

Scott Dawson 1746 Drexel Road Baltimore, MD 21222

Dear Mr. Dawson: -

RE: Case Number: 07-344-A, 1718 A Pinewood Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 31, 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, Callallalla

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Richardson Engineering, LLC 30 E. Padonia Road, Suite 500 Timonium 21093

CASE NUMBER: 7-344-A

1718 A Pinewood Drive

Location: NW side Pinewood Drive, 257 feet NE c/l Wise Avenue.

12th Election District, 7th Councilmanic District

Legal Owner: W. Scott Dawson

VARIANCE To permit a proposed dwelling to be built on a lot 50 feet wide in lieu of the required 55 feet.

PP from 4-2-07

Hearing: Monday, 4/2/2007 at 9:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

CASE NUMBER: 7-345-A

1718 Pinewood Drive

4-20-07 denied Location: NW side Pinewood Drive, 307 feet NE c/l Wise Avenue.

12th Election District, 7th Councilmanic District

Legal Owner: W. Scott Dawson

VARIANCE To permit a proposed dwelling to be built on a lot 50 feet wide in lieu of the required 55 feet.

Hearing: Monday, 4/2/2007 at 10:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

ZDNING

April 4, 2007

Attn: Mr. Timothy M. Kotroco Director of Zoning Administration and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

Subject:

1718-A Pinewood Drive

Zoning Cases: 07-344-A

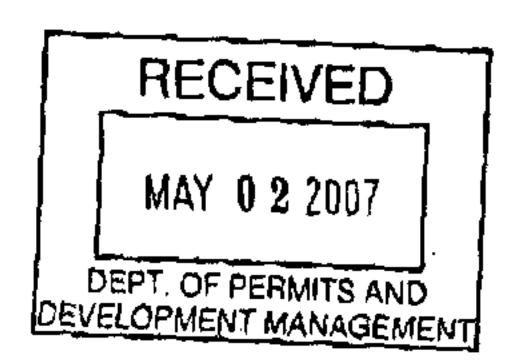
Dear Mr. Kotroco:

We are writing to request a cancellation of the referenced zoning hearing scheduled to be heard on May 3, 2007.

If you have any questions, please feel free to contact me at any time.

Very truly yours,

Scott Dawson



Contraction of the second

21050

hesapeake Avenue ent Management . 21204

## FAX COVER SHEET

Date:	5-2-07	
To:	Dibbie	
<del>Fax uumber:</del>	3468	
From:	Love	·
Fax number:	3048	· 
Number of pages (including this cover sheet):		·
Message:	Ser de Cetter 5-2- Copy & envelope 4-30	
	letter dates 4/4	
	Wants & Cunel Dariance	-
	,	<del></del>
If any part of this fax t is missing or not clearl please call:		
Name:	· —	· 
Phone number:		

Click here for a plain text ADA compliant screen.



Go Back View\_Map New Search **Ground Rent** 

**Account Identifier:** 

District - 12 Account Number - 1700005484

**Owner Information** 

**Owner Name:** 

DAWSON W SCOTT

Use: Principal Residence: RESIDENTIAL

NO

Mailing Address:

4415 OLD PHILADELPHIA RD **ABERDEEN MD 21001-5039** 

Deed Reference:

1) /22861/ 413

**Location & Structure Information** 

**Premises Address** 

PINEWOOD DR

**Legal Description** 

LT 349-352

WS PINEWOOD DR ROSEWALD BEACH

Plat No: **Assessment Area Sub District** Subdivision Section Block Lot Plat Ref: 349

Town

**Special Tax Areas** 

Map Grid Parcel

196

**Ad Valorem** Tax Class

**Primary Structure Built Enclosed Area** 0000

**Property Land Area** 14,300.00 SF

**County Use** 04

10/ 88

**Stories** 

**Basement** 

Type

**Exterior** 

**Value Information** 

Phase-in Assessments Base **Value Value** As Of As Of As Of 07/01/2006 01/01/2006 07/01/2007 22,570 48,820 Land: **Improvements:** 40,070 Total: 22,570 48,820 31,320 **Preferential Land:** 

**Transfer Information** 

Seller: YOUNG MEN'S SOCIAL CLUB

NOT ARMS-LENGTH

PINEWOOD FULL GOSPEL MISSION

IMPROVED ARMS-LENGTH

09/04/1998 Date: **Deed1:** /13130/ 190

Date:

Price: \$0 Deed2:

\$40,000 Price:

Deed2:

Date:

05/18/2005

Deed1: /22861/413

Deed1:

Price: Deed2:

**Exemption Information** 

07/01/2006 07/01/2007 Partial Exempt Assessments Class 000 County **State** 000 Municipal 000

Tax Exempt: **Exempt Class:** 

Type:

Seller:

Type:

Seller:

Type:

NO

**Special Tax Recapture:** 

\* NONE \*

IN RE: PETITION FOR VARIANCE

NW side Pinewood Drive, 307 feet NE

C/l Wise Avenue

12<sup>th</sup> Election District

7<sup>th</sup> Councilmanic District

(1718 Pinewood Drive)

W. Scott Dawson
Petitioner

\*\*

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\*

\* CASE NO. 07-345-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petitions for Variance filed by the legal owner of the subject property, W. Scott Dawson. The Petitioner is requesting the variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling to be built on a lot 50 feet wide in lieu of the required 55 feet.

The property was posted with Notice of Hearing on March 15, 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 March 17, 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, 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 February 9, 2007 which contains restrictions. ZAC comments received from the Department of Environmental Protection and Resource Management dated March 8, 2007 and contains restrictions. Copies of these comments are incorporated herein and made a part hereof the file.

#### **Interested Persons**

Appearing at the hearing on behalf of the variance request were Mike Miller and Rick Richardson with Richardson Engineering, LLC, who prepared the site plan. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the my lot Smaller 9 2000 appearance of his office in this case.

#### Testimony and Evidence

The subject property contains 7950 square feet zoned DR 5.5 and is vacant. The property consists of lots 349 and 350 of the Rosewald Beach Subdivision which was recorded in the land records of the County in 1935. See exhibit 3. Each lot is 25 feet wide.

The Petitioner would like to build a new home on the property, which would meet all DR 5.5 regulations except lot width as shown in exhibit 1. The new home will be only 24 feet wide so that the side yard setback regulations are easily met. The proposed house will meet the average front yard setback of 27.5 feet to be compatible with the homes to the east on Pinewood Drive. The only variance required is to allow a lot width of 50 feet in lieu of the required 55 feet.

Mr. Richardson pointed out the Petitioner also owns two lots (lot 351 and 352) adjacent to the subject property which is the subject of identical relief in Case No. 07-344-A. The Petitioner is proposing to build an identical house on these lots but the cases were not heard together because of sign posting problems.

He indicated that the four lots have the same tax assessment account number as shown in exhibit 2. Theses lots were conveyed to the Petitioner from the Young's Men's Social Club who received title from the Pinewood Full Gospel Mission who received title from the Archdiocese of Baltimore as shown in exhibit 4 and 5. Prior to the Archdiocese owning the subject property and the adjacent lots were conveyed in separate deeds. The Archdiocese combined the four lots and built what he described as a basement on the adjacent lots with a small bump out extending onto lot 350. See aerial photographs, exhibit 7A and 7B. He noted also that although the Plat to Accompany indicates the lots abut a cove, the lots are not waterfront but rather abut a marsh mudflat which is not tidal as shown on the aerial photographs.

Regarding pattern of development of the neighborhood, Mr. Richardson pointed out that the majority of the neighborhood is built one house on two 25 foot wide lots so that this new home will not change the pattern of development of the neighborhood. Specifically as shown in exhibit 1, neighboring homes on both sides of these properties are built on two 25 foot wide lots. The neighborhood consists of modest homes as shown in photographs 8A through 8D. The Planning Office does not oppose the request based on a similar assessment.

#### Findings of Fact and Conclusions of Law

•

Regarding the issue of zoning merger the evidence presented indicates the subject pair of lots and the adjacent pairs of lots have the same tax account numbers, the four were conveyed together in the same deed, and were improved by a basement structure. Clearly this is a classic case of zoning merger starting with the Archdiocese and continuing through the Petitioner. Consequently as indicated in the Court of Appeals case of *Remes v Montgomery County* 387 Md

52, 874 A 2d 470 (2005) once the lots merge, there are no internal lot lines form which variances

may be granted. Consequently I must deny the requests.

I pointed out at the hearing that the Petitioner can build one house on the four lots

without any variances. To erect two homes, he would need to go through the subdivision process

to divide this merged 100 foot wide lot into two 50 foot wide lots. This would require he come

back to this Commission to request variances for lot width. As indicated unless the request falls

within a recognized exception, the variances may be denied as self imposed. In addition the

Petitioner is prevented from building two homes using "z" lots because Section 303 prohibits

such under these circumstances. I realize the difficulty this places on the Petitioner. He can

build one large house on the four lots without any variances or two modest homes with

problematic variances on each pair of lots which Mr. Richardson points out would be much more

compatible with the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this petition

held, and after considering the testimony and evidence offered by the Petitioners, I find that the

Petitioner's variance request should be denied.

THEREFORE, IT IS ORDERED, this 2<sup>nd</sup> day of April, 2007, by this Deputy Zoning

Commissioner, that variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning

Regulations (B.C.Z.R.) to permit a proposed dwelling to be built on a lot 50 feet wide in lieu of

the required 55 feet is hereby DENIED.

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

4

From:

Debra Wiley

To:

Livingston, Jeffrey 04/27/07 4:01:59 PM

Date: Subject:

DEPRM Comment Needed (07-344-A) 5/3 Hearing for Bill

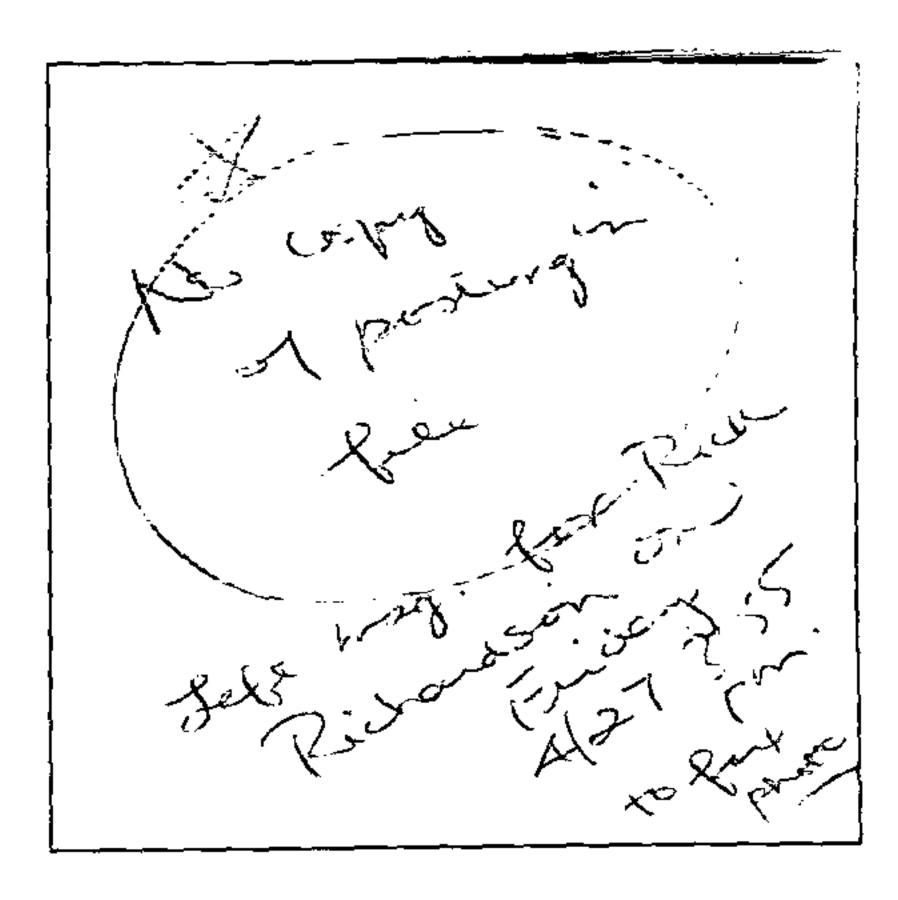
Hi Jeff,

Our file for the above-referenced item is missing a DEPRM comment (CBCA) and Bill is hearing this case next Thursday, May 3rd at 11:00 AM.

Thanks and have a great weekend!!

Diegran.

Comme





Martin O'Malley, Governor
Anthony Brown, Lt. Governor

Maryland Department of Transportation

Date: FEBRUARY 2, 2007

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

RE: Ba

Baltimore County

Item No. 7-344-A

1718A PINEWOOD DRIVE DAWSON PROPERTY

John D. Porcari, Secretary Designate -

Neil J. Pedersen, Administrator

VARIANCE

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. 7-3-44.

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,

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

February 6, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: February 5, 2007

Item No.: 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, (344) and 345

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 (0)410-887-4880 MS-1102F

cc: File

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** February 9, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-344 and 7-345-Variance

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.
- 3. Submit photographs of dwellings in the surrounding neighborhood.

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

Prepared By

Division Chief:

MAC/LL

## Richardson Engineering, LLC

30 E. Padonia Road, Suite 500 Timonium, Maryland 21093

tel. 410-560-1502 fax 443-901-1208

March 22, 2007

Attn: Mr. Timothy M. Kotroco Director of Zoning Administration and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

Subject:

1718-A Pinewood Drive Zoning Cases: 07-344-A

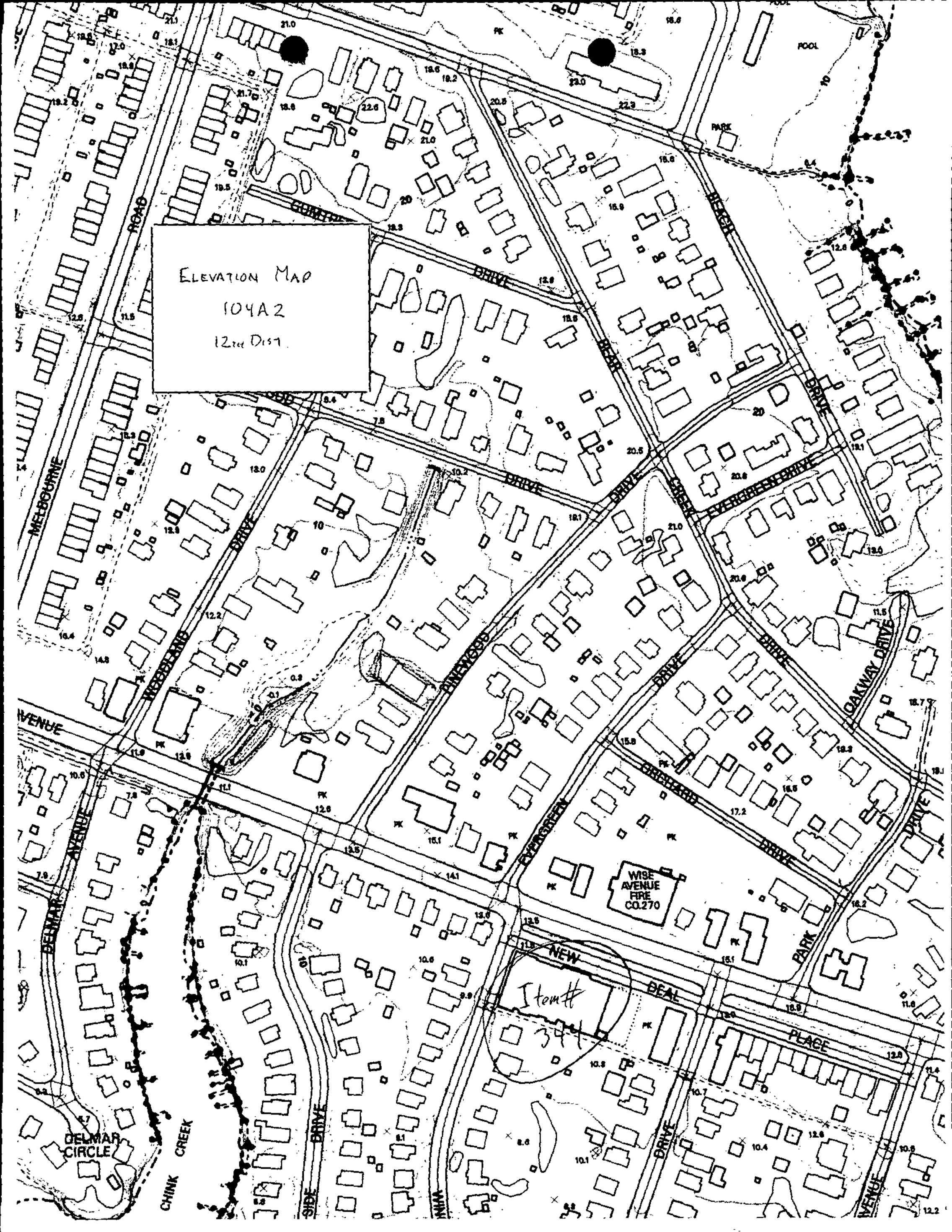
Dear Mr. Kotroco:

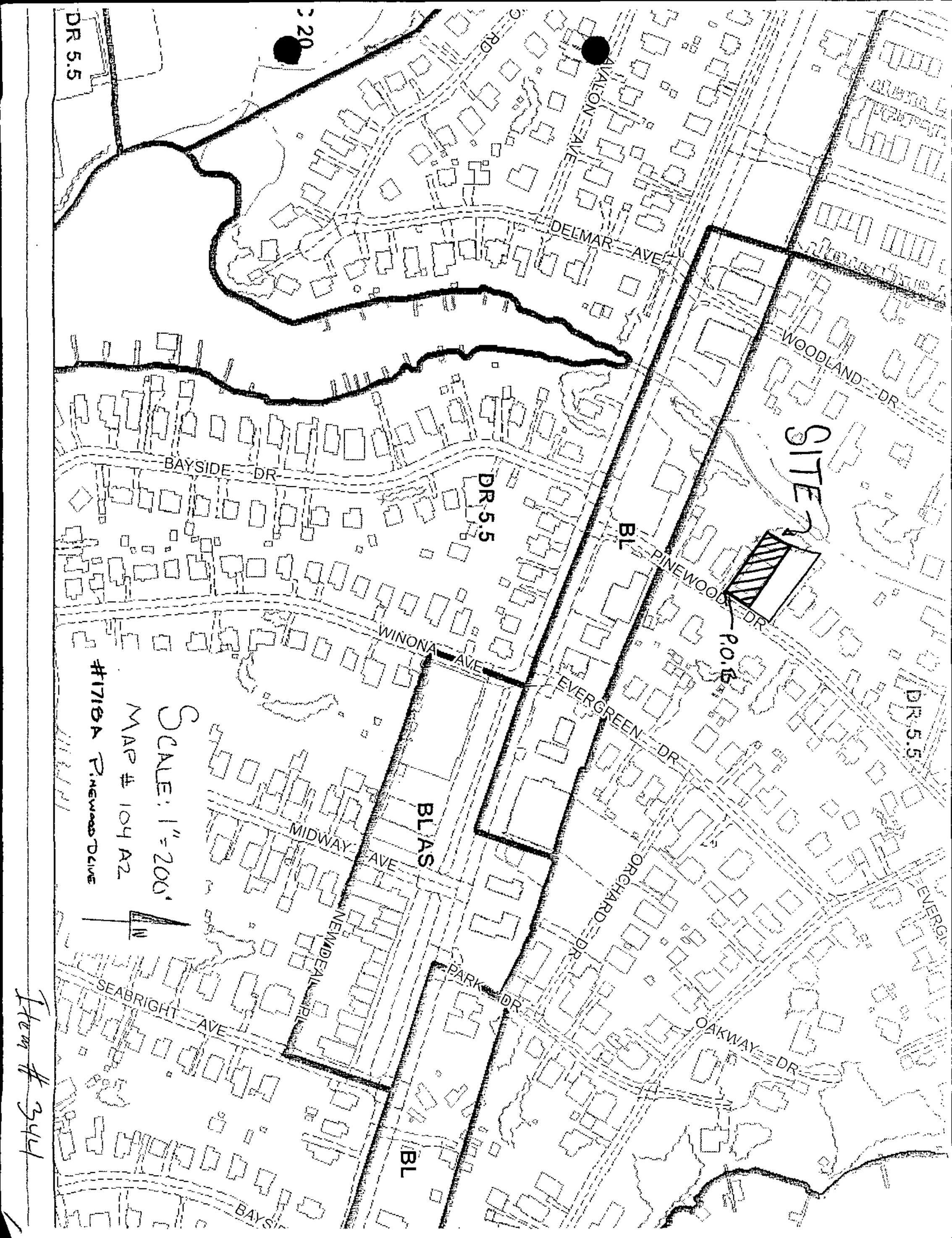
We are writing to request a postponement of the referenced zoning hearing scheduled to be heard on April 2, 2007. The sign posting was not done on the property by the required date, so proper notification was not made for the property.

Please notify us of the rescheduled hearing time and date so that we can repost the property. If you have any questions, please feel free to contact me at any time.

Very truly yours,

Patrick C. Richardson, Jr. PE





## FAX COVER SHEET

Date:	5-2-07	,
To:	Dibbie	· · · · · · · · · · · · · · · · · · ·
Fax number:	3468	· -
From:	Aoro	:
Fax number:	3048	i
Number of pages (including this cover sheet):		!
Message:	Lei de Cetter 5-2-	
	Copy of envelope 4-30	
	Wants & Canel Dariance	
		· ·
If any part of this fax tris missing or not clearly please call:	ansmission received	•
Name:	<del></del>	· ·
Phone number:	•	•

Tanno Batra 430

April 4, 2007

خ کو

Attn: Mr. Timothy M. Kotroco

Director of Zoning Administration and Development Management

111 W. Chesapeake Avenue

Towson, MD 21204

Subject:

1718-A Pinewood Drive

Zoning Cases: 07-344-A

Dear Mr. Kotroco:

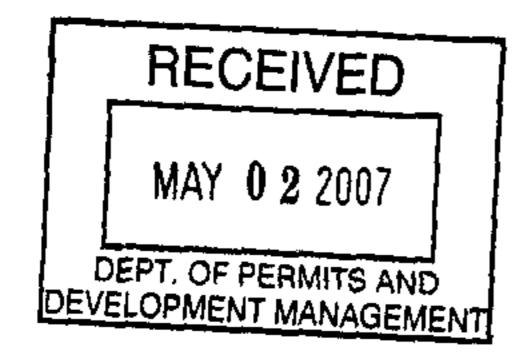
We are writing to request a cancellation of the referenced zoning hearing scheduled to be heard on May 3, 2007.

If you have any questions, please feel free to contact me at any time.

Very truly yours,

Wm Scott Dawson

Scott Dawson



Own

90/0E/W 20/09

#### TRANSMISSION VERIFICATION REPORT

TIME : 05/02/2007 14:29

NAME : ZONING FAX : 4108873048

TEL : SER.# : BROB4J281084

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

05/02 14:28 3468 00:00:36 03 OK STANDARD ECM

# FAX COVER SHEET

Date:	5-2-07
To:	Delhie
Fax number:	3468
From:	Lose
Fax number:	3048
Number of pages (including this cover sheet):	
Message:	Leike Cetter 5-2-
	Capy of envelope 4-30
•	letter detre 4/4
	70) antote Cemo ? [naimon)

