

IN RE: PETITION FOR VARIANCE

NE side of North Avenue, 118.5 feet +/-
NW of Leeds Avenue
13th Election District
1st Councilmanic District
(1300 North Avenue)

Mary Rosalie Smith, Revocable Trust;
By James Steven Smith, Trustee
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 08-260-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Petitioner James Steven Smith, Trustee, on behalf of the legal owner of the subject property, Mary Rosalie Smith, Revocable Trust. Petitioner is requesting variance relief as follows:

- From Section 204.4.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a seven foot interior side yard setback in lieu of either a 10 foot setback or a 20 foot setback if the adjacent parcel is residentially zoned or residentially used; and
- From Section 204.4.C.5 of the B.C.Z.R. to allow a rear yard of 25 feet in lieu of the required 30 feet; and
- From Section 409.8.A.1 of the B.C.Z.R. to provide zero foot wide landscape strip in lieu of the required 10 feet adjacent to a BL zoned property line; and
- From Section 409.8.A.4 of the B.C.Z.R. to provide a distance of zero feet to a former street right of way line now a side yard line from a parking space in lieu of the required 10 feet.

The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner James Steven Smith, Trustee, for Mary Rosalie Smith, Revocable Trust, and his attorney, James R. Lupinek, Esquire. Also appearing in support of the requested relief was Herbert Malmud with

STAMP RECEIVED FOR FILING

4.18.08

123

Malmud & Associates, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested parties at the hearing, but Petitioner submitted five Affidavits from nearby property owners who had no objection to the relief requested in this Petition. The Affidavits were marked and accepted into evidence as Petitioner's Exhibits 4A through 4E.

Testimony and evidence offered revealed that the subject property is an irregular-shaped lot containing approximately .251 acre of land and zoned R.O. The property is located on the north side of North Avenue, between Leads Avenue and East Drive, in the Arbutus area of Baltimore County. Petitioner submitted an aerial photograph of the property which was marked and accepted into evidence as Petitioner's Exhibit 2. The property is improved with an existing two-story structure fronting North Avenue which has been used both as a dwelling and as office space. Petitioner submitted several photographs of the existing structure which were marked and accepted into evidence as Petitioner's Exhibits 3A through 3G. The structure resembles a single-family dwelling, and is currently being used for two apartments with the basement remaining vacant. Petitioner has renovated the approximately 900 square foot basement portion of the existing structure and wishes to rent the basement as an office. The property contains a circular driveway that accesses both North Avenue from the south and East Drive to the east. A parking area containing 11 parking spaces lies to the east of the existing structure.

Further evidence demonstrated that the subject property is located to the west of an area that is largely used for commercial purposes. Petitioner submitted a photograph of the commercial area to the southeast of the property, which was marked and accepted into evidence as Petitioner's Exhibit 5. As the site plan demonstrates, the area to the east of the property is occupied by a Superfresh food market and accompanying parking area, and a strip of land between the subject property and the food market is designated as a former street car rail right-of-way. This Petition

COPIES RECEIVED FOR FILING
4.18.08
P3

does not propose any additional construction and the variance relief requested largely seeks to legitimize existing conditions.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The ZAC comment received from the Office of Planning dated January 3, 2008, does not oppose Petitioner's request. However, the Office of Planning indicates that the existing stone drive located near parking space 9 should be removed. This drive is an eyesore and it does not appear to be needed. The proposed concrete curb should be extended to close the gap where the drive is located. The area encompassed by the existing drive should be seeded and maintained as a grassed area.

Considering all of the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The evidence demonstrated that the property pre-dates the zoning regulations and currently does not conform to the side and rear setback requirements enumerated in Section 204.4.C of the B.C.Z.R. The location of the property is also unusual since it borders a B.L. commercial area and a rail right-of-way that is currently not being used for its formerly intended purpose. I further find that the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district. Since the existing structure and parking area pre-dated the zoning regulations and are not in conformance with the B.C.Z.R., I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship because the Petitioner would be required to relocate the existing structure and decrease the number of parking spaces on the property. While I do believe that a variance is required from Section 409.8.A.4 of the B.C.Z.R. to provide a distance of zero feet to a former street right-of-way line now a side yard line from a parking space in lieu of

SPRING RECEIVED FOR FILING

4.18.08

the required 10 feet, I am convinced that the relief can be granted without causing any negative impact on the surrounding locale.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The Petitioner submitted five Affidavits from surrounding neighbors who all consented to the proposed variance relief and believe that the request would have no negative impact on the surrounding locale. The Affidavits, along with the testimony and evidence produced at the public hearing, have convinced me that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

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

THEREFORE, IT IS ORDERED this 18th day of April, 2008 by this Deputy Zoning Commissioner, that Petitioner's variance requests as follows:

- From Section 204.4.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a seven foot interior side yard setback in lieu of either a 10 foot setback or a 20 foot setback if the adjacent parcel is residentially zoned or residentially used; and
- From Section 204.4.C.5 of the B.C.Z.R. to allow a rear yard of 25 feet in lieu of the required 30 feet; and
- From Section 409.8.A.1 of the B.C.Z.R. to provide zero foot wide landscape strip in lieu of the required 10 feet adjacent to a B.L. zoned property line; and
- From Section 409.8.A.4 of the B.C.Z.R. to provide a distance of zero feet to a former street right of way line now a side yard line from a parking space in lieu of the required 10 feet

be and are hereby GRANTED.

ORDER RECEIVED FOR FILING

4.18.08

B3

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The proposed concrete curb shall be extended to close the gap where the drive is located. The area encompassed by the existing drive shall be seeded and maintained as a grassed area.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

SPIDER RESERVED FOR FILED

4-18-08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 18, 2008

JAMES R. LUPINEK
9050 A FREDERICK ROAD
ELLICOTT CITY MD 21042

Re: Petition for Variance
Case No. 08-260-A
Property: 1300 North Avenue

Dear Mr. Lupinek:

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

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: James S. Smith, 402 Bloomsbury Avenue, Baltimore MD 21228
Herbert Malmud, 12018 Ridge Valley Drive, Owings Mills MD 21117



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1300 North Avenue
which is presently zoned R.O.

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 ATTACHMENT 1

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

SEE ATTACHMENT 2

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

Case No. 08-260-A

REV 9/15/98

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

12-7-07

ATTACHMENT 1

A variance from BCZR 204.4.C.4, to allow a 7' interior side yard setback in lieu of either a 10' setback or a 20' setback if the adjacent parcel is residentially zoned, or residentially used.

A variance from BCZR 204.4.C.5, to allow a rear yard of 25', in lieu of the required 30'.

A variance from BCZR 409.8.A.1, to provide 0' wide landscape strip, in lieu of the required 10', adjacent to a BL zoned property line.

A variance from BCZR 409.8.A.4, to provide a distance of 0' to a former street right of way line, now a side yard line from a parking space, in lieu of the required 10'.

ATTACHMENT 2

The existing improvements were built many years before zoning regulations were adopted in Baltimore County and additionally, well before residential office zone was first created as a zoning classification, in 1980, by Bill 13-1980. As there is no proposed new construction beyond the footprint of the existing building, the side yard and rear yard setbacks are requests for technical clean up variances for an existing building, which antedates the zoning regulations. Additional reasons for the landscape standards variance are only requested for the side of the property, which is adjacent to the BL zoned Super Fresh parking lot, and has been for many years. The request for a setback from a right of way of 0' in lieu of 10' is only requested if the Zoning Commissioner or Deputy Zoning Commissioner hearing this matter believes that it is technically required, as years ago Petitioners believe that part of the Super Fresh parking lot was part of a right of way and theoretically could be returned to that use at some point in the future. If this Petition is based on present existing adjacent uses, then this variance may not be required.

H. MALMUD & ASSOCIATES, INC.
12018 RIDGE VALLEY DRIVE
OWINGS MILLS, MARYLAND 21117

TELEPHONE 410 382-2959

ZONING DESCRIPTION
1300 NORTH AVENUE
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME ON THE NORTHEAST SIDE OF NORTH AVENUE, 40 FEET WIDE 118.50 FEET SOUTHERLY FROM THE SOUTHEAST SIDE OF LEEDS AVENUE, 40 FEET WIDE, THENCE BINDING ON NORTH AVENUE:

(1) SOUTH 38 DEGREES 12' 05" EAST 111.50 FEET, THENCE LEAVING NORTH AVENUE AND RUNNING THE THREE FOLLOWING COURSES AND DISTANCES:

(2) NORTH 25 DEGREES 01' 56" EAST 136.50 FEET

(3) NORTH 52 DEGREES 27' 50" WEST 78.51 FEET AND

(4) SOUTH 37 DEGREES 32' 10" WEST 105.80 FEET TO THE PLACE OF BEGINNING.

CONTAINING 10947 SQUARE FEET OR 0.25 OF AN ACRE OF LAND, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.

THIS PROPERTY IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY, AND/OR COVENANTS OF RECORD AND LAW.

HERBERT MALMUD
REGISTERED LAND SURVEYOR
MARYLAND # 7558
OCTOBER 25, 2005



file: Zoning Reclass Petition 1300 North Ave

Applicant advised of the following at filing:

1. Two apartments require 10,000 sq. ft. total area in RO zone.
2. Site plan lacks dimensions, i.e., where is the 7ft. setback exactly that is mentioned in the Petition relief?
3. Section 409.8.A.5 requires dead-end parking areas to have sufficient back up (parking space No. 7).
4. Parking spaces do not scale the required 7.5 ft. by 18 ft. required by Section 409.

JCM
12/07/07

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: #08-260-A

1300 North Avenue

N/east side of North Avenue, 118.5 feet +/- northwest of Leads Avenue

13th Election District - 1st Councilmanic District

Legal Owner(s): Mary Rosalie Smith, Revocable Trust, by James Steven Smith, Trustee

Variance: to allow a 7-foot interior side yard setback in lieu of either a 10-foot setback or a 20-foot setback if the adjacent parcel is residentially zoned, or residentially used and to allow a rear yard of 25 feet, in lieu of the required 30 feet and to provide 0 foot wide landscape strip, in lieu of the required 10 feet, adjacent to a BL zoned property line and to provide a distance of 0 feet to a former street right of way line, now a side yard line from a parking space, in lieu of the required 10 feet.

Hearing: Wednesday, March 19, 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.

JT/3/612 Mar. 4

165453

CERTIFICATE OF PUBLICATION

3/6/2008

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 3/4/2008.

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

J. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

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

Case: #08-260-A

1300 North Avenue

N/east side of North Avenue, 118.5 feet +/-
northwest of Leeds Avenue

13th Election District - 1st Councilmanic District

Legal Owner(s): Mary Rosalie Smith, Revocable Trust,
by James Steven Smith, Trustee

Variance: to allow a 7-foot interior side yard setback in lieu of either a 10-foot setback or a 20-foot setback if the adjacent parcel is residentially zoned, or residentially used and to allow a rear yard of 25 feet, in lieu of the required 30 feet and to provide 0 foot wide landscape strip, in lieu of the required 10 feet, adjacent to a BL zoned property line and to provide a distance of 0 feet to a former street right of way line, now a side yard line from a parking space, in lieu of the required 10 feet.

Hearing: Wednesday, February 6, 2008 at 10:00 a.m.
in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT/1/794 Jan. 22

161329

CERTIFICATE OF PUBLICATION

1/24/, 2008

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 1/22/, 2008.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **03742**

Date: **12.7.07**

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325. --
Total:								325. --

Rec

From: **J. SMITH**

For: **OP-260-A**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

BUSINESS ACTING TIME OFF
12/07/2007 12/07/2007 09:42:46 2
RECEIVED MAIL JPMCC
CHECK # 052353 12/07/2007 09:42
Dept: 5 - 200 JORDAN VERIFICATION
008752
Receipt tot 325.00
\$325.00 DE 1.00 DE
Baltimore County, Maryland

ZONING NOTICE

CASE # 08-260-A

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:

WEDNESDAY, MARCH 19, 2008

AT 9:00 A.M.

REQUEST:

VARIANCE TO ALLOW A 7 FOOT INTERIOR

SIDEYARD SETBACK IN LIEU OF EITHER
A 10 FOOT SETBACK OR A 20 FOOT SETBACK IF THE
ADJACENT PARCEL IS RESIDENTIALLY ZONED, OR

RESIDENTIALLY USED AND TO ALLOW A REAR YARD OF
25 FEET, IN LIEU OF THE REQUIRED 30 FEET AND TO
PROVIDE 0' FOOT WIDE LANDSCAPE STRIP, IN LIEU OF
THE REQUIRED 10 FEET ADJACENT TO A BL ZONED
PROPERTY LINE AND TO PROVIDE A DISTANCE OF 0'
FEET TO A FORMER STREET RIGHT OF WAY LINE, NOW
A SIDE YARD LINE FROM A PARKING SPACE IN LIEU
OF THE REQUIRED 10 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

ZONING NOTICE

CASE # 08-260-A

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

PLACE: ROOM 407, COUNTY COURTS BUILDING
401 BOULEVARD
TOWSON, MD 21204
WEDNESDAY, MARCH 12, 2008

PLACE: 901 BOLLER AVENUE
TOWSON, MD 21204
WEDNESDAY, MARCH 19, 2008
DATE AND TIME: AT 9:00 A.M.

[illegible]

OF THE DEPARTMENT OF STATE.
INSTRUMENTS, USE TO MEASURE OR OTHER CONDITIONS AND SOMETIMES NECESSARY
TO COMPLETION OF THE INSTRUMENT.

DO NOT REMOVE THIS SIGN FROM POST UNTIL DAY OF WEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: OB-260-A

Petitioner/Developer: JAMES S. SMITH

Date of Hearing/Closing: MAR. 19, 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 _____

#1300 NORTH AVE., 118'5"±
N. W. OF LEEDS AVE.

The sign(s) were posted on MARCH 3, 2008
(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)

**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: 08-260-A

Petitioner: JAMES SMITH

Address or Location: 1300 NORTH Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES SMITH

Address: 402 BLOOMSBURY Ave. BALD. Md. 21228

Telephone Number: 410-747-2194

Revised 7/11/05 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 22, 2008 Issue - Jeffersonian

Please forward billing to:
James Smith
402 Bloomsbury Avenue
Baltimore, MD 21228

410-747-2194

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: 08-260-A

1300 North Avenue

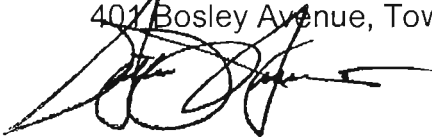
N/east side of North Avenue, 118.5 feet +/- northwest of Leeds Avenue

13th Election District – 1st Councilmanic District

Legal Owners: Mary Rosalie Smith, Revocable Trust, by James Steven Smith, Trustee

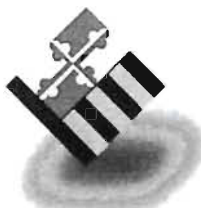
Variance to allow a 7-foot interior side yard setback in lieu of either a 10-foot setback or a 20-foot setback if the adjacent parcel is residentially zoned, or residentially used and to allow a rear yard of 25 feet, in lieu of the required 30 feet and to provide 0 foot wide landscape strip, in lieu of the required 10 feet, adjacent to a BL zoned property line and to provide a distance of 0 feet to a former street right of way line, now a side yard line from a parking space, in lieu of the required 10 feet.

Hearing: Wednesday, February 6, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY
M A R Y L A N D

December 27, 2007

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

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

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

CASE NUMBER: 08-260-A

1300 North Avenue

N/east side of North Avenue, 118.5 feet +/- northwest of Leeds Avenue

13th Election District – 1st Councilmanic District

Legal Owners: Mary Rosalie Smith, Revocable Trust, by James Steven Smith, Trustee

Variance to allow a 7-foot interior side yard setback in lieu of either a 10-foot setback or a 20-foot setback if the adjacent parcel is residentially zoned, or residentially used and to allow a rear yard of 25 feet, in lieu of the required 30 feet and to provide 0 foot wide landscape strip, in lieu of the required 10 feet, adjacent to a BL zoned property line and to provide a distance of 0 feet to a former street right of way line, now a side yard line from a parking space, in lieu of the required 10 feet.

Hearing: Wednesday, February 6, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: James Lupinek, 9050 A Frederick Road, Ellicott City 21042
James S. Smith, 402 Bloomsbury Avenue, Baltimore 21228
Herbert Malmud, 12018 Ridge Valley Drive, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 22, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 4, 2008 Issue - Jeffersonian

Please forward billing to:

James Smith
402 Bloomsbury Avenue
Baltimore, MD 21228

410-747-2194

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: 08-260-A

1300 North Avenue

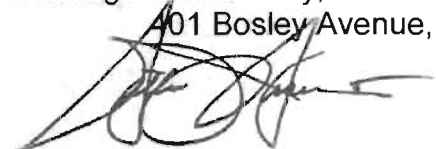
N/east side of North Avenue, 118.5 feet +/- northwest of Leeds Avenue

13th Election District – 1st Councilmanic District

Legal Owners: Mary Rosalie Smith, Revocable Trust, by James Steven Smith, Trustee

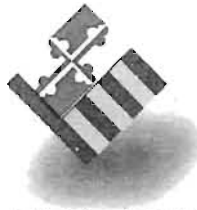
Variance to allow a 7-foot interior side yard setback in lieu of either a 10-foot setback or a 20-foot setback if the adjacent parcel is residentially zoned, or residentially used and to allow a rear yard of 25 feet, in lieu of the required 30 feet and to provide 0 foot wide landscape strip, in lieu of the required 10 feet, adjacent to a BL zoned property line and to provide a distance of 0 feet to a former street right of way line, now a side yard line from a parking space, in lieu of the required 10 feet.

Hearing: Wednesday, March 19, 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.



BALTIMORE COUNTY
M A R Y L A N D

January 22, 2008

JAMES T. SMITH, JR.
County Executive

NEW NOTICE OF ZONING HEARING
TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

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

CASE NUMBER: 08-260-A

1300 North Avenue

N/east side of North Avenue, 118.5 feet +/- northwest of Leeds Avenue

13th Election District – 1st Councilmanic District

Legal Owners: Mary Rosalie Smith, Revocable Trust, by James Steven Smith, Trustee

Variance to allow a 7-foot interior side yard setback in lieu of either a 10-foot setback or a 20-foot setback if the adjacent parcel is residentially zoned, or residentially used and to allow a rear yard of 25 feet, in lieu of the required 30 feet and to provide 0 foot wide landscape strip, in lieu of the required 10 feet, adjacent to a BL zoned property line and to provide a distance of 0 feet to a former street right of way line, now a side yard line from a parking space, in lieu of the required 10 feet.

Hearing: Wednesday, March 19, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: James Lupinek, 9050 A Frederick Road, Ellicott City 21042
James S. Smith, 402 Bloomsbury Avenue, Baltimore 21228
Herbert Malmud, 12018 Ridge Valley Drive, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 4, 2008.**
- (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.



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

March 13, 2008

James R. Lupinek
9050 A Frederick Road
Ellicott City, MD 21042

Dear Mr. Lupinek:

RE: Case Number: 08-260-A, 1300 North Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 7, 2007. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
James Steven Smith 402 Bloomsbury Avenue Baltimore 21228
Herbert Malmud 12018 Ridge Valley Drive Owings Mills 21117

TB 3/19 9am
Bst 2/6
p/r

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 3, 2008

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

RECEIVED
JAN 08 2008

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-260- Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request however the existing stone drive located near parking space #9 should be removed. This drive is an eyesore, and it doesn't appear to be needed. The proposed concrete curb should be extended to close the gap where the drive is located. The area encompassed by the existing drive should be seeded and maintained as a grassed area.

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:



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: JANUARY 3, 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. 8-260-A
1300 NORTH AVENUE
SMITH PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-260-A.

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

Very truly yours,

for 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2007
Item Nos. 08-257, 259, 260, 261, 262, 263,
265, 266, 267, 268, 269, 270, 271, 272, and 274

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- 01032008.doc



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

December 28, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 17, 2007

Item Number: 257, 259, 260, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274

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.

. 1The 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

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR VARIANCE * BEFORE THE
1300 North Avenue; NE/S North Avenue, *
118.5' NW Leeds Avenue * ZONING COMMISSIONER
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Mary R. Smith, * FOR
Revocable Trust by James Smith, Trustee *
Petitioner(s) * BALTIMORE COUNTY
* 08-260-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

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 January, 2008, a copy of the foregoing Entry of Appearance was mailed to, Herbet Malmud, 12018 Ridge Valley Drive, Owings Mills, MD 21117 and James Kupiner, 9050 A Frederick Road, Ellicott City, Md 21042, Attorney for Petitioner(s).

RECEIVED

JAN 02 2008

Per.....

Carole S. Demilio

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

LAW OFFICES
JAMES R. LUPINEK
9050-A FREDERICK ROAD
ELLCOTT CITY, MARYLAND 21042
410-461-1802
FAX: 410-750-2085

JOSEPH J. LUPINEK
1955-1995

January 18, 2008

MS. KRISTEN MATTHEWS
ZONING REVIEW, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE, ROOM 11
TOWSON, MARYLAND 21204

Facsimile & First Class Mail
(410) 887-3048

Re: 1300 North Avenue
Case No: 08-260-A
T/D: 02/06/08 @ 10:00 a.m.

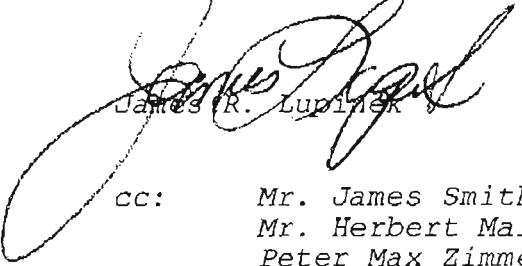
Dear Ms. Matthews:

Please accept this fax and letter as a request for a postponement of the above referenced hearing date. February 6, 2008 is the first hearing date assigned in this case, and the engineer in the case, Mr. Herbert Malmud, is unavailable. Enclosed herewith, please find a copy of a facsimile transmission from Mr. Malmud attesting to his unavailability on February 6, 2008.

I am not available on the following dates in March, 2008: 4th, 6th, 10th, 11th, 12th, 13th, 20th, 24th and 25th. If the Director grants this request please do not schedule the new hearing date on any of these dates.

As always, should you have any questions, please feel free to give me a call.

Very truly yours,


James R. Lupinek

cc: Mr. James Smith
Mr. Herbert Malmud
Peter Max Zimmerman, Esquire

2008-01-05 12:26

H. Malmud & Associat

4103080284 >>

P 1/1

H. Malmud & Associates, Inc.
12018 Ridge Valley Drive
Owings Mills, Maryland 21117
Telephone 410 308-0442
Fax 410 308-0284

Fax

To: James R. Lupinek, Esquire From: Herb Malmud

Fax: 410 308-0284 Pages: 1

Phone: 410 308-0224 Date: 1/4/2008

Re: 1300 North Ave Zoning Hearing CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Mr. Lupinek,

I will be out of the state on the date of hearing, February 6, 2008, and will not be back until February 27.

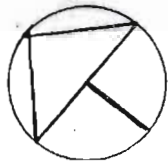
Please inform me when you have a new date.

Very truly yours

Herbert Malmud

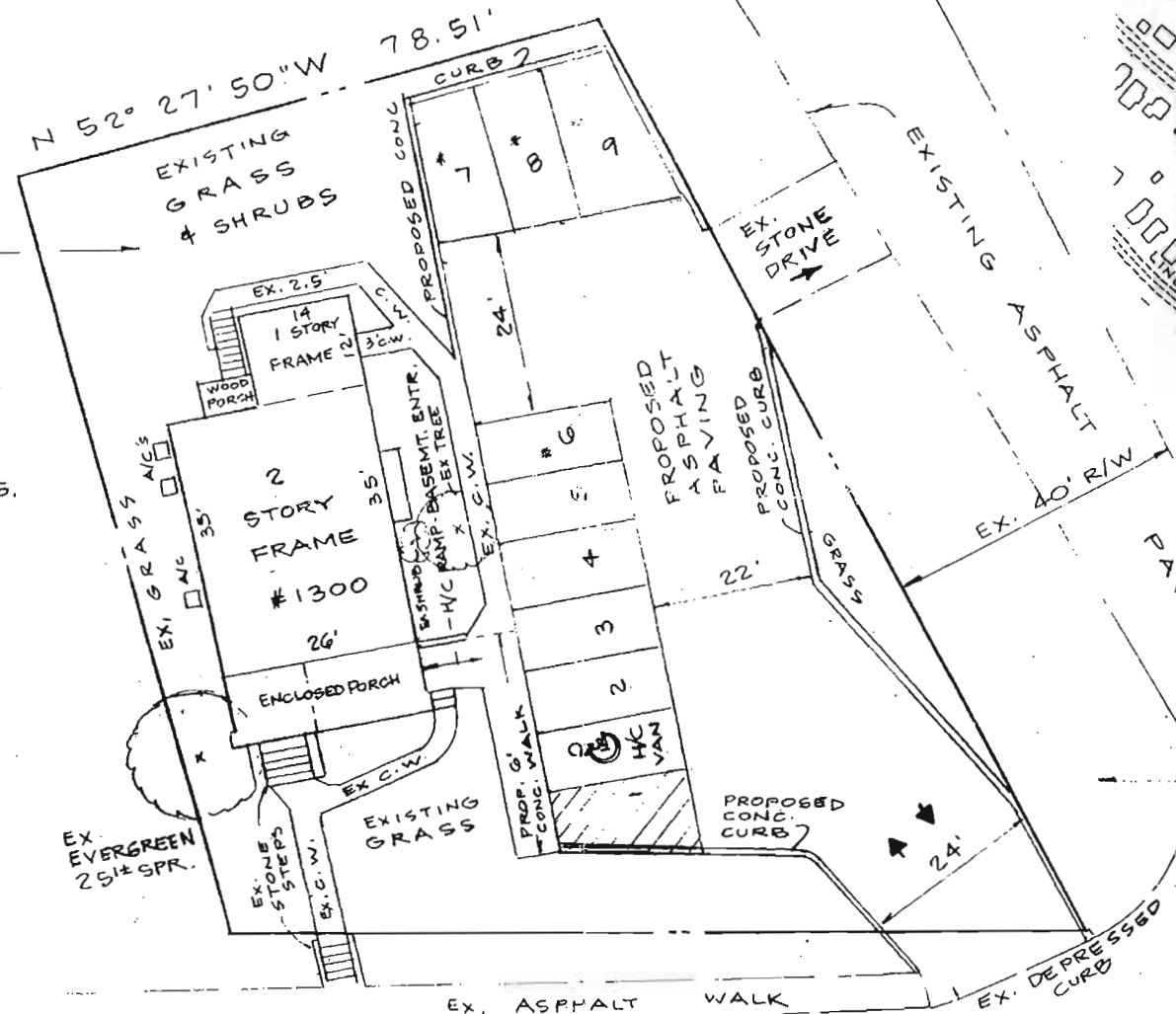
CASE NAME _____
CASE NUMBER 08-760-A
DATE 3-19-08

[illegible]



NOTE: * SPACES
6 TO 9
RESERVED
FOR APART-
MENT UNITS.

ZONED RO



NORTH AVENUE

40' R/W - 22.5 PAVING
ZONING LINE

ZONED BL CCC

SITE PLAN FOR CLASS "A" OFFICE BUILDING
1300 NORTH AVENUE
ELECTION DISTRICT 1C1
BALTIMORE COUNTY, MARYLAND

Scale: 1"=20'

October 15, 2006
Job 2513

Prepared by:
H. Malmud & Associates, Inc.
12018 Ridge Valley Drive
Owings Mills, Maryland 21117
Telephone 410 308-0442

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND
ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR
COVENANTS OF RECORD AND LAW.

08-260-A

GENERAL NOTES:

- OWNER:
JAMES SMITH
402 BLOOMSBURY AVENUE
BALTIMORE, MD 21228-5204
LIBER 5551, FOLIO 275
TAX PARCEL 852, TAX MAP 101, GRID 23
ACCOUNT #1323001060
1. EXISTING ZONING: RO
 2. PUBLIC WATER & SEWER SERVES THIS SITE NO ADDITIONAL SERVICES REQUIRED.
 3. PROPOSED USE: BASEMENT GENERAL OFFICE: 1300 SQUARE FEET.
EXISTING USE: FIRST & SECOND FLOOR ONE BEDROOM APARTMENTS.
 4. ZONING HISTORY: NONE
 5. AREA OF PROPERTY: 10948 SQ. FT. - 0.251 ACRE +/-
 6. PARKING DATA:
BASEMENT GENERAL OFFICE: 1300 SQ. FT. X 3.3 ÷ 1000 = 4.3 (5 PARKING SPACES REQUIRED)
FIRST FLOOR & SECOND FLOOR: ONE BEDROOM APARTMENTS: 4 PARKING SPACES REQUIRED.
TOTAL: 9 PARKING SPACES REQUIRED & PROVIDED.
PROPOSED PAVING: ASPHALT, ALL PARKING SPACES WILL BE STRIPED.
THE HANDICAP SPACE WILL BE VAN ACCESSIBLE WITH SIGN AND PAVEMENT MARKING
AS REQUIRED BY REGULATIONS.
 7. THE DWELLING HAS NOT BEEN ENLARGED IN FLOOR AREA BY 10% OR MORE WITHIN A PERIOD OF FIVE
YEARS PRIOR TO THE DATE OF APPLICATION FOR CHANGE OR CONVERSION.
 8. TOPOGRAPHY - MINOR CHANGES TO EXISTING GRADE (500 SQ. FT. +/-).
 9. AS NEEDED PLACE STRAW BALES OR SILT FENCE AROUND DISTURBED AREAS TO CONTAIN ALL SEDIMENT
ON SITE.
THE SUBJECT PROPERTY IS NOT IN A FLOOD ZONE, SEE FLOOD
INSURANCE RATE MAP COMMUNITY PANEL 240010 0390B.

Case No.:

08-260-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Aerial Photograph	
No. 3 A-G	Photos of Property	
No. 4 A-E	Affidavits of nearby property owners	
No. 5	Photo of opposite corner southeast of property	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITION FOR VARIANCE	*	BEFORE THE
1330 North Avenue,	*	ZONING COMMISSIONER
NE/S North Avenue	*	FOR
118.5 NW Leeds Avenue	*	BALTIMORE COUNTY
13 th Election & 1 st	*	
Councilmanic Districts	*	
Legal Owner(s) Mary R. Smith	*	
Revocable Trust by James	*	
Smith, Trustee	*	
Petitioners		
Defendant	*	Case # 08-260-A

* * * * *

AFFIDAVIT

I DO SOLEMNLY AFFIRM under the penalties of perjury that I am over eighteen (18) years of age, am not a party to the suit, and competent to testify that:

1. I am familiar with the Petition for Variance filed by James Smith in this matter.
2. I do not oppose the granting of the variance change to allow Mr. Smith to lease a portion of the structure located at 1300 North Avenue, Baltimore, Maryland 21227 for an office.
3. Presently the structure on the aforesaid property is used for two (2) apartments with the basement being vacant.
4. Mr. Smith wishes to rent the basement portion of the structure as an office.
5. The variance change and intended use of the property will have no impact on any of the neighboring properties of 1300 North Avenue.

PETITIONER'S

EXHIBIT NO. 4A

Edgar P. Pugh
NAME
1303 NORTH AVE
ADDRESS
410-242-9172
TELEPHONE NUMBER
2-4-08
DATE

PETITION FOR VARIANCE

1330 North Avenue,

NE/S North Avenue

118.5 NW Leeds Avenue

13th Election & 1st

Councilmanic Districts

Legal Owner(s) Mary R. Smith

Revocable Trust by James

Smith, Trustee

Petitioners

Defendant

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

*

* Case # 08-260-A

*

*

*

*

*

*

AFFIDAVIT

I DO SOLEMNLY AFFIRM under the penalties of perjury that I am over eighteen (18) years of age, am not a party to the suit, and competent to testify that:

1. I am familiar with the Petition for Variance filed by James Smith in this matter.
2. I do not oppose the granting of the variance change to allow Mr. Smith to lease a portion of the structure located at 1300 North Avenue, Baltimore, Maryland 21227 for an office.
3. Presently the structure on the aforesaid property is used for two (2) apartments with the basement being vacant.
4. Mr. Smith wishes to rent the basement portion of the structure as an office.
5. The variance change and intended use of the property will have no impact on any of the neighboring properties of 1300 North Avenue.

PETITIONER' S

EXHIBIT NO. 4B


NAME
1000 Plover Court
ADDRESS
410 242 2550
TELEPHONE NUMBER
2/24/2008
DATE

PETITION FOR VARIANCE	*	BEFORE THE
1330 North Avenue,		
NE/S North Avenue	*	ZONING COMMISSIONER
118.5 NW Leeds Avenue		
13 th Election & 1 st	*	FOR
Councilmanic Districts		
Legal Owner(s) Mary R. Smith	*	BALTIMORE COUNTY
Revocable Trust by James		
Smith, Trustee	*	
Petitioners		
Defendant	*	Case # 08-260-A

* * * * *

AFFIDAVIT

I DO SOLEMNLY AFFIRM under the penalties of perjury that I am over eighteen (18) years of age, am not a party to the suit, and competent to testify that:

1. I am familiar with the Petition for Variance filed by James Smith in this matter.
2. I do not oppose the granting of the variance change to allow Mr. Smith to lease a portion of the structure located at 1300 North Avenue, Baltimore, Maryland 21227 for an office.
3. Presently the structure on the aforesaid property is used for two (2) apartments with the basement being vacant.
4. Mr. Smith wishes to rent the basement portion of the structure as an office.
5. The variance change and intended use of the property will have no impact on any of the neighboring properties of 1300 North Avenue.

PETITIONER' S

EXHIBIT NO. 4C

Patricia Forgacs
NAME
5201 Shelbourne Rd
ADDRESS
HO 242 1951
TELEPHONE NUMBER
2-4-08
DATE

PETITION FOR VARIANCE	*	BEFORE THE
1330 North Avenue,	*	ZONING COMMISSIONER
NE/S North Avenue	*	FOR
118.5 NW Leeds Avenue	*	BALTIMORE COUNTY
13 th Election & 1 st	*	
Councilmanic Districts	*	
Legal Owner(s) Mary R. Smith	*	
Revocable Trust by James	*	
Smith, Trustee	*	
Petitioners	*	Case # 08-260-A
Defendant	*	

* * * * *

AFFIDAVIT

I DO SOLEMNLY AFFIRM under the penalties of perjury that I am over eighteen (18) years of age, am not a party to the suit, and competent to testify that:

1. I am familiar with the Petition for Variance filed by James Smith in this matter.
2. I do not oppose the granting of the variance change to allow Mr. Smith to lease a portion of the structure located at 1300 North Avenue, Baltimore, Maryland 21227 for an office.
3. Presently the structure on the aforesaid property is used for two (2) apartments with the basement being vacant.
4. Mr. Smith wishes to rent the basement portion of the structure as an office.
5. The variance change and intended use of the property will have no impact on any of the neighboring properties of 1300 North Avenue.

PETITIONER'S

EXHIBIT NO.

41

Mr Thomas
NAME 5201 East Dr. unit B 21227
ADDRESS 410 242 8266
TELEPHONE NUMBER
3-10-08
DATE

**Jamalcan Me Tan, Inc.
5201 East Drive, Unit B
Arbutus, MD 21227
410-242-5828**

PETITION FOR VARIANCE

1330 North Avenue,

NE/S North Avenue

118.5 NW Leeds Avenue

13th Election & 1st

Councilmanic Districts

Legal Owner(s) Mary R. Smith

Revocable Trust by James

Smith, Trustee

Petitioners

Defendant

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

*

* Case # 08-260-A

*

*

*

*

*

*

AFFIDAVIT

I DO SOLEMNLY AFFIRM under the penalties of perjury that I am over eighteen (18) years of age, am not a party to the suit, and competent to testify that:

1. I am familiar with the Petition for Variance filed by James Smith in this matter.
2. I do not oppose the granting of the variance change to allow Mr. Smith to lease a portion of the structure located at 1300 North Avenue, Baltimore, Maryland 21227 for an office.
3. Presently the structure on the aforesaid property is used for two (2) apartments with the basement being vacant.
4. Mr. Smith wishes to rent the basement portion of the structure as an office.
5. The variance change and intended use of the property will have no impact on any of the neighboring properties of 1300 North Avenue.

PETITIONER'S

EXHIBIT NO.

4E

1 Frank Stenling Super Fresh MBR
NAME
5101 2nd Drive
ADDRESS
Belt Md 21227
TELEPHONE NUMBER
3/10/08
DATE

D



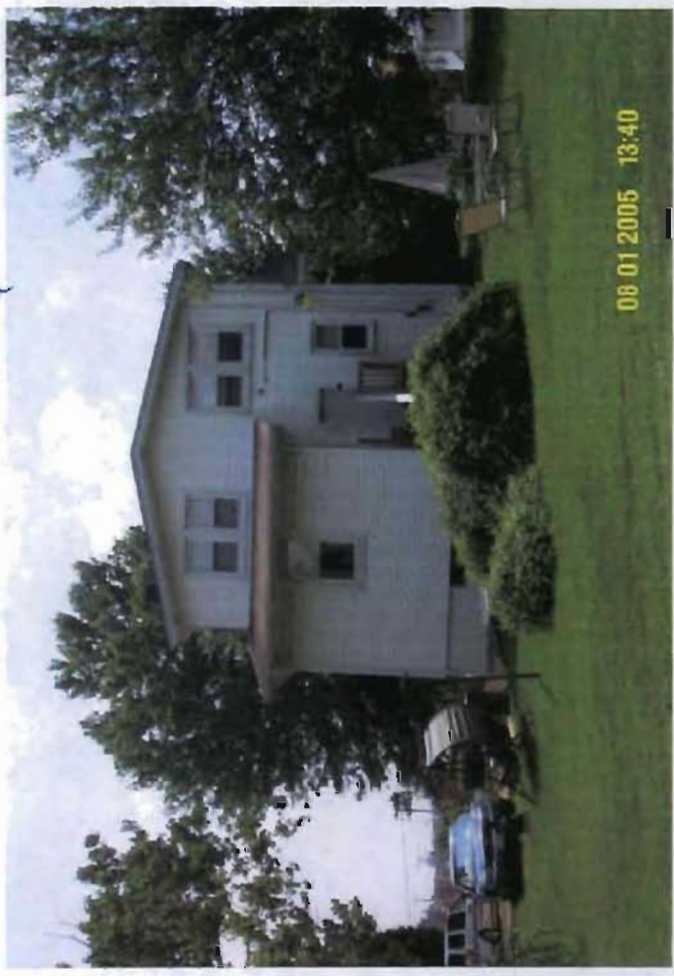
SOUTH

E



WEST

f



NORTH

g



EAST

PETITIONER'S

EXHIBIT NO. 3D-G

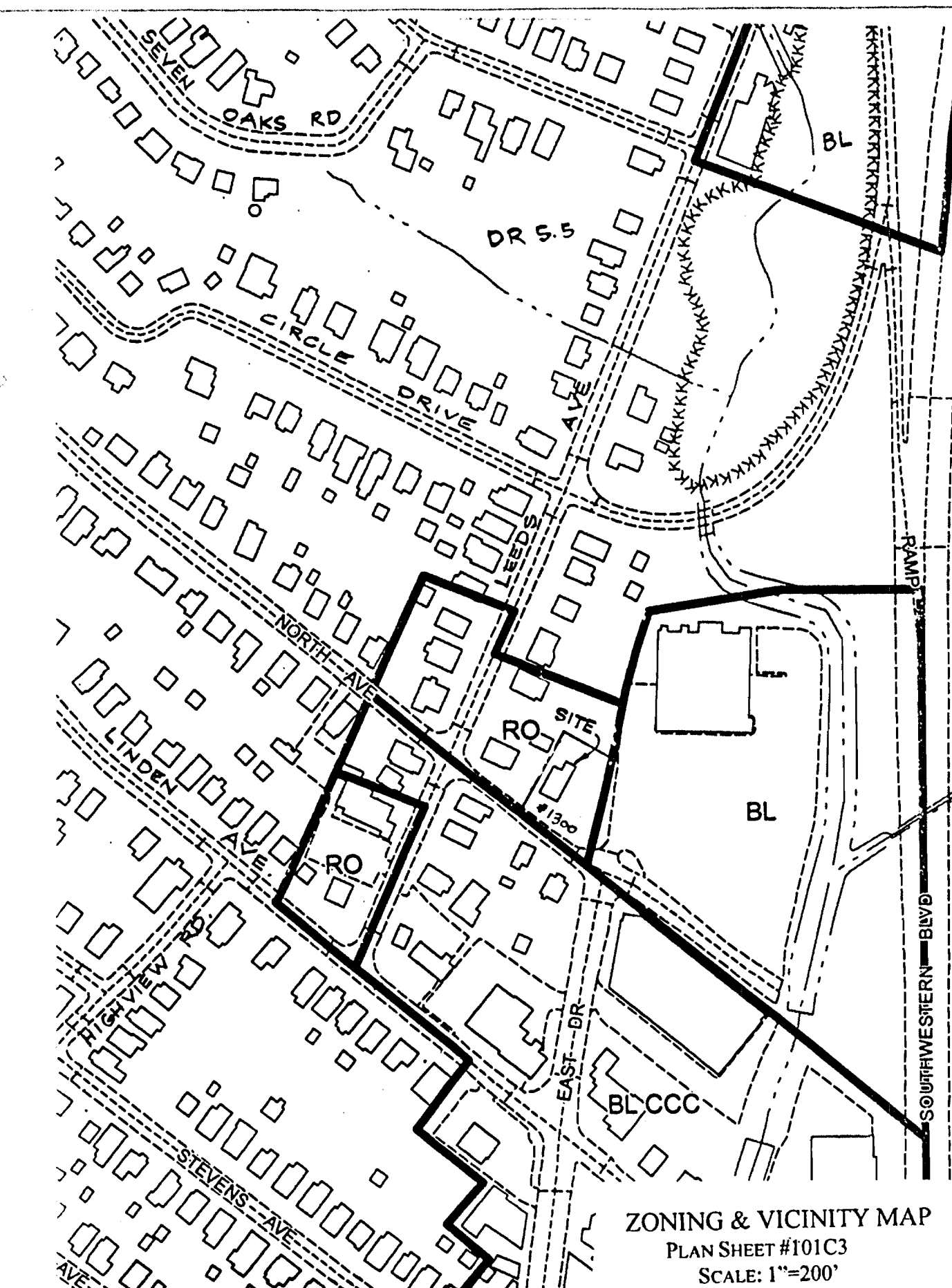
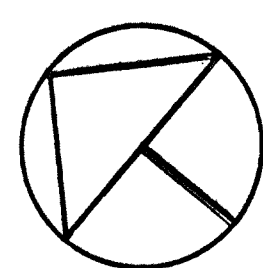


PETITIONER' S

EXHIBIT NO. 5

NOTE:

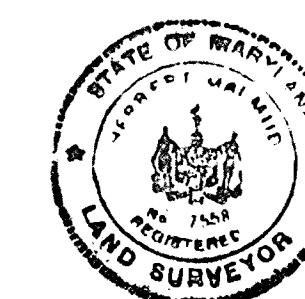
1. OWNER/PETITIONER:
MARY ROSALIE SMITH
BY JAMES SMITH ATTORNEY IN FACT
402 BLOOMSBURY AVENUE
BALTIMORE, MD 21228-5204
LIBER 5551, FOLIO 275
TAX PARCEL 852, TAX MAP 101, GRID 23
ACCOUNT #1323001060
2. EXISTING ZONING: RO
3. PUBLIC WATER & SEWER SERVES THIS SITE.
4. EXISTING USE: BUSINESS OFFICES
PROPOSED USE: LOWER LEVEL RETAIL
5. ZONING HISTORY: NONE
6. AREA OF PROPERTY: 10948 SQ. FT. - 0.251 ACRE +/-
7. THE SUBJECT PROPERTY IS NOT IN A FLOOD ZONE, SEE FLOOD INSURANCE RATE MAP COMMUNITY PANEL 240010 0390B.



# 1300 NORTH AVENUE - EXISTING & PROPOSED USE OF INTERIOR FLOORS			
	EXISTING USE	PROPOSED USE	FLOOR AREA
BASEMENT	VACANT	GENERAL OFFICE	1300 S.F.
FIRST FLOOR	VACANT	GENERAL OFFICE	1045 S.F.
SECOND FLOOR	2 - 1 BEDROOM APARTMENTS	2 - 1 BEDROOM APARTMENTS	

PARKING CALCULATIONS:
BASEMENT 1300 S.F. ÷ 1000 = 1.3 X 3.3 = 5 SPACES REQUIRED
FIRST FLOOR 1045 S.F. ÷ 1000 = 1.1 X 3.3 = 4
SECOND FLOOR - TWO 1 BEDROOM APARTMENTS: 2 SPACES REQ.

TOTAL SPACES REQUIRED: 11; TOTAL SPACES PROVIDED: 11



PLAT TO ACCOMPANY REQUEST
FOR VARIANCES
1300 NORTH AVENUE
13TH ELECTION DISTRICT
COUNCILMANIC DISTRICT NO. 1
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'
OCTOBER 26, 2005
REVISED: MARCH 22, 2006

PETITIONER'S
EXHIBIT NO. 1

Prepared by:
H. Mahmud & Associates, Inc.
12018 Ridge Valley Drive
Owings Mills, Maryland 21117
Telephone 410 308-0442

- A variance from BCZR 204.4.C.4, to allow a 7' interior side yard setback in lieu of either a 10' setback or a 20' setback if the adjacent parcel is residentially zoned, or residentially used.
- A variance from BCZR 204.4.C.5, to allow a rear yard of 25', in lieu of the required 30'.
- A variance from BCZR 409.8.A.1, to provide 0' wide landscape strip, adjacent to a BL zoned property line.
- A variance from BCZR 409.8.A, to provide a distance of 0' to a former street right of way line, now a side yard line from a parking space, in lieu of the required 10'.

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW. A TITLE REPORT WAS NOT FURNISHED FOR THIS PLAT.



EAST
DRIVE

North
Ave.

LEEDS
AVE

100.8

1900

87.1

104.8

SUPER. FRESH FOOD MARKET
5101 EAST DRIVE

PETITIONER'S
EXHIBIT NO. 2