

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND VARIANCE	
N/S Clyde Avenue, 211' and 259' E of *	ZONING COMMISSIONER
Hammonds Ferry Road	
(20 & 22 Clyde Avenue) *	OF
13 th Election District	
1 st Council District *	BALTIMORE COUNTY
Joseph France, et al *	Case Nos. 08-141-SPHA
Petitioners	& 08-142-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Joseph France, and his brother, Gilbert M. France, for two (2) adjacent properties known as 20 and 22 Clyde Avenue. Since the properties are owned by related family members and are located adjacent to one another, the two cases were heard contemporaneously. In Case No. 08-141-SPHA (22 Clyde Avenue), the Petitioner, Joseph France, requests a special hearing to approve an existing dwelling with confirmation that a merger has not occurred and confirmation that the density of the overall neighborhood has not been affected. In addition, variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling with a net lot area of 4,800 square feet and a lot width of 48 feet, in lieu of the minimum required lot area of 6,000 square feet and minimum required lot width of 55 feet. In Case No. 08-142-SPHA (20 Clyde Avenue), Petitioner, Gilbert France, requests similar relief. Specifically, relief is requested from B.C.Z.R. Section 1B02.3.C.1 to permit a proposed dwelling with a net lot area of 4,800 square feet and a lot width of 48 feet, in lieu of the minimum required lot area of 6,000 square feet and minimum required lot width of 55 feet. As above, a special hearing is also requested to approve a proposed dwelling with confirmation that a merger has not occurred and confirmation that the density of the overall neighborhood has not been affected. The subject properties and requested

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 Date 11-29-07
 By [Signature]

relief are more particularly described on the site plan submitted in each case, which were accepted into evidence and respectively marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Joseph and Gilbert France, property owners. There were no Protestants or other interested persons present. It is noted that I received letters from adjoining and adjacent property owners, indicating that they do not oppose Petitioners' requested zoning relief. These notarized letters (Petitioners' Exhibit 2) were received from, namely, Mary Quinlan - 11 Clyde Avenue, Joseph O'Melia - 30 Clyde Avenue, Joseph France - 22 Clyde Avenue, and Neal Dyer - 10 Clyde Avenue.

Testimony and evidence offered revealed that the subject adjacent properties are each comprised of three (3) lots, 16' wide x 100' deep, - 20 *Clyde Avenue* (Lots 112, 113 and 114) and 22 *Clyde Avenue* (Lots 115, 116 and 117) - forming rectangular-shaped parcels. The properties are located on the north side of Clyde Avenue between Baltimore Avenue (east side) and Hammonds Ferry Road (west side) in the western area of the County known as Halethorpe. Each property contains a gross area of 0.110 acres and located within an older subdivision known as Joshua that was platted and recorded in the Land Records prior to the first zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots are undersized and do not meet current area and width requirements. As noted, each of the subject lots contain an area of 4,800 square feet, are zoned D.R.5.5 and are 48' wide. The Petitioners have owned the lots since 2006. Joseph France's property is improved with a (24' x 59') single-family dwelling known as 22 Clyde Avenue built in 1915. Gilbert France subsequently acquired the unimproved property, a separate lot of record, and proposes the construction of a two-story cottage type dwelling (28' x 45') for his daughter. Testimony indicated that public water and sewer serve both parcels.

As to the unimproved property, relief is requested to approve a lot width of 48 feet in lieu of the required 55 feet and to approve the property as an undersized lot to permit development

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with a new single-family dwelling. The new dwelling will meet all front, side and rear setback requirements. Photographs and real property data search records obtained from the Maryland Department of Assessments and Taxation illustrate the pattern of development and show that the subject properties and surrounding community were built on 48-foot wide lots (*See* collectively Petitioners' Exhibit 3). Thus, it appears that the relief requested is appropriate and consistent with the neighborhood. Testimony offered in support of the request was that without variance relief, the lot could not be developed. Obviously, strict compliance with the regulations would create a hardship as the zoning regulations result in a denial of a reasonable and sufficient use of the property (*See Belvoir Farms v. North* 355 Md. 259 [1999])¹. Moreover, the uncontradicted evidence clearly establishes that there has never been a desire to combine or merge the several parcels (Lots 112-114) with (Lots 115-117). There is no physical evidence that the subject properties were used or consolidated with any other lot to invoke the doctrine of zoning merger as described in *Friends of the Ridge v. Baltimore Gas & Electric Company* 352 Md. 645 (1999) and *Remes v. Montgomery County* 387 Md. 52 (2005).

Considering first the relief requested in Case No. 08-141-SPHA, I am persuaded to grant the Petitions for Special Hearing and Variance. This relief will legitimize the use of the property and existing single-family dwelling known as 22 Clyde Avenue. As noted above, the house was built in 1915 and therefore has existed on the property for many decades. The plan and evidence submitted show that the lot is sufficiently sized for the dwelling. There is no evidence that the continued residential use of that property will be detrimental to the health, safety or general welfare of the locale.

In Case No. 08-142-SPHA, Special Hearing and Variance relief is requested to allow development of the unimproved adjacent lot with a single-family dwelling with sufficient side,

¹ See Orders issued by this Commission on similar facts granting relief in this community: 89-216-SPHA (10 Clyde Avenue), 87-369-A (Baltimore Avenue), 87-83-A (Baltimore Avenue) and 07-054-SPHA (Halethorpe Terrace).

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front and rear yard setbacks. The testimony and evidence presented was persuasive to a finding that variance relief should be granted. The fact that 20 Clyde Avenue has existed as a lot of record and has been taxed separately for many years is a persuasive factor. The proposed development is in keeping with other homes in the neighborhood and meets the spirit and intent of Section 307 of the B.C.Z.R. and *Cromwell v. Ward* 102 Md. App. 691 (1995) for variance relief to be granted. I find that the subject properties will not result in any increase in density. I find that the Frances', who own contiguous undersized lots, purchased their properties in good faith and without any intent to avoid the area requirements. Thus, I am persuaded that relief can be granted without detrimental impacts to the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of November 2007, that the Petition for Special Hearing filed in Case No. 08-141-SPHA, seeking a determination of the Baltimore County Zoning Regulations (B.C.Z.R.) that a merger has not occurred and confirmation that the density of the overall neighborhood has not been affected by an existing dwelling known as 22 Clyde Avenue, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 08-141-SPHA seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling with a net lot area of 4,800 square feet and a lot width of 48 feet, in lieu of the minimum required lot area of 6,000 square feet and minimum required lot width of 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing filed in Case No. 08-142-SPHA seeking approval for a proposed dwelling with confirmation that a merger has not

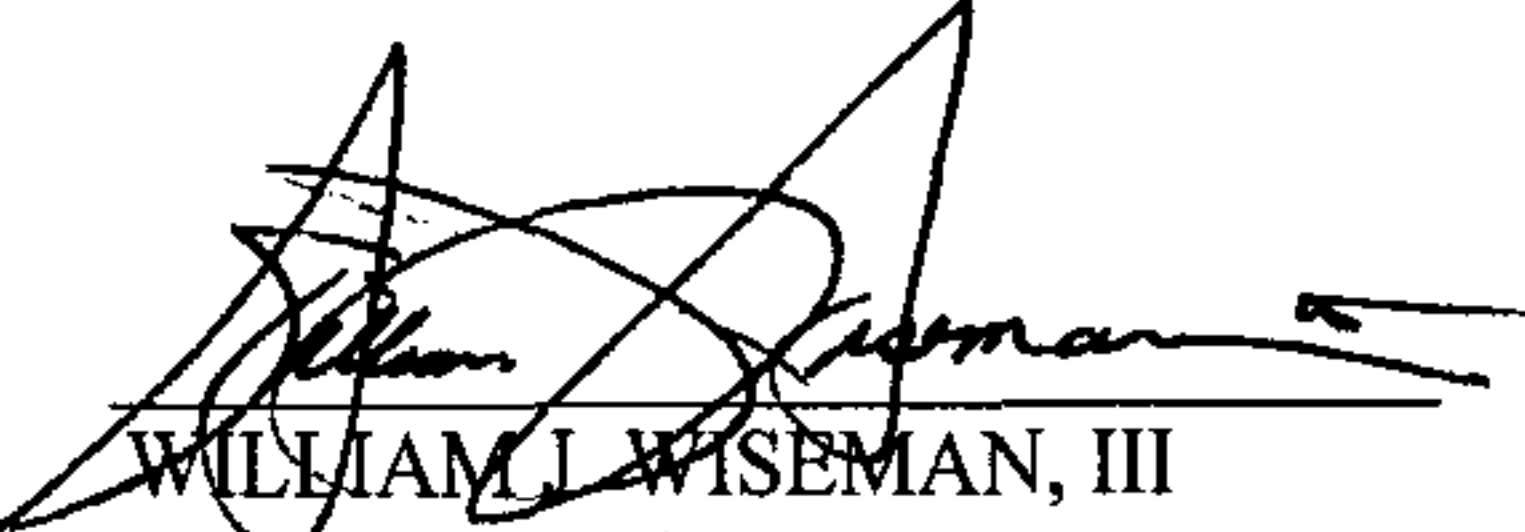
ORDER RECEIVED FOR FILING
Date 11-29-07
By [Signature]

occurred and confirmation that the density of the overall neighborhood has not been affected, be and is hereby GRANTED; and

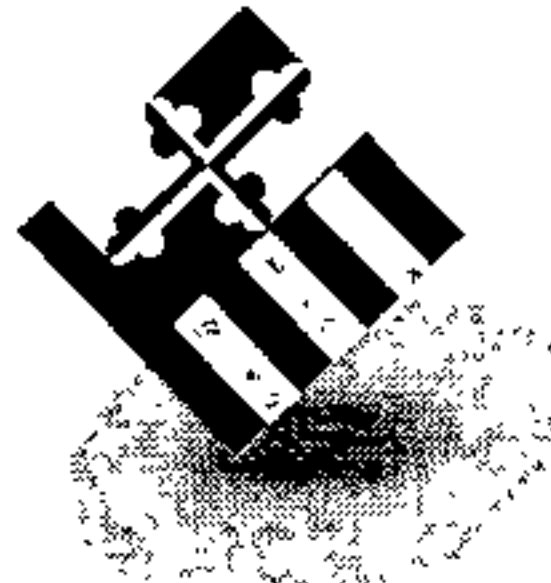
IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 08-142-SPHA seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling, to be known as 20 Clyde Avenue, with a net lot area of 4,800 square feet and a lot width of 48 feet, in lieu of the minimum required lot area of 6,000 square feet and minimum required lot width of 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner(s) may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner(s) 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.
- 2) Prior to the issuance of any permits, the Petitioner shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to ensure that the proposed house is compatible with existing homes in the area.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
Date 11-29-07
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 29, 2007

Joseph France
2403 Saratoga Avenue
Baltimore, Maryland 21227

Gilbert M. France
2430 Zion Road
Baltimore, Maryland 21227

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

N/S Clyde Avenue, 211' and 259' E of Hammonds Ferry Road

(20 & 22 Clyde Avenue)

13th Election District - 1st Council District

Joseph France, et al - Petitioners

Case Nos. 08-141-SPHA & 08-142-SPHA

Dear Gentlemen:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Special Hearing and Variance have been granted with restrictions 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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: People's Counsel; File



TAX ACCOUNT #

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 22 Clyde Avenue

which is presently zoned D.R. S.S.

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.1, BC2R, to permit an existing dwelling

with a net lot area of 4800 square feet and a lot width of 48 feet, in lieu of the minimum required lot area of 6000 square feet and minimum required lot width of 55 feet.

I/We petition for a Variance from the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I/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):

JOSEPH FRANCE

Name - Type or Print

Signature

Name - Type or Print

Signature

2403 SARATOGA AVE

Address BALTO

LANSDOWNE

City

MD

State

Telephone No.

4276

443-8657

21227

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

Telephone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No.

08-146-SPHA

ORDER RECEIVED FOR FILING

UNAVAILABLE FOR HEARING

Date

11-29-07

Reviewed By

JNP

Date

9/20/07

REV 9/15/98

By

DW



TAX ACCOUNT #

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 22 Clyde Avenue

which is presently zoned D.R. S.S.

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.1, BC2R, to permit an existing dwelling

with a net lot area of 4800 square feet and a lot width of 48 feet, in lieu of the minimum required lot area of 6000 square feet and minimum required lot width of 55 feet

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 PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

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):

JOSEPH FRANCE

Name - Type or Print

Signature

Name - Type or Print

Signature

2403 SARATOGA AVE 443-865-4274

Address

Telephone No.

BALTO

City

MD

State

21227

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

Case No. 08-141-SPTA

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Date 11-29-07 Reviewed By JNP Date 9/29/07

By [Signature]

Zoning description for 22 Clyde Ave.

Beginning at a point on the north side of Clyde Ave which is 50 feet wide at the distance of 259 feet east of the centerline of the nearest improved intersecting street Hammonds Ferry Road which is 50 feet wide. Being lots # 115-116-117, Block 2, in the subdivision of Joshua as recorded in Baltimore County Plat Book #01 Folio # 144 containing 4,800 sq feet. Also known as Clyde Ave lots 115-116-117 and located in the 13 Election District, 1 Councilmanic District.

08-141-SPHA

NO. 100

SECRET

Date: 7/18/07

Business & Finance

[illegible]

Total: 415000

Rec
From:

For:

2.2 Clyde Machine (Inventory of Special Machinery)
MS-141 (Page 16)

DISTRIBUTION

WHITE - CASHIER.

PINK - AGENCY

YELLOW-CUSTOMER

CASHIER'S

VALIDATION

NOTICE OF ZONING HEARING

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

Case: #08-141-SPHA

22 Clyde Avenue

N/Side of Clyde Avenue, 259 feet east of Hammonds Ferry Road
13th Election District - 1st Councilmanic District

Legal Owner(s): Joseph France

Special Hearing: to approve a proposed dwelling with confirmation that a merger has not occurred and confirmation that the density of the overall neighborhood has not been affected. Variance: to permit a proposed dwelling with a net lot area of 4800 square feet and a lot width of 48 feet, in lieu of the minimum required lot area of 6,000 square feet and minimum required lot width of 55 feet.

Hearing: Monday, November 26, 2007 at 9:00 a.m. In Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
11/128 Nov. 8 154637

CERTIFICATE OF PUBLICATION

11/8/2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 11/8/2007.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 08-141-SPHA

Petitioner/Developer: JOSEPH FRANCE

Date of Hearing/Closing: Nov. 26, 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 property located at _____

22 CLYDE AVENUE

The sign(s) were posted on NOV. 9, 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 # 08-141-SPHA

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

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

PLACE:

DATE AND TIME: MONDAY, NOVEMBER 26, 2007
AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO APPROVE A
PROPOSED DWELLING WITH CONFIRMATION
THAT A MERGER HAS NOT OCCURED AND CONFIRMATION THAT
THE DENSITY OF THE OVERALL NEIGHBORHOOD HAS NOT BEEN
AFFECTED.

VARIANCE TO PERMIT A PROPOSED DWELLING WITH A
NET LOT AREA OF 4800 SQUARE FEET AND A LOT WIDTH
OF 48 FEET IN LIEU OF THE MINIMUM REQUIRED LOT
AREA OF 6,000 SQUARE FEET AND MINIMUM REQUIRED
LOT WIDTH OF 55 FEET.

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

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

HANDICAPPED ACCESSIBLE



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
22 Clyde Avenue; N/S Clyde Avenue, *
259' E Hammonds Ferry Road * ZONING COMMISSIONER
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Joseph France * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-141-SPH

* * * * *

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
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 2nd day of October, 2007, a copy of the foregoing Entry of Appearance was mailed to, Joseph France, 2403 Saratoga Avenue, Baltimore MD 21227, Petitioner(s).

RECEIVED

OCT 02 2007

Per.....

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 4, 2007
TIMOTHY 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: 08-141-SPHA

22 Clyde Avenue

N/side of Clyde Avenue, 259 feet east of Hammonds Ferry Road

13th Election District – 1st Councilmanic District

Legal Owner: Joseph France

Special Hearing to approve a proposed dwelling with confirmation that a merger has not occurred and confirmation that the density of the overall neighborhood has not been affected.
Variance to permit a proposed dwelling with a net lot area of 4800 square feet and a lot width of 48 feet, in lieu of the minimum required lot area of 6,000 square feet and minimum required lot width of 55 feet.

Hearing: Monday, November 26, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Joseph France, 2403 Saratoga Avenue, Baltimore 21227

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 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
Thursday, November 8, 2007 Issue - Jeffersonian

Please forward billing to:
Joseph France
2403 Saratoga Avenue
Baltimore, MD 21227

443-865-4276

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: 08-141-SPHA

22 Clyde Avenue

N/side of Clyde Avenue, 259 feet east of Hammonds Ferry Road

13th Election District – 1st Councilmanic District

Legal Owner: Joseph France

Special Hearing to approve a proposed dwelling with confirmation that a merger has not occurred and confirmation that the density of the overall neighborhood has not been affected.
Variance to permit a proposed dwelling with a net lot area of 4800 square feet and a lot width of 48 feet, in lieu of the minimum required lot area of 6,000 square feet and minimum required lot width of 55 feet.

Hearing: ~~Monday, November 26, 2007 at 9:00 a.m. in Room 407, County Courts Building,~~
401 Bassey Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

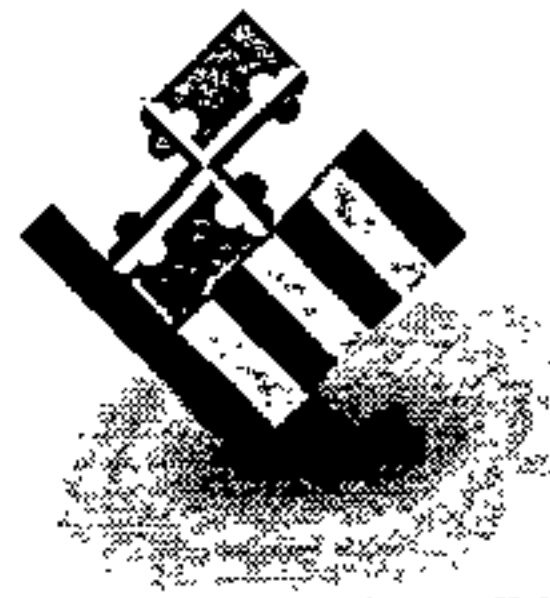
For Newspaper Advertising:

Item Number or Case Number: 08-141-SPH
Petitioner: FRANCE
Address or Location: 22 CLYDE AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOSEPH FRANCE
Address: 2403 SARATOGA AVE
BALTO MD 21227

Telephone Number: 443-865-4276



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

November 20, 2007

Joseph France
2403 Saratoga Avenue
Baltimore, MD 21227

Dear Mr. France:

RE: Case Number: 08-141-SPH, 22 Clyde Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 20, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

ALL
EXHIBITS
ARE IN
CASE FILE
08-142-SPHA

Case No.:

08-141 SPHA

(22 CLYDE AVE)

08-142 SPHA

(20 CLYDE AVE)

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN (S)	
No. 2	LETTERS OF SUPPORT adjoining Adjacent Property owners	
No. 3	3200 thru 4800 Properties Pattern of Development	
No. 4	PRIOR ORDERS - SIMILAR Relief	
No. 5	EXISTING CONDITIONS 5-A 20 CLYDE AVE SB.	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 13 **Account Number -** 1302570600

Owner Information

Owner Name: FRANCE JOSEPH **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 2403 SARATOGA AVE **Deed Reference:** 1) /24309/ 188
 BALTIMORE MD 21227-3030 2)

Location & Structure Information

Premises Address **Legal Description**
 22 CLYDE AVE .110AC LTS 115-117
 22 CLYDE AVE
 JOSHUA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
109	2	357				2	115	1	Plat Ref: 1/ 144

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1915	1,354 SF	4,800.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2007	Phase-in Assessments As Of 07/01/2007	As Of 07/01/2008
Land	30,800	83,500		
Improvements:	56,540	88,700		
Total:	87,340	172,200	115,626	143,912
Preferential Land:	0	0	0	0

Transfer Information

Seller: SEARS GEORGE H,JR	Date: 08/15/2006	Price: \$137,000
Type: NOT ARMS-LENGTH	Deed1: /24309/ 188	Deed2:
Seller: BOSMAN ALEXANDER M,JR	Date: 01/31/1990	Price: \$80,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8392/ 540	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

BW
11-26-07
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 22, 2007

RECEIVED
OCT 25 2007

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

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 8-141 and 8-142- Variance and Special Hearing**

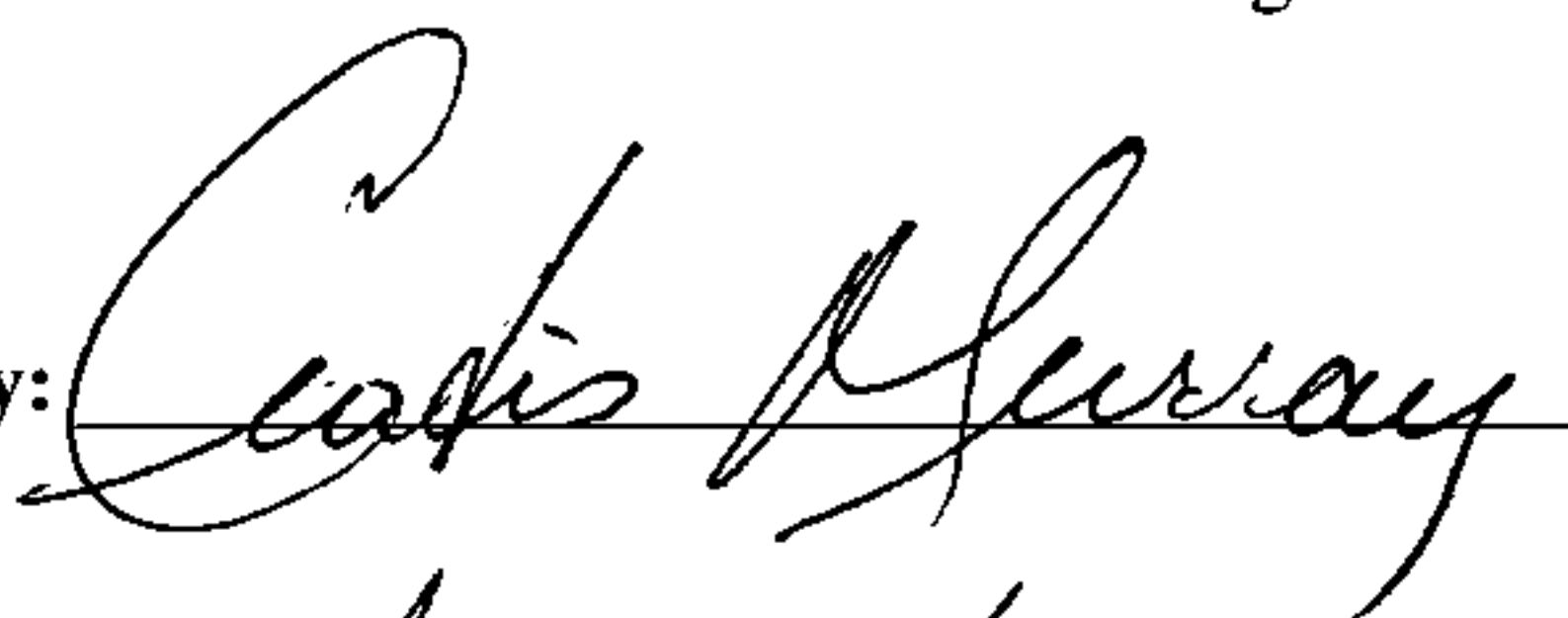
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing 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.

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

Prepared By:



Division Chief:



CM/LL

Joseph France, et al
CASE NAME Joseph France
CASE NUMBERS 08-141 + 142
DATE 11-26-07 SPINA

PETITIONER'S SIGN-IN SHEET

[illegible]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 22, 2007

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 8-141 and 8-142- Variance and Special Hearing

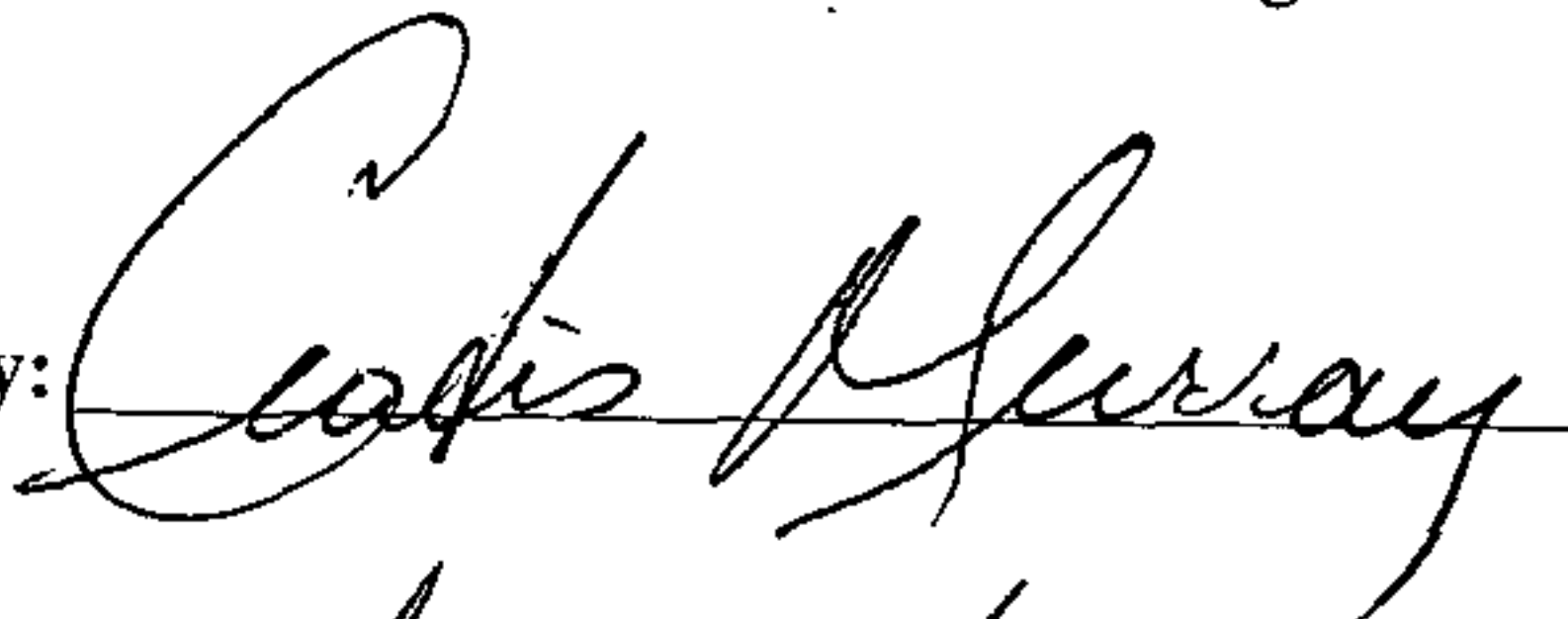
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Prepared By:



Division Chief:



CM/LL



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

State Highway
Administration

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

Maryland Department of Transportation

Date: SEPT. 26, 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. 8-141-SPH
22 CLYDE AVENUE
FRANCE PROPERTY
SPECIAL HEARING

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. 8-141-SPH

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 2, 2007

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 1, 2007
Item Nos. 08-131, 133, 134, 135, 137, 138,
139, 140, 141, 142, 143, and 144

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-10012007.doc

HAMM

HAZEL

AVENUE

LAVERNE

L A V E R N E

109A-1

CLYDE

CLYDE

PB/FOLIO
001144

CLYDE

BALTIMORE

PB/FOLIO
001049

FIRST

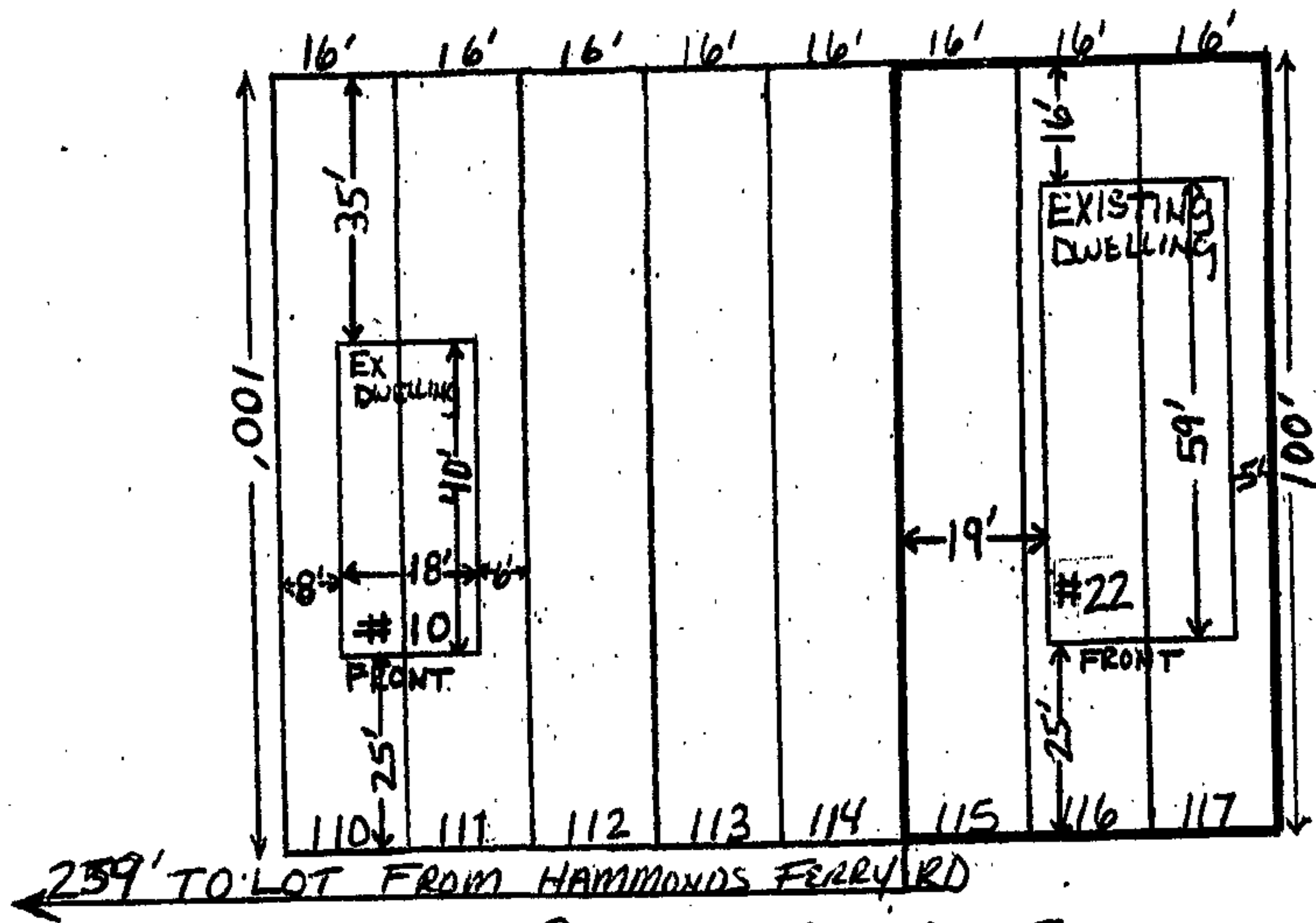
BATTIMORE

08-141-SPHA

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 22 CLYDE AVE
 SUBDIVISION NAME JOSHUA
 PLAT BOOK # 01 FOLIO # 144 LOT # 115-117 BLOCK # 2
 OWNER JOSEPH F FRANCE

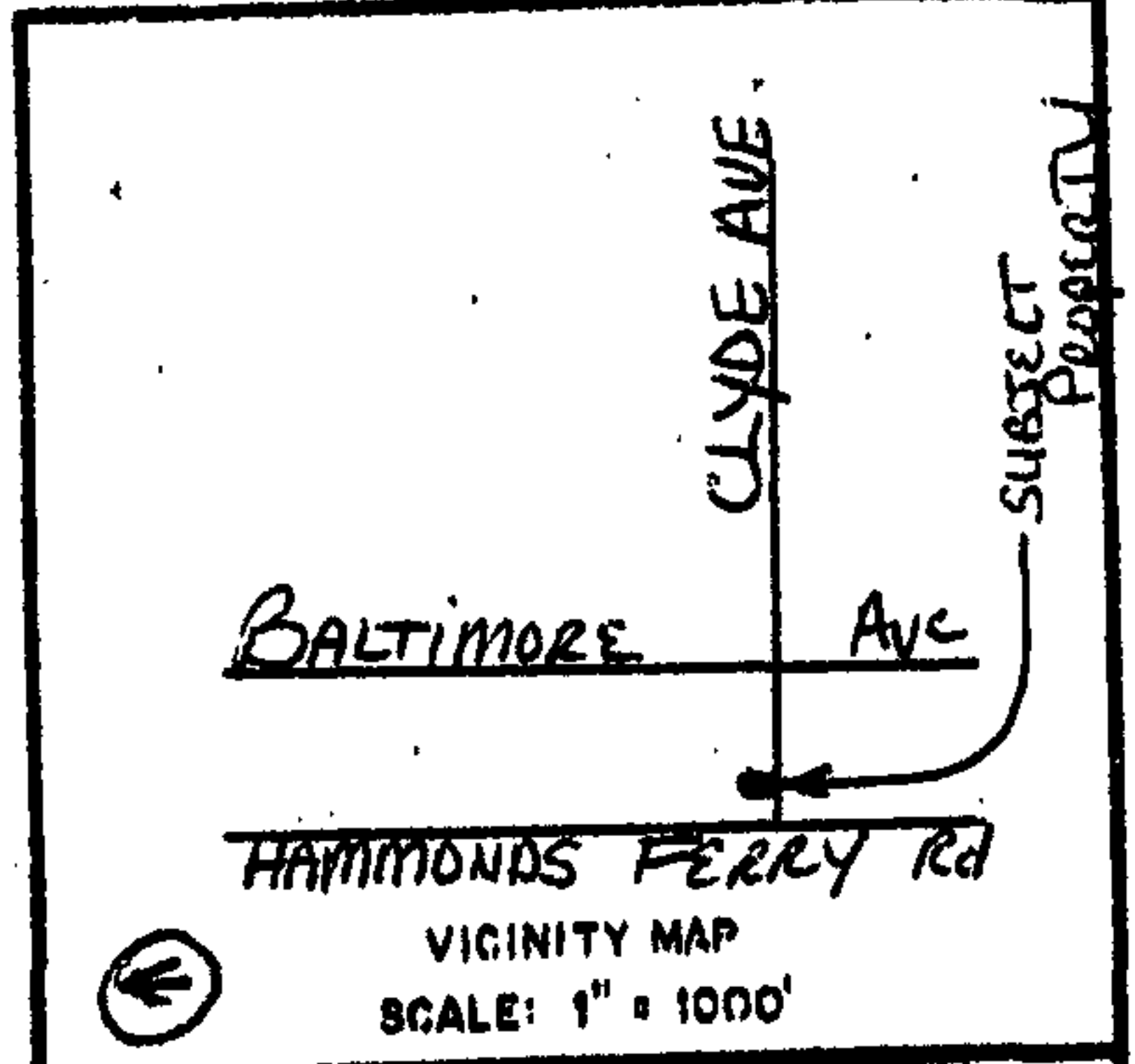


CLYDE AVE
 (50' R/W, 24' PAVING)



PREPARED BY FRANCE

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 13
 COUNCILMANIC DISTRICT 1
 1" = 200' SCALE MAP # 109 A1
 ZONING D.R. S.S.
 LOT SIZE 11 ACRES 4800 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	<u>NONE</u>	

ZONING OFFICE USE ONLY

REVIEWED BY JNP ITEM # 141 CASE # 08-141-SHA