

IN RE: **PETITION FOR VARIANCE**

N/S Cooks Lane aka Ligman Avenue, 65'

W c/line Alma Avenue

(2114 Alma Avenue)

15th Election District

7th Council District

S&S Maryland, LLC

Petitioner

*

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-282-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, S&S Maryland, LLC, by its managing members, Jeremy Swerling and Amy Helsel, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioner seeks variance relief from Sections 1B02.3C1 and 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the 25 feet; to allow an open projection of 6 feet in lieu of 18.75 feet, and to allow a lot of 17,092 square feet in area in lieu of the required 20,000 square feet in area that abuts a right-of-way of 20 feet width in lieu of the required 30 feet width. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Jeremy Swerling, in his capacity as managing member of the property owner; Joseph L. Larson, President of the civil engineering firm of Spellman, Larson and Associates, Inc., the consultant who prepared the site plan, and Francis X. Borgerding, Esquire, attorney for Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is an irregularly shaped parcel located off of Cooks Lane aka Ligman Avenue in the Sparrows Point area of Baltimore County. The subject property is part of an overall tract of land which has three (3) single-family dwellings on one lot. The subject property known as 2114 Alma Avenue is

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Date

By

4-24-08

JS

identified as Lot 3 on Petitioner's Exhibit 1 and contains a gross land area of 17,092 square feet. The property is zoned D.R.5.5 and is improved with a two story single-family dwelling. As evidenced on the site plan, Petitioner is currently proceeding through the minor subdivision process (No. 07028M) to create three separate building lots. Lot 1, 2110 Alma Avenue, will retain the existing single-family dwelling located thereon and contain 6,000 square feet. Lot 2, 2112 Alma Avenue, will retain the existing single-family dwelling located thereon and contain 6,022 square feet.

Testimony indicated that the property had been the subject of a prior zoning hearing in Case No. 89-343-SPH pursuant to which it was found that the single-family dwellings on the subject property had existed since 1932. It is the owner's desire to divide this longstanding situation by putting the three single-family dwellings on separate 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 as well as an open-projection setback and to allow a lot less than 20,000 square feet in area and abutting on a 20-foot wide right-of-way in lieu of the required 30-foot width. It was Mr. Larson's opinion that the houses, which have long existed on this property, are in complete harmony with the rest of the neighborhood. Further, it was Mr. Larson's opinion that the history and shape of the subject property make the property unique and that a grant of the requested variances would be in harmony with the intent of the zoning regulations and would not create injury to the public health, safety and welfare.

The testimony of Jeremy Swerling, member of S & S Maryland, LLC, owner of the subject property, gave a historical overview of the property's use. He indicated that two structures have operated under a condominium regime before the present owners took title of the property. He desires to divide this long-existing situation of three houses on a single lot into three lots. The proposed lot lines between the residences creates a need for variances from the applicable area requirements as to minimum front and side yard setbacks and minimum lot size. It was Mr. Larson's opinion that the houses which have long-existed on this property would be benefited by the variances sought and the proposed subdivision which would allow in-fee

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Date 4-24-08
By [Signature]

ownership rather than rental units. Moreover, the continuing operation of the condominium regime on the property is not functional unless the structures are placed on separate lots.

The issues raised in the petitions are pursuant to the authority granted in Section 500.7 of the B.C.Z.R. Thus, my decision in this matter is based on the zoning of the subject property, the proposed uses on the parcels and other zoning defined issues. I do not have the authority, nor will this decision attempt, to determine issues of processing limited exemptions from the department regulations which have been relegated by the County Council to the Development Review Committee. *See Longmeadow Association, Inc., et al v. Druid Ridge, LLP, et al*, Court of Special Appeals No. 1801 (2005) and County Council Bill 54-05. A review of the facts, evidence and testimony presented in this case reveals that the Petitioner and counsel are in agreement with this conclusion.

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance relief requested. It is clear that the proposal will approve existing conditions on the property and will not adversely impact adjacent property owners. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. However, given the property's water-oriented location, the proposed improvements are subject to compliance with the Chesapeake Bay Critical Area Requirements as set forth in the ZAC comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated January 17, 2008.

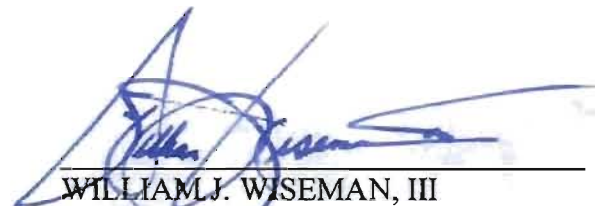
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of April 2008 that the Petition for Variance seeking relief from Sections 1B02.3C1 and 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the 25 feet; to allow an open projection of 6 feet in lieu of 18.75 feet; and to allow a lot of 17,092 square feet in area in lieu of the required 20,000 square feet in

area that abuts a right-of-way of 20 feet width in lieu of the required 30 feet width, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following:

- 1) ADVISORY: This Order approves the requested Variance(s) but does not address the proposed subdivision. The Petitioner's subdivision proposal to create the proposed Lots 1, 2 and 3 must continue its review by the Development Review Committee for consideration and processing.
- 2) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

WJW:dlw

ORDER RECEIVED FOR FILING
Date 4-24-08
By [Signature]



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

April 24, 2008

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: PETITION FOR VARIANCE

N/S Cooks Lane aka Ligman Avenue, 65' W c/line Alma Avenue
(2114 Alma Avenue)
15th Election District - 7th Council District
S&S Maryland, LLC – Petitioner
Case No. 08-282-A

Dear Mr. Borgerding:

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Jeremy Swerling and Amy Helsel, Managing Members, S&S Maryland, LLC,
3406 Janellen Drive, Baltimore, MD 21208
Joseph L. Larson, President, Spellman, Larson & Associates, Inc., 222 Bosley Avenue,
Suite B-3, Towson, MD 21204
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; DEPRM; File



AMENDED

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2114 Alma Avenue
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner 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)

(REFER TO ATTACHED SHEET)

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

Legal argument and hardship and practical difficulty documentation
to be presented at the Zoning Hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print NA
Signature NA
Address NA Telephone No. NA
City NA State NA Zip Code NA

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s): S&S Maryland LLC

Jeremy Swerling- Member
Name - Type or Print _____
Signature _____
Amy Helsel-Member
Name - Type or Print _____
Signature _____

3406 Janellen Drive 443-386-1351
Address Telephone No.
Baltimore MD 21208
City State Zip Code

Representative to be Contacted:

Joseph L. Larson
Name _____
222 Bosley Ave. Ste. B-3 410-823-3535
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-282-A

Reviewed By PT Date 2/26/08

ZONING VARIANCE

The Variances as listed below are from Section 1B02.3C1 and Section 102.4 of the BCZR.

2114 Alma Avenue

To allow a front yard setback of 15' in lieu of 25'.

To allow an open projection of 6' in lieu of 18.75'.

To allow a lot of 17,092 sq. ft. in area in lieu of the required 20,000 sq. ft. in area that abuts a right of way of 20' width in lieu of the required 30' width.

File#M02120801

AMENDED
08-282-A



CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2114 Alma Avenue
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner 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)

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

Legal argument and hardship and practical difficulty documentation
to be presented at the Zoning Hearing.

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

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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 NA
Signature NA
Address NA Telephone No. NA
City NA State NA Zip Code NA

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s): S&S Maryland LLC

Jeremy Swerling- Member
Name - Type or Print _____
Signature [Signature]
Amy Helsel-Member
Name - Type or Print _____
Signature [Signature]

3406 Janellen Drive 443-386-1351
Address Telephone No.
Baltimore MD 21208
City State Zip Code

Representative to be Contacted:

Joseph L. Larson
Name _____
222 Bosley Ave. Ste. B-3 410-823-3535
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

Case No. 08-2819

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

ZONING VARIANCE

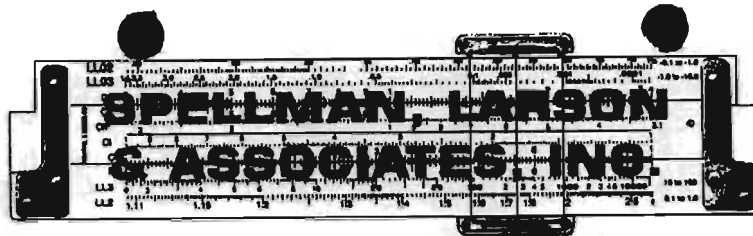
The Variance as listed below is from Section 1B02.3C.1., 301.1A. (BCZR)

2114 Alma Avenue

To allow a front yard setback of 15' in lieu of the required 25'.

To allow an open projection of 6' in lieu of the required 18.75'.

08-282-A



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS
222 BOSLEY AVENUE, SUITE B-3
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

LEGAL DESCRIPTION TO ACCOMPANY ZONING PETITION FOR VARIANCE 2114 ALMA AVENUE

BEGINNING for the same in the center line of Cooks Lane also known as Ligman Avenue at a point 65 feet more or less from the center line of Alma Avenue thence running for a line of division north 3 degrees 14 minutes 29 seconds west 374.67 feet thence north 21 degrees 14 minutes 29 seconds west 8.02 feet thence north 79 degrees 28 minutes 30 seconds west 6.71 feet thence running along the shore line of Jones Creek the following courses and distances south 10 degrees 57 minutes 39 seconds west 15.00 feet, south 11 degrees 59 minutes 13 seconds west 15.00 feet, south 12 degrees 57 minutes 38 seconds west 14.99 feet, south 12 degrees 01 minutes 40 seconds west 15.03 feet, south 11 degrees 49 minutes 30 seconds west 2.64 feet, south 24 degrees 05 minutes 32 seconds west 16.03 feet, south 27 degrees 41 minutes 36 seconds west 15.22 feet, south 25 degrees 42 minutes 57 seconds west 15.00 feet, south 29 degrees 15 minutes 44 seconds west 15.12 feet, south 35 degrees 24 minutes 34 seconds west 15.10 feet, south 36 degrees 13 minutes 29 seconds west 15.00 feet, south 44 degrees 35 minutes 33 seconds west 15.08 feet, south 54 degrees 33 minutes 28 seconds west 15.10 feet, south 63 degrees 54 minutes 04 seconds west 1.16 feet thence leaving the shore line of Jones Creek and continuing for a line of division south 3 degrees 14 minutes 29 seconds east 94.71 feet thence north 86 degrees 45 minutes 31 seconds east 90.00 feet thence south 3 degrees 14 minutes 29 seconds east 133.58 feet to a point in the center line of Cooks Lane thence running along the center line of Cooks Lane north 86 degrees 45 minutes 31 seconds east 10.00 feet to the place of beginning.

Said property being known as 2114 Alma Avenue the proposed Lot No. 3 on the Subdivision Plat of Whistler's Landing to be recorded.

Containing 17,092 square feet of land more or less.

File#D12260703



08-282-A

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: #08-282-A

2114 Alma Avenue

N/side of Cooks Lane aka Ligman Avenue, 65 feet west of centerline of Alma Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): S&S Maryland, LLC, Jeremy Swerling & Amy Helsel, Members

Variance: to allow a front yard setback of 15 feet in lieu of the required 25 feet and to allow an open projection of 6 feet in lieu of the required 18.75 feet and to allow a lot of 17,092 square feet in area in lieu of the required 20,000 square feet in area that abuts a right of way of 20 feet width in lieu of the required 30 foot width.

Hearing: Monday, March 24, 2008 at 2:00 p.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) 887-4386.

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

JT 3/705 March 11 166527

CERTIFICATE OF PUBLICATION

3/14/2008

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 3/11/2008.

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 1074Date: 2/27/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			050				70.00
"				"				70.00
				"				70.00

Total: 210.00

Rec

From:

SPELTMAN LARSON & ASSOC INC

For:

08-282-A 2114 ALMA AVE REV. FEE
08-283-A 2112 ALMA AVE
08-284-A 2110 ALMA AVE
DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS NUMBER 7101
 08-282-A 2114 ALMA AVE
 RECEIPT # 1074
 Dept. 5-1521 (UNEMP. BENEFIT) 08
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 Recpt. val 210.00
 0210.00 02 1.00
 Baltimore County, Md. 21216

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 03/12/08

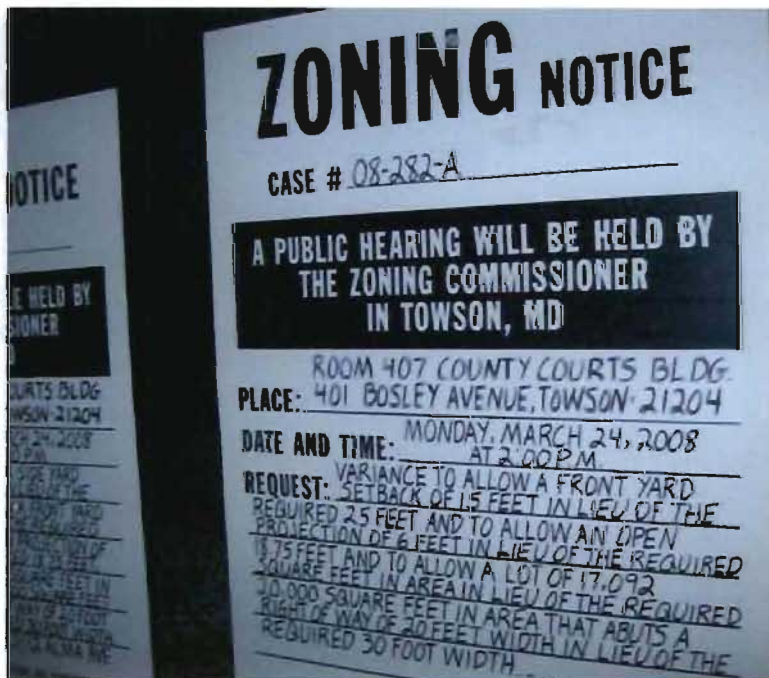
Case Number: 08-282-A

Petitioner / Developer: JOSEPH LARSON~ JEREMY SWERLING~
AMY HEISEL~FRANK BORGERDING, ESQ.

Date of Hearing (Closing): MARCH 24, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
2114 ALMA AVE.

The sign(s) were posted on: 03/08/08



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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: #08-282-A

2114 Alma Avenue

N/side of Cooks Lane a/k/a Ligman Avenue, 65 feet west of centerline of Alma Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): S & S Maryland, LLC, Jeremy

Swerling & Amy Helsel, Members

Variance: to allow a front yard setback of 15 feet in lieu of the required 25 feet and to allow an open projection of 6 feet in lieu of the required 18.75 feet.

Hearing: Wednesday, March 5, 2008 at 9:00 a.m. In Room 106, County Office Building, 111 West Chesapeake 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/2/743 Feb. 19

164148

CERTIFICATE OF PUBLICATION

2/21, 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 2/19, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

No. 39203

Date: 1/2/09

PAID RECEIPT

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For: 08-282-A 2114 ALMA AVE
08-283-A 2112 ALMA AVE
08-284-A 2110 ALMA AVE

YELLOW - CUSTOMER

**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.

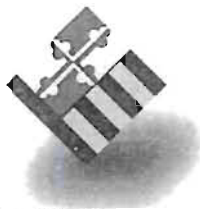
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 08-282-A
Petitioner: S + S MARYLAND LLC
Address or Location: 3406 LANELLEN DRIVE BALTO. MD. 21208

PLEASE FORWARD ADVERTISING BILL TO:

Name: JEREMY SWERLING
Address: 3406 LANELLEN DRIVE
BALTIMORE MD 21208
Telephone Number: 443-386-1351



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 15, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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

CASE NUMBER: 08-282-A

2114 Alma Avenue

N/side of Cooks Lane aka Ligman Avenue, 65 feet west of centerline of Alma Avenue

15th Election District – 7th Councilmanic District

Legal Owners: S & S Maryland, LLC, Jeremy Swerling & Amy Helsel, Members

Variance to allow a front yard setback of 15 feet in lieu of the required 25 feet and to allow an open projection of 6 feet in lieu of the required 18.75 feet.

Hearing: Wednesday, March 5, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Joseph Larson, 222 Bosley Avenue, Ste. B-3, Towson 21204
Jeremy Swerling, Amy Helsel, 3406 Janellen Drive, Baltimore 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 19, 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, February 19, 2008 Issue - Jeffersonian

Please forward billing to:
Jeremy Swerling
3406 Janellen Drive
Baltimore, MD 21208

443-386-1351

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2114 Alma Avenue

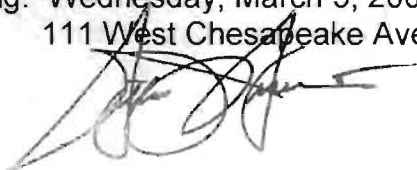
N/side of Cooks Lane aka Ligman Avenue, 65 feet west of centerline of Alma Avenue

15th Election District – 7th Councilmanic District

Legal Owners: S & S Maryland, LLC, Jeremy Swerling & Amy Helsel, Members

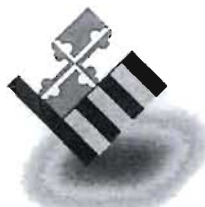
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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 4, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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

CASE NUMBER: 08-282-A

2114 Alma Avenue

N/side of Cooks Lane aka Ligman Avenue, 65 feet west of centerline of Alma Avenue
15th Election District – 7th Councilmanic District

Legal Owners: S & S Maryland, LLC, Jeremy Swerling & Amy Helsel, Members

Variance to allow a front yard setback of 15 feet in lieu of the required 25 feet and to allow an open projection of 6 feet in lieu of the required 18.75 feet and to allow a lot of 17,092 square feet in area in lieu of the required 20,000 square feet in area that abuts a right of way of 20 feet width in lieu of the required 30 foot width.

Hearing: Monday, March 24, 2008 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Joseph Larson, 222 Bosley Avenue, Ste. B-3, Towson 21204
Jeremy Swerling, Amy Helsel, 3406 Janellen Drive, Baltimore 21208
Frank Borgerding via fax

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 8, 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 11, 2008 Issue - Jeffersonian

Please forward billing to:
Jeremy Swerling
3406 Janellen Drive
Baltimore, MD 21208

443-386-1351

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: 08-282-A

2114 Alma Avenue

N/side of Cooks Lane aka Ligman Avenue, 65 feet west of centerline of Alma Avenue
15th Election District – 7th Councilmanic District

Legal Owners: S & S Maryland, LLC, Jeremy Swerling & Amy Helsel, Members

Variance to allow a front yard setback of 15 feet in lieu of the required 25 feet and to allow an open projection of 6 feet in lieu of the required 18.75 feet and to allow a lot of 17,092 square feet in area in lieu of the required 20,000 square feet in area that abuts a right of way of 20 feet width in lieu of the required 30 foot width.

Hearing: Monday, March 24, 2008 at 2:00 p.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

JAMES T. SMITH, JR.
County Executive

March 3, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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

CASE NUMBER: 08-282-A

2114 Alma Avenue

N/side of Cooks Lane aka Ligman Avenue, 65 feet west of centerline of Alma Avenue

15th Election District – 7th Councilmanic District

Legal Owners: S & S Maryland, LLC, Jeremy Swerling & Amy Helsel, Members

Variance to allow a front yard setback of 15 feet in lieu of the required 25 feet and to allow an open projection of 6 feet in lieu of the required 18.75 feet and to allow a lot of 17,092 square feet in area in lieu of the required 20,000 square feet in area that abuts a right of way of 20 feet width in lieu of the required 30 foot width.

Hearing: Monday, April 14, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Joseph Larson, 222 Bosley Avenue, Ste. B-3, Towson 21204
Jeremy Swerling, Amy Helsel, 3406 Janellen Drive, Baltimore 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 29, 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
Thursday, March 27, 2008 Issue - Jeffersonian

Please forward billing to:
Jeremy Swerling
3406 Janellen Drive
Baltimore, MD 21208

443-386-1351

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: 08-282-A

2114 Alma Avenue

N/side of Cooks Lane aka Ligman Avenue, 65 feet west of centerline of Alma Avenue

15th Election District – 7th Councilmanic District

Legal Owners: S & S Maryland, LLC, Jeremy Swerling & Amy Helsel, Members

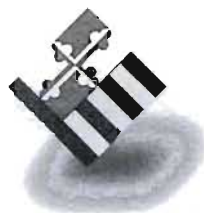
Variance to allow a front yard setback of 15 feet in lieu of the required 25 feet and to allow an open projection of 6 feet in lieu of the required 18.75 feet and to allow a lot of 17,092 square feet in area in lieu of the required 20,000 square feet in area that abuts a right of way of 20 feet width in lieu of the required 30 foot width.

Hearing: Monday, April 14, 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

JAMES T. SMITH, JR.
County Executive

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

March 19, 2008

S&S Maryland LLC
Jeremy Swerling
Amy Helsel
3406 Janellen Drive
Baltimore, MD 21208

Dear Mr. Swerling and Ms. Helsel:

RE: Case Number: 08-282-A, 2114 Alma Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 2, 2008. 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
Joseph L. Larson 222 Bosley Avenue, Suite B-3 Towson 21204

BALTIMORE COUNTY, MARYLAND

Interoffice Memorandum

DATE: January 7, 2008

TO: Zoning Commissioner & File

FROM: Donna Thompson, Planner II
Zoning Review

SUBJECT: Petition for Variance 08-282-A, 08-283-A, 08-284-A
2112-2114 Alma Avenue
15th Election District

The three Zoning Variance cases are for a proposed minor subdivision known as "Whistlers Landing" (07-028-M). Since I am not the reviewer of the minor subdivision the above petitions may be only part of the relief necessary. It will be up to the owner/surveyor to file for any additional variance and/or special hearing relief requested by the project manager for this minor subdivision.

DT

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 5, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 10, 2008
Item No. 08-282

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

No further comments.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-282-03052008.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 15, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For January 21, 2008
Item No. 08-282

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

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-282-01152008.doc



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: Jan. 14, 2008

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

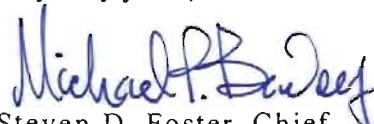
RE: Baltimore County
Item No. 8-282-A
2114 ARMA AVENUE
S&S MARYLAND LLC
VARIANCE

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. 8-282-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,


Steven D. Foster, Chief
for 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

BW
3-5-08
24
2 PM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 11, 2008

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

SUBJECT: 2114, 2112 and 2114 Alma Avenue

INFORMATION:

Item Number: 8-282, 283 and 284

Petitioner: Jeremy Swerling and Amy Helsel

Zoning: DR 5.5

Requested Action: Variance

RECEIVED
FEB 11 2008

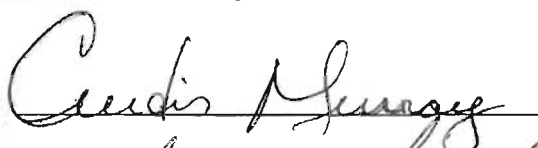
BY: _____

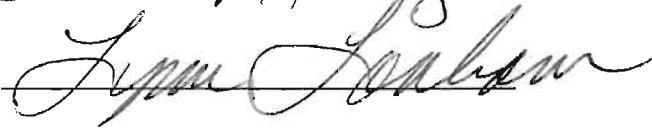
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. There is also a minor subdivision plan currently under review by Baltimore County for the same subject properties. It is the understanding of this office that the requested variances are needed to relieve an existing condition. The Office of Planning does not oppose the petitioner's requests for this existing condition.

Furthermore, the applicant has also submitted a waiver request for the width of the in-fee strips for lots 2 and 3. No final decision has been made regarding such relief, however it should not withstand the decision on the subject variances.

For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Reviewed by: 

Division Chief: 
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: March 25, 2008

SUBJECT: Zoning Items # 08-282-A, 08-283-A, 08-284-A (Amended)
Address 2114, 2112, 2110 Alma Ave.
(Whistlers Landing)

Zoning Advisory Committee Meeting of March 3, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area (CBCA) Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments: The referenced site is currently under minor subdivision review by this Department for compliance with the Chesapeake Bay Critical Area Law. Allowing the existing setbacks will not adversely affect the CBCA requirements.

Reviewer: Paul A. Dennis

Date: March 20, 2008

RE: PETITION FOR VARIANCE * BEFORE THE
2114 Alma Avenue; N/S Cooks Lane AKA *
Ligman Avenue, 65' W c/line Alma Ave * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): S&S Maryland LLC * FOR
by Jeremy Sweling & Amy Helsel *
Petitioner(s) * BALTIMORE COUNTY
* 08-282-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 22nd day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to, Joseph Larson, 222 Bosley Avenue, Suite B-3, Towson, MD 21204, Representative for Petitioner(s).

RECEIVED

JAN 22 2008

Per.....

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

CASE NAME _____
CASE NUMBER 08-282-17
DATE 3-24-08

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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

Account Identifier: District - 15 Account Number - 2100014185

Owner Information

Owner Name: S&S MARYLAND LLC **Use:** RESIDENTIAL
Mailing Address: 3406 JANELLEN DR **Principal Residence:** NO
 BALTIMORE MD 21208-1807 **Deed Reference:** 1) /26460/ 453
 2)

Location & Structure Information

Premises Address **Legal Description**
 2114 ALMA AVE UNIT 4
 2114 ALMA AVE
 CONDO UNIT: 4 WHISTLERS LAND COND

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
111	22	127						3	Plat Ref: 12/ 99

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1946	1,520 SF	2,221.00 SF	36

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2006	07/01/2007	07/01/2008	
Land	40,000	50,000			
Improvements:	82,640	136,770			
Total:	122,640	186,770	165,392	186,770	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: SWERLING JEREMY	Date: 12/07/2007	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /26460/ 453	Deed2:
Seller: SAVADER LOUIS	Date: 06/13/2006	Price: \$900,010
Type: MULT ACCTS ARMS-LENGTH	Deed1: /23998/ 244	Deed2:
Seller: WHISTLER CORPORATION	Date: 01/21/2004	Price: \$132,600
Type: IMPROVED ARMS-LENGTH	Deed1: /19478/ 694	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

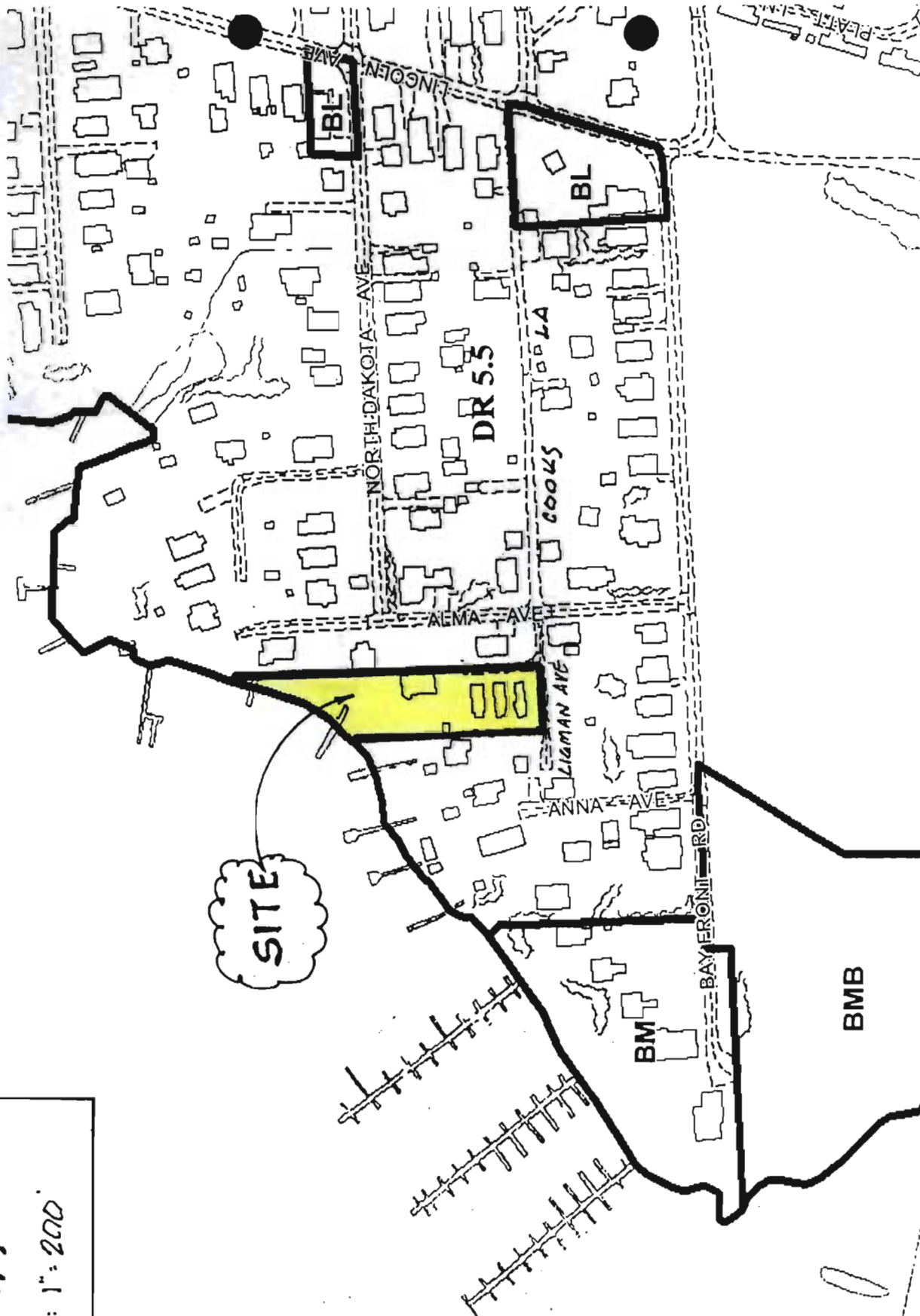
Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

ZONING MAP

111-173

SCALE: 1"=200'



08-282-A

Case No.:

08-282-A 2114 ALMA AVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	89-343 ZONING ORDER -SPH	
No. 3	Photo's Existing Improvements	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITION FOR SPECIAL HEARING
N/S Ligman Avenue, 65' W of
the c/l of Alma Avenue
(2108, 2110, 2112 and 2114
Alma Avenue)
15th Election District
7th Councilmanic District

The Whistler Corporation
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-343-SPH
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the four dwellings described herein on the subject property as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. & Mrs. Howard W. Ramsay, President and Secretary, respectively, appeared, testified, and were represented by Westin A. Park, Esquire. Estelle Johnson, a nearby resident, appeared as an interested party. There were no Protestants.

Testimony indicated that the subject property, known as 2108, 2110, 2112 and 2114 Alma Avenue, also known as Elma Avenue, consists of 0.66 acres zoned D.R. 5.5, and is improved with four single family dwelling units. Petitioners testified they purchased the property in November 1988 and that at the time of purchase, the property was described as Lots 42 and 43 of Section A, Chesapeake Terrace. The property is located within the Chesapeake Bay Critical Areas and abuts Jones Creek. Testimony indicated that Petitioners are in the process of rehabilitating the subject dwellings and upon requesting building permits were advised they must establish the nonconforming use of the four dwelling units on the property. Testimony presented by Petitioners indicated that all four dwellings have existed on the property since 1932. Petitioners indicated that they had been advised that all properties had been occupied continuously and

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3/13/89
by Betty J. Sullivan

PETITIONER'S

EXHIBIT NO.

2

without interruption but for a change in tenancy since their construction. To support Petitioners' position, Petitioners submitted an affidavit of Herman J. Raitt, confirming the existence of the four single family dwelling units on the subject property since 1935.

Mrs. Johnson testified at the hearing that she or her family have either resided or been personally familiar with the subject property since the late 1950s, early 1960s. She indicated that since that time, the properties have been occupied continuously and without interruption.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may contin-

ue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of

the ground floor area of buildings so used.
(B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

It is clear the use of the subject property known as 2108, 2110, 2112 and 2114 Alma Avenue as four single family dwelling units has not changed since at least 1935 and pre-dates the 1945 zoning regulations. Therefore a nonconforming use exists. The uncontraverted testimony indicates the use of the property as four single family dwelling units has been continuous and without interruption since approximately 1932.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R. In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is

compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

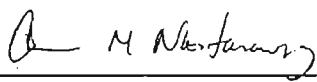
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of March, 1989 that the Petition for Special Hearing to approve the nonconforming use of the four dwellings described herein on the subject property as more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The 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, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 11, 1989, attached hereto and made a part hereof.

AMN:bjs


ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

2114 Alma



PETITIONER' S

EXHIBIT NO.

3

2114 Alma Ave.





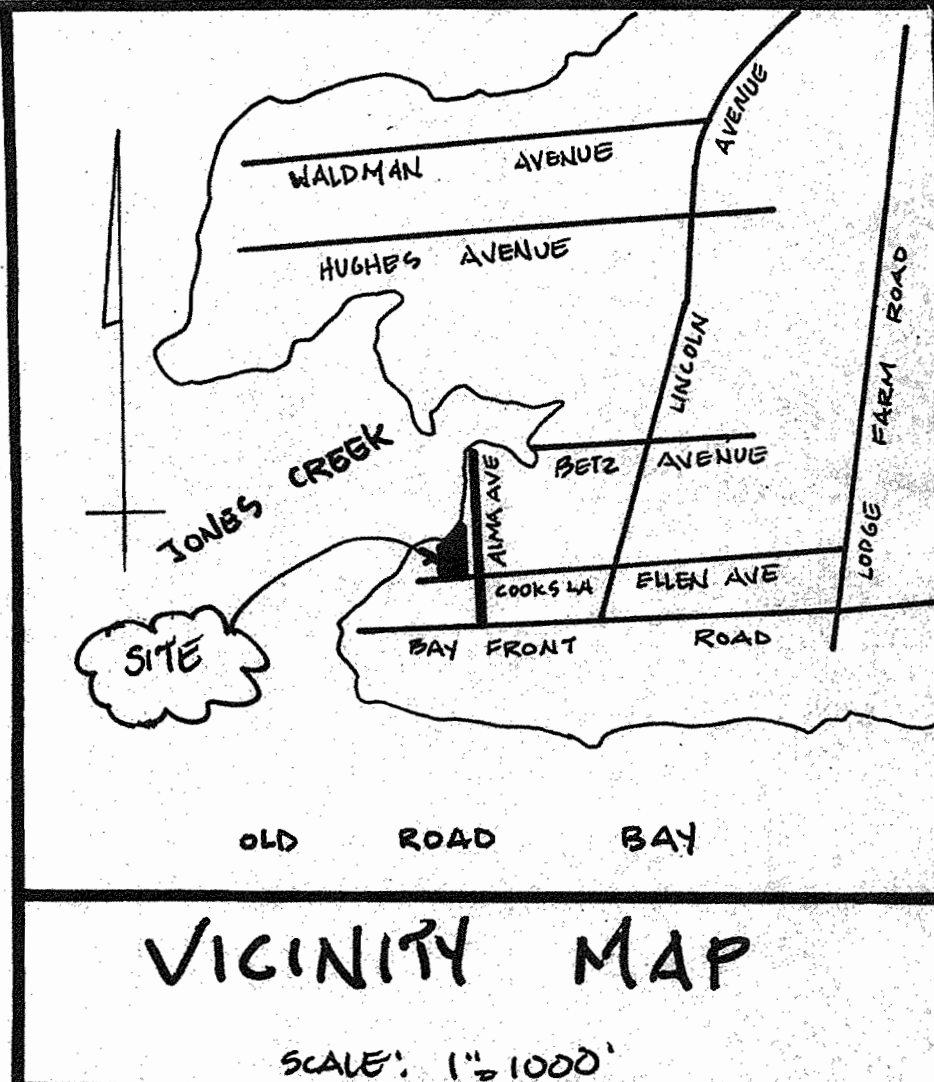
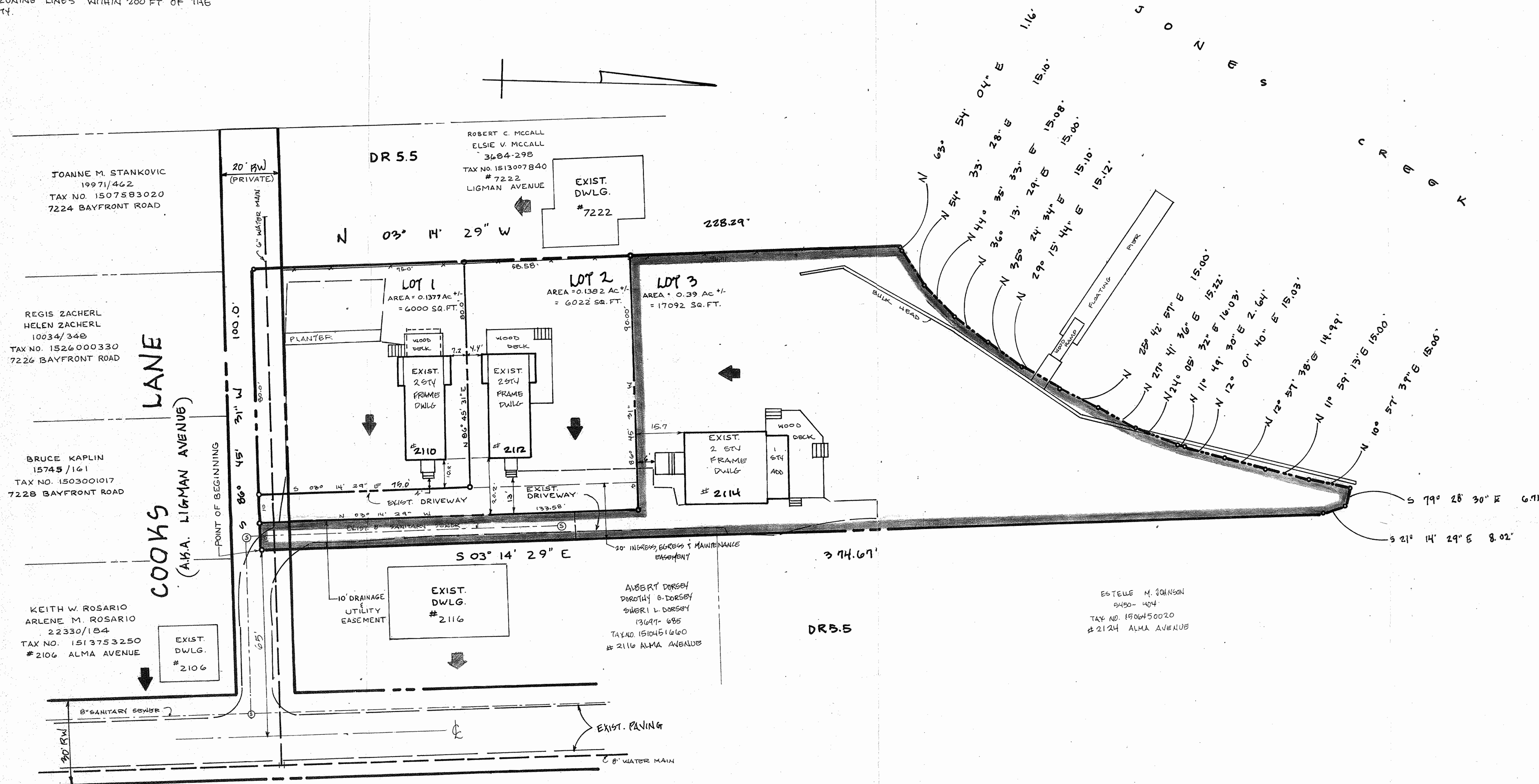
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212 Alma



GENERAL NOTES

1. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIAL SITES, ENDANGERED SPECIES HABITATS, OR HISTORIC BUILDINGS ON THE SUBJECT PROPERTY.
2. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SUBJECT PROPERTY.
3. THE SUBJECT SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA WITH DESIGNATION LDA.
4. THE SUBJECT PROPERTY LIES WITHIN A FLOOD PLAIN.
5. THERE ARE NO ZONING LINES WITHIN 200 FT OF THE SUBJECT PROPERTY.



SITE DATA	
ZONING MAP	111.83
EXIST ZONING	DR 5.5
GOVERNMENTAL DISTRICT	744
PROPOSED USE	3 SFD
EXIST USE	3 SFD
TAX ACCOUNT NO	2100014182-85
DEED REFERENCE	23998-244
TAX MAP GRID/PARCEL	111/22/127
PLAT REFERENCE (CONDOMINIUM)	12-99
UTILITIES	PUBLIC WATER - EXIST PUBLIC SEWER - EXIST
SITE AREA - TOTAL	0.668 AC +/-, 2914 SQ. FT.
SITE AREA LOT 3	0.39 AC +/-, 17092 SQ. FT.

REFER TO MINOR SUB NO. 07028 M

OWNER INFORMATION

S & S MARYLAND LLC
3406 JANELLEN DR.
BALTIMORE, MD 21208-2104

REVISIONS	
NO.	DESCRIPTION
1	1-11-08 REVISED PER FILING CONFERENCE
2	2-11-08 REV. VARIANCE PETITION

SPELLMAN, LARSON & ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

PLAT TO ACCOMPANY ZONING PETITION

WHISTLEB LANDING

2114 ALMA AVENUE

WHISTLEB LANDING
12-99

15TH ELECTION DISTRICT BALTIMORE, MD
SCALE: 1" = 20' DES. BY: SHT. OF
DATE: 12/18/07 DRN. BY:

ZONING HISTORY

CASE NO. 89-243-SPH

15TH MARCH, 1989, SPECIAL HEARING TO APPROVE THE NONCONFORMING USE OF FOUR DWELLINGS ON THE SUBJECT PROPERTY WAS GRANTED.

ZONING PETITIONS

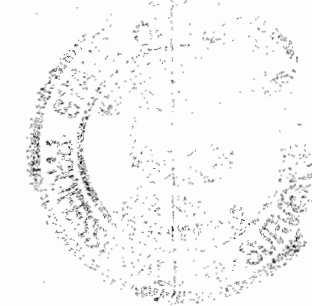
THIS PLAT ACCOMPANIES A ZONING PETITION FOR VARIANCE.

ZONING VARIANCE REQUESTED

2114 ALMA AVENUE

TO ALLOW A FRONT YARD SETBACK OF 15' IN LIEU OF 25'
TO ALLOW AN OPEN PROJECTION OF 6' IN LIEU OF 18.75'
TO ALLOW A LOT OF 17,092 SQ. FT. IN AREA IN LIEU OF THE REQUIRED 20,000 SQ. FT. IN AREA THAT ABUTS A RIGHT OF WAY OF 20' WIDTH IN LIEU OF THE REQUIRED 30' WIDTH.

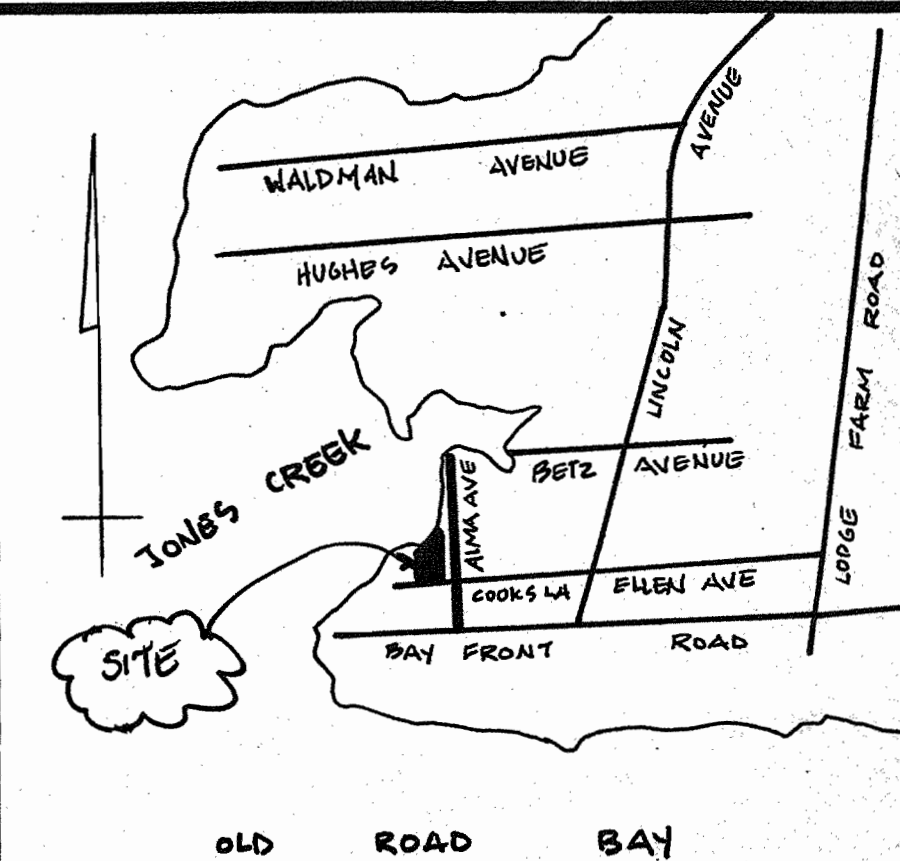
SURVEYORS CERTIFICATION



EDWIN J. KIRBY, JR. P.L.S. #5481

REVISED 08-582-A 206044 Petitioners Exhibit

1. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIAL SITES, ENDANGERED SPECIES HABITATS, OR HISTORIC BUILDINGS ON THE SUBJECT PROPERTY.
2. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SUBJECT PROPERTY.
3. THE SUBJECT SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA WITH DESIGNATION LDA.
4. THE SUBJECT PROPERTY LIES WITHIN A FLOOD PLAIN.
5. THERE ARE NO ZONING LINES WITHIN 200 FT OF THE SUBJECT PROPERTY.



SCALE: 1"=1000'

ZONING MAP	111 B3
EXIST ZONING	DR5-5
COUNCILMANIC DISTRICT	7th
PROPOSED USE	3 SFD
EXIST USE	3 SFD
TAX ACCOUNT NO	2100014182-05
DEED REFERENCE	23-98B-244
TAX MAP GRID PARCEL	111 22 127
PLAT REFERENCE (CONDOMINIUM)	12-99
UTILITIES	PUBLIC WATER - EXIST PUBLIC SEWER - EXIST
SITE AREA - TOTAL	0.663AC +/-, 29114 SQ.FT.
SITE AREA LOT 3	0.39 AC +/-, 17092 SQ.FT.

REFER TO MINOR SUB NO. 07028 M

BALTIMORE, MD 21208-2104

[illegible]

CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

2114 ALMA AVENUE

WHISTLEB'S LANDING
12-99

15TH ELECTION DISTRICT BALTIMORE CO, MD

SCALE: 1" = 20'	DES. BY:	SHT. ____ OF ____
DATE: 12/18/03	DRN. BY:	

08-282-A 206044

CASE NO. 89-343-SPH

15TH MARCH, 1989, SPECIAL HEARING TO APPROVE THE NONCONFORMING USE OF FOUR DWELLINGS ON THE SUBJECT PROPERTY WAS GRANTED.

THIS PLAT ACCOMPANIES A ZONING
PETITION FOR VARIANCE.

2114 ALMA AVENUE
TO ALLOW A FRONT YARD SETBACK OF 15' IN LIEU OF 25'

EDWIN J. KIRBY JR. P.L.S. #9481

EDWIN J. KIRBY JR. P.L.S. #5481