IN RE: **PETITION FOR VARIANCE**	*	BEFORE THE
SW/S Asbury, 200' SE c/l Vernon Avenue		
(7842 Belair Road)	*	ZONING COMMISSIONER
14th Election District		
6th Council District	*	OF
Melvin A. Braun and Brian M. McCloskey	*	BALTIMORE COUNTY
Petitioners		
	*	**Case No. 07-519-A**

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Melvin A. Braun and Brian M. McCloskey. The Petitioners seek variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit: i) on proposed Lot No. 1, a side yard setback of 6 feet in lieu of the 10 feet required and a lot width of 53 feet in lieu of the 55 feet required; and ii) on proposed Lot No. 2, a side yard setback of 6 feet in lieu of the 10 feet required and a lot width of 50 feet in lieu of the 55 feet required. The subject property and requested relief are more particularly described on the amended site plan submitted and marked into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were G. Dwight Little, P.E., of Little & Associates, Inc., the engineering firm that prepared the site plan, and Howard L. Alderman, Jr., Esquire, attorney for Petitioners. There were no Protestants or other interested persons in attendance.

The testimony offered indicated that the subject property is comprised of two (2) lots of record. Lot A is improved with a detached garage and presently accessed from Asbury Avenue, a public roadway, and contains 7,701 square feet or 0.117 acres in area. Lot B was improved with two (2) existing dwellings and binds on the entrance ramp from Belair Road to I-695 and

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Date 8-28-07
By

contains 11,797 square feet or 0.241 acres. Both lots are zoned B.L. and as provided for in Section 230.1 of the B.C.Z.R., all uses permitted in the adjoining D.R.5.5 residential zone are allowed in the B.L. zone. The Baltimore County Development Review Committee (DRC) has recently approved a reconfiguration of the lot lines to permit one lot to contain one of the existing houses and the other lot to contain the other existing house and garage. As reconfigured, both lots will have frontage on Asbury Avenue, with Lot No. 1 containing 10,888 square feet or 0.25 acres and Lot No. 2 containing 8,610 square feet or 0.1976 acres. The evidence offered was that the approved reconfiguration of these lots resulted in the most logical and compatible lot configuration possible. Neither of these two lots can be further improved with additional dwellings.

The "small lot table" set out in Section 1B02.3.C.1 of the B.C.Z.R. applies to the subject property and requires that each of these lots be a minimum of 6,000 square feet in size. Clearly, both lots exceed that minimum required size. The legal owners purchased the subject property in its current state, had no role in the construction of the existing dwellings and own no adjoining land. Both lots are to be served by public water and sewerage systems. The redlined plan introduced at the hearing illustrates all existing improvements, the reconfigured lot lines as approved by the DRC, and includes all information required by the zoning petition submission checklist depicting the subject property accurately.

The Petitioners introduced a photocopy of a portion of Exhibit 1 which depicts the lot lines that existed when the Petitioners purchased the subject property (Lot A and Lot B described above). Lot B clearly contains both existing dwellings. This drawing was accepted as Petitioners' Exhibit 2. The DRC approved lot line reconfiguration is shown in bold outline on Petitioners' Exhibit 3 (also another redacted portion of Petitioners' Exhibit 1) with the present lot

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By

lines depicted. As shown on Petitioners ' Exhibits 1 and 3, the existing dwelling on Lot No. 1 now has a house number of 7842 and the existing dwelling on Lot No. 2 has a house number of 7842 ½ .

The testimony offered was that the property is unique with two dwellings on a single lot with no direct access to a public roadway. Neither Messrs. Little nor Alderman, both familiar with this area of the County, was aware of similarly improved properties with such existing constraints.

I am persuaded, based on the evidence and testimony presented, that the variance relief from the applicable zoning regulations should be granted. To deny the requested relief would result in both dwellings being located on a single lot and the remaining lot would contain an existing, accessory structure with no principal structure. This result would unduly burden the Petitioners.

The evidence and proffered testimony was substantial in showing the existing conditions and existing improvements documented the subject property unique to other similarly zoned property in the community. The relief requested is the minimum relief necessary to permit each existing dwelling to be located on its own lot such that it can be separately financed and/or conveyed. No additional residential density results from the requested relief and the relief brings the subject property into compliance with development already existing in the community – each house on its own lot. The spirit and intent of the B.C.Z.R. will be observed by granting of the final relief necessary for recordation of the reconfigured lot lines yielding compatible, existing development.

Pursuant to the advertisement, posting of the property, and public hearing held on this Petition, and for the reasons set forth herein, the relief requested shall be granted.

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Date 8-28-07
By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 28th day of August, 2007, that the Petition for Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit: i) on proposed Lot No. 1, a side yard setback of 6 feet in lieu of the 10 feet required and a lot width of 53 feet in lieu of the 55 feet required; and ii) on proposed Lot No. 2, to permit side yard setback of 6 feet in lieu of the 10 feet required and a lot width of 50 feet in lieu of the 55 feet required, in accordance with Petitioners' Exhibit 1, be and is hereby are GRANTED, subject to the following restriction:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the 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.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 8-28-07
By DEC

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 28, 2007

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
502 Washington Avenue, Suite 800
Towson, Maryland 21204

RE: **PETITION FOR VARIANCE**
SW/S Asbury, 200' SE c/l Vernon Avenue
(7842 Belair Road)
14th Election District - 6th Council District
Melvin A. Braun and Brian M. McCloskey - Petitioners
Case No. 07-519-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: G. Dwight Little, P.E., Little & Associates, Inc., 1055 Taylor Avenue, Suite 307, Towson, Md. 21286
People's Counsel; File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7842 BELAIR ROAD

which is presently zoned BL

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) 302 BCZR, 232.2.A BCZR

A VARIANCE FROM SECTION 1B02.3.C.1 BCZR, IN A D.R. 5.5 ZONE, TO PERMIT THE EXISTING SINGLE FAMILY DWELLINGS TO HAVE SIDE YARD SETBACKS OF 6' AND A LOT WIDTH OF 54' ONL LOT 1 AND 50' ON LOT 2, IN LIEU OF THE REQUIRED 10' AND 55' RESPECTIVELY.

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 HEARING

53'

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):

MELVIN A. BRAUN
Name - Type or Print

Mel Braun
Signature

BRIAN M MCCLOSKEY
Name - Type or Print

Signature

10 MADELINE AVENUE — (410) 661-4110
Address — Telephone No.

BALTIMORE — MARYLAND — 21206-1105
City — 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. 07-519-A

Reviewed By LTM Date 5/11/07

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 8-28-07
By

Y:\BELAIR ROAD 7842 #0429\dwg\ZONING PETITION\ZONING PETITION FORMS.dwg 4/16/2007 9:58:14 AM HP Color LaserJet 3600 pr3 Letter 1:1

DESCRIPTION TO ACCOMPNAY
PETITION FOR ZONING VARIANCE
NORTHWEST OF BELAIR ROAD
SOUTHWEST SIDE OF ASBURY LANE
FOURTEENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point distant South 47 degrees 37 minutes 00 seconds West 200.00 feet from the intersection of the southeast side of Vernon Avenue (20 feet wide) and the southwest side of Asbury Lane (28 feet wide), thence binding on the southwest side of said Asbury Lane (1) South 47 degrees 37 minutes 00 seconds East 50.00 feet, thence leaving said Lane and running for the six following courses and distances, viz: (2) South 42 degrees 23 minutes 00 seconds West 47.20 feet, thence (3) South 47 degrees 37 minutes 00 seconds East 140.66 feet, thence (4) South 69 degrees 27 minutes 09 seconds West 85.20 feet, thence (5) South 80 degrees 17 minutes 56 seconds West 34.43 feet, thence (6) North 49 degrees 40 minutes 25 seconds West 130.82 feet, and thence (7) North 42 degrees 23 minutes 00 seconds East 154.92 feet to the point of beginning; containing 0.448 acres of land, more or less. Also known as 7842 + 7842½ Belair Road.

STATE OF MARYLAND
PATTIANNE SMITH
No. 21267
PROFESSIONAL LAND SURVEYOR

#519

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: 07-519-A

Petitioner: MELVIN A. BRAUN, BRIAN M. MCCLOSKEY

Address or Location: 7842 BELAIR ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRIAN MCCLOSKEY, MCCLOSKEY GROUP

Address: 7306 BELAIR ROAD

BALTIMORE MARYLAND 21206-1130

Telephone Number: (410) 661-4110

Revised 2/20/98 - SCJ

Y:\BELAIR ROAD 7842 #

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: #07-519-A
7842 Belair Road
S/west side of Asbury Road, 200 feet s/east of centerline of Vernon Avenue
14th Election District - 6th Councilmanic District
Legal Owner(s): Melvin A. Braun & Brian M. McCloskey

Variance: to permit the existing single family dwelling to have a side yard setback of 6 feet and a lot width of 54 feet on Lot 1 and 50 feet on Lot 2, in lieu of the required 10 feet and 55 feet, respectively.

Hearing: Monday, August 13, 2007 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.

7/332 July 26 143021

CERTIFICATE OF PUBLICATION

7/26/, 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 7/26/, 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. 27995

DATE 5/11/07 ACCOUNT R001 006 6150

AMOUNT $ 130.00

RECEIVED FROM: CHARGE – KUHN ROWAN

FOR: 07-519-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
5/14/2007	5/11/2007	11:13:15	4

REG 0516 WALKIN CHCK KPK
>RECEIPT # 527771 5/11/2007 OPLH
Dept 1 528 ZONING VERIFICATION
CI NO. 027995
Recpt Tot $130.00
$130.00 CI
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-519-A

Petitioner/Developer: BRAUN & McCROSKEY

Date of Hearing/Closing: AUG. 13, 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

#7842 BELAIR ROAD

The sign(s) were posted on JULY 27, 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 # 07-519-A

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

PLACE: ROOM 407, COUNTY COURTS BUILDING 401 BOSLEY AVENUE TOWSON, MD. 21204

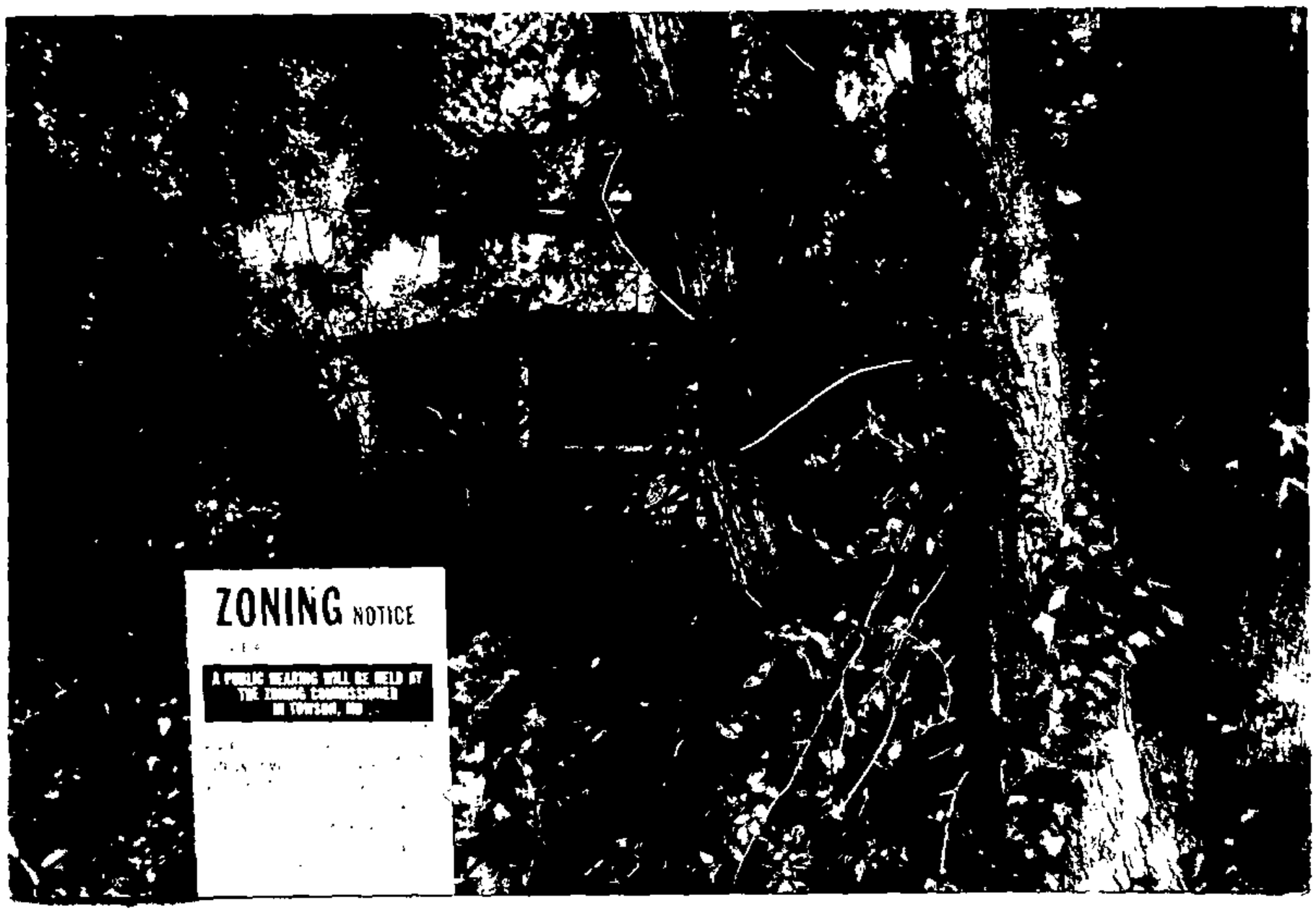
DATE AND TIME: MONDAY, AUGUST 13, 2007 AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT THE EXTING SINGLE FAMILY DWELLING TO HAVE SIDE YARD SETBACK OF 6 FEET AND A LOT WIDTH OF 54 FEET ON LOT 1 AND 50 FEET OF LOT 2, IN LIEU OF THE REQUIRED 10 FEET AND 55 FEET RESPECTIVELY.

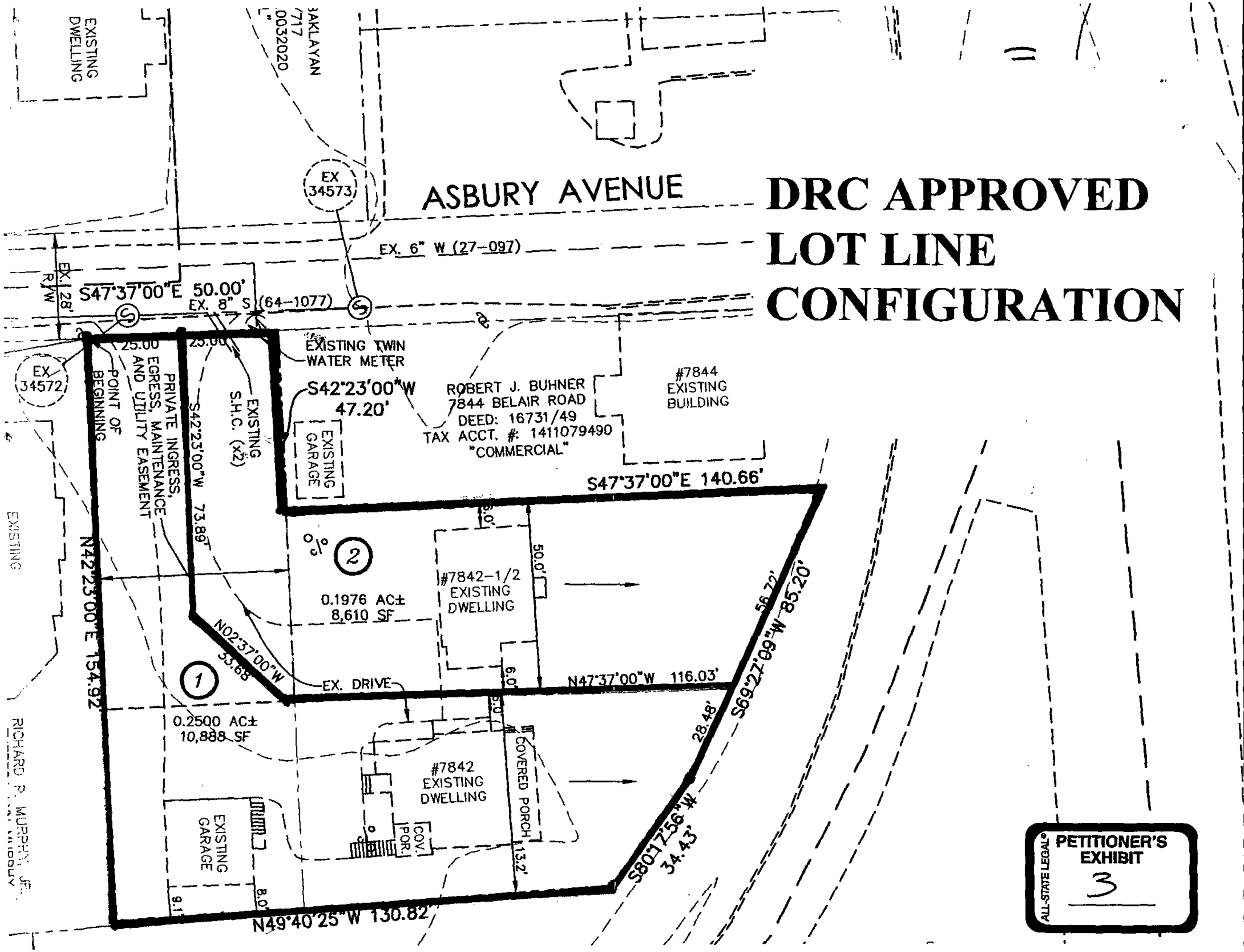
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE


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

DRC APPROVED LOT LINE CONFIGURATION



BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

June 22, 2007

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

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: 07-519-A
7842 Belair Road
S/west side of Asbury Road, 200 feet s/east of centerline of Vernon Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Melvin A. Braun & Brian M. McCloskey

Variance to permit the existing single family dwelling to have side yard setback of 6 feet and a lot width of 54 feet on Lot 1 and 50 feet on Lot 2, in lieu of the required 10 feet and 55 feet, respectively.

Hearing: Monday, August 13, 2007, at 10:00 a.m. in Room 407, County Courts Building
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, 502 Washington Avenue, 8th Fl., Towson 21204
Melvin Braun & Brian McCloskey, 10 Madeline Avenue, Baltimore 21206-1105
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 SATURDAY, JULY 28, 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, July 26, 2007 Issue - Jeffersonian

Please forward billing to:
Brian McCloskey
McCloskey Group
7306 Belair Road
Baltimore, MD 21206-1130

410-661-4110

CORRECTED 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: 07-519-A
7842 Belair Road
S/west side of Asbury Road, 200 feet s/east of centerline of Vernon Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Melvin A. Braun & Brian M. McCloskey

Variance to permit the existing single family dwelling to have side yard setback of 6 feet and a lot width of 54 feet on Lot 1 and 50 feet on Lot 2, in lieu of the required 10 feet and 55 feet, respectively.

Hearing: Monday, August 13, 2007, at 10:00 a.m. in Room 407, County Courts Building
401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 13, 2007

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development 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: 07-519-A
7842 Belair Road
S/west side of Asbury Road, 200 feet s/east of centerline of Vernon Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Melvin A. Braun & Brian M. McCloskey

Variance to permit the existing single family dwelling to have side yard setback of 6 feet and a lot width of 54 feet on Lot 1 and 50 feet on Lot 2, in lieu of the required 10 feet and 55 feet, respectively.

Hearing: Wednesday, July 25, 2007, at 10:00 a.m. in Room 407, County Courts Building
401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Melvin Braun & Brian McCloskey, 10 Madeline Avenue, Baltimore 21206-1105
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 ~~MONDAY, JULY 16, 2007.~~** Tues. July 10 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, July 17, 2007 Issue - Jeffersonian

Please forward billing to:
Brian McCloskey
McCloskey Group
7306 Belair Road
Baltimore, MD 21206-1130

410-661-4110

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: 07-519-A
7842 Belair Road
S/west side of Asbury Road, 200 feet s/east of centerline of Vernon Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Melvin A. Braun & Brian M. McCloskey

Variance to permit the existing single family dwelling to have side yard setback of 6 feet and a lot width of 54 feet on Lot 1 and 50 feet on Lot 2, in lieu of the required 10 feet and 55 feet, respectively.

Hearing: Wednesday, July 25, 2007, at 10:00 a.m. in Room 407, County Courts Building
401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Case No.: 07-519-A 7842 BELAIR RD

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Redlined Site Plan	
No. 2	PRIOR to DRC 2 Lots on Lot B	
No. 3	DRC-approved Lots	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 9, 2007

Howard L. Alderman, Jr., Esquire
Law Offices Levin & Gann
Nottingham Centre
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 07-519-A, 7842 Belair Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 11, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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
Melvin Braun & Brian McCloskey 10 Madeline Avenue Baltimore 21206-1105
Kevin Rowan Little & Associates, Inc. 1055 Taylor Avenue, Suite 307 Towson 21286

7842 Belair Rd
E Braun/McCloskey]

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-519-A
DATE 13 August 07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Howard L. Alderman, Jr., Esquire	Levin & Gann, PA Suite 800	TOWSON, MD 21204	halderman@LevinGann.com
[redacted]	502 Washington Avenue	[redacted]	
G Dwight Little PE	Little & Assoc	Towson MD	
	1055 Taylor Ave Suite 307	21286	

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

June 19, 2007

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME	TELEFAX NO.
Timothy M. Kotroco, Director	410-887-5708
William J. Wiseman, III, Zoning Commissioner	410-887-3468
c: Melvin A. Braun (c/o Brian McCloskey) &	410-661-3204
Mr. Brian McCloskey	"
G. Dwight Little, Jr., PE	410-296-1639
Ms. Kristen Matthews	410-887-5708

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 2

CLIENT/MATTER: Case No. **07-519-A**
CORRECTED REQUEST
Scheduled Hearing: July 25, 2007 @ 10:00 p.m.

COMMENTS: **Gentlemen: Dwight Little is not available on the scheduled date. I request to reschedule follows. Thank you.**

[x] ORIGINAL WILL BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible.
My return FAX Number is (410) 296-2801.

WARNING: UNAUTHORIZED INTERCEPTION OF THIS TELEFAX COMMUNICATION COULD BE A VIOLATION OF FEDERAL AND MARYLAND LAW.

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for expenses. Thank You.

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

June 19, 2007

CORRECTED
VIA TELEFAX & REGULAR MAIL

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

William J. Wiseman, III, Esquire
Baltimore County Zoning Commissioner
410 Bosley Avenue, Suite 405
Towson, Maryland 21204
[*via telefax only*]

RE: 7842 Belair Road
Legal Owners: Melvin Braun & Brian McCloskey
Case No. **07-519-A**
Scheduled Hearing: July 25, 2007 @ 10:00 p.m.
Entry of Appearance
Request for Postponement and Immediate Rescheduling

Dear Messrs. Wiseman and Kotroco:

Please enter my appearance on behalf of the co-Petitioners/Owners in the above-referenced case. Upon receipt of the Notice of Zoning Hearing by our clients' engineer/expert, G. Dwight Little, Jr., P.E., he advised that he is unavailable on July 25, 2007. Therefore, I respectfully request that the hearing on the above-referenced case be **postponed** and that it be **rescheduled as soon as possible. If Kristen will contact me before rescheduling the hearing I will ensure that the date is clear with all concerned.**

Thank you and please contact me if there is any problem with this request.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
c: Messrs. Braun and McCloskey (**via telefax only**)
G. Dwight Little, Jr., PE (**via telefax only**)
Ms. Kristen Matthews (**via telefax only**)

RE:	PETITION FOR VARIANCE 7842 Belair Road; SW/S Asbury, 200' SE c/line Vernon Avenue 14th Election & 6th Councilmanic Districts Legal Owner(s); Melvin Braun & Brian McCloskey Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-519-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
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 22nd day of May, 2007, a copy of the foregoing Entry of Appearance was mailed Kevin Rowan, Little & Associates, Inc, 1055 Taylor Avenue, Suite 307, Towson, MD 21286 , Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
MAY 23 2007

BW 8/13
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 26, 2007

RECEIVED
JUL 30 2007
BY:

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-519- Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By: Cindy Murray

Division Chief: Lyn Lanham

CM/LL

W:\DEVREV\ZAC\7-519.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

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Prepared By: _____

Division Chief: _____

CM/LL

W:\DEVREV\ZAC\7-519.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 24, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For May 28, 2007
Item Nos. 07-500, 512, 513,514, 515,
516, 517, 519, 520, 522, 523, 524, 525

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-05242007.doc

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

State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: MAY 22, 2007

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

RE: Baltimore County
Item No. 7-519-A
7842 BELAIR RD
BRAUN/McCLOSKEY
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. 7-519-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

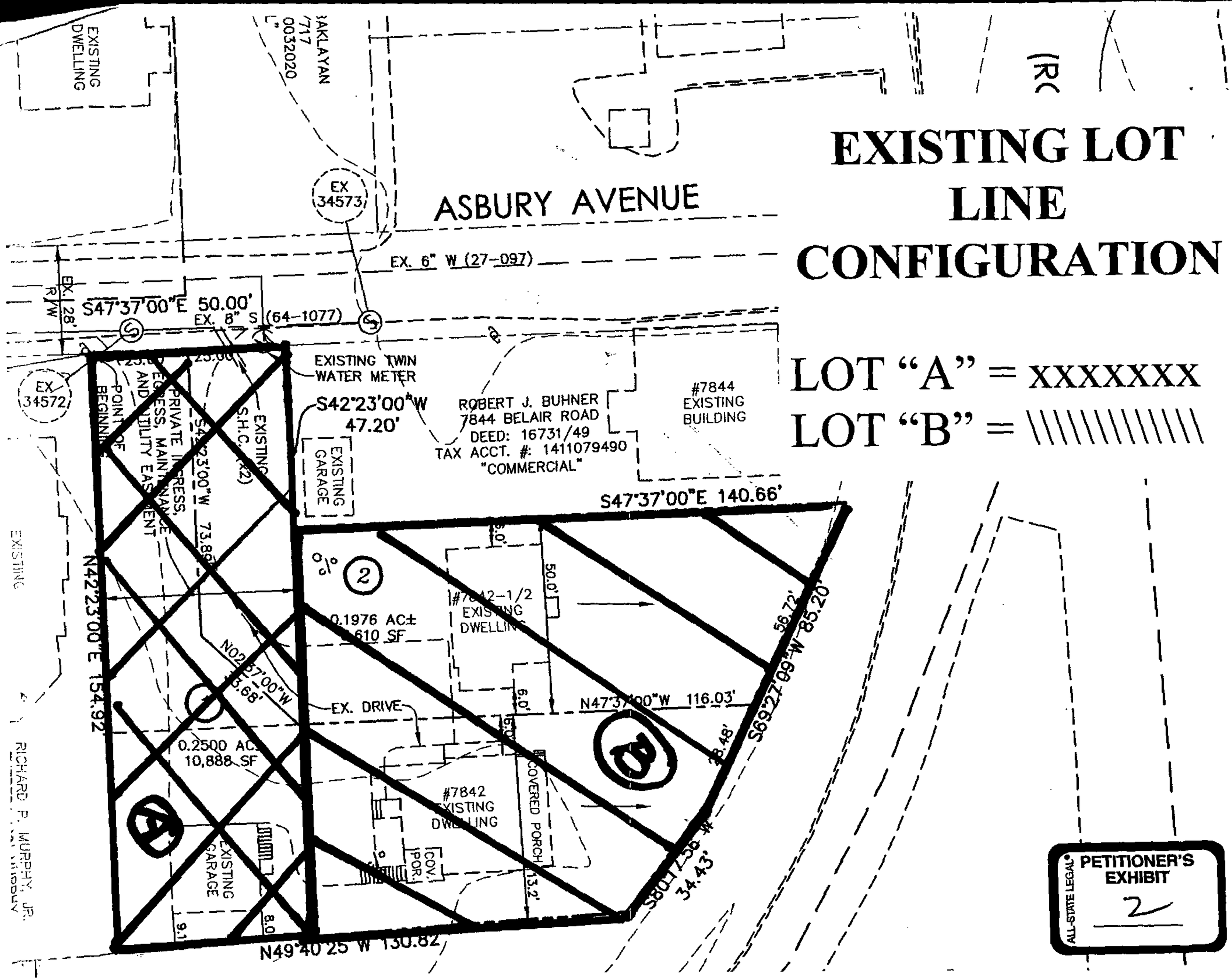
For: Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

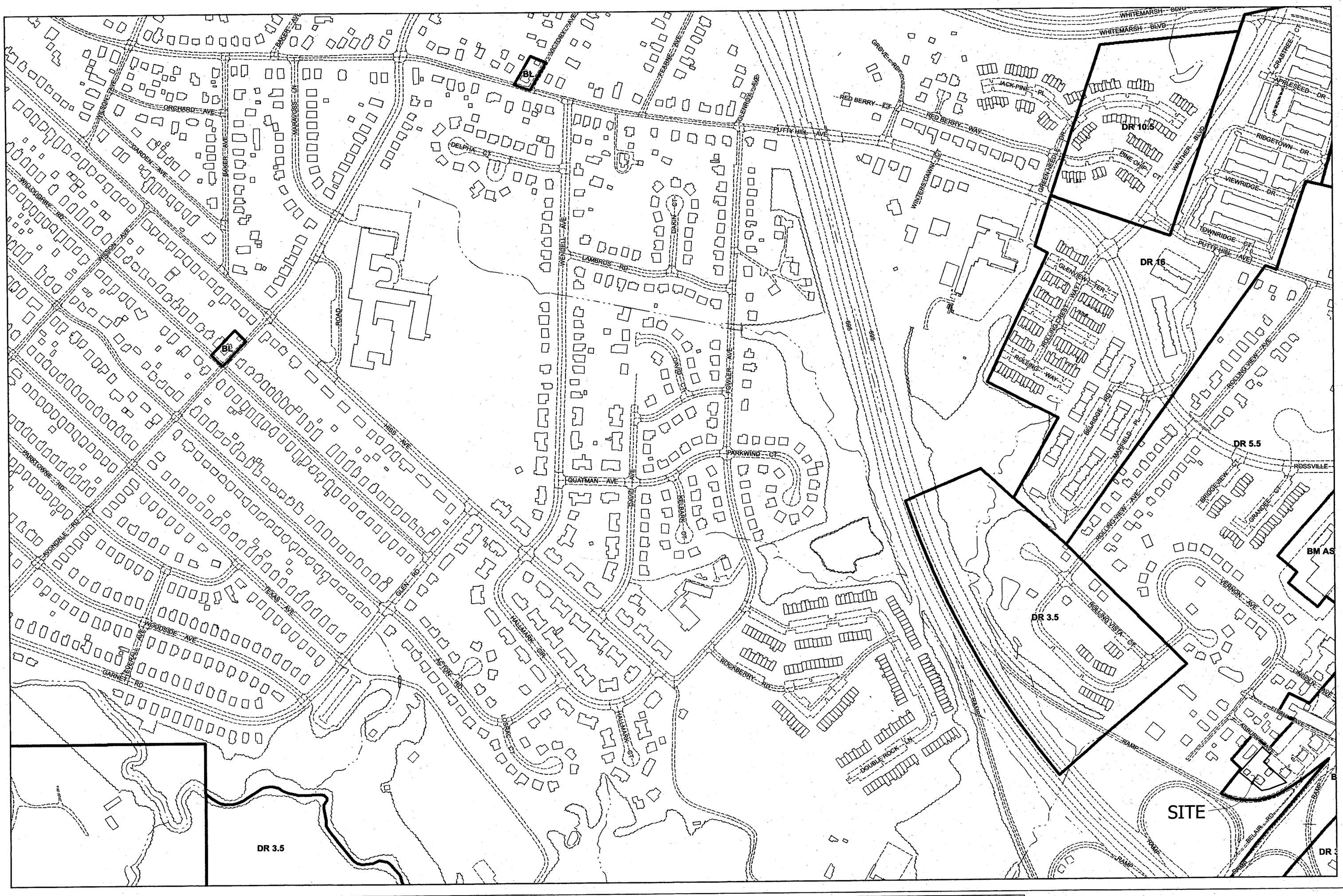
EXISTING LOT LINE CONFIGURATION

LOT "A" = XXXXXXX

LOT "B" = \\\\\\\\\\\\



ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
2



Plan Sheet: *081B1*

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

070C3	071A3	071B3	071C3	072A3
080C1	081A1	081B1	081C1	082A1
		081B2	081C2	082A2

Scale

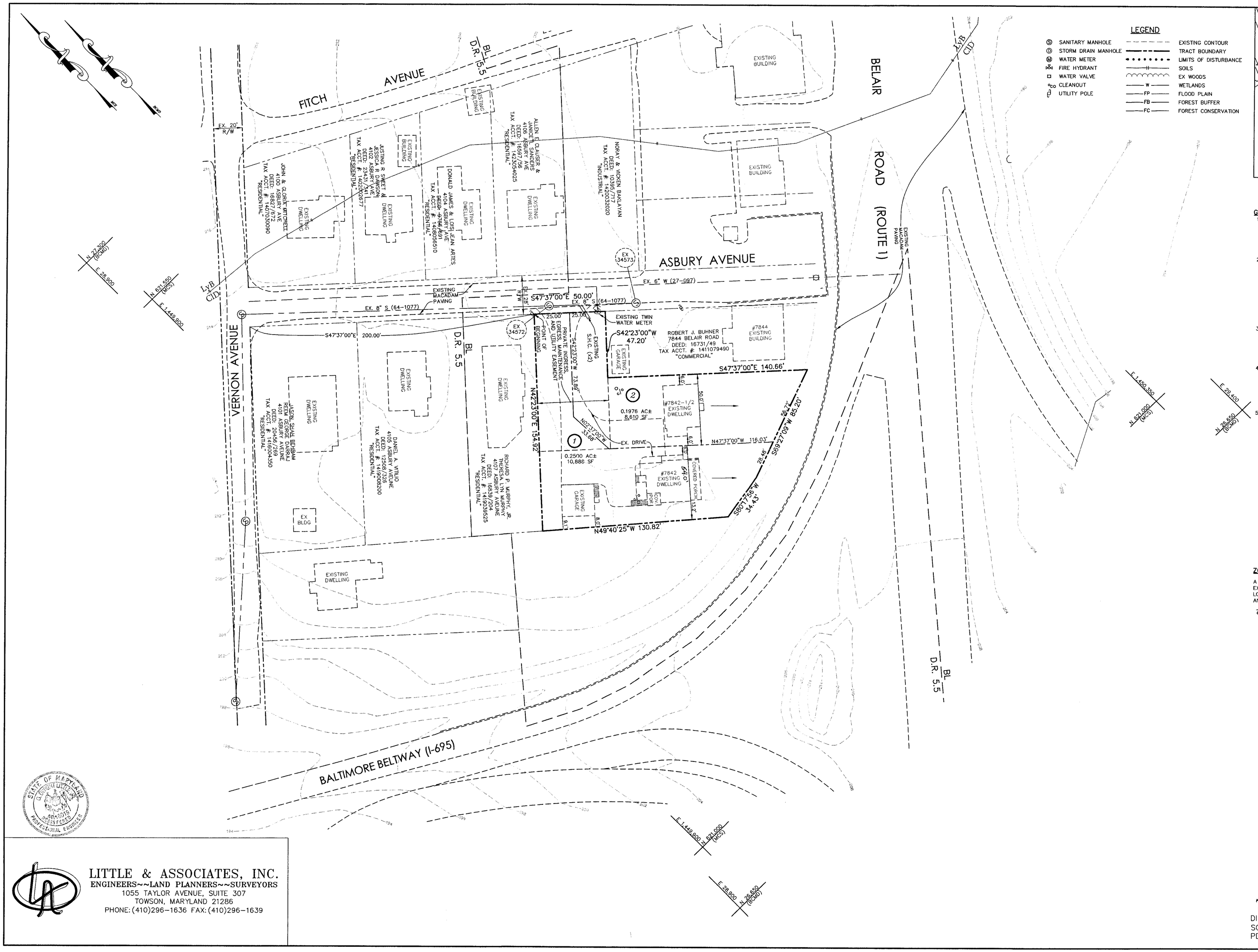
1" = 200'

0 100 200 400 Feet

1

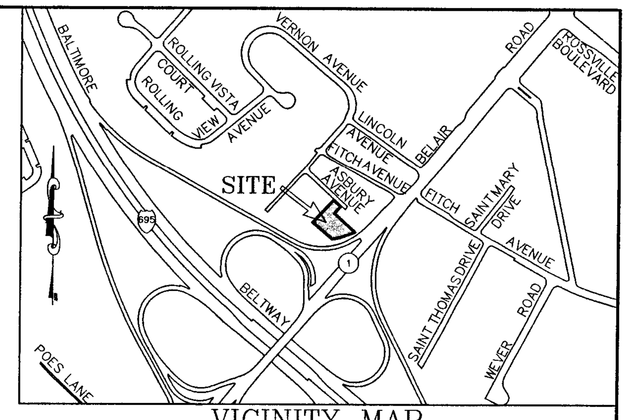
Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

Y:\BELAIR ROAD 7842 #04020\dwg\EXHIBIT\ZONING.dwg, 4/13/2007 4:19:15 PM, Designjet 500+HPGL2 (C7769).pc3, Use=100%, 1:200



LEGEND

SANITARY MANHOLE	EXISTING CONTOUR
STORM DRAIN MANHOLE	TRACT BOUNDARY
WATER METER	LIMITS OF DISTURBANCE
FIRE HYDRANT	SOILS
WATER VALVE	EX WOODS
CLEANOUT	WETLANDS
UTILITY POLE	FLOOD PLAIN
	FOREST BUFFER
	FOREST CONSERVATION



VICINITY MAP

SCALE: 1"=500'

GENERAL NOTES

1. APPLICANT:
   MELVIN A BRAUN
   BRIAN M MCCLOSKEY
   10 MADELINE AVE
   BALTIMORE, MARYLAND 21206
   DEED REF: 21712/332

2. SITE LOCATION
   ELECTION DISTRICT NO. 14
   COUNCILMANIC DISTRICT NO. 6
   BACK RIVER WATERSHED
   SUBSEWERSHED NO. 3
   CENSUS TRACT 4403
   REGIONAL PLANNING DISTRICT 316
   DEED REFERENCES: 21712/332
   TAX ACCOUNT NO.(S): 1411035500 & 1411035901
   TAX MAP 81 GRID 10 PARCEL 13
   PLAT: 7/8

3. PROPERTY INFORMATION:
   OWNERSHIP: MELVIN A BRAUN
   BRIAN M MCCLOSKEY
   10 MADELINE AVE
   BALTIMORE, MARYLAND 21206
   AREA: 0.448 AC.± OR 19,499 S.F.

4. REFERENCES FOR EXISTING FEATURES SHOWN ON PLAN:
   A. TOPOGRAPHY SHOWN HEREON IS BASED ON BALTIMORE COUNTY 200 SCALE GIS TILES 81b1 & 81c1
   B. PROPERTY OUTLINE IS TAKEN FROM BOUNDARY SURVEY PREPARED BY LITTLE AND ASSOCIATES, INC.
   C. EXISTING ZONING IS BL, 200 SCALE MAP 81b1
   D. SOIL LINES AND TYPES SHOWN ARE TAKEN FROM BALTIMORE COUNTY USDA SOILS MAP NO. 40

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   D. THERE ARE NO KNOWN WETLANDS ONSITE.
   E. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
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ZONING VARIANCE REQUEST

A VARIANCE FROM SECTION 1B02.3.C.1 BCZR, IN A D.R. 5.5 ZONE, TO PERMIT THE EXISTING SINGLE FAMILY DWELLINGS TO HAVE SIDE YARD SETBACKS OF 6' AND A LOT WIDTH OF 54' ON LOT 1 AND 50' ON LOT 2, IN LIEU OF THE REQUIRED 10' AND 55' RESPECTIVELY.

232.2, 302 BCZR

STATE OF MARYLAND
SLADON W. LITTLE, JR.
No. 4675
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
7842 & 7842½ BELAIR ROAD

DISTRICT 14c6 — BALTIMORE COUNTY, MD
SCALE: 1"=30' — MAY 4, 2007
PDM FILE: 14-457

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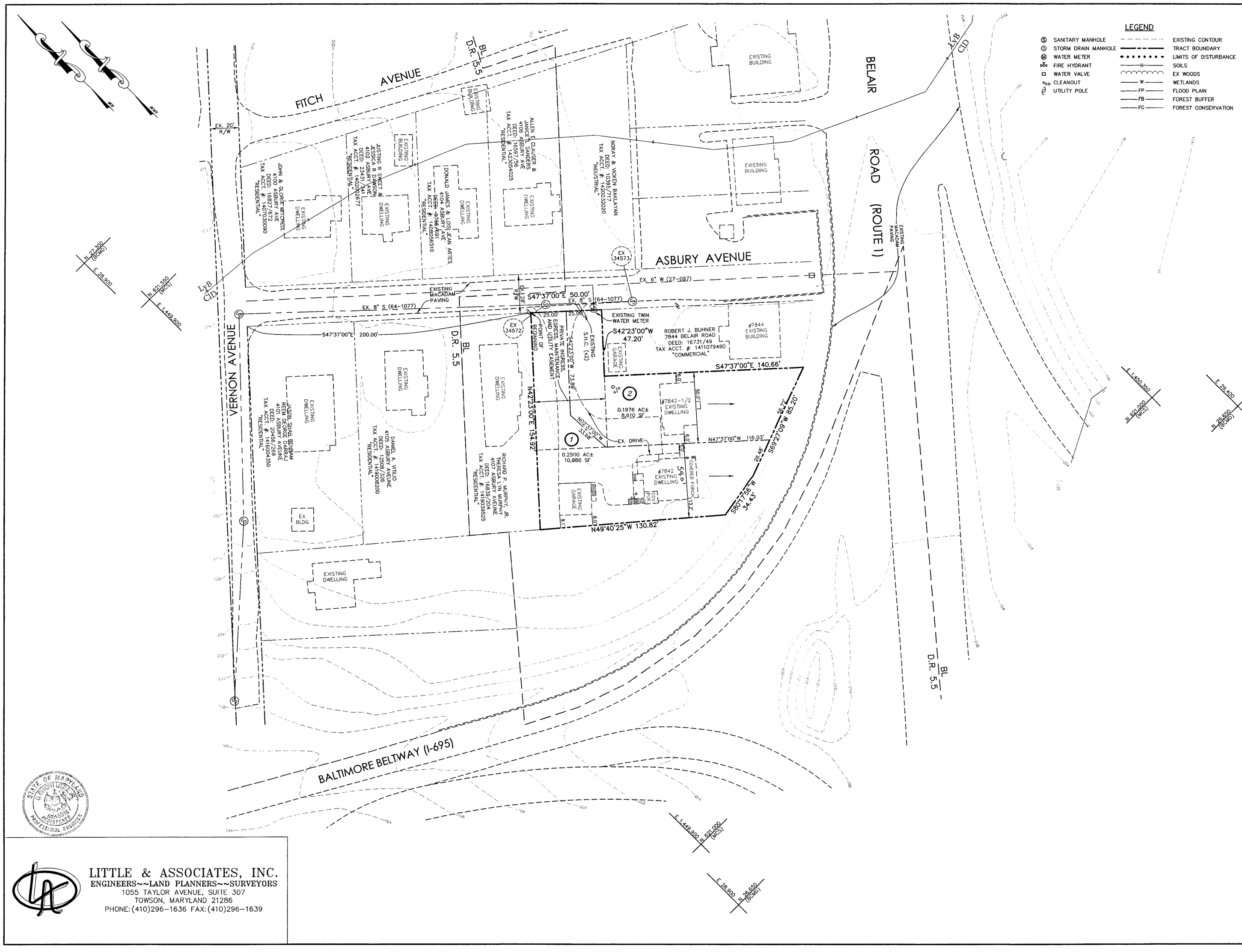

LEGEND

- SANITARY MANHOLE
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- FIRE HYDRANT
- WATER VALVE
- CLEANOUT
- UTILITY POLE
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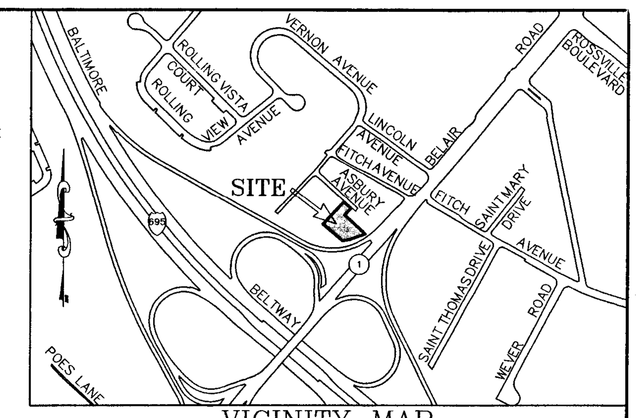

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2B02.2, 3B02 BCZR

STATE OF MARYLAND
CLINTON LITTLE
No. 4666
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

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SCALE: 1"=30'
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BALTIMORE COUNTY, MD
MAY 4, 2007

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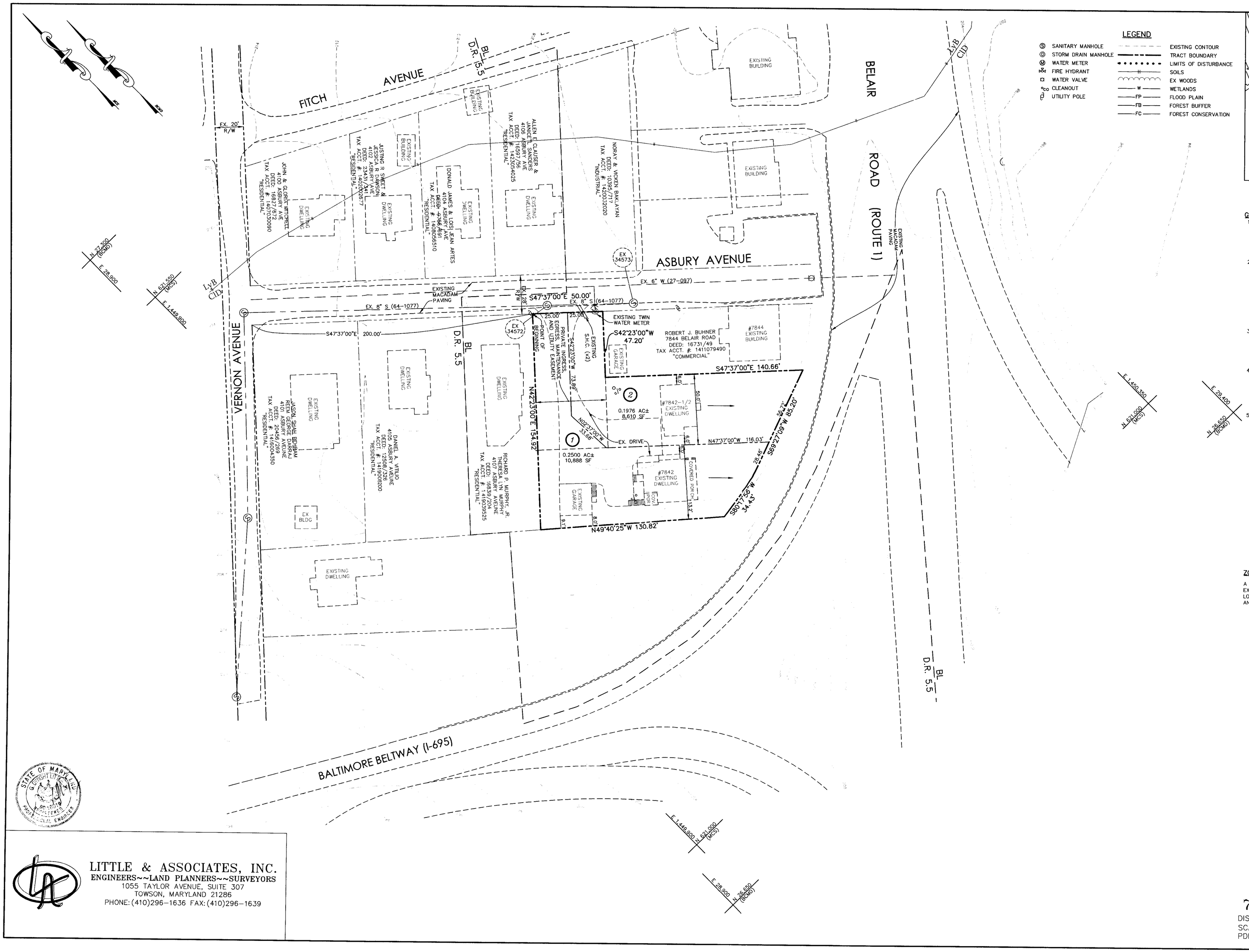

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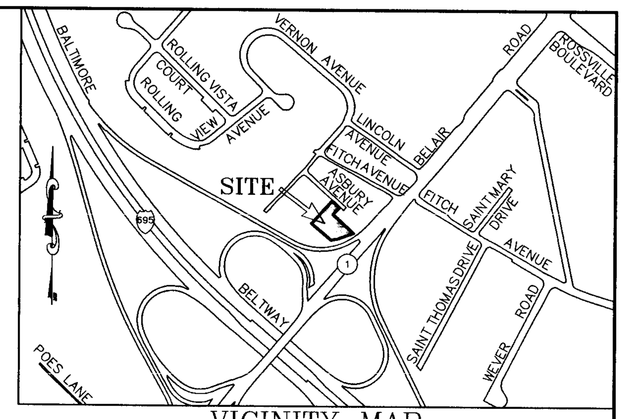

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STATE OF MARYLAND
G. DUGAN TIPPETT
No. 19414
REGISTERED PROFESSIONAL ENGINEER

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
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DISTRICT 14c6
SCALE: 1"=30'
PDM FILE: 14-457

BALTIMORE COUNTY, MD
MAY 4, 2007

PETITIONER'S EXHIBIT
1

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

May 24,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 21, 2007

5 519
Item Number: 512 through 529 and 522 and 523

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.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Printed on Recycled Paper