

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>TIMOTHY LUECKING – LEGAL OWNER</u>	*	COUNTY BOARD OF APPEALS
FOR SPECIAL HEARING AND VARIANCE ON		
PROPERTY LOCATED ON THE SW/S	*	OF
SMITHWOOD AVE, 900' SE EDMONDSON		
AVENUE (114 SMITHWOOD AVENUE)	*	BALTIMORE COUNTY
1 ST ELECTION DISTRICT		
1 ST COUNCILMANIC DISTRICT	*	CASE NO. 08-218-SPHA

* * * * *

ORDER OF DISMISSAL

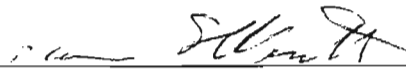
This matter comes to the Board of Appeals by way of an appeal filed by Christopher Russell and Mary Ellen Russell, Protestants, from a decision of the Zoning Commissioner dated January 23, 2008, in which the requested zoning relief was granted.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed via facsimile on June 12, 2008, by Christopher Russell and Mary Ellen Russell, Appellants /Protestants (a copy of which is attached hereto and made a part hereof); and

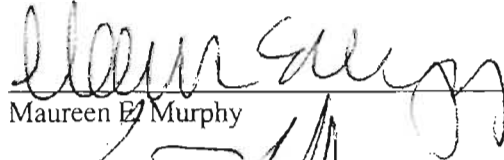
WHEREAS, said Appellants request that the appeal taken in this matter be withdrawn and dismissed as of June 12, 2008,

IT IS THEREFORE ORDERED this 15th day of July, 2008 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 08-218-SPHA be and the same is hereby **DISMISSED**.

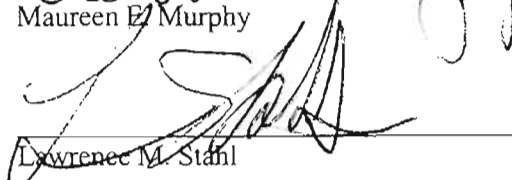
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott



Maureen E. Murphy



Lawrence M. Stahl

**116 Smithwood Avenue
Catonsville, MD 21228**

June 12, 2008

County Board of Appeals of Baltimore County
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204
FAX: (410) 887-3182

RE: Petitions for Special Hearing and Variance
SW/S Smithwood Avenue, 900' SE of Edmondson Avenue
(114 Smithwood Avenue)
1st Election District - 1st Council District
Timothy Leucking, et al - Petitioners
Case No. 08-218-SPHA

Dear Staff:

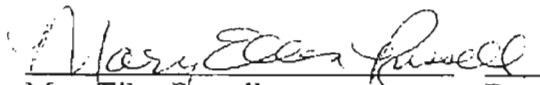
Effective immediately, we hereby withdraw our appeal, submitted February 22, 2008, to the above-referenced Commissioner's decision. We assume that this obviates the need to conduct the evidentiary hearing scheduled for July 2, 2008; your response to verify would be appreciated.



Christopher Russell

6.12.08

Date



Mary Ellen Russell

6/12/08

Date

6/12/08

116

21228



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3130
FAX 410-887-3162

July 1, 2008

Mr. and Mrs. Christopher Russell
116 Smithwood Avenue
Catonsville, MD 21228

RE: In the Matter of: *Timothy Luecking – Legal Owner /Petitioner*
Case No. 08-218-SPHA / Order of Dismissal

Dear Mr. and Mrs. Russell:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen Bianco/sc

Kathleen C. Bianco
Administrator

Enclosure

c: Tom Tacka
Keith R. Truffer, Esquire
Timothy Luecking and Christopher Luecking
G. Dwight Little, PE /Little & Associates, Inc.
Jim Seannel
Mary Lang
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

SW/S Smithwood Avenue, 900' SE of *
Edmondson Avenue *
(114 Smithwood Avenue) *
1st Election District *
1st Council District *

Timothy Luecking, et al *
Petitioners *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-218-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 the owners of the property, Timothy Luecking and Christopher Luecking, through their attorney Keith R. Truffer, Esquire. The Petitioners request special hearing relief from Section 32-4-409 of the Baltimore County Code (B.C.C.), to allow for easement access to (proposed) Lot 2 in lieu of the required in-fee strip. The Petitioners are also requesting variance relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow for minimum lot widths of 53 feet and 50 feet on Lots 1 and 2 respectively, in lieu of the required 100 feet in a D.R.2 zone; to allow for a minimum lot size of 7,450 square feet and 7,396 square feet on Lots 1 and 2 respectively, in lieu of the required 20,000 square feet; to allow for a minimum side yard setback on 13 feet on Lot 1 in lieu of the required 15 feet and a sum of side yard setbacks of 27 feet in lieu of the required 40 feet; to allow for a minimum side yard setback of 4 feet on Lot 2 in lieu of the required 15 feet and a sum of side yard setbacks of 25 feet in lieu of the required 40 feet; to allow for a minimum front yard setback of 18 feet in lieu of the required 40 feet, and finally from Section 102.4 to allow for a minimum lot size of 7,390 square feet in lieu of the required 20,000 for a lot which does not abut on a right-of-way at

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Date 1-23-08
By [signature]

least 30 feet wide over which the public has an easement of travel. The subject property and the requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of these petitions were Timothy and Christopher Luecking, owners of the property, G. Dwight Little, PE, of Little & Associates, Inc., the engineering firm that prepared the site plan and Keith R. Truffer, Esquire, of Royston, Mueller, McLean & Reid, LLP, attorney for the Petitioners. Also appearing and testifying at the hearing were Jim Seannel and Mary Lang who provided a historical overview of the property's use. Appearing as Protestants and interested persons in this matter were the nearby and adjacent neighbors residing on Smithwood Avenue, namely Mary Ellen and Christopher Russell and Tom Tacka, a member of the *Old Catonsville Neighborhood Association*.

The first person to testify was G. Dwight Little, P.E., who was accepted as an expert in the area of engineering and land planning, and stated that he is familiar with the property at 114 Smithwood Avenue, had visited it and had prepared the plat which indicates all lot dimensions, improvements, adjoining streets and rights-of-way as well as all other pertinent features of the site. The subject property is approximately .37 acres in gross area and has been improved by two existing dwellings for many years. It is the owners' desire to divide this long-existing situation of two houses on a single lot into two lots. The proposed lot line between the two residences creates a need for variances from the applicable area requirements as to minimum front and side yard setbacks, minimum lot size and minimum lot width. It was Mr. Little's opinion that the houses which have long-existed on this property are in complete harmony with the rest of the neighborhood. Indeed, two similarly sized lots in the neighborhood were each also improved by two similarly sized residences. It was Mr. Little's further opinion that a grant of the requested

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By [signature]

variances would be in harmony with the intent of the zoning regulations and would create no injury to public health, safety and general welfare.

Testimony was next received by Christopher Luecking, an owner of the property. Mr. Luecking and his brother, Timothy Luecking, purchased the property in 2005. The condition of the two residences was very poor. Since that time, the Lueckings have, pursuant to Baltimore County permits, upgraded each of the two residences at a cost of approximately \$100,000.00 per each house. It is Mr. Luecking's intention to subdivide the property and sell the improvements as separate residences. Mr. Luecking testified that he has made efforts to sell the property in its current state without success. He testified that buyers are simply not interested in both houses together. Without the requested variances, he cannot make full use of the property as separate residences and cannot convey them separately.

Testimony was received from James Scannell. Mr. Scannell resides at 116 1/2 Smithwood Avenue, a lot immediately north of the subject property. Mr. Scannell testified that he has resided on that property since 1965 and is familiar with the property from the late 1940's, when he made deliveries of ice to the subject residences. Mr. Scannell described the history of the area as at one time having been part of a farm. The subject lot as well as his own lot were divided out by two brothers who each built residences on the rear of the property for their respective in-laws. At some point in time, Mr. Scannell's property was subdivided from 116 Smithwood Avenue. Mr. Scannell testified that the two existing residences on 114 Smithwood Avenue have always been in existence and have been continuously used as residences to date.

The final witness for the Petitioner is Mary Lang who is a family friend of the original owner. Ms. Lang testified that she has been familiar with the property since the 1950's and regularly visited her friend. Ms. Lang testified that the two existing residences have always been on this single lot and have been continuously used as residences to date. Reference was also

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By [signature]

made to the Maryland Department of Assessments and Taxation Real Property Data Search for the property indicating that the primary structure was built in 1920.

The neighbors who appeared included Christopher and Mary Ellen Russell and Mr. Tom Tacka. These witnesses expressed no objection to the variances and other relief sought and indeed supported the proposed subdivision of the property that would allow in-fee ownership rather than rental units. Mr. and Mrs. Russell expressed concern over an existing easement on the property line between the two properties. At the hearing, the Petitioners and Mr. and Mrs. Russell agreed that this easement would be extinguished by the parties as part of a separate agreement outside the zoning process.

While, at first blush, the number of variances requested by the Petitioners might tend to signal a dramatic change from the existing conditions on the property and in the neighborhood. In fact, this is not so. The uncontradicted testimony is that these residences have existed on this lot for much of the 20th century and into the 21st century. Other lots in the immediate area have the exact same circumstance, to wit, two residences on a single lot or what was at one time a single lot. None of the neighbors who appeared objected to the requested variances and other zoning relief.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. I further find that the relief granted will not have a detrimental impact to the health, safety, or general welfare of the surrounding locale and is appropriate in this instance. I will note, however, that the comment received from the Bureau of Development Plans Review, dated November 29, 2007, suggested that if access to Lot 2 is granted through the existing easement, it was their recommendation that the driveway be

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Date 1-23-08
By [signature]

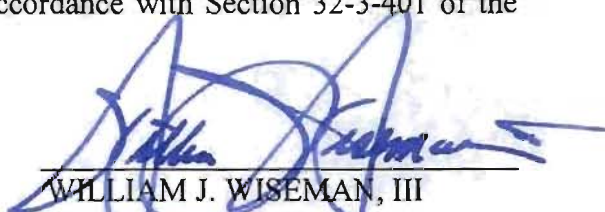
widened to 16-feet wherever possible. As noted by Mr. Little, this will be accomplished after the driveway extends past the existing house on Lot 1.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of January 2008, that the Petition for Special Hearing requesting relief from Section 32-4-409 of the Baltimore County Code (B.C.C.), to allow for easement access to Lot 2 in lieu of the required in-fee strip, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve minimum lot widths of 53 feet and 50 feet on Lots 1 and 2 respectively, in lieu of the required 100 feet in a D.R.2 zone; to allow for a minimum lot size of 7,450 square feet and 7,396 square feet on Lots 1 and 2 respectively, in lieu of the required 20,000 square feet; to allow for a minimum side yard setback on 13 feet on Lot 1 in lieu of the required 15 feet and a sum of side yard setbacks of 27 feet of the required 40 feet; to allow for a minimum side yard setback of 4 feet on Lot 2 in lieu of the required 15 feet and a sum of side yard setbacks of 25 feet in lieu of the required 40 feet; to allow for a minimum front yard setback of 18 feet in lieu of the required 40 feet, and finally from Section 102.4 to allow for a minimum lot size of 7,390 square feet in lieu of the required 20,000 for a lot which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel, in accordance with Petitioners' Exhibit 1, be and are hereby GRANTED.

Any appeal of this decision must be made in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORIGINAL RECEIVED FOR FILING
Date 1-23-08
By [signature]



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 23, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Keith R. Truffer, Esquire
Royston, Muller, McLean & Reid, LLP
102 West Pennsylvania Avenue, Suite 600
Towson, MD 21204

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
SW/S Smithwood Avenue, 900' SE of Edmondson Avenue
(114 Smithwood Avenue)
1st Election District - 1st Council District
Timothy Luecking, et al - Petitioners
Case No. 08-218-SPHA

Dear Mr. Truffer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. 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".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Timothy Luecking, 102 Fairfield Drive, Catonsville, MD 21228
Christopher Luecking, 1504 Idlewilde Avenue, Catonsville, MD 21228
G. Dwight Little, PE, Little & Associates, Inc., 1055 Taylor Avenue, Suite 307,
Towson, MD 21286
Mary Ellen and Christopher Russell, 116 Smithwood Avenue, Catonsville, MD 21228
Tom Tacka, 115 Smithwood Avenue, Catonsville, MD 21228
Jim Seannell, 116 1/2 Smithwood Avenue, Catonsville, MD 21228
Mary Lang, 554 South Rolling Road, Catonsville, MD 21228
People's Counsel; Development Plans Review; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 114 Smithwood Avenue, Baltimore, MD 21228
which is presently zoned DR2

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bound 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:

Keith R. Truffer

Name - Type or Print

Signature

Royston, Mueller, McLean & Reid, LLP
Company

102 W. Pennsylvania Avenue 410-823-1800
Address Suite 600 Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

Timothy Luecking

Name - Type or Print

Signature

Christopher Luecking

Name - Type or Print

Signature

540 S. Rolling Road

Address

Baltimore, MD 21228

City

State

Zip Code

Representative to be Contacted:

Keith R. Truffer

Name

102 W. Pennsylvania Avenue 410-823-1800

Address Suite 600

Telephone No.

Towson, MD 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No.

08-218-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

Date

11.8.07

ORDER RECEIVED FOR FILING

Date

1-23-08

By

[Signature]

Pat → K Truffer
RM MR, Com

SPECIAL HEARING

Special hearing for relief from BCZR§ 32-4-409 to allow for easement access to Lot 2 in lieu of the required in-fee-strip.

G:\LITIGATIONS\KRT\Luecking\Smithwood Ave\Special Hearing.doc



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 114 Smithwood Avenue, Baltimore, MD 21228
which is presently zoned DR2

Deed Reference: 22-64-1/19-8 Tax Account # 0104350010

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)

See Attached

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

Property is improved by two dwellings which were lawfully constructed prior to 1955 and the creation of BCZR. Without the requested variances, and due to the unique nature of the property, the owners will be unable to use the dwellings separately as they are without adequate land to make the lots fully conforming.

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:

Keith R. Truffer

Name - Type or Print

Signature

Royston, Mueller, McLean & Reid, LLP

Company

102 W. Pennsylvania Avenue, 410-823-1800

Address Suite 600

Telephone No.

Towson, MD 21204

City

State

Zip Code

Case No.

08-218SPHA

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 1-23-08

By DS

Legal Owner(s):

Timothy Luecking

Name - Type or Print

Signature

Christopher Luecking

Name - Type or Print

Signature

540 S. Rolling Road

Address

Telephone No.

Baltimore, MD 21228

City

State

Zip Code

Representative to be Contacted:

Keith R. Truffer

Name

102 W. Pennsylvania Avenue 410-823-1800

Address Suite 600

Telephone No.

Towson, MD 21204

City

State

Zip Code

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

Reviewed by JM

Date 11-8-07

- A. Variance from BCZR§ 1B02.3.C.1 to allow for minimum lot widths of 53 feet and 50 feet on Lots 1 and 2 respectively, in lieu of the required 100 feet in a DR-2-Zone.
- B. Variance from BCZR§ 1B02.3.C.1 to allow for a minimum lot size of 7.450 square feet and 7.396 SF on Lots 1 and 2 respectively, in lieu of the required 20,000 square feet.
- C. Variance from BCZR§ 1B02.3.C.1 to allow for a minimum side yard setback on 13' on Lot 1 in lieu of the required 15' and a sum of side yard setbacks of 27' in lieu of the required 40'.
- D. Variance from BCZR§ 1B02.3.C.1 to allow for a minimum side yard setback of 4' on Lot 2 in lieu of the required 15', and a sum of side yard setbacks of 25' in lieu of the required 40'.
- E. Variance from BCZR§ 1B02.3.C.1 to allow for a minimum front yard setback of 18' in lieu of the required 40'.
- F. Variance from BCZR§ 102.4 to allow for a minimum lot size of 7390 square feet in lieu of the required 20,000 for a lot which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel.

DESCRIPTION TO ACCOMPANY
PETITION FOR ZONING VARIANCE
LUECKING PROPERTY
SOUTHWEST SIDE OF SMITHWOOD AVENUE
SOUTHEAST OF EDMONDSON AVENUE
FIRST ELECTION DISTRICT
FIRST COUNCILMANTIC DIATRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at the end of the following course and distance measured from the intersection of the centerline of Edmondson Avenue with the centerline of Smithwood Avenue (1) Southeasterly 400 feet, more or less, thence binding on or along the centerline of Smithwood Avenue (1) South 31 degrees 30 minutes 17 seconds East 54.97 feet, thence leaving Smithwood Avenue and running the three following courses and distances, viz: (2) South 55 degrees 58 minutes 17 seconds West 307.56 feet, thence (3) North 34 degrees 56 minutes 14 seconds West 50.00 feet, and thence (4) North 55 degrees 03 minutes 46 seconds East 310.81 feet to the point of beginning; containing 0.37 of an acre of land, more or less.



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: #06-218-SPHA

114 Smithwood Avenue

S/west side of Smithwood Avenue, 900 feet +/- s/east of Edmondson Avenue

1st Election District - 1st Councilmanic District

Legal Owner(s): Timothy & Christopher Luecking

Variance: to allow for minimum lot widths of 53 feet and 50 feet on Lots 1 & 2 respectively, in lieu of the required 100 feet in a DR 2. To allow for a minimum lot side of 7,540 square feet and 7,369 square feet on Lots 1 and 2 respectively, in lieu of the required 20,000 square feet. To allow for a minimum side yard setback on Lot 1 in lieu of the required 15 feet and sum of side yards setbacks of 27 feet in lieu of the required 40 feet. To allow for minimum side yard setback of 4 feet on Lot 2 in lieu of the required 15 feet, and sum of side yard setbacks of 25 feet in lieu of the required 40 feet. To allow for minimum front yard setback of 18 feet in lieu of the required 40 feet. To allow for minimum lot size 7,390 square feet in lieu of the required 20,000 for a lot which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel. **Special Hearing:** to permit relief from Baltimore County Zoning Regulations to allow for easement access to Lot 2 in lieu of the required in-foot-strip.

Hearing: Wednesday, January 9, 2008 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.

12/218 Dec. 20

158538

CERTIFICATE OF PUBLICATION

12/20/2007

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 12/20/2007.

- ☒ 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.: 08-218-SPHA

Petitioner/Developer: LUECKING

Date of Hearing/Closing: JAN. 9, 2008

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 _____

114 SMITHWOOD AVE.

The sign(s) were posted on DEC. 21, 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 # 08-218-SPHA

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

ROOM 407, COUNTY COURTS BUILDING
401 BOSLEY AVENUE

PLACE: TOWSON, MD. 21204

WEDNESDAY, JANUARY 9, 2008

DATE AND TIME: AT 9:00 A.M.

REQUEST: VARIANCE - TO ALLOW FOR MINIMUM LOT WIDTH OF 53 FEET AND 50 FEET ON LOTS 1 & 2 RESPECTIVELY, IN LIEU OF THE REQUIRED 100 FEET IN A DRY. TO ALLOW FOR A MINIMUM LOT SIZE OF 7,640 SQUARE FEET AND 7,569 SQUARE FEET ON LOTS 1 & 2 RESPECTIVELY, IN LIEU OF THE REQUIRED 10,000 SQUARE FEET. TO ALLOW FOR A MINIMUM SIDE YARD SETBACK OF 15 FEET ON LOT 1 IN LIEU OF THE REQUIRED 15 FEET AND SUM OF SIDE YARD SETBACKS OF 27 FEET IN LIEU OF THE REQUIRED 40 FEET. TO ALLOW FOR MINIMUM SIDE YARD SETBACK OF 4 FEET ON LOT 2 IN LIEU OF THE REQUIRED 15 FEET AND SUM OF SIDE YARD SETBACKS OF 27 FEET IN LIEU OF THE REQUIRED 40 FEET. TO ALLOW FOR MINIMUM FRONT YARD SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 40 FEET. TO ALLOW FOR MINIMUM LOT SIZE 7,569 SQUARE FEET IN LIEU OF THE REQUIRED 10,000 SQUARE FEET WHICH DOES NOT ABUT ON A BUILT-UP-WAY AT LEAST 30 FEET WIDE OVER WHICH THE PUBLIC HAS AN EASEMENT OF TRAVEL.

SPECIAL HEARING - TO PERMIT RELIEF FROM BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW FOR EASEMENT ACCESS TO LOT 2 IN LIEU OF THE REQUIRED 10-FOOT-SPIN.

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

CASE # 08-218-SPHA

**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: WEDNESDAY, JANUARY 9, 2008 AT 9:00 A.M.
REQUEST: VARIANCE

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

8-1218 SPH

No. **07623**

PAID RECEIPT

Date: **11-07-07**

BUSINESS ACTUAL TIME DRW
 11/08/2007 11/08/2007 11:49:28 1
 RES 1501 WALKIN JRIC JHR
 >>RECEIPT # 354400 11/08/2007 OFLN
 Dept: 5 528 ZONING VERIFICATION
 CR NO. 007623

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006		6150					130.00

Total: **130.00**

Rec
 From: **T. Luecking**

For: **SPH A.**

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Recpt Tot \$130.00
 \$130.00 CK \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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: 08-2185AHA

Petitioner: TIMOTHY T. & CHRISTOPHER G. LUECKING

Address or Location: 114 SMITHWOOD AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: TIMOTHY T. LUECKING

Address: 1504 IDLEWILDE AVE.

CATONSVILLE, MD 21228

Telephone Number: 410-746-2042



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

November 29, 2007

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: 08-218-SPHA

114 Smithwood Avenue

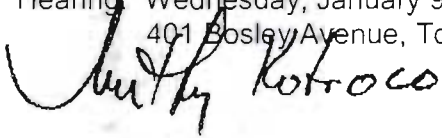
S/west side of Smithwood Avenue, 900 feet +/- s/east of Edmondson Avenue

1st Election District - 1st Councilmanic District

Legal Owners: Timothy & Christopher Luecking

Variance to allow for minimum lot widths of 53 feet and 50 feet on Lots 1 & 2 respectively, in lieu of the required 100 feet in a DR 2. To allow for a minimum lot side of 7,540 square feet and 7,369 square feet on Lots 1 and 2 respectively, in lieu of the required 20,000 square feet. To allow for a minimum side yard setback on 13 feet on Lot 1 in lieu of the required 15 feet and sum of side yard setbacks of 27 feet in lieu of the required 40 feet. To allow for minimum side yard setback of 4 feet on Lot 2 in lieu of the required 15 feet, and sum of side yard setbacks of 25 feet in lieu of the required 40 feet. To allow for minimum front yard setback of 18 feet in lieu of the required 40 feet. To allow for minimum lot size 7,390 square feet in lieu of the required 20,000 for a lot which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel. Special Hearing to permit relief from Baltimore County Zoning Regulations to allow for easement access to Lot 2 in lieu of the required in-feet-strip.

Hearing: Wednesday, January 9, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Keith Truffer, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Timothy & Christopher Luecking, 540 S. Rolling Road, Baltimore 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 24, 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.

Visit the County's Website at www.baltimorecountyonline.info



TO: PATUXENT PUBLISHING COMPANY
Thursday, December 20, 2007 Issue - Jeffersonian

Please forward billing to:
Timothy Luecking
1504 Idlewilde Avenue
Catonsville, MD 21228

410-746-2042

NOTICE OF ZONING HEARING

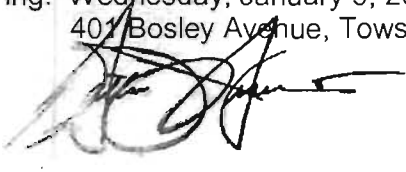
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-218-SPHA

114 Smithwood Avenue
S/west side of Smithwood Avenue, 900 feet +/- s/east of Edmondson Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Timothy & Christopher Luecking

Variance to allow for minimum lot widths of 53 feet and 50 feet on Lots 1 & 2 respectively, in lieu of the required 100 feet in a DR 2. To allow for a minimum lot side of 7,540 square feet and 7,369 square feet on Lots 1 and 2 respectively, in lieu of the required 20,000 square feet. To allow for a minimum side yard setback on 13 feet on Lot 1 in lieu of the required 15 feet and sum of side yard setbacks of 27 feet in lieu of the required 40 feet. To allow for minimum side yard setback of 4 feet on Lot 2 in lieu of the required 15 feet, and sum of side yard setbacks of 25 feet in lieu of the required 40 feet. To allow for minimum front yard setback of 18 feet in lieu of the required 40 feet. To allow for minimum lot size 7,390 square feet in lieu of the required 20,000 for a lot which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel. Special Hearing to permit relief from Baltimore County Zoning Regulations to allow for easement access to Lot 2 in lieu of the required in-feet-strip.

Hearing: Wednesday, January 9, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

FAX: 410-887-3182

*Appeal w/D
by appellants
6/12/08*

April 2, 2008

NOTICE OF ASSIGNMENT

CASE #: 08-218-SPHA

IN THE MATTER OF: **TIMOTHY LUECKING AND
CHRISTOPHER LUECKING** – Legal Owners /Petitioner s
114 Smithwood Avenue 1st Election District; 1st Councilmanic District
1/23/2008 – Z.C.'s decision in which requested zoning relief was **GRANTED**.

ASSIGNED FOR: WEDNESDAY, JULY 2, 2008 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellants /Protestants	: Christopher and Mary Ellen Russell
Protestant	: Tom Tacka
Counsel for Petitioners /Legal Owners	: Keith R. Truffer, Esquire
Petitioners /Legal Owners	: Timothy Luecking and Christopher Luecking
G. Dwight Little, PE /Little & Associates, Inc.	
Jim Seannel	
Mary Lang	
Office of People's Counsel	
William J. Wiseman III /Zoning Commissioner	
Pat Keller, Planning Director	
Timothy M. Kotroco, Director /PDM	

Requested: MARCH 11, 2008

APPEAL SIGN POSTING REQUEST

41 B3

CASE NO.: 08-218-SPHA

114 SMITHWOOD AVE.

1st ELECTION DISTRICT

APPEALED: 2/22/2008

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 08-218-SPHA

LEGAL OWNER: TIMOTHY LUECKING

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

114 SMITHWOOD AVENUE

SW/S SMITHWOOD AVE., 900' SE EDMONDSON AVENUE

The sign was posted on 5/29/8, 2008.

By: Chen J
(Signature of Sign Poster)

(Print Name)

Chen J

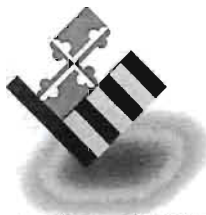
Requested: MARCH 11, 2008

APPEAL SIGN POSTING REQUEST

1st ELECTIO

2008





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

January 2, 2008

Keith R. Truffer
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

Dear Mr. Truffer:

RE: Case Number: 08-218-SPHA, 114 Smithwood Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 8, 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
Timothy Luecking Christopher Luecking 540 S. Rolling Road Baltimore 21228

BW
1-9-08
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 19, 2007

RECEIVED
DEC 26 2007

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

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-218- Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer other than the attached minor subdivision review comments.

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

Prepared By:

Curtis Murray

Division Chief:

Anna L. Latham

CM/LL

Attachment:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 29, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2007
Item No. 08-218

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

If access to lot 2 is granted through the existing easement, we recommend that the driveway be widened to 16-feet wherever possible.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 08-218-11282007.doc



Baltimore County
Fire Department

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

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 26, 2007

Item Number: 217, 218, 219, 220, 222, 224, 225, 226, 227, 228, 229, 232

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
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



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on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info



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: Nov. 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. 8-218-SHA
114 SMITH WOOD AVENUE
LUECKING PROPERTY
VARIANCE
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. 8-218-SHA.

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,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
114 Smithwood Avenue; SW/S Smithwood * ZONING COMMISSIONER
Avenue, 900' SE of Edmonson Avenue *
1st Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Timothy & Christopher Luecking *
Petitioner(s) * BALTIMORE COUNTY
* 08-218-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2007, a copy of the foregoing Entry of Appearance was mailed Keith Truffer, Esquire, Royston, Mueller, McLean & Reid, LLP, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

RECEIVED

NOV 29 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**116 Smithwood Avenue
Catonsville, MD 21228**

February 22, 2008

Baltimore County Zoning Office
401 Bosley Avenue, Suite 405
Towson, MD 21204

RE: Petitions for Special Hearing and Variance
SW/S Smithwood Avenue, 900' SE of Edmondson Avenue
(114 Smithwood Avenue)
1st Election District – 1st Council District
Timothy Leucking, et al – Petitioners
Case No. 08-218-SPHA

Dear Staff:

This letter appeals the above-referenced Commissioner's decision. We also request a copy of the transcript of the January 9 hearing.

We appeal because the Commissioner's decision does not accurately reflect our position as we stated it at the January 9 hearing on this matter. Specifically, we stated that we would not oppose the Petitioners' request to subdivide their property, provided that the Petitioners first agreed to terminate the existing easement on 114 and 116 Smithwood Ave. Instead, the Commissioner's decision at page 4, paragraph one, indicates that we expressed no objections to the relief sought and that we supported the subdivision of the property without any preconditions. As the Commissioner's decision merely states:

At the hearing, the Petitioners and Mr. and Mrs. Russell agreed that the easement would be extinguished by the parties as part of a separate agreement outside the zoning process.

Moreover, at the January 9 hearing, the Commissioner indicated that he would wait to issue his decision until we confirmed with him that the easement had been terminated. Indeed, the petitioner's attorney promised at the hearing that he would get back to us "within 48 hours" with documentation to support such an agreement. The Commissioner then issued his January 28 decision, despite the fact that the petitioners have not yet followed through on their promise to terminate the easement.

In addition, our attorney provided to the Petitioner's attorney a document which, when ratified, would extinguish the existing easement. As of today's date, we still have not received the signed documents from the petitioners, and the existing easement is not yet extinguished. Consequently, and consistent with our stated position at the January 9 hearing, we must continue to oppose the petitioner's request to subdivide the property until the easement is terminated.

Note also that we would be happy to immediately withdraw this appeal upon our receipt of the fully ratified agreement that terminates the existing easement.



Christopher Russell

2.22.08

Date



Mary Ellen Russell

2/22/08

Date

Bill Wiseman - RE: UPDATE re: 114/116 Smithwood

From: "Keith R. Truffer" <ktruffer@rmmr.com>
To: 'Tee Tillman' <tee.tillman@colonytitle.com>
Date: 01/17/08 5:58 PM
Subject: RE: UPDATE re: 114/116 Smithwood
CC: "wwiseman@co.ba.md.us" <wwiseman@co.ba.md.us>, "Christopher Russell " <crussell@energypathfinder.com>, "chrisl56@comcast.net" <chrisl56@comcast.net>

Dear Mr. Tillman. I respond to Mr. Russell's note this morning. Because he directed the email to me, I include him in this response. This is also true for the Zoning Commissioner. I have prepared a simple agreement which I have sent to my client for review. As soon as I hear back, I will forward the draft to you for Mr. Russell.

I expect to be able to get this to you tomorrow.

Thanks very much. Let me know if you have any questions.

Keith

Keith R. Truffer
102 W. Pennsylvania Avenue
Suite 600
Towson, Maryland 21204-4526
(410) 823-1800

From: Christopher Russell [mailto:crussell@energypathfinder.com]
Sent: Thursday, January 17, 2008 9:56 AM
To: Keith R. Truffer; 'Tee Tillman'
Cc: wwiseman@co.ba.md.us
Subject: UPDATE re: 114/116 Smithwood

Gentlemen:

Pursuant to the Baltimore County zoning hearing conducted on January 9, we expected to see "within 48 hours" from Mr. Truffer's office a draft agreement regarding the abandonment of the easement currently applied to 114/116 Smithwood. Commissioner Wiseman asked to be kept up to date with our progress.

Any word is appreciated.

Representing the owners of 114 Smithwood:
Mr. Keith R. Truffer
Royster, Mueller, McLean & Reid, LLP
102 West Pennsylvania Avenue, Suite 600
Towson, MD 21204
(410) 823-1800

Representing my wife and me:
Mr. Edwin E. Tillman, Jr.
Tillman, Shehan & Letzkus
10320 Little Patuxent Parkway, Suite 410
Columbia, MD 21044
(410) 884-1160

Christopher Russell

BLOG UPDATED WEEKLY: <http://energypathfinder.blogspot.com>

P.O. Box 21049

Baltimore, MD 21228

phone: (410) 788-0616

cell: (703) 459-7091

crussell@energypathfinder.com



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
March 5, 2008 *Development Management*

Keith Truffer
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Ste. 600
Towson, MD 21204

Dear Mr. Truffer:

RE: Case: 08-218-SPHA, 114 Smithwood Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on February 22, 2008 by Mr. & Mrs. Russell. 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.

Sincerely,

Timothy Kotroco
Director

TK:

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel

APPEAL

Petition for Special Hearing & Variance
114 Smithwood Avenue
SW/S Smithwood Ave., 900' SE Edmondson Avenue
1st Election District – 1st Councilmanic District
Legal Owner: Timothy Luecking

Case No.: 08-218-SPHA

Petition for Special Hearing & Variance (November 8, 2007)

Zoning Description of Property

Notice of Zoning Hearing (November 29, 2007)

Certification of Publication (The Jeffersonian – December 20, 2007)

Certificate of Posting (December 21, 2007) by Garland Moore

Entry of Appearance by People's Counsel (November 29, 2007)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Letter from Katherine Holtman

Protestants' Exhibits:

1. Existing Easement Agreement

Miscellaneous (Not Marked as Exhibit) - None

Zoning Commissioner's Order (GRANTED – January 23, 2008)

Notice of Appeal received on February 22, 2008 by Mr. & Mrs. Russell

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
Keith Truffer, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Timothy Luecking, 102 Fairfield Drive, Catonsville 21228
Christopher Luecking, 1504 Idlewild Avenue, Catonsville 21228
G. Dwight Little, 1055 Taylor Avenue, Ste. 307, Towson 21286
Mr. & Mrs. Russell, 116 Smithwood Avenue, Catonsville 21228
Tom Tacka, 115 Smithwood Avenue, Catonsville 21228
Jim Seannell, 116 ½ Smithwood Avenue, Catonsville 21228
Mary Lang, 554 South Rolling Road, Catonsville 21228

date sent March 6, 2008, klm

CASE #: 08-218-SPHA

IN THE MATTER OF: TIMOTHY LUECKING AND
CHRISTOPHER LUECKING – Legal Owners /Petitioners
114 Smithwood Avenue 1st Election District; 1st Councilmanic District

SPH – To allow for easement access to proposed Lot 2 ilo required in-fee strip;
VAR – To allow for minimum lot widths of 53' and 50' on Lots 1 and 2
respectively ilo req'd 100' in a DR 2 zone; for minimum lot size of 7,450 sf and
7,396 sf on Lots 1 and 2 respectively ilo req'd 20,000 sf; for minimum side yd
setback of 13' on Lot 1 ilo req'd 15' and a sum of side yard setbacks of 27' ilo
req'd 40'; for minimum side yard setback of 4' on Lot 2 ilo req'd 15' and a sum
of side yd setbacks of 25' ilo req'd 40'; to allow minimum front yd setback of
18' ilo req'd 40' and to allow minimum lot size of 7,390 sf ilo req'd 20,000 for
a lot which does not abut on a r/w at least 30' wide over which the public has an
easement of travel.

1/23/2008 – Z.C.'s decision in which requested zoning relief was **GRANTED**.

4/02/08 – Notice of Assignment sent to following parties; hearing assigned for Wednesday, July 2, 2008 at 10 a.m.:

Christopher and Mary Ellen Russell
Tom Tacka
Keith R. Truffer, Esquire
Timothy Luecking and Christopher Luecking
G. Dwight Little, PE /Little & Associates, Inc.
Jim Seannel
Mary Lang
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

6/11/08 T/C from Mr. Russell regarding process for withdrawing appeal. He and his wife are sole appellants; will be submitted a letter of withdrawal of appeal, signed by both of them, requesting that this appeal be dismissed.

6/12/08 – Notice of Withdrawal of Appeal filed by Christopher and Mary Ellen Russell this date via FAX; Order of Dismissal to be issued; case pulled from July hearing date.

Case No.: 08-218 SPAA 114 Smithwood Ave.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Existing Easement Agreement
No. 2	Letter from Katherine Holtman.	
No. 3		
No. 4		
No. 5		
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 vw3.1)

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

Account Identifier: District - 01 **Account Number -** 0104350010

Owner Information

Owner Name:	LUECKING TIMOTHY T LUECKING CHRISTOPHER G	Use:	RESIDENTIAL
Mailing Address:	114 SMITHWOOD AVE BALTIMORE MD 21228-4946	Principal Residence:	YES
		Deed Reference:	1) /22641/ 198 2)

Location & Structure Information

Premises Address
114 SMITHWOOD AVE

Legal Description

114 SMITHWOOD AVE WS
500FT S OF EDMONDSON AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
100	12	238						1	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1920	1,875 SF	17,490.00 SF	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2007	07/01/2008
Land	88,120	264,870		
Improvements:	144,080	250,240		
Total:	232,200	515,110	326,503	420,806
Preferential Land:	0	0	0	0

Transfer Information

Seller: HOLTMAN PHYLLIS	Date: 09/30/2005	Price: \$300,000
Type: IMPROVED ARMS-LENGTH	Deed1: /22641/ 198	Deed2:
Seller: DIEHLMANN KATHERINE	Date: 05/07/1998	Price: \$38,000
Type: NOT ARMS-LENGTH	Deed1: /12843/ 298	Deed2:
Seller: DIEHLMANN CORNELIA K	Date: 01/14/1980	Price: \$30,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6126/ 230	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:

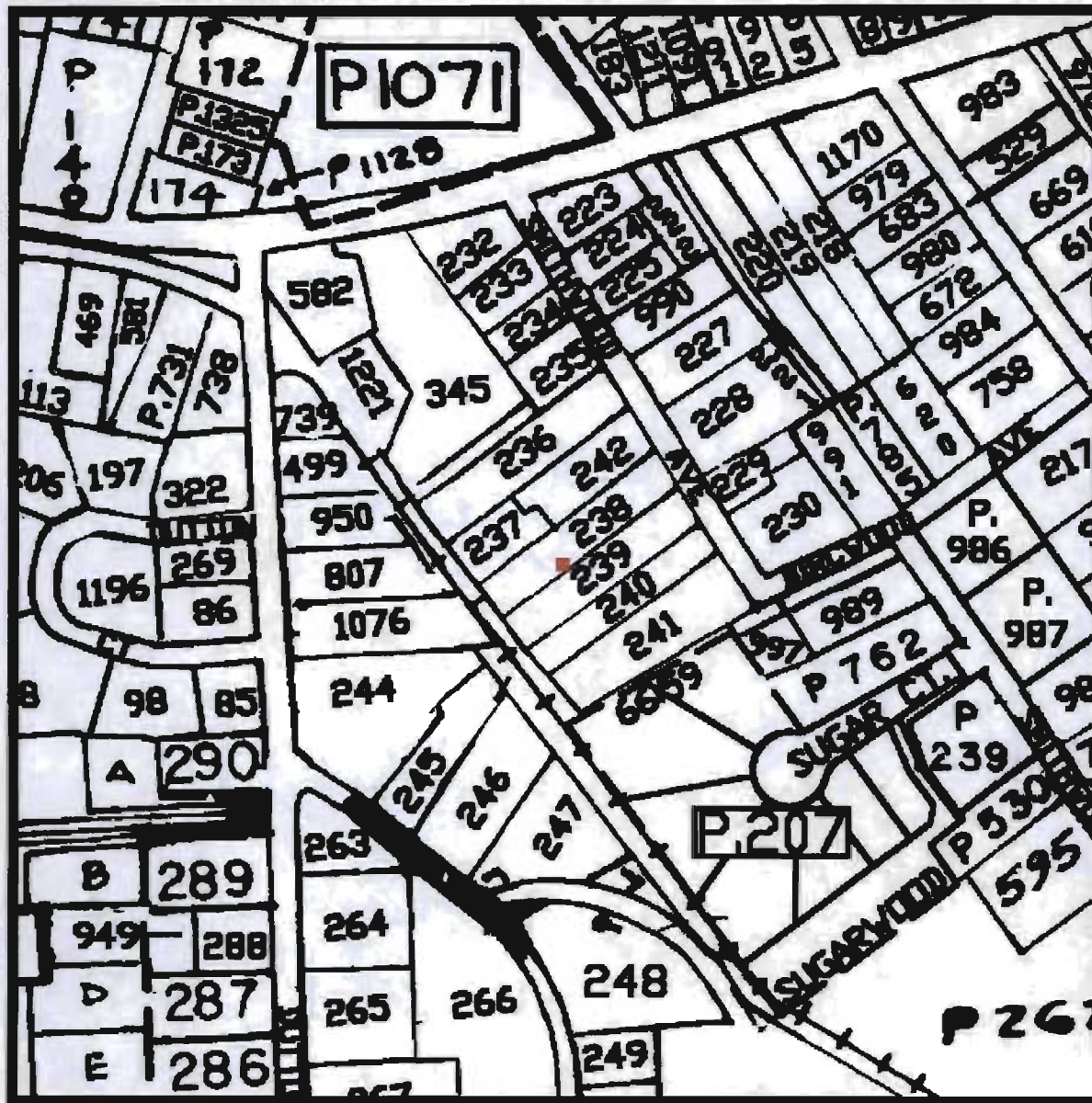
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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

District - 01 Account Number - 0104350010



Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning
 web site at www.mdp.state.md.us/webcom/index.html

CASE NAME _____
CASE NUMBER 8-218-SMTH
DATE 1-9-08

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Dwight Little	Little + Associates Inc. 1055 Taylor Ave. Suite 307	Towson, MD 21286	
Kenneth Timmeron	Roydon Mallon 102 W. Pennsylvania Ave. Suite 600	Towson MD 21204	
Tim Luecking	102 FAIRFAX DR.	CATONSVILLE MD. 21228	
CHRISTOPHER LUECKING	1504 IDLEWILDE AVE.	CATONSVILLE MD 21228	CHRISL56@COMCAST.NET
* Debbie - mail to Mr. Luecking at same address used in Case number 08-199		→ Same as noted above	JW

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 8-218-SPH4

DATE 1/9/08

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Mary Ellen Russell

116 Smithwood Ave.

Catonsville, MD 21228

TOM TACKA

115 SMITHWOOD AVE

CATONSVILLE, MD 21228

CHRISTOPHER RUSSELL

116 SMITHWOOD AVE

CATONSVILLE, MD 21228

+ JIM SEANNELL

116 1/2 Smithwood Ave

CATONSVILLE MD 21228

+ Mary Lang

554 L Rolling Rd

CATONSVILLE MD 21228

* signed Citizens sheet but testified for
Petitioner.

Case No.: 08-218 SPHA 114 Smithwood Ave.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Existing Easement Agreement
No. 2	Letter from Katherine Holtman.	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

To Whom it may concern

I, Katherine R. Holtman lived at 114 1/2 Smithwood Avenue (back house) from February, 1947 until 1957 when @ that time moved along with my mother Phyllis and sister June to 114 Smithwood Avenue (front house). When we moved from the back house it was immediately rented & re-rented for many years

Katherine R. Holtman

Bradley Gorman

1/8/2008 Howard County, MD
my commission exp. 3/27/2010

PETITIONER'S

EXHIBIT NO. 2

Baltimore County, Maryland

Zoning Commission

Case Number 8-218-SPHA

Statement of
Christopher H. and Mary Ellen Russell
Owners, 116 Smithwood Avenue

Submitted January 9, 2008

PROTESTANT' S

EXHIBIT NO. 1

CONTENTS

Statement of Christopher & Mary Ellen Russell.....	pp. 3-4
Photos of earlier construction.....	p. 5
Photos of current construction.....	p. 6
Copy of "Deed and Agreement" that prescribes existing easement.....	pp. 7-9
Boundary survey.....	p. 10
Copy of correspondence from C. Russell to Messrs. Leucking, dated 10/20/2005, offering to terminate existing easement.....	pp. 11-12
Copy of correspondence 2/19/07 in which C. Luecking reasserts his claim to the existing easement.....	pp. 13-14

My name is Christopher Russell. My wife, Mary Ellen, and I have jointly owned and resided at 116 Smithwood Avenue since December 1998.

We understand that today's hearing invites comments regarding the proposed subdivision of the parcel at 114 Smithwood. Frankly, my wife and I need to understand our rights, privileges, and responsibilities should the proposal be approved and become final.

At issue is an existing private easement, recorded as a "Deed and Agreement" with the State Department of Assessments and Taxation, dated April 19, 1983, Liber 514, pages 412-414. This easement, which is currently still in effect, was created to correspond with driveway construction completed in 1983 and in place until 2005. The easement is depicted in the attached boundary survey and is approximated in Figure A of this document. We ask the hearing officer to be fully aware of the consequences of subdivision, given the complication of an existing easement:

1. The existing easement was created in 1983 by the previous owners of 114 and 116. As designed, the existing easement benefited the property at 114 by providing access and egress in lieu of there being a driveway built to code and entirely situated on that property. Note that this easement provides reciprocal access, that is, both properties have complete access to the entire easement. I defer to the attached "Deed and Agreement" for further details about the scope and purpose of the existing easement.
2. In 2005, the current owners of 114 Smithwood installed on that property a new, wholly contained driveway that provides access to both structures on that parcel. Access and egress to 114 Smithwood can now be accomplished without crossing the property line onto 116 Smithwood. Thus, the existing easement applies to a physical layout that no longer exists.
3. Nevertheless, in a letter to me dated February 19, 2007, Mr. Chris Luecking reasserted his rights to the existing easement. Note that my wife and I have no need or desire to exercise access to 114 per the rights granted to us by the existing easement.
4. Subdivision of the parcel at 114 Smithwood would demand the creation of a new easement that assigns rights between Lots 1 and 2 of the subject parcel. This new easement, we believe, would need to completely overlap the entire width of the new driveway construction at 114, beginning from the street and continuing to some point between the two houses on that parcel. Any new easement will overlap that part of the existing easement as now applied to 114 Smithwood.
5. My wife and I would appreciate an explanation of the rights, obligations, and responsibilities that accrue to us from a configuration of overlapping easements. Note that the new easement would necessarily have to recognize and be consistent with the terms of the existing easement. If the existing easement is to remain in place, then my wife and I must also be parties to the creation of any overlapping

easement. On the other hand, if the current easement is terminated, then my wife and I have no legal interest in the prescriptions provided by an easement that lies solely within the boundaries of 114.

6. Note that the law disfavors unnecessary encumbrances of property. The footprint of the existing easement unnecessarily encumbers both 114 and 116 Smithwood Avenue, because it has no practical relationship to the physical construction that now exists. This hearing now considers creation of a new easement that, in combination with the existing easement, will unnecessarily encumber not two, but three properties at once.

My wife and I seek an outcome that adequately serves the law by terminating the existing easement, and relieves us and all future owners of 114 Smithwood parcels from irrelevant property interests.

CONFIGURATION, 1982 - 2005



Figure A: Yellow lines approximate boundary of current easement.
Arrow indicates boundary surveyor's spike (orange spray paint).



Figure B

CONFIGURATION, FROM 2005



Figure C



Figure D

DEED AND AGREEMENT

THIS DEED AND AGREEMENT, Made and entered into this 17
day of June, 1982, by and between KATHERINE DIEHLMANN
and PHYLLIS HOLTMAN (hereinafter collectively referred to as
"Diehlmann") and THOMAS J. JACKSON and MARJORIE L. JACKSON, his
wife, (hereinafter collectively referred to as "Jackson").
This Deed and Agreement is joined in by the Union Trust Company
of Maryland, the Westview Federal Savings and Loan Association,
and Mercantile Safe Deposit and Trust Company, holders of
indebtedness upon the lands covered by this Agreement in order
to evidence their consent to the terms and provisions of this
Agreement.

DEED	19.00
EXHIBIT	19.00
TOTAL	19.00

WITNESSETH:

That in consideration of the sum of Ten Dollars (\$10.00) for 109.39
in hand paid by each of the parties herein to the other, and
the mutual promises and covenants herein contained, the said
Jacksons, Holtman and Diehlmann, their mortgagees, for themselves
their respective heirs, successors or assigns, forever, do
declare and create an easement or right of way for the purposes
of egress and ingress for vehicular and pedestrian traffic,
over the southern-most four feet of the lands of Jackson and
the northern-most four feet of the lands of Diehlmann at a point
beginning in the center of Smithwood Avenue, as now laid out,
and extending therefrom approximately 97.83 ± feet along the
common property line of Jackson and Diehlmann. This Agreement
is entered into for the purposes of forever establishing
an easement for ingress and egress to the owners, users, invitees,
licensees and any other persons lawfully coming upon said
properties to afford access by way of ingress and egress to
the said properties. This Agreement is entered into for the
purpose of forever settling any dispute which has arisen or may in
the future arise as a result of a claim for prescriptive easement

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE _____ DATE 4/11/83

STATE DEPARTMENT OF
ASSESSMENTS & TITIGATION
492 4/11/83
CLERK DATE

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
By [Signature]
Notary Public
Dated 4/11/83 Sec 11-83
C. S. Smith

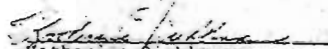
REF 6514 413

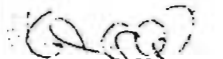
over a portion of said properties and shall be a burden upon and a benefit to each of their respective properties to the extent of such easement area. The parties do further covenant and agree that they shall maintain in common the said easement area in order to effectuate such ingress and egress and shall reasonably accomodate one another in order to afford such common means of ingress and egress in and to the properties. This Deed and Agreement is entered into for the purposes of settling forever any and all matters arising out of Baltimore County, Equity case No. 166/54/82E774, and the parties covenant and agree to execute such further assurances as may be required by the stipulated Settlement Agreement filed in the said Equity Case.

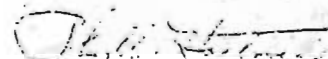
IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

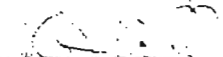
WITNESS:

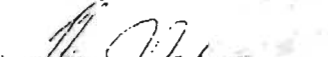


 (SEAL)
Katherine Diehlmann

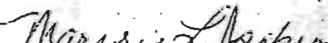


 (SEAL)
Phyllis Holtman



 (SEAL)
Thomas J. Jackson



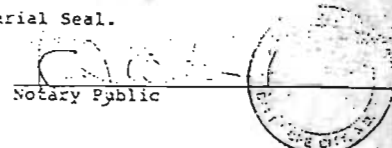
 (SEAL)
Marjorie L. Jackson

STATE OF MARYLAND, COUNTY OF ~~Hager~~ to wit:

I HEREBY CERTIFY that on this 17th day of October, 1982, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Katherine Diehlmann, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and she acknowledged that she executed the foregoing for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:
7/1/86


Notary Public

LEER 6514 PAS 414

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 17 day of March, 1982, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared PHYLLIS HOLTMAN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and she acknowledged that she executed the foregoing for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: 7/1/86

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 17 day of March, 1982, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared THOMAS J. JACKSON and MARJORIE L. JACKSON, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and they acknowledged that they executed the foregoing for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: 7/1/86

WITNESS:

UNION TRUST COMPANY OF MARYLAND

BY: Gordon De George (SEAL)

Vice President

WESTVIEW FEDERAL SAVINGS AND LOAN ASSOCIATION

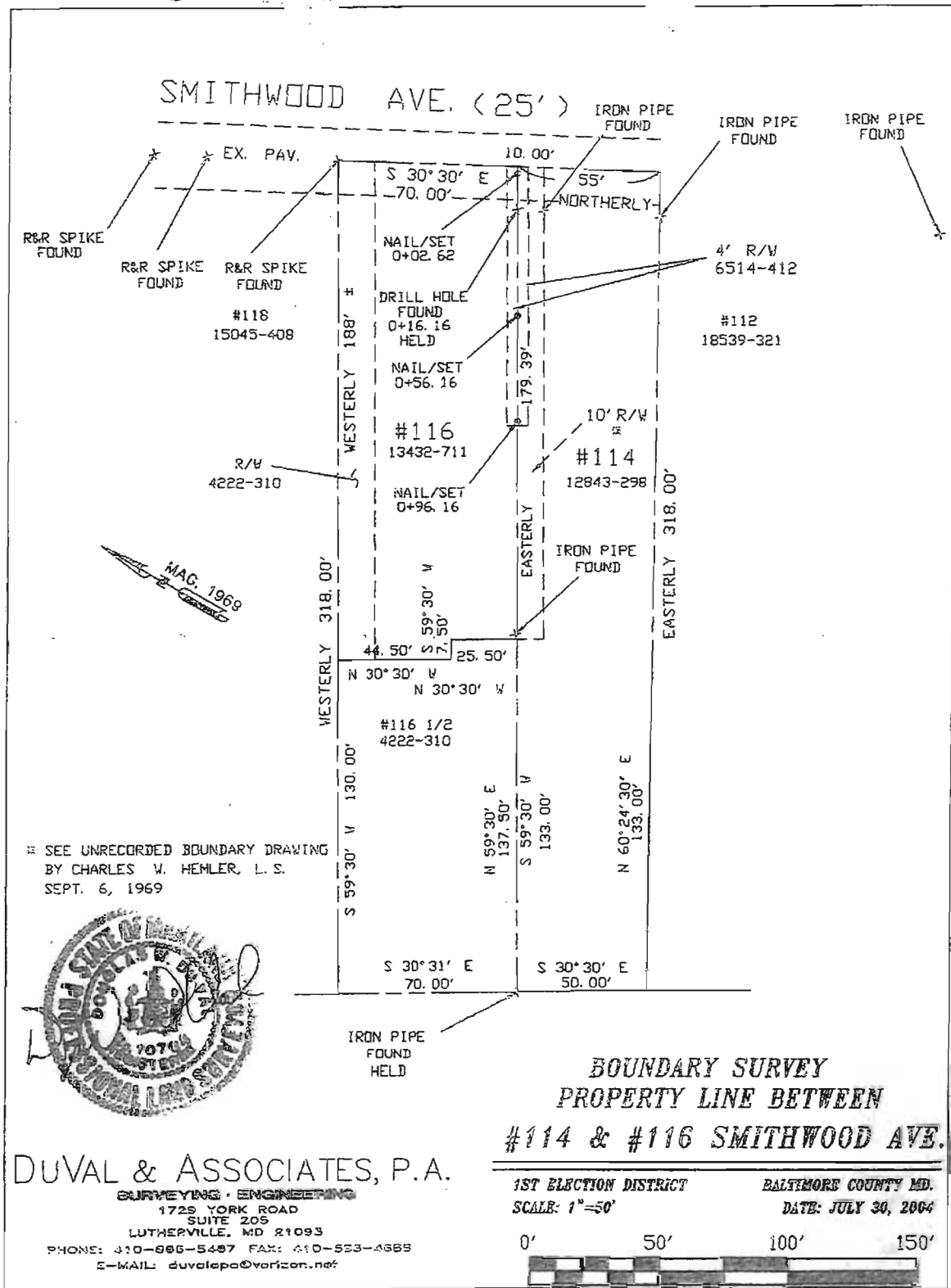
BY: Valerie A. Towner (SEAL)

Executive V.P.

MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY

BY: Charles J. Borden (SEAL)

Rec'd for record APR 20 1983 at 7:39
Per Elmer E. Kahline, Jr. Clerk
Mail to Reese + Company
Receipt No. 1900
-3



\\Dvaserv\serv-d\jobs\04090\DRAWINGS\04090_BDY.dwg, 8/5/2004 8:25:32 AM, 1:50

**Christopher & Mary Ellen Russell
116 Smithwood Avenue
Catonsville, MD 21228**

October 20, 2005

Messrs. Luecking:

Per the recommendation of our legal counsel, Mr. Edwin Tillman, Esq., ratification of this document would enact an agreement that respects mutual rights and interests regarding the termination of the existing driveway easement (reference: liber 6514, pages 412-414) between the properties of 114 Smithwood Avenue and 116 Smithwood Avenue. Specifically, ratification of this agreement would cause the following actions to take place **in this sequence**:

1. Owner of 116 Smithwood will remove the existing fence that straddles the property line between 114 and 114 Smithwood. This will occur in a timely fashion to facilitate step 2 (below).
2. Owner of 114 Smithwood will then proceed with installation of a new driveway, wholly contained on 114 Smithwood.
3. Within 15 days of the completion of the new driveway on 114 Smithwood, the owners of 114 and 116 Smithwood jointly petition the office of Mr. Tillman to proceed with the termination of the above-referenced easement.
4. Upon termination of the subject easement, the owner of 114 Smithwood will completely and forever be relieved of all responsibilities for maintenance and upkeep of the parcel currently defined by the subject easement.

The following repeats the procedure for termination of easement, as originally presented to Mr. Chris Luecking in correspondence dated October 5, 2005:

1. With ratification of this document, Mr. Tillman will draft the termination documents required by the county. Owners of both 114 and 116 Smithwood are required to sign those documents.
2. Mr. Tillman will require a copy of the deed for 114 Smithwood.
3. A description of the area defined by the easement will be required (already accomplished).
4. Mr. Tillman will submit the documented request to the county's Office of Budget and Finance.

5. The County's Land Records office then assigns a recordation number that officially logs the termination.

Ratification:

 10.20.05
 10/20/05

Christopher Russell
Mary Ellen Russell
Owners, 116 Smithwood Avenue
Catonsville, MD 21228

Tim Leucking
Chris Luecking
Owners, 114 Smithwood Avenue
Catonsville, MD 21228

Chris Luecking
1504 Idlewilde Avenue
Catonsville, MD 21228

February 19, 2007
Mr. Christopher Russell
116 Smithwood Avenue
Catonsville, Md. 21228

Re: 114 Smithwood Avenue

Dear Mr. Russell,

I am writing this note several days after our most recent (Thursday, February 15) discussion regarding the property lines between your house at 116 Smithwood Avenue and the referenced property that is owned by my brother and me.

In the past, when you and I talked about this subject, I realize that my emotions got the better of me, and I did not act in a calm manner. Our "discussion" on Thursday, February 15 was no different and for that I sincerely apologize.

However, I wanted you to know that you said something that day that really got my attention. You said "It's ALWAYS something with you, Mr. Luecking. What is it THIS time?" After I went home that evening, I really thought about that statement because it upset me to think that I might be one of those neighbors who is constantly nagging and complaining about one thing or another. So I really thought about what you said for a few days and I had an "ah hah!" moment. I realized that from your perspective, it must seem like it is about where you park your car blocking the easement, your fence on my property, where you place your trash, and where your grass cuttings and shovelled snow is placed. I can definitely see your side of it and why you feel and suggested that "it's always SOMETHING".

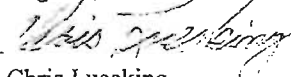
However, from my perspective, it is and has always been about only ONE thing: the established legal boundary lines and easement between our properties, which have been established and defined by survey and are not in question.

Perhaps you have never seen a copy of the survey, or you question the accuracy of it. If the former, I'd be happy to show you my copy of the survey, and, if the latter, I invite you to have your own survey performed to satisfy once and for all whatever lingering doubts you clearly still have about exactly where your property ends and mine begins.

While I know that we will probably never be able to speak rationally about this subject, my hope is that we can at least peacefully coexist, if not as neighbors then as adjoining property owners. In that regard, please do not place your personal belongings (including, but not limited to, your car, fence, grass clippings, and shovelled snow) on my property or block the established easement.

My promise to you is that I will never knowingly interfere or infringe upon your property and I respectfully ask that you do the same in return.

Regards,


Chris Luecking

Christopher Luecking
1504 Idlewilde Ave.
Catonsville, MD 21228



7004 1350 0004 1125 9619



0000



21228

U.S. POSTAGE
PAID
BALTIMORE, MD
21228
FEB 20, 07
AMOUNT

\$4.64
00096350-47

LN
2012
2/21/07

MR. CHRISTOPHER RUSSELL
116 SMITHWOOD AVE.
CATONSVILLE, MD. 21228

RETURN RECEIPT
REQUESTED

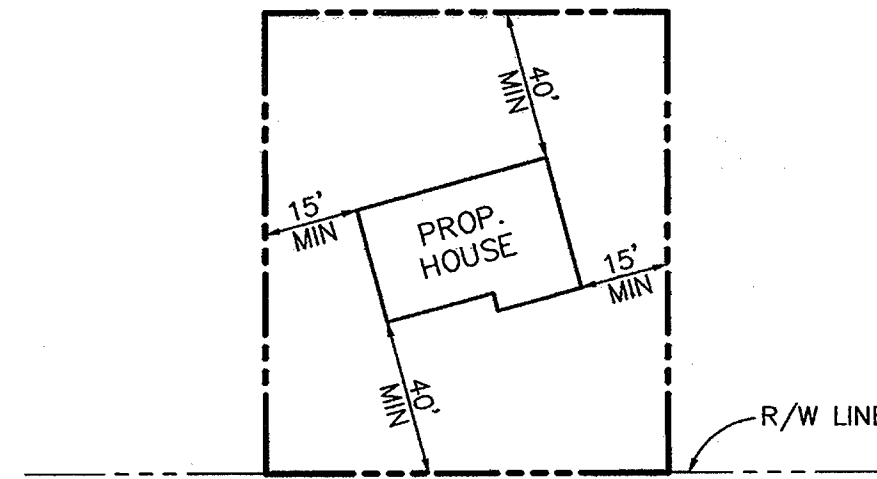
RETURN RECEIPT
REQUESTED

SMALL LOT TABLE

ZONING CLASSIFICATION	MINIMUM NET LOT AREA PER DWELLING UNIT (SQ. FT.)	MINIMUM LOT WIDTH	MINIMUM FRONT YARD DEPTH (FEET)	MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (FEET)	MINIMUM SUM OF SIDE YARD WIDTHS (FEET)	MINIMUM REAR YARD DEPTH (FEET)
D.R. 1	40,000	150	50	20	50	50
D.R. 2	20,000	100	40	15	40	40
D.R. 3.5	10,000	70	30	10	25	30
D.R. 5.5	6,000	55	25	10	-	30
D.R. 10.5	3,000	20	10	10	-	50
D.R. 16	2,500	20	10	25	-	30

LOT AREA TABLE

LOT NO.	AREA (AC.)
1	0.17
2	0.17

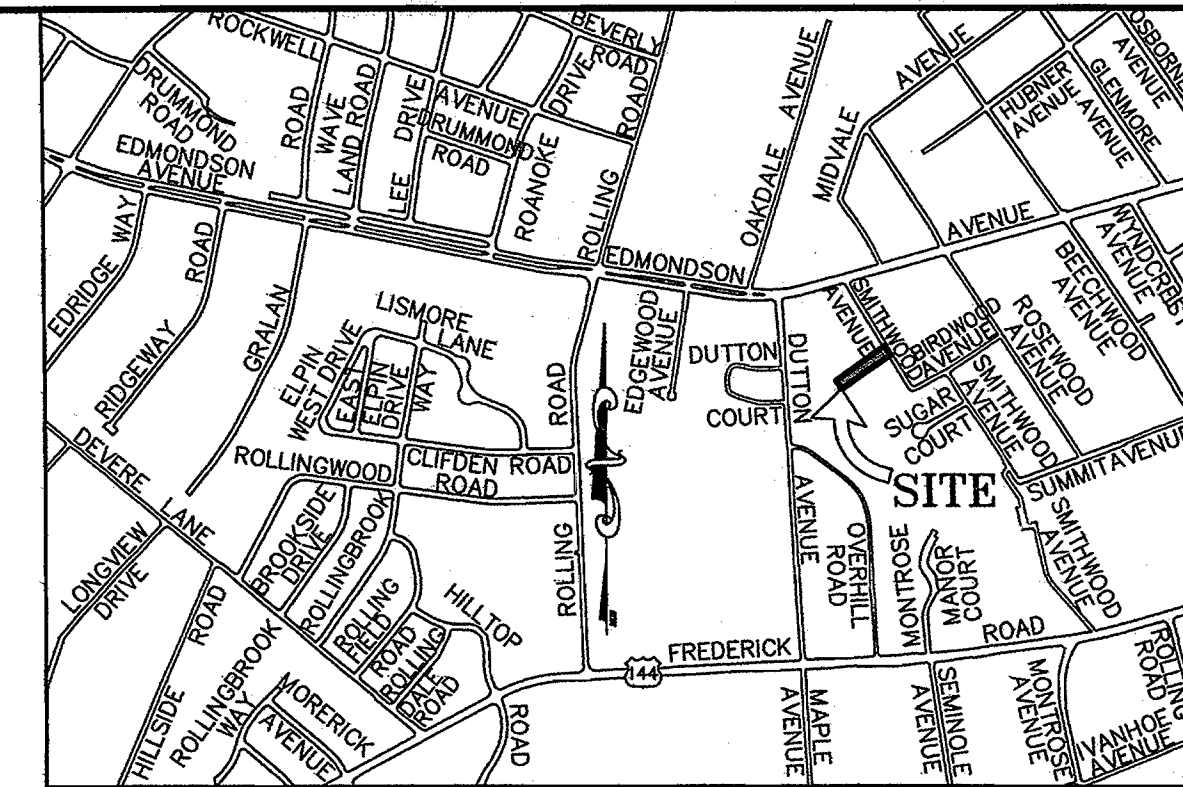


TYPICAL LOT LAYOUT
NOT TO SCALE

ZONING REGULATIONS (DR-2)

FRONT - 40'
REAR - 40'
SIDE YARD 15' WITH THE SUM OF 40'

LEGEND	
○ SANITARY MANHOLE	— TRACT BOUNDARY
⊙ STORM DRAIN MANHOLE	— LIMITS OF DISTURBANCE
⊕ WATER METER	— SOILS
⊕ FIRE HYDRANT	— EX WOODS
⊕ WATER VALVE	— WETLANDS
⊕ CLEANOUT	— FP FLOOD PLAIN
⊕ UTILITY POLE	— FB FOREST BUFFER
	— FC FOREST CONSERVATION



VICINITY MAP

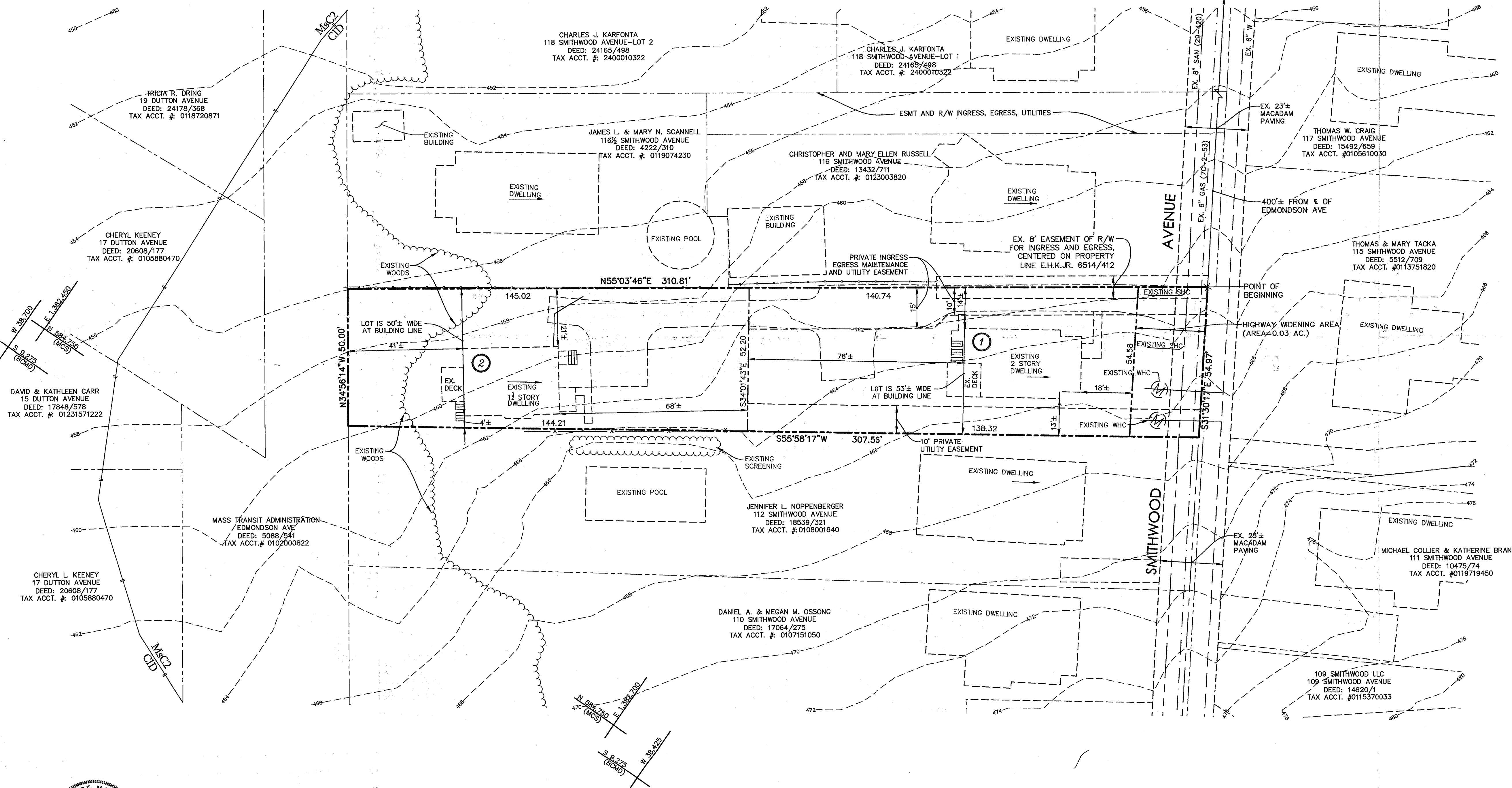
SCALE: 1"=1000'

SITE DATA

GROSS AREA: 0.37 AC±
ALLOWANCE FOR ROAD FRONTAGE: 0.03 AC±
NET AREA: 0.34 AC±
EXISTING ZONING: DR 2, 200 SCALE MAP 100C1, 100C2
EXISTING USE: 2 SINGLE FAMILY DWELLINGS
PROPOSED USE: 2 SINGLE FAMILY DWELLINGS
DENSITY CALCULATIONS:
UNITS ALLOWED: 16,215 SF x 1 UNIT/20,000 SF= 0.81 UNITS
TOTAL UNITS PERMITTED: 0
TOTAL UNITS PROPOSED: 2
OWNER: TIMOTHY T. & CHRISTOPHER G. LUECKING
114 SMITHWOOD AVENUE
BALTIMORE, MARYLAND 21228
410-746-2042
TAX ACCOUNT NUMBER: 0104350010
TAX MAP NO. 100 GRID 12 PARCEL 238
DEED: 22641/198
CENSUS TRACT: 401000 REGIONAL PLANNING DISTRICT: 324
SCHOOL DISTRICT: HILLOREST ELEMENTARY SCHOOL
CATONSVILLE MIDDLE SCHOOL
CATONSVILLE HIGH SCHOOL
PARKING REQUIRED: 2 P.S./LOT x 2 LOTS= 4 P.S.
PARKING PROPOSED: 4 P.S. (9' x 18')
WATER & SEWER DESIGNATIONS: W-1, S-1
SUB-SEWERED 78
PATAPSCO WATERSHED

GENERAL NOTES

- TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE 100C1 & 100C2.
- BOUNDARY SHOWN IS BASED ON A SURVEY PREPARED BY LITTLE & ASSOCIATES DATED 4-24-07.
- THERE ARE NO KNOWN CRITICAL AREAS, HAZARDOUS WASTE SITES, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES ON THIS PROPERTY.
- THIS PROPERTY HAS BEEN HELD INTACT SINCE 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
- THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
- THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON SITE.
- THE SOIL TYPES FOR THIS SITE WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 43.
- THE GRID SYSTEM SHOWN IS BASED ON THE MARYLAND COORDINATE SYSTEM.
- PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, FOR TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB AND GUTTER.
- ZONING PETITIONS WILL BE FILED TO REQUEST:
 - VARIANCE FROM BCZR8 1802.3.C.1 TO ALLOW FOR MINIMUM LOT WIDTHS OF 53 FEET AND 50 FEET ON LOTS 1 AND 2 RESPECTIVELY, IN LIEU OF THE REQUIRED 100 FEET IN A DR-2 ZONE.
 - VARIANCE FROM BCZR8 1802.3.C.1 TO ALLOW FOR A MINIMUM LOT SIZE OF 7,450 SQUARE FEET AND 7,390 SF ON LOTS 1 AND 2 RESPECTIVELY, IN LIEU OF THE REQUIRED 20,000 SQUARE FEET.
 - VARIANCE FROM BCZR8 1802.3.C.1 TO ALLOW FOR A MINIMUM SIDE YARD SETBACK OF 13' ON LOT 1 IN LIEU OF THE REQUIRED 15' AND A SUM OF SIDE YARD SETBACKS OF 27' IN LIEU OF THE REQUIRED 40'.
 - VARIANCE FROM BCZR8 1802.3.C.1 TO ALLOW FOR A MINIMUM SIDE YARD SETBACK OF 4' ON LOT 2 IN LIEU OF THE REQUIRED 15', AND A SUM OF SIDE YARD SETBACKS OF 25' IN LIEU OF THE REQUIRED 40'.
 - VARIANCE FROM BCZR8 1802.3.C.1 TO ALLOW FOR A MINIMUM FRONT YARD SETBACK OF 18' IN LIEU OF THE REQUIRED 40'.
 - SPECIAL HEARING FOR RELIEF FROM BCZR8 32-4-409 TO ALLOW FOR EASEMENT ACCESS TO LOT 2 IN LIEU OF THE REQUIRED IN-FEE-STRIP.
 - VARIANCE FROM BCZR8 102.4 TO ALLOW FOR A MINIMUM LOT SIZE OF 7390 SQUARE FEET IN LIEU OF THE REQUIRED 20,000 FOR A LOT WHICH DOES NOT ABUT ON A RIGHT-OF-WAY AT LEAST 30 FEET WIDE OVER WHICH THE PUBLIC HAS AN EASEMENT OF TRAVEL.



BALTIMORE COUNTY MINOR SUBDIVISION	
Project No. - -	
DEVELOPMENT REGULATIONS	
☐ Exempt from Article 32, Title 4, Subtitle 2, BCC	
☐ Paraphrase exempt from Sections 32-4-211 through 32-4-217 AND Sections 32-4-226 and 32-4-227, BCC	
PDM CERTIFICATION	
☐ Approved ☐ Disapproved	
By: _____	Date: _____
APPROVED DEPRM	
By: _____	Date: _____

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE LUECKING PROPERTY

DISTRICT 1c1 BALTIMORE COUNTY, MD
SCALE: 1"=20' OCTOBER 16, 2007

PETITIONER'S

EXHIBIT NO. 1

REVISION BLOCK		
DATE	COMMENTS	BY

LIMITS OF DISTURBANCE
0 S.F.± OR 0.00 AC.±

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE
THE AGENCY COMMENTS DATED _____ AND HAVE
PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN
PURSUANT TO THOSE AGENCIES COMMENTS.



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639