IN RE: PETITION FOR SPECIAL HEARING

W side of Hannah Avenue, 250 feet S of Washington Blvd.

13th Election District

1st Councilmanic District

(1920 Hannah Avenue)

Jeanine Jackson

Petitioner

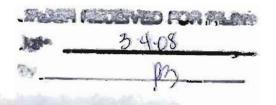
- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-288-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Jeanine Jackson, legal owner of the subject property. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new two-story dwelling on an undersized lot in a D.R.2 zone with an area of 9,945 square feet in lieu of the minimum required 20,000 square feet. The subject property and requested relief are more fully described 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 requested special hearing was Petitioner Jeanine Jackson, her father Will Jackson, Sr., and her attorney, W. Timothy Sutton, Esquire. James Hanna of 1945 Hannah Avenue, and Larry Snyder of 1951 Hannah Avenue, appeared in opposition to the requested relief. There were no other Protestants or interested persons in attendance at the hearing.

Mr. Sutton presented the case by way of a proffer and the testimony and evidence offered revealed that the subject property contains 9,945 square feet or 0.23 acre, more or less, zoned D.R.2. The subject property is located on the west side of Hannah Avenue, near Washington Boulevard (alternate Route 1) in the Halethorpe area of Baltimore County, and contains Lots 10,

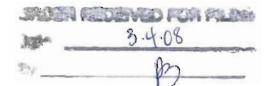


11, 12, 13 and 14 of "Halethorpe Terrace" which is recorded in Baltimore County Plat Book 7, Folio 72, Lots 10-14, Section J. Petitioner purchased Lots 10 and 11 in August, 2007 and was deeded Lots 12, 13 and 14 from her mother's estate in June, 2007. The property currently is undeveloped and Petitioner is now desirous of constructing a two-story home and garage on the five lot parcel. Will Jackson Jr., Petitioner's brother, owns the adjacent property at 1924 Hannah Avenue.

Testifying against the requested relief were James Hanna and Larry Snyder. Mr. Hanna opposes the request based on its impact on the existing open space and he believes the purpose of open space requirements is to preserve existing open space areas. Mr. Snyder lives down the hill and about four houses away from the subject property. He is concerned about stormwater runoff and already has a great deal of water in his front yard during periods of heavy rain.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated January 31, 2008 which indicates that Petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does meet the standard stated in Section 304.1.C of the B.C.Z.R. The Office also notes that there appear to be several existing undersized lots in the neighborhood. As such, the Planning Office does not oppose Petitioner's request. If approved, Petitioner will be required to provide landscaping along the public road and submit building elevations for review and approval prior to the issuance of any building permit. The dwelling should be compatible in size, exterior building materials, color and detail as that of the existing dwellings in the area.

Section 304.1 of the B.C.Z.R. states that "...a one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that

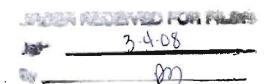


required by the area regulations contained in these regulations if..." certain conditions are met. Based on the testimony and evidence presented, I am persuaded to grant the special hearing relief. Petitioner does not own sufficient adjoining land to conform to the width and area requirements contained in Section 304 of the B.C.Z.R. All other requirements of the height, area, and setback regulations shall be complied with. Consequently I find the subject property meets the regulations of Section 304.1 of the B.C.Z.R. The Planning Office will review the design of the new home for compatibility with the neighborhood. Therefore I find allowing construction of the two-story dwelling will not adversely affect the community. I understand the neighbor's reluctance to see the open space provided by Petitioner's property disappear, but that must be weighed against a property owner's right to utilize the property for a permitted purpose. Moreover, any impact from stormwater runoff, as suggested by Mr. Snyder, will be addressed by the Department of Environmental Protection and Resource Management during building permit review.

In sum, and in my judgment, Petitioner's plans are appropriate and will not be detrimental to the health, safety, or general welfare of the surrounding locale.

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 request for special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this ______ day of March, 2008 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new two-story dwelling on an undersized lot in a D.R.2 zone with an area of 9,945 square feet



in lieu of the minimum required 20,000 square feet is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted herein:

- 1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner shall submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color and architectural detail as that of the existing dwellings in the area.
- 3. Petitioner shall provide landscaping along the public road if consistent with the existing streetscape.

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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

March 4, 2008

W. TIMOTHY SUTTON, ESQUIRE 201 NORTH CHARLES STREET, SUITE 2300 BALTIMORE MD 21201

> Re: Petition for Special Hearing Case No. 08-288-SPH Property: 1920 Hannah Avenue

Dear Mr. Sutton:

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: Jeanine Jackson and Will Jackson, 1 Brookstone Court, Lutherville MD 21093 James Hanna, 1945 Hannah Avenue, Halethorpe MD 21227 Larry Snyder, 1951 Hannah Avenue, Halethorpe MD 21227

Zoning Description for 1920 Hannah Ave.

This parcel of ground is located on the west side of Hannah Ave which is 30 ft wide and is 250 feet from the intersection of Hannah Ave and Washington Blvd. This land consists of lots 10-14 on block J, Plat of Halethorpe Terrace which is recorded in Baltimore County plat Book WPC number 7 and folio 72. This property measures 9,945 square feet, a total of 0.23 acres. 1920 Hannah Ave is located in the 13th Election district and the 1st Councilmanic District.

NOTICE OF ZONING HEARING

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

Case: #08-288-SPH 1920 Hannah Avenue W/side of Hannah Avenue. 250 feet south of Washington Boulevard 13th Election District 1st Councilmanic District Legal Owner: Jeanine Jackson Special Hearing: to permit a new (2) story dwelling on an undersized lot in a DR-2 zone with an area of 9945 square feet in lieu of the reguired 20,000 square feet. Hearing: Monday, March 3, 2008 at 9:00 s.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 Offics at (410) 887-3391.

2/227 Feb. 14 163682

CERTIFICATE OF PUBLICATION

2 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 ofsuccessive weeks, the first publication appearing
on 2/14/ ,20 <u>08</u> .
💢 The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 02/07/08

Case Number: 08-288-SPH

Petitioner / Developer: <u>JEANINE JACKSON</u>
Date of Hearing (Closing): <u>MARCH 3, 2008</u>

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: 1920 HANNAH AVENUE

The sign(s) were posted on: FEBRUARY 6, 2008



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)



FORMAL DEMAND FOR HEARING

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08-288-5PH

Date

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 08-288-5PH
Petitioner: Jeanine Jackson
Address or Location: 1920 Hannah Avenue (Lots 10-14)
Baltimore, MD
PLEASE FORWARD ADVERTISING BILL TO:
Name: Jeanine Jackson
Address: 1 Brookstone Court
Lutherville, MD 2/093
Telephone Number: 143 - 326 - 5961



JAMES T. SMITH, JR. County Executive

January 16, 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: 08-288-SPH

1920 Hannah Avenue

W/side of Hannah Avenue, 250 feet south of Washington Boulevard

13th Election District – 1st Councilmanic District

Legal Owner: Jeanine Jackson

<u>Special Hearing</u> to permit a new (2) story dwelling on an undersized lot in a DR-2 zone with an area of 9945 square feet in lieu of the required 20,000 square feet.

Hearing: Monday, March 3, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Jeanine Jackson, 1 Brookstone Court, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 16,2008

- (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, February 14, 2008 Issue - Jeffersonian

Please forward billing to:

Jeanine Jackson 1 Brookstone Court Lutherville, MD 21093 443-326-5961

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: 08-288-SPH

1920 Hannah Avenue W/side of Hannah Avenue, 250 feet south of Washington Boulevard 13th Election District – 1st Councilmanic District

Legal Owner: Jeanine Jackson

<u>Special Hearing</u> to permit a new (2) story dwelling on an undersized lot in a DR-2 zone with an area of 9945 square feet in lieu of the required 20,000 square feet.

Hearing: Monday, March 3, 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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 27, 2008

Jeanine Jackson 1 Brookstone Court Lutherville, MD 21093

Dear Ms. Jackson:

RE: Case Number: 08-288-SPH, 1920 Hannah 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 4, 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,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: January 31, 2008



BY:____

SUBJECT: Zoning Advisory Petition(s): Case(s) 8-288- Special Hearing

The Office of Planning has reviewed the subject request and has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

- 1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 2. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared By

Division Chief

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: January 15, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 21, 2808

Item Nos. 08-288, 289, 290, 291, 293, 294, 295, 296, and 297

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-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. 8-288 - 5PH

1920 HANNAH AVENUE JACKSON PROPERTY SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-288-5PH.

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, Chie: Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND Interoffice Memorandum

DATE: January 3, 2008

TO: Zoning Commissioner/File

FROM: Leonard Wasilewski

Planner II

SUBJECT: Petition 08-288-SPH

1920 Hannah Avenue (Lots 10-14)

Baltimore, Md. 21227 13th Election District 1st Councilmanic District

Please be advised that this Special Hearing for an undersized lot is before you because, the original posting was appealed by a neighbor within 1000 feet of the property in question.

RE: PETITION FOR SPECIAL HEARING
1920 Hannah Avenue, W/S Hannah Avenue,
250' S Washington Boulevard
13th Election & 1st Councilmanic Districts

ZONING COMMISSIONER

BEFORE THE

Legal Owner(s): Jeanine Jackson

FOR

Petitioner(s)

BALTIMORE COUNTY

* 08-288-SPH

* * * * * * * *

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to, Janine Jackson, 1 Brookstone Court, Lutherville, MD 21093, Petitioner(s).

RECEIVED

JAN 22 - -

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Per



JAMES T. SMITH, JR. County Executive

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

December 17, 2007

Re:

Demand for Public Hearing

Undersized Lot 1920 Hannah Avenue 13th Election District

Jenine E. Jackson 1 Brookstone Court Lutherville, Maryland 21093

Dear Ms. Jackson:

This letter is to officially notify you that the posting of the subject property has resulted in a timely demand, submitted on December 17, 2007, for a public hearing concerning your request to build on an Undersized Lot. Be advised, we are withholding the approval because it has been superseded by said demand for a public hearing pursuant to Section 304.4 of the Baltimore County Zoning Regulations.

If you wish to proceed with your request, you must file for a zoning Special Hearing (public Hearing) without delay. The filing fee for the Special Hearing is \$65.00. There is also a requirement the hearing be advertised for which you will be billed later by Patuxent Publishing. The property must be reposted with the hearing date, time, and location. I am enclosing the filing procedure, including the required forms and checklist, and when completed, you should call 410-887-3391 for an appointment to file your petition. A revised scaled site plan must be submitted, in accordance with the checklist.

If you decide to withdraw your request, please notify us in writing within 30 days using the above captioned reference so that the Undersized Lot file can be closed. If you need any further explanation or additional information, please feel free to contact me at 410-887-3391.

Planner II

Zoning Review

AT:amf Enclosures

CC: James Hanna 1945 Hannah Avenue Halethorpe 21227

08-288-5PH

PLEASE PRINT C	CLEARLY
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CASE NAME	
CASE NUMBER	7:
DATE	

CITIZEN'S SIGN-IN SHEET

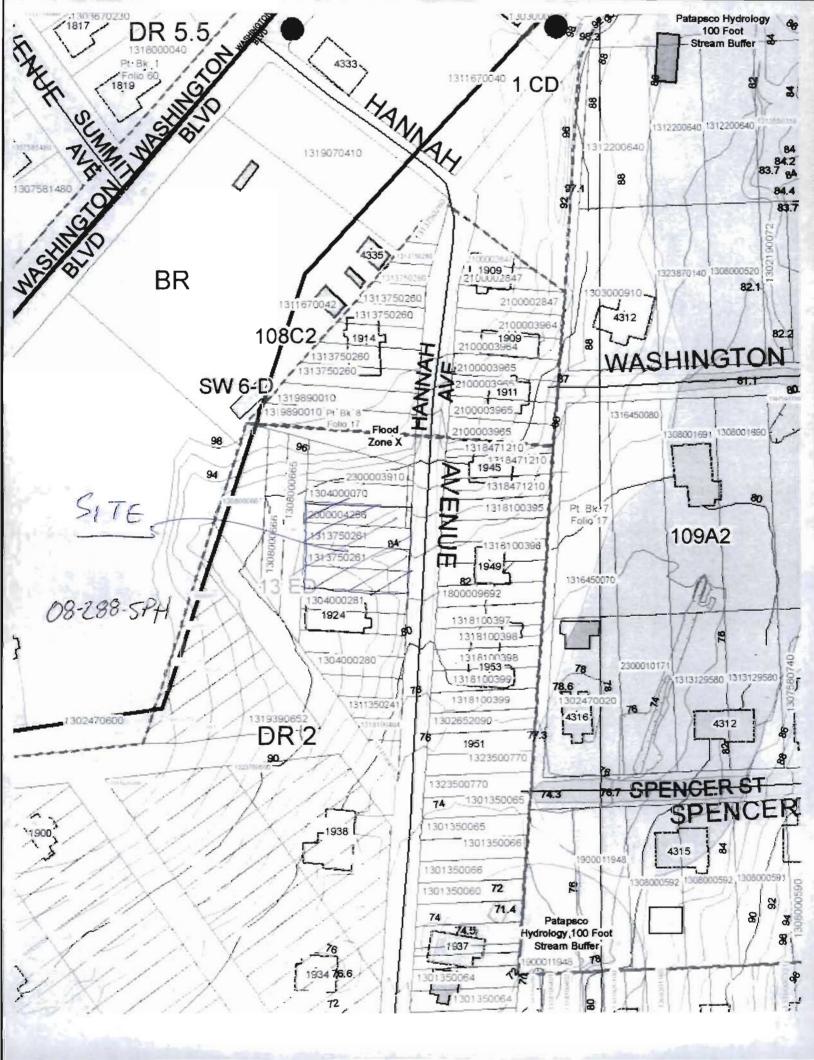
NAME	ADDRESS	CITY, STATE, ZIP ALETTHORPE MDZY	E- MAIL
James HANNA	1945 HANNAH AVE	HALETTHORPE MDY	JNHANNA@ COMCAST
LARRY SNYDER	1951 HANNAH AVE	HALSTHORTE MD ZIZZY	
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PLEASE PRINT CLEARLY

CASE NAME JONINE TO MESON 1921/6 man CASE NUMBER UF- 218-584 CASE DATE 9/3/3/08

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Deanine Jackson	201 N. Charles St. 5422300		tin Saton @ candtlewas for
Jeanine Jackson	1 Brookstone Ct	Lutherville MD 21093	ijack 004 (a. umaryland, y
Will Jackson	1 Brookstone Ct.	huther ville, MD 21093	willijackson Wattinet
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PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING PROPERTY ADDRESS 1920 Hannah Ave. SEE PAGES 5 B 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION SUBDIVISION NAME Hale thorpe Terrace PLAT BOOK # 1 FOLIO # 12 LOT # 10-14 SECTION # J
OWNER Jenine Jackson OWNER:
JENINE JACKSON
0-14 HALETHORPE TERRACE
(P.B.7772)
25795/272 TOTAL AC:: 9,945 SQ. FT.
23AC N 02°24'11" E 102.64 SCALE: 1" = 1000" PROP. 2-STORY HOUSES SED #1920 **LOCATION INFORMATION** ELECTION DISTRICT 13th POINT OF -BEGINNING 8" D.I.P. COUNCILMANIC DISTRICT 1" = 200' SCALE MAP # LOT SIZE 0.23 S 02°24 11 W PRIVATE SEWER HANNAH AVENÜE WATER CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ PRIOR ZONING HEARING NONE PETITIONER'S ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE # EXHIBIT NO. 08-288-5PH 08-288-SPH PREPARED BY

SCALE OF DRAWING: 1" =