COUNTY BOARD OF APPEALS BALTIMORE COUNTY CASE NO. 08-069-A BEFORE THE QF. OWNERS/PETITIONERS, KEITH RANDLETT -CONTRACT PURCHASER FOR VARIANCE ON PROPERTY LOCATED ON THE E/S OF ROSEWICK AVENUE 180' N OF C/L OF -LEG (LOT 5, 1302 ROSEWICK AVENUE) 14TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT HARRY AND DOROTHY ROSE PHILADELPHIA ROAD THE APPLICATION OF IN THE MATTER OF

ORDER OF DISMISSAL

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People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Zoning Commissioner dated November 19, 2007, in which the requested zoning relief was granted This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, with restrictions.

by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's WHEREAS, the Board is in receipt of a letter of dismissal of appeal filed on December 11, 2007 Counsel, on behalf of the Office of People's Counsel, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of December 11, 2007,

2008 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 08-069-A be and the same is day of ~ S IT IS THEREFORE ORDERED this hereby DISMISSED

COUNTY BOARD OF APPEAL OF BALTIMORE COUNTY

Grie

Wendel/H.

Lawrence M. Stahl

Sobert W. Witt

IN RE: PETITION FOR VARIANCE

E side of Rosewick Avenue, 180 feet N of the c/l of Philadelphia Road 14th Election District
7th Councilmanic District

(Lot #5, 1302 Rosewick Avenue)

Harry and Dorothy Rose

Petitioners

Keith Randlett

Contract Purchaser

BEFORE THE

* DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

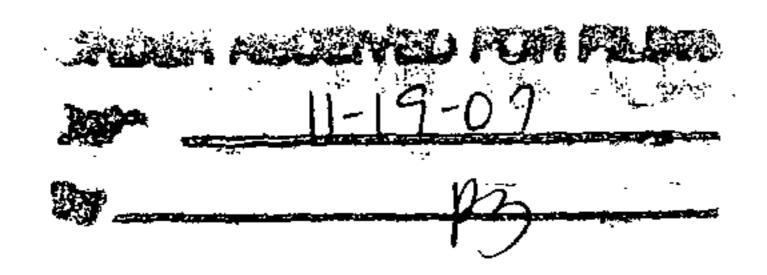
Case No. 08-069-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Harry and Dorothy Rose and Sandra Rose as attorney-in-fact, and Keith Randlett, the contract purchaser. Petitioners are requesting variance relief pursuant to Section 304.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an undersized lot with a front width of 50 feet and area of 4,637 square feet, more or less, in lieu of the 55 foot width and 6,000 square foot area requirement in Section 1B02.3.C.1 of the B.C.Z.R. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Keith Randlett, the contract purchaser, and Charles Merritt with Merritt Development Consultants, Inc., the consultant who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

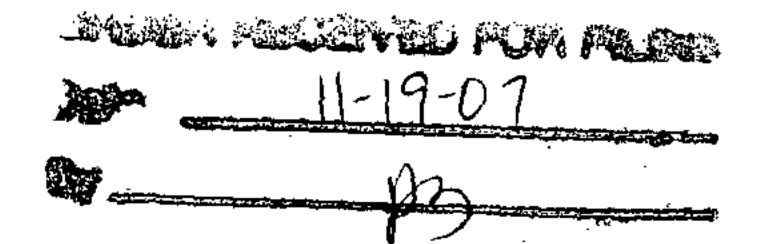
Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel, though it slants diagonally at the rear of the property, and contains approximately 4,637 square feet or 0.11 acre, more or less, and zoned D.R.5.5. The property is unimproved and



situated northwest of Philadelphia Road between Rosewick Avenue and Gransay Road in the Rosedale area of Baltimore County. The property has access to public water and sewer service. Petitioner seeks a variance to approve the undersized lot in order to construct a two-story dwelling. As shown on the Plat which was marked and accepted into evidence as Petitioner's Exhibit 2, the subject lot was designated as Lot 5 and created and recorded as part of the "Rosedale Gardens" subdivision on January 26, 1926. Presently, the lot is the last lot on Rosewick Avenue that remains unimproved.

In support of the variance request, Mr. Merritt, the site plan and development consultant with extensive experience in County zoning and development matters, indicated that the current zoning allows for the construction of a single-family home on the property. However, without variance relief, the property is rendered useless and unable to be used for a permitted purpose. Mr. Merritt also described the property and indicated that the lot has a number of constraints and characteristics that make it unique compared with others in the area. First, the property is unique in size as compared to other lots. It is not as deep as other lots because at the rear of the property, Gransay Road begins to taper dramatically inward toward its intersection with Philadelphia Road. It is also adjacent to a much larger corner lot that is turned lengthwise toward Philadelphia Road. In addition, the topography of the area changes upward significantly heading north on Rosewick Avenue from Philadelphia Road, and is most pronounced on the subject property, where the elevation changes approximately eight feet from the front to the rear of the property.

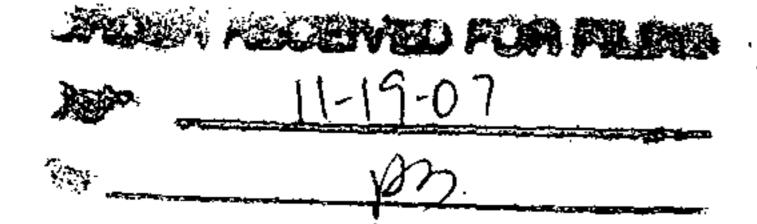
Mr. Merritt also indicated that adjacent property owners are supportive of Petitioner's efforts to build a home on the vacant lot. He submitted an Affidavit signed by the immediate adjacent neighbors and a copy of the site plan and the front elevation that were shown to them,



which were marked and accepted into evidence as Petitioner's Exhibits 3A, 3B, and 3C, respectively. The Affidavit indicates the neighbors reviewed the site plan and front elevation, and that after close and careful review, have determined that they are not opposed to the proposed construction or the required variance. In addition, Mr. Merritt noted that the proposed dwelling will be in character with other homes in the neighborhood. It will be situated in the center of the lot and will meet all front, side, and rear yard setback requirements of the D.R.5.5 zone. Petitioner's 3C front elevation drawing shows a two-story colonial style dwelling with a covered front porch and fiberglass roof shingles.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comments received from the Office of Planning dated September 20, 2007 indicates that Office has determined that the current property owners, Harry and Dorothy Rose, and Sandra Rose, attorney-in-fact, own sufficient adjoining land to conform to the minimum width and area requirements and therefore the property does not meet the standards stated in Section 304.1.C of the B.C.Z.R. However, there appears to be several existing undersized lots in the neighborhood. As such, the Office of Planning does not oppose Petitioner's request. The comments further indicate—that Petitioner should submit building permit, the dwelling shall be compatible in architectural detail as that of existing dwellings, landscaping is to be provided along the southern end of the property, and if any garage or deck is added, it too must be consistent with the style of the dwelling. 7

Section 304.1 of the B.C.Z.R. states that a one family detached or semidetached dwelling may be erected on a lot having an area or width less than that required by the area regulations if the lot was duly recorded either by deed or in a validly approved subdivision prior to March 30,

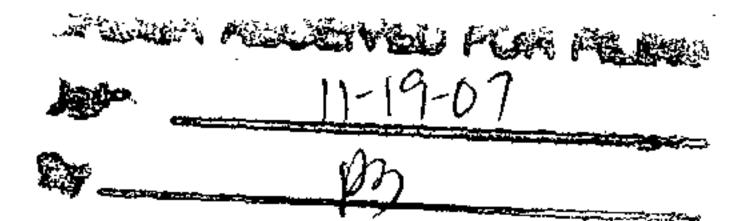


1955, all other requirements of the height and area regulations are complied with, and the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements. Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. It is evident that the subject property has been a recorded lot of record since 1926 and that all other height and area requirements are complied with. Although the current owners of the subject property also own the adjacent Lot 6 shown on the site plan, and therefore do not meet the criteria of Section 304.1 of the B.C.Z.R. in terms of owning sufficient adjoining land, Petitioner — the contract purchaser, upon completing the sale, will not own sufficient adjoining land in order to comply with the width and area requirements. In that event, I believe Petitioner will comport with the requirements of Section 304.1, and is therefore entitled to relief.

In addition, I am still persuaded to grant the variance relief under Section 307.1 of the B.C.Z.R. Based on the testimony and evidence referenced herein, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These are the kind of peculiar circumstances that make the regulations impact this property disproportionately compared to others in the district. Therefore I find the property unique in a zoning sense. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.



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THEREFORE, IT IS ORDERED this 1940 day of November, 2007 by this Deputy Zoning Commissioner, that Petitioner's variance request from Section 304.1 and Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an undersized lot with a front width of 50 feet and area of 4,637 square feet, more or less, in lieu of the required 55 feet and 6,000 square feet, is hereby GRANTED subject to the following:

- 1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner shall submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 2. Petitioner shall provide landscaping along the southern end of the property to act as a buffer to the adjacent residential office.
 - 4. If any accessory structure (garage) or open projection (deck) is added to the dwelling, it too must be consistent with the style of the dwelling. These additions must also maintain the front, sides and rear setbacks as stated in the regulations.

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

THOMAS H. BOSTWICK PR

Deputy Zoning Commissioner

for Baltimore County

THB:pz

11-19-07



JAMES T. SMITH, JR. County Executive

January 14, 2008 KOTROCO, Director Department of Permits and Development Management

the Kotroco

Keith Randlett 8902 Cowenton Avenue Baltimore, MD 21128

Dear Mr. Randlett:

RE: Case: 08-069-A, 1302 Rosewick Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on November 27, 2007 by People's Counsel. That appeal was then withdrawn by People's Counsel on December 11.2007. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincere

Timothy Kotroco Director

TK:

c: William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Charles Merritt, 2416 E. Joppa Road, Baltimore 21234 Mr. & Mrs. Rose, 5839 N. Hazelwood Avenue, Baltimore 21206



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Lot# 5 & 1302 Rosewick Aug

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) 304

TO APPROVE AN UNDERSIZED LOT WITH A FRONT WIDTH OF SO'AND AREA OF 4637 SQ, FT, ± IN LIEU OF THE REQUIRED of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) 55' AND 6000 SF.

TO BE DISCUSSED AT 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.

			is the subject of this	ຕອບພຸບາາ.	
Contract Purchas	er/Lessee:		Legal Owner(s)		
Keith A.	Randlett		Harry	Rose	
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ZONING DESCRIPTION 1302 ROSEWICK AVENUE

Beginning at a point on the East side of Rosewick Avenue which is a 30 foot wide right of way at the distance of 180.53 foot north of the centerline of the nearest improved intersecting street Philadelphia Road (Md. Rte. 7) which is a 60 foot wide right of way, being lot #5 in the subdivision of "Rosedale Gardens" as recorded in the Baltimore County Plat Book 9, Folio 8, containing 0.11 Ac+/-, also known as 1302 Rosewick Avenue and located in the 14th Election district, 7th Councilmanic District.

· NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-069-A

Lot #5, 1302 Rosewick Avenue E/side of Rosewick Avenue, 180 feet north of the centerline of Philadelphia Road

14th Election District - 7th Councilmanic District

Legal Owner(s): Harry Rose, Dorothy Rose, Sandra Rose, Attorney in Fact

Contract Purchaser: Keith Randlett

Variance: to approve an undersized for with a front width of 50 feet and area of 4637 square feet +/- in lieu of the required 55 feet and 6000 square feet.

Hearing: Thursday, October 18, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave- 4 nue, Towson 21294.

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/10/607 Oct. 2

CERTIFICATE OF PUBLICATION

1014,2007
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 102 ,2007.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

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CERTIFICATE OF POSTING

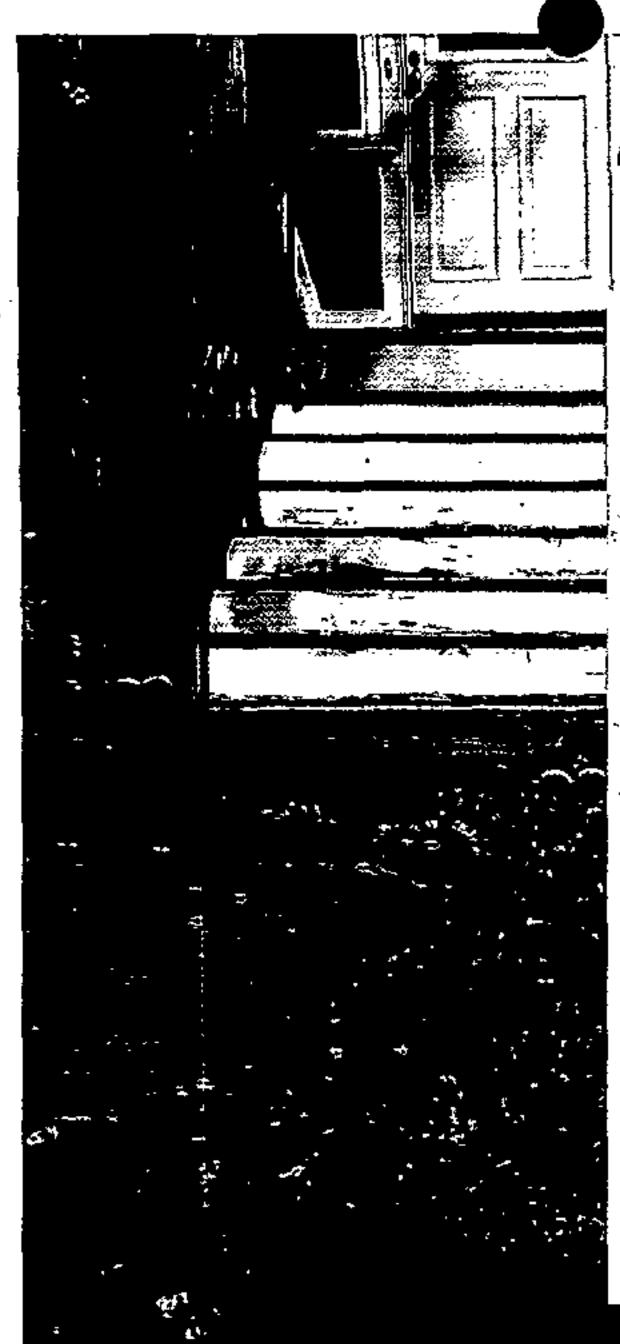
عجو	Case Number: 08-069-A
νυ ,	Petitioner/Developer: KEITH PANDLETT
	Date of Hearing/Closing: 10/18/07
This	is to certify under the penalties of perjury that the necessary sing(s) required by law were posted conspicuously the property located at <u>#1302 POSEWKK AUGUUE</u>
The	sign(s) were posted on OCTOBER 9, 2007 (Month, Day, Year)
	All 1/H

Charles E. Merritt

9831 Magledt Road

Baltimore, MD 21234

410-665-5562



ZONING NOTICE

CASE # 08-069-A

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

PLACE: 401 Bosley Ave, Towson 21204 RM = 407

DATE AND TIME: Thursday October 18, 2007 11 A.M.

REQUEST: Variance to approve an undersized

Let with a Front winth of so feet and area of

4637 SQUARE Feet 4- IN lieu of the required

55 Feet AND 6000 SQUARE Feet.

POSTPONEMENTS DUE TO WE ITHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL \$87-3391

DO NOT REMOVE THIS SIGN AND MOST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW RANDICAPPED ACCESSIBLE.

ZONING NOTICE

CASE # 08-069-A

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

PLACE: TO Bosley Ave., Towson 21204 RM # 407

DATE AND TIME: Thursday October 18, 2007 11 A.M.

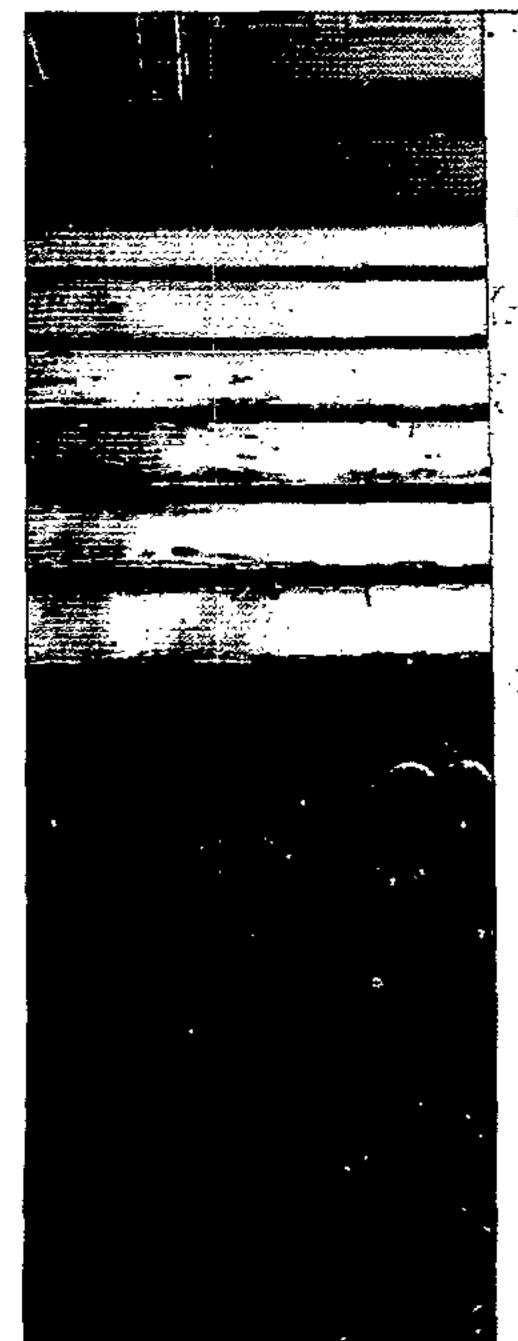
REQUEST: Variance to Approve an undersized

Lot with a Front winth of 50 feet and area of

4637 SQUARE Feet 4- IN lieu of the required

55 Feet and 6000 SQUARE Feet.

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





JAMES T. SMITH, JR. County Executive

September 18, 2007 TIMOTHY M. KOTROCO, Director

Department of Permits and

NOTICE OF ZONING HEARING

Development Management 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

CASE NUMBER: 08-069-A

Lot #5, 1302 Rosewick Avenue

E/side of Rosewick Avenue, 180 feet north of the centerline of Philadelphia Road 14th Election District – 7th Councilmanic District

Legal Owners: Harry Rose, Dorothy Rose, Sandra Rose, Attorney in Fact

Contract Purchaser: Keith Randlett

Variance to approve an undersized lot with a front width of 50 feet and area of 4637 square feet +/- in lieu of the required 55 feet and 6000 square feet.

Hearing: Thursday, October 18, 2007 at 11:00 a.m. in Room 407, County Courts Building, #01 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Keith Randlett, 8902 Cowenton Avenue, Baltimore 21128 Rose Residence, 5839 N. Hazelwood Avenue, Baltimore 21206

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 3, 2007

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



JAMES T. SMITH, JR. County Executive

September 18, 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: 08-069-A

Lot #5, 1302 Rosewick Avenue

E/side of Rosewick Avenue, 180 feet north of the centerline of Philadelphia Road 14th Election District – 7th Councilmanic District

Legal Owners: Harry Rose, Dorothy Rose, Sandra Rose, Attorney in Fact

Contract Purchaser: Keith Randlett

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#101 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Keith Randlett, 8902 Cowenton Avenue, Baltimore 21128 Rose Residence, 5839 N. Hazelwood Avenue, Baltimore 21206

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- (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, October 2, 2007 Issue - Jeffersonian

Please forward billing to:

Keith Randlett 8902 Cowenton Avenue Baltimore, MD 21128 443-465-4646

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: 08-069-A

Lot #5, 1302 Rosewick Avenue

E/side of Rosewick Avenue, 180 feet north of the centerline of Philadelphia Road

14th Election District – 7th Councilmanic District

Legal Owners: Harry Rose, Dorothy Rose, Sandra Rose, Attorney in Fact

Contract Purchaser: Keith Randlett

Variance to approve an undersized lot with a front width of 50 feet and area of 4637 square feet +/- in lieu of the required 55 feet and 6000 square feet.

Hearing: Thursday, October 18, 2007 at 11:00 a.m. in Room 407, County Courts Building,

401 Boşley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: <u> </u>
Petitioner: KEITH A. RANDLETT
Address or Location: 1302 Rosewick Aver
PLEASE FORWARD ADVERTISING BILL TO: Name: KEITH A. RANDLETT
Address: 8902 COWENTON AYE.
BALTIMORE, ND. 21128
Telephone Number: 4-43-4-65-4-646



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 10, 2007

Keith A. Randlett 8902 Cowenton Avenue Baltimore, MD 21128

Dear Mr. Randlett:

RE: Case Number: 08-069-A, Lot #5, 1302 Rosewick Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 7, 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,
U. Call Rihall

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Rose Residence 5839 N. Hazlewood Avenue Baltimore 21206

Miscellaneous Permit & License Processing | County Office Building 111 West Chesapeake Avenue, Room 101 | Towson, Maryland 21204 Phone 410-887-3616 | Fax 410-887-4578 | Animal Licenses 410-887-3630 www.baltimorecountymd.gov RE: PETITION FOR VARIANCE

1302 Rosewick Avenue, Lot 5, E/S Rosewick

Avenue, 180' N c/line Philadelphia Road

14th Election & 7th Councilmanic Districts

Legal Owner(s): Harry & Dorothy Rose

Contract Purchaser(s): Keith Randlett

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

Bet

FOR

BALTIMORE COUNTY

08-069-A

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel

Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of September, 2007, a copy of the foregoing Entry of Appearance was mailed to, Harry & Dorothy Rose, 5839 N. Hazelwood Avenue, Baltimore, MD 21206 and Keith Randlett, 8902 Cowenton Avenue, Baltimore, MD 21128, Petitioner(s).

RECEIVED

SEP 1 4 2007

Per.....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Baltimore County, Marylana



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

November 27, 2007

Hand-delivered
Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PET

PETITION FOR VARIANCE

E/S of Rosewick Avenue, 180' N of the c/l Philadelphia Road

(Lot 5, 1302 Rosewick Avenue)

14th Election District; 7th Council District

Harry & Dorothy Rose - Petitioners & Keith Randlett, Contract Purchaser

Case No.: 08-069-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated November 19, 2007 by the Baltimore County Deputy Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

RECEIVED

NOV 2 7 2007

Per

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Charles Merritt, Merritt Development Consultants, Inc

Harry & Dorothy Rose

Keith Randlett



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 19, 2007

KEITH RANDLETT 8902 COWNTON AVENUE BALTIMORE MD 21128

> Re: Petition for Variance Case No. 08-069-A

Property: Lot #5, 1302 Rosewick Avenue

Dear Mr. Randlett:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

Thomas N. Bastwick 143

for Baltimore County

THB:pz

Enclosure

c: Charles Merritt, Merritt Development Consultants, Inc., 2416 East Joppa Road, Baltimore MD 21234



INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DECEIVED OCT 0 1 2007

BY:___

DATE: September 20, 2007

SUBJECT: Zoning Advisory Petition(s): Case(s) 8-069- 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 southern end of the property, to act as a buffer to the adjacent residential office.
- 3. If any accessory structure (garage) or open projection (deck) is added to the dwelling, it too must be consistent with the style of the dwelling, These additions must also maintain the front, sides and rear setbacks as stated in the regulations.

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

Prepared By: (Mah)

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 20, 2007

TO:

Timothy M. Kotroco, Director

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Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 17, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 17, 2007

Item Nos. 08-069, 082, 105, 106, 107, 108, 109, 111, 173, 114, 115, 117, 118, 119, 120,

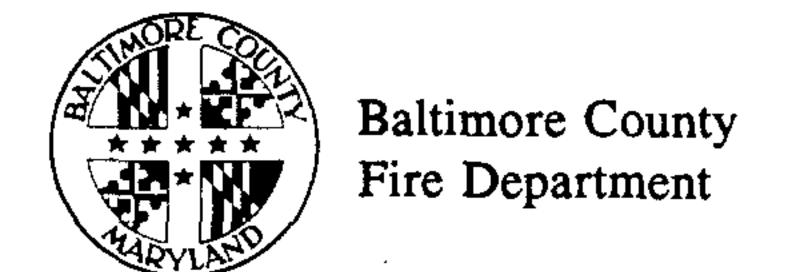
122 and 123

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- 09172007.doc



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

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

August 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 14, 2007

Item Number: Item Number 49 and 052 through 075

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



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

Maryland Department of Transportation

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

Date: SEPT. 10, 200 7

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

RE:

Baltimore County

Item No. 8-69-A

1302 ROSEWICK AVE

ROSE TROPERTY

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. 8-65-4.

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
Fund Engineering Access Permits

Division

SDF/MB

MEMO

From: Aaron Tsui, Planner II

September 4, 2007

To: Zoning Commissioner/File

Re: Variance Case no. 08-069-A

Undersized Lot

1302 Rosewick Ave, 14th Election District

The contract purchaser filed a petition for an Undersized Lot on 08/07/07 for a proposed single-family dwelling on a vacant lot #5.

This office advised the petitioner that both lots# 5 and 6 were deeded under the same tax account no. 1600001533 and there is an existing dwelling on lot# 6. The current owner has contiguous ownership for both lots and pursuant to Section 304 of BCZR that by filing another proposed dwelling on the vacant lot# 5 would create a pattern of undersized lot in a single and separate ownership. In this respect, a separate variance must be filed simultaneously for lot# 6. The contract purchaser stated that he would check and got back to us.

On 9/4/07, the contract purchaser returned and stated that based on the advice by his attorney, he needed to file Undersized Lot variance for the vacant lot# 5 only and his attorney would present his case in the hearing.

The total property land area for both lots# 5 and 6 is 10,098 sq. ft. pursuant to Maryland Department of Assessment and Taxation's record (a copy attached). The petitioner indicated that lot# 5 is 50 feet wide and 4637 sq. ft. in area. By calculation and scaling off from the submitted plan accompanying the petition, lot# 6 (i.e. the lot with existing dwelling) will be undersized with 50 feet wide and 5461 sq. ft. in area. The current regulation in a Density Residential (D.R.) 5.5 zone requires 55 feet in width and 6,000 sq. ft. in area.

MEMO

Aaron Tsui, Planner II

December 20, 2007

Re: Withhold Building Permit Approval

Variance Case no. 08-069-A Undersized Lot, Tax#1600001533 Lot#5, 1302 Rosewick Ave, 14th Election District

The Zoning Commissioner granted the variance for an Undersized Lot on November 19, 2007 for a proposed single-family dwelling on a vacant lot #5. The owner of lot#6 (also owns lot#5) must file a separate lot variance before any building permit is accepted for filing for lot#5. See attached tax assessment record and record plat no.9/8.

Meeting hold W/ New own owner of Cot#, Carl, Acron 1/25/0f

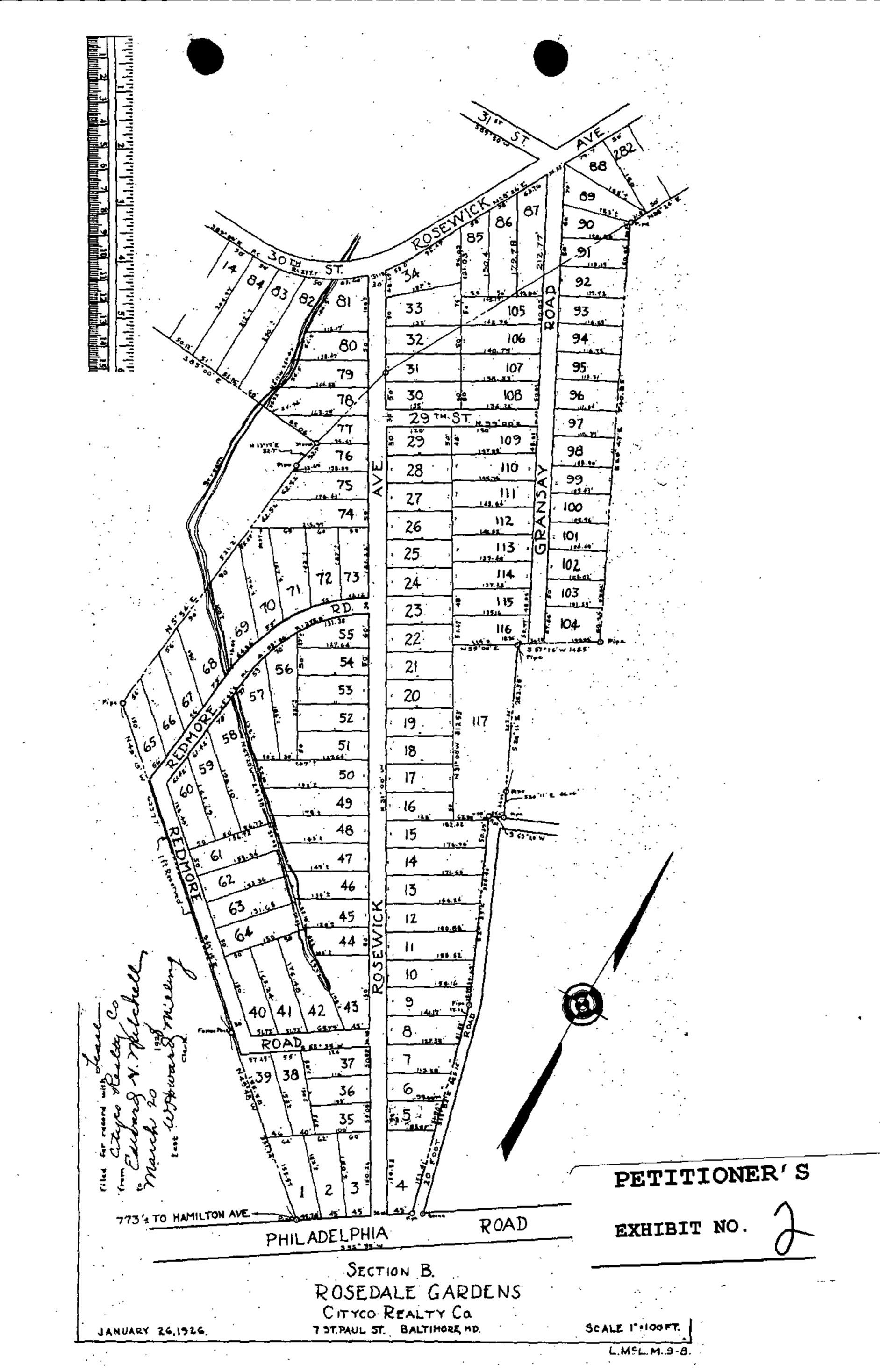
file variance before
accepting bldg permit

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER OS-USG-A DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL	Harandletta Aoliso									
CITY, STATE, ZIP	Balto, MN. 21138 Balto, MN. 21138									
ADDRESS	SGIC E JOPPS RD									
NAME	Heith Kandlett									



Affidavit

We the undersigned have reviewed the petitioner's site plan(exhibit #1) and front elevation (exhibit #2) for a new single family dwelling to be built on the vacant lot located on Map 89 Parcel 597 Lot# 5 Rosedale Farms. Upon close and careful review I/we have determined that I/we are not opposed to the proposed construction as shown or the required zoning variance.

Mary James	1301 Rosewich ave.	410-866-2585
Mary James Name J	Address	Phone
^	1303 Rosewick live Address	410-866-8637 Phone
Bradber Johnson	1304 ROSCWICK AVE	410-8666830
Name	Address	Phone
Keith ats	1364 ROSEWCK AW	e 410 866 - 6837
Name	Address	Phone
Dann Peel	1306 Rosewick AVE	410-866-105
Name	Address	Phone
	PETI	TIONER'S
	EXHIB	3A

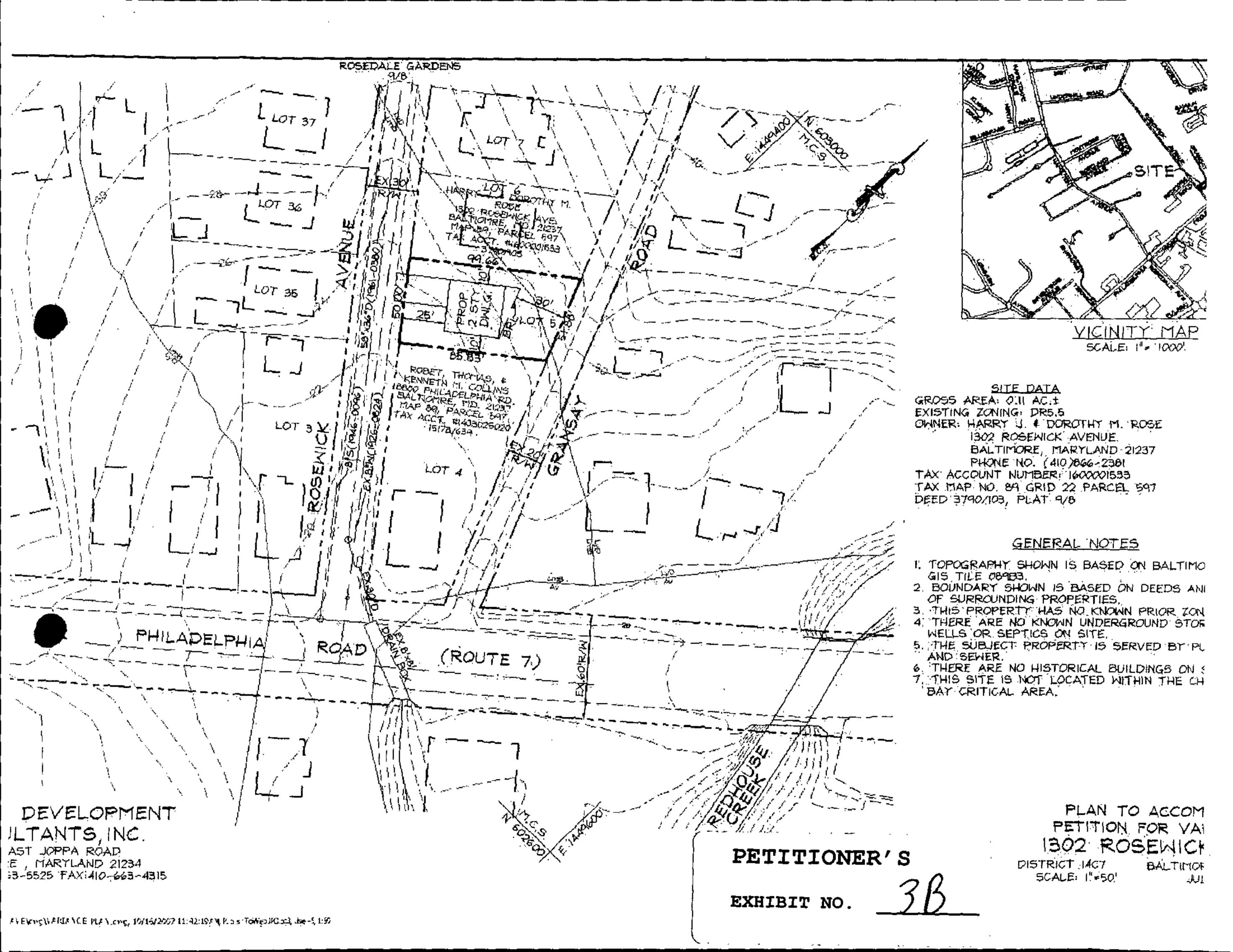
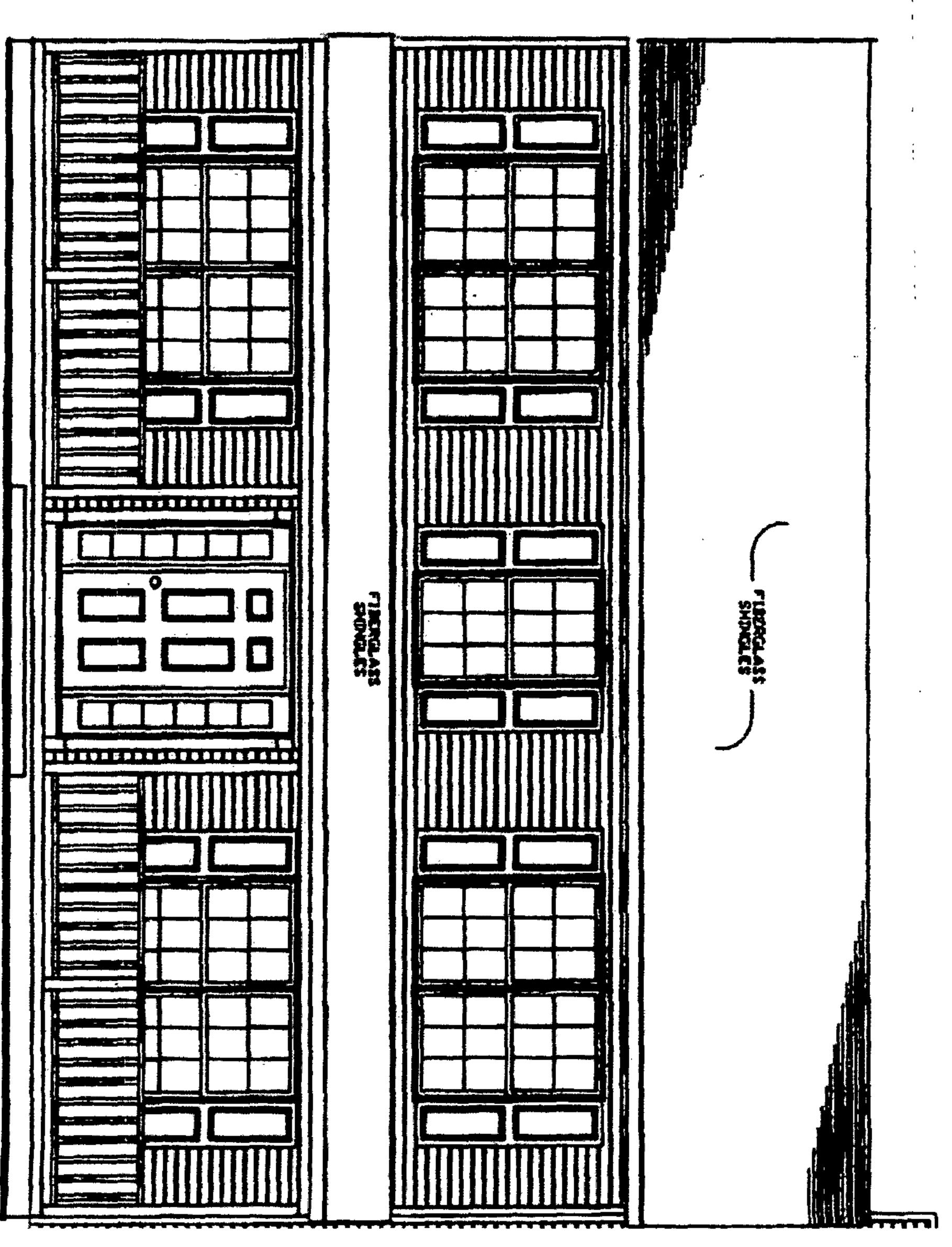


EXHIBIT NO. 36





From:

<Beckqqq@aol.com>

To:

<tbostwick@baltimorecountymd.gov>

Date:

10/23/07 12:11 PM

Subject: 08-069 - 1302 Bostwick

This case was not properly posted on the Zoning Hearing website and I did not see the sign on the property until Friday the 19th, the day after the case.

I would like you to consider the neighbors as you review this request for a variance on this undersized lot. There is no on-street parking at 1300 or 1302 Rosewick because it is an undersized, narrow street. Behind the lot is only an alley known as Gransay.

The 1300 Rosewick lot would have to have a minimum of two off-street parking spaces to avoid causing parking issues. To build an 1800 sq ft house without off-street parking on this lot (as is posted by Titan Builders with MRIS) would be a hardship to the neighbors. To put a driveway on this undersized lot along with an 1800 sf house would be visually unappealing to the rest of us. We are working hard to keep this neighborhood appealing and not junky-looking.

Thank you for reviewing this message.

L. Beckwith

See what's new at AOL.com and Make AOL Your Homepage.

PARTIAL COUNTY AND STATE

BLIND

Tax Exempt:

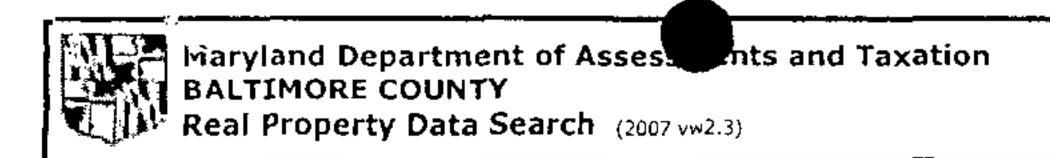
Exempt Class:

Go Back View Map New Search GroundRent

Special Tax Recapture:

* NONE *

District - 14 Account Number - 1600001533 **Account Identifier: Owner Information** RESIDENTIAL ROSE HARRY J/DOROTHY M Use: **Owner Name:** C/O'SANDRA ROSE YES Principal Residence: 1) / 3790/ 103 Deed Reference: 5839 N HAZELWOOD AVE Mailing Address: 2) **BALTIMORE MD 21206-2133 Location & Structure Information** Legal Description **Premises Address** LT 5-6 NES ROSEWICK 1302 ROSEWICK AVE 150 NW PHILA RD BL EX ROSEDALE FARMS Plat No: Section Block **Assessment Area** Subdivision Lot Grid Parcel **Sub District** Map Plat Ref: 9/8 89 22 597 В Town **Special Tax Areas** Ad Valorem Tax Class **County Use Enclosed Area Property Land Area Primary Structure Built** 10,098.00 SF 04 1,215 SF 1929 **Exterior** Type **Stories Basement** SIDING YES STANDARD UNIT 1 1/2 Value Information Phase-in Assessments **Base Value** Value As Of As Of As Of 01/01/2006 07/01/2007 07/01/2008 30,270 71,390 Land Improvements: 50,140 69,030 120,416 140,420 Total: 140,420 80,410 **Preferential Land:** 0 **Transfer Information** Price: Seller: Date: Deed2: Deed1: Type: Price: Seller: Date: Deed2: Deed1: Type: Price: Date: Seller: Deed1: Deed2: Type: **Exemption Information** 07/01/2008 07/01/2007 Class **Partial Exempt Assessments** 010 15,000 15,000 County 15,000 15,000 010 State 000 0 0 Municipal



BLIND

Exempt Class:

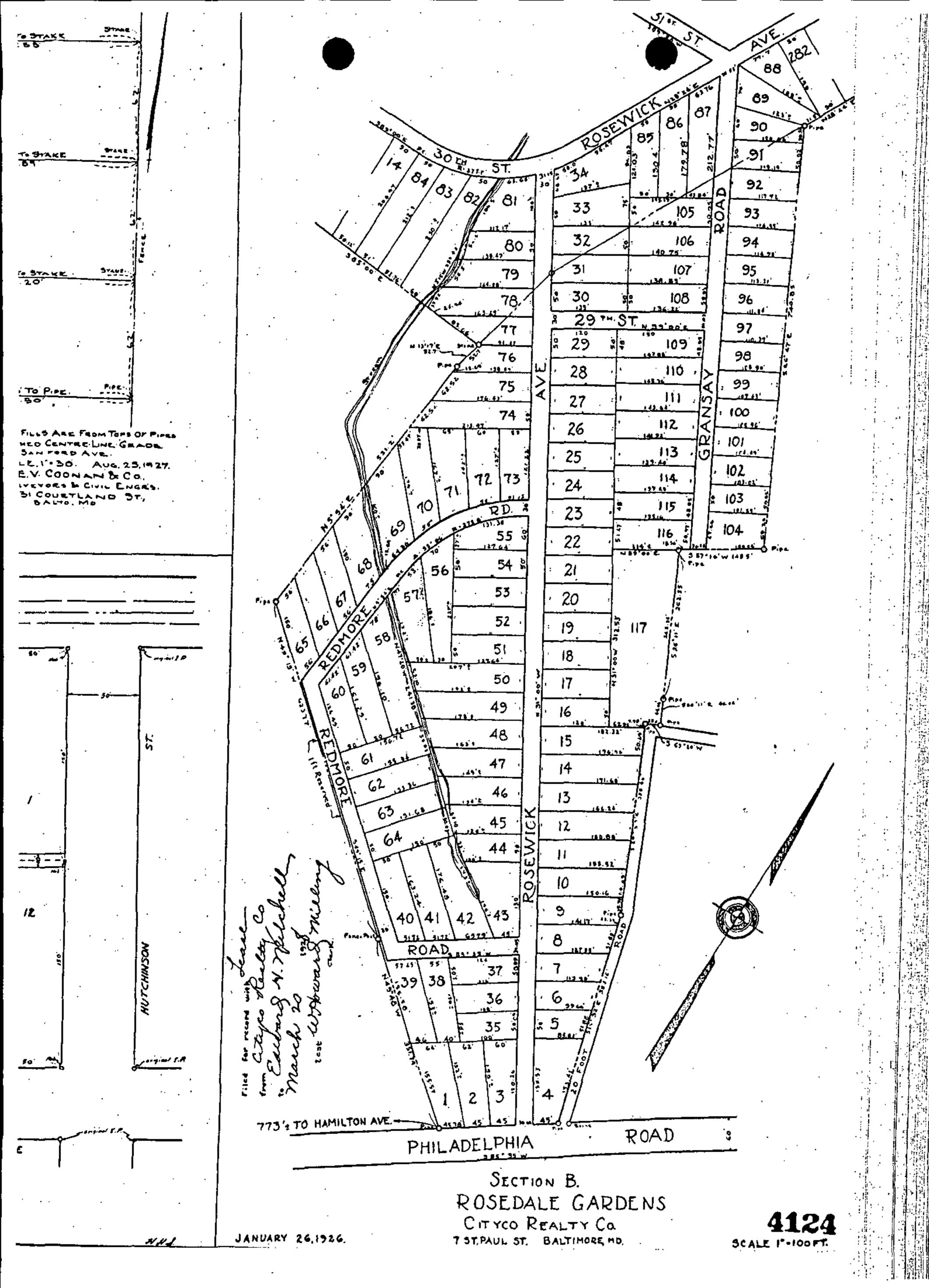
Account Identifier:

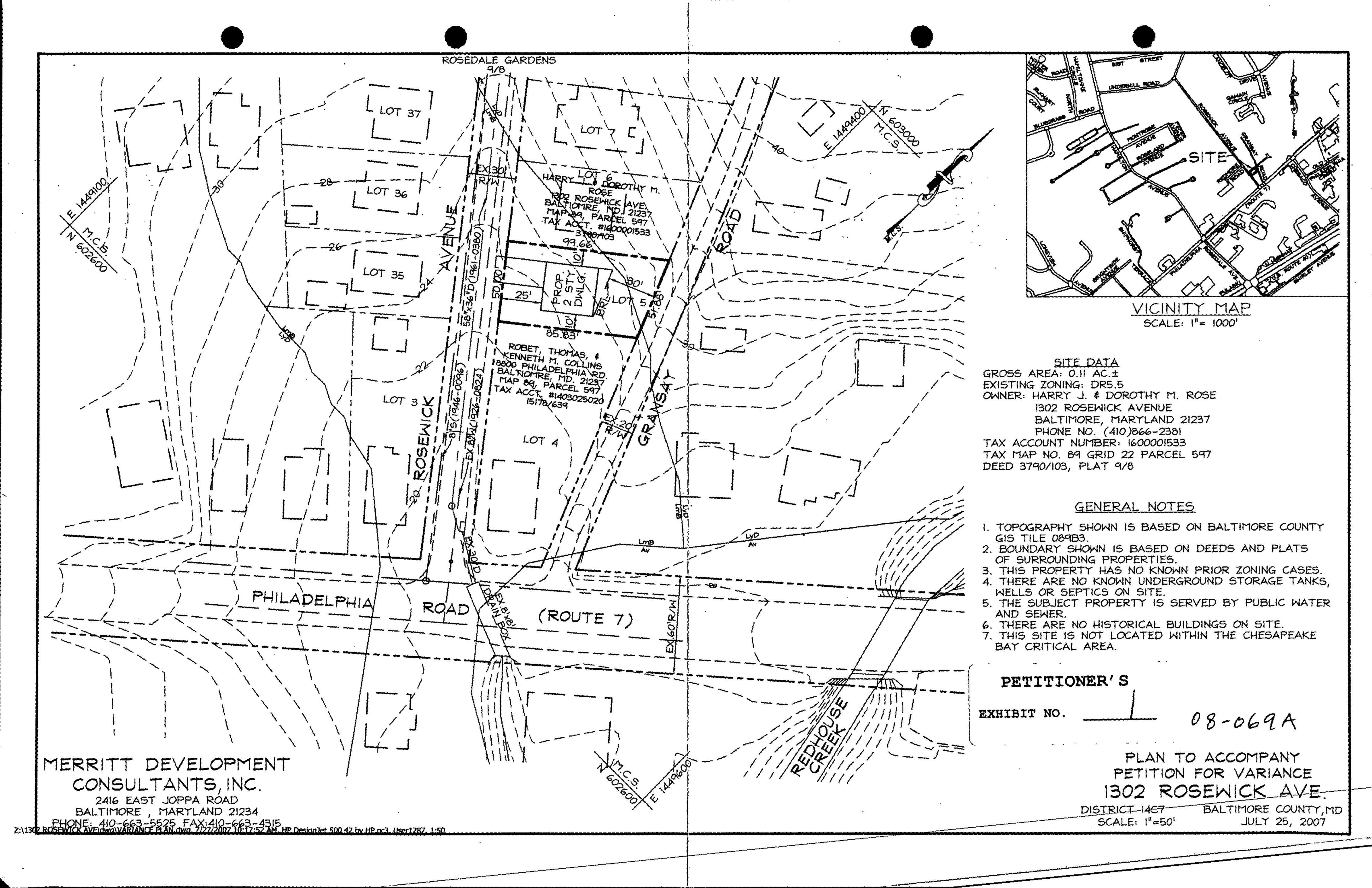
Go Back View Map New Search

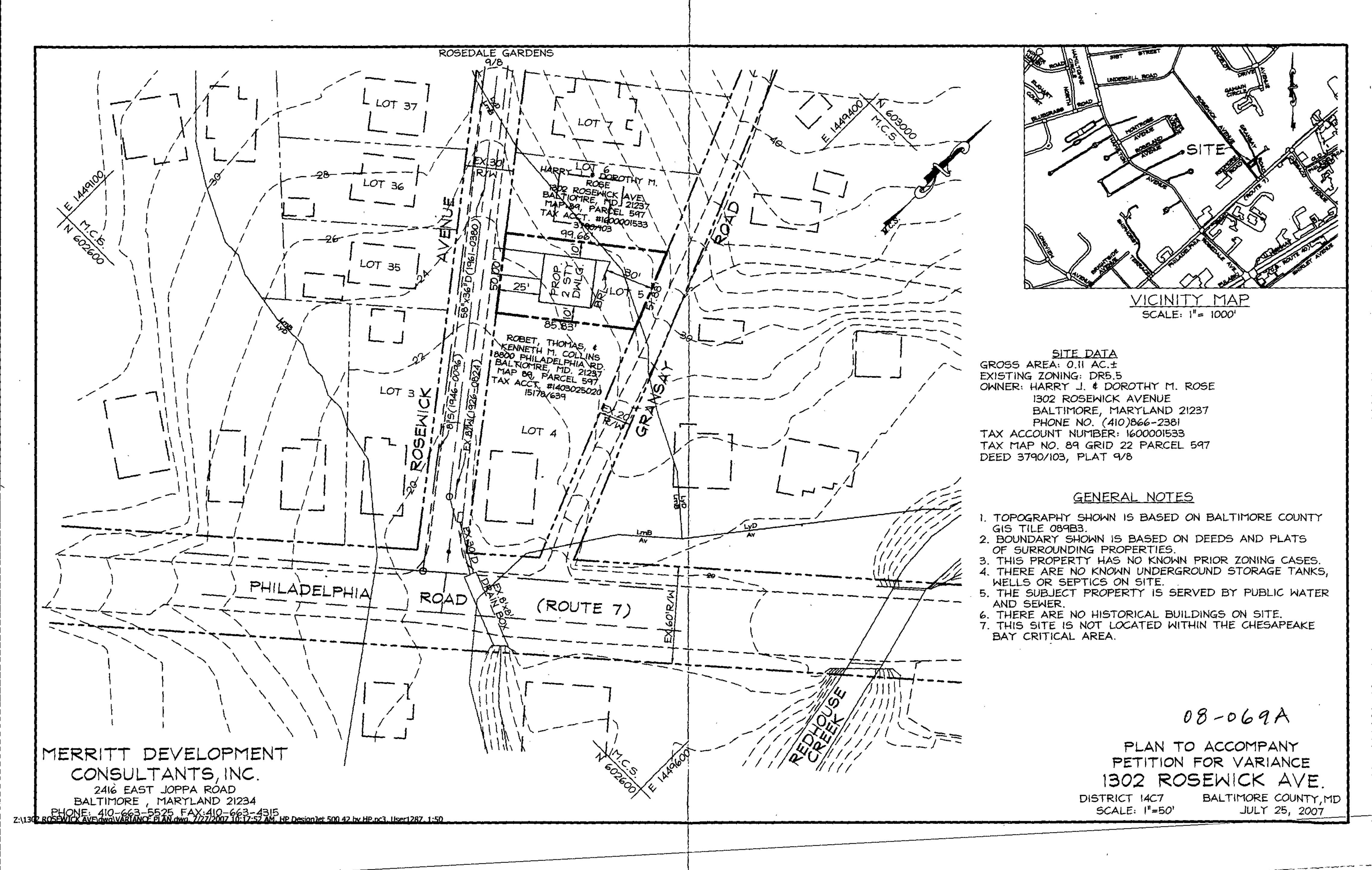
* NONE *


Owner Information RESIDENTIAL E HARRY J/DOROTHY M Owner Name: ROS Use: C/O SANDRA ROSE **Principal Residence:** YES 1) / 3790/ 103 5839 N HAZELWOOD AVE Deed Reference: Mailing Address: 2) BALTIMORE MD 21206-2133 **Location & Structure Information Legal Description Premises Address** LT 5-6 NES ROSEWICK 1302 ROSEWICK AVE 150 NW PHILA RD BL EX ROSEDALE FARMS **Assessment Area** Plat No: Subdivision Section Block Sub District Lot Grid Parcel Map Plat Ref: 9/8 597 89 22 Town Ad Valorem Special Tax Areas Tax Class **Enclosed Area Property Land Area** County Use **Primary Structure Built** 1,215 SF 10,098.00 SF 04 1929 **Exterior Stories Basement** Type SIDING YES STANDARD UNIT 1 1/2 Value Information Phase-in Assessments Base Value Value As Of As Of As Of 01/01/2006 07/01/2007 07/01/2008 30,270 71,390 Land 69,030 Improvements: 50,140 140,420 Total: 80,410 120,416 140,420 Preferential Land: 0 **Transfer Information** Seller: Date: Price: Deed1: Deed2: Type: Date: Price: Seller: Deed1: Deed2: Type: Date: Price: Seller: Deed1: Deed2: Type: **Exemption Information** 07/01/2007 07/01/2008 Class **Partial Exempt Assessments** 15,000 15,000 010 County 010 15,000 15,000 State Ô 000 Municipal 0 Special Tax Recapture: PARTIAL COUNTY AND STATE Tax Exempt:

District - 14 Account Number - 1600001533









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