

IN RE: PETITION FOR VARIANCE

E side of Holder Avenue, 400 feet +/-
NE of Windsor Mill Road
Election District
Councilmanic District
(2113 Holder Avenue)

Calvin E. Schmier

Petitioner

Morgan C. Kelly

Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **CASE NO. 08-301-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 the contract purchaser, Morgan C. Kelly, on behalf of the legal owners of the subject property, Calvin E. Schmier and Harry Schmier, Jr. Petitioner is requesting variance relief from Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building permit on an undersized lot with contiguous ownership, and any other required further relief. 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 Morgan C. Kelly. Appearing as interested citizens opposed to the relief were Gloria R. Hartwell of 2114 Holder Avenue, Maxientia Brown of 2108 Holder Avenue, Elizabeth Byers of 2115 Holder Avenue, and Jerrod Harris of 2121 Holder Avenue.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 8,050 square feet. The property is located on the east side of Holder Avenue, south of Carl Avenue and north of Windsor Mill Road and east of St. Lukes Lane in the Gwynn Oak area of Baltimore County. The Petition for Variance and site plan

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3.14.08

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indicates the property is zoned D.R.5.5; however, upon review of the zoning map contained within the case file, it was determined that the property is split zoned. Specifically, the property is primarily zoned D.R.3.5, with a small triangular-shaped sliver along the south side of the property towards the front zoned D.R.5.5. The site plan also shows the proposed dwelling to be situated on the D.R.3.5 portion of the property. Hence, for the purposes of the variance relief requested, the requirements of the D.R.3.5 zone control. As such, Petitioner was permitted to amend the Petition to request relief from Sections 304.1 and 1B02.3.C.1 of the B.C.Z.R. to permit a proposed dwelling on an undersized lot with contiguous ownership and a lot width of 50 feet and a lot area of 8,050 square feet, in lieu of the required 70 feet and 10,000 square feet, respectively.

Further testimony indicated that Petitioner Mr. Kelly owns and operates a small contracting business known as Morgan Structures, Inc. He typically builds entry level and medium-sized single-family homes for his clients. In this matter, he was contacted by a real estate agent who indicated the agent's clients desired a single-family dwelling in the Catonsville or Gwynn Oak area. Petitioner became aware of the subject property as a possible location for his client's proposed new home; however, upon further investigation, it became apparent the site has width and area deficiencies, thus necessitating the requested variance relief.

In support of the variance request, Petitioner indicated that there are a number of lots in the neighborhood with 50 foot widths, and that he has constructed new homes in the area on those smaller lots. He also indicated the lot is an older lot and has been a lot of record for a very long time. He indicated that the proposed dwelling for the subject property would be in keeping with the older homes in the neighborhood which date back to the 1940's and 1950's.

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Testifying in opposition to the requested relief were Ms. Byers, Ms. Hartwell, and Mr. Harris. All expressed similar concerns as indicated in Ms. Byers' written testimony, which was marked and accepted into evidence as Protestants' Exhibit 1. Their concerns include the following: first, that the sewer service at Holder Avenue already cannot support the existing usage -- the County often comes to the location to unclog sewer pipes; second, with all the homes already existing in the neighborhood, there is a significant problem with storm water runoff; and third, most of the homes on Holder Avenue were built on 100 foot lots. The only exceptions are three lots where homes were built on 50 foot lots in the 1940's, however, these homes are very near one another and are very small homes. Protestants believe a newly constructed home would be "crammed" into a 50 foot space and would be out of proportion to the rest of the neighborhood. Protestants also believe granting the requested variance relief would set a bad precedent for allowing additional new homes to be built on undersized lots in the neighborhood, thus creating overcrowding of the land.

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 February 20, 2008 indicates that Petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the B.C.Z.R. However, there appear to be several existing undersized lots in the neighborhood. As such, the Planning Office does not oppose Petitioner's request. The comments further indicate that landscaping should be provided along the public road, submission of photographs of existing homes in the area, and provide building elevations, and building materials should be compatible with existing dwellings in the area.

ORDER RECEIVED FOR FILING

3-14-08

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Section 304.1 of the B.C.Z.R. states that a one family detached or semidetached dwelling *may* be erected on a lot having an area or width less than that required by the area regulations if the lot was duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955, all other requirements of the height and area regulations are complied with, and the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements. (emphasis added). Considering the testimony and evidence presented, it appears the subject property does not meet the requirements of Section 304.1 of the B.C.Z.R., hence relief cannot be granted under that section.

Variance relief can be granted only if the requirements contained in Section 307 of the B.C.Z.R. are met. This section states that the Zoning Commissioner may grant variances:

... only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations of Baltimore County would result in practical difficulty or unreasonable hardship.

Variances are not favored under the law and presumed to be in conflict with the regulations. As stated in *Cromwell v. Ward*, 102 Md. App. 691, 703 (1995), "[t]he general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances."

Considering all the testimony and evidence presented, I do not find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Other than the fact that the property is situated adjacent to a vacant lot, there was no evidence submitted to show that the property is unique. As such, it does not meet the requirements for a finding of uniqueness as set forth in *Cromwell, supra*. In addition, it appears the subject property and the adjacent property to the south at lot 50 have contiguous ownership, and can meet the minimum width and area requirements. Moreover, in viewing the size of the

STREET RECEIVED FOR FILED

3-14-08

subject property in the context of the relief requested, I am not persuaded to grant the relief. The minimum width and area requirements in the D.R.3.5 zone are 70 feet and 10,000 square feet, respectively. The subject lot is approximately 50 feet wide and 8,050 square feet in size. This amounts to a shortage of almost 30% in the width and 20% in the area requirements. In my view, by virtue of the limitations posed by the size and narrowness of the lot as compared with others in the community, the proposed dwelling will not be appropriate -- on the basis of the proposed building size, lot coverage, building orientation and location on the lot. Hence, this request is not within the spirit and intent of the zoning regulations, and I decline to grant the requested relief.

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

THEREFORE, IT IS ORDERED this 19th day of March, 2008 by this Deputy Zoning Commissioner, that Petitioner's variance requests from Sections 304.1 and 1B02.3.C.1 of the B.C.Z.R. to permit a proposed dwelling on an undersized lot with contiguous ownership and a lot width of 50 feet and a lot area of 8,050 square feet, in lieu of the required 70 feet and 10,000 square feet, respectively, be and are hereby DENIED.

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

STAMP RECEIVED FOR FILED

3.14.08

pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 14, 2008

MORGAN C. KELLY
9259 BROKEN TIMBER WAY
COLUMBIA MD 21045

Re: Petition for Variance
Case No. 08-301-A
Property: 2113 Holder Avenue

Dear Mr. Kelly:

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,

A handwritten signature in cursive script, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Calvin E. Schmier, 1261 Woodland Circle, New Windsor MD 21776
Gloria R. Hartwell, 2114 Holder Avenue, Baltimore MD 21207
Maxientia Brown, 2108 Holder Avenue, Baltimore MD 21207
Elizabeth Byers, 2115 Holder Avenue, Baltimore MD 21207
Jerrold Harris, 2121 Holder Avenue, Baltimore MD 21207



TAX. ACCOUNT # 0219071810

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2113 HOLDER AVEwhich is presently zoned 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)

304, BCZR TO PERMIT ABUILDING PERMIT ON AN UNDERSIZE LOT WITH
CONTIGUOUS LOT OWNERSHIP, AND ANY OTHER REQUIRED
FURTHER RELIEF, ETC.

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

TO CONSTRUCT A SINGLE FAMILY DWELLING (SFD) ON THIS
UNDERSIZES LOT

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:MORGAN C. KELLY

Name - Type or Print

Morgan C. Kelly

Signature

9259 BROKEN TUBER WAY 2143

Address

Telephone No.

COLUMBIA, MARYLAND 21045

City

State

Zip Code

Attorney For Petitioner:N/A

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

CALVIN E SCHNIER

Name - Type or Print

Calvin E. Schmier

Signature

1261 WOODLAND CIR

Address

Telephone No.

NEW WINDSOR, MARYLAND 21776

City

State

Zip Code

Representative to be Contacted:MORGAN C. KELLY

Name

9259 BROKEN TUBER WAY 2143

Address

Telephone No.

Columbia Maryland 21045

City

State

Zip Code

OFFICE USE ONLYCase No. 08-301-H

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

REV 9/15/98

Reviewed By [Signature]Date 1-10-083-14-08

**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: #08-301-A

2113 Holder Avenue
E/side of Holder Avenue,
400 feet +/- northeast of
Windsor Mill Road
2nd Election District
4th Councilmanic District

Legal Owner(s):

Calvin Schmier

Contract Purchaser:

Morgan Kelly

Variance: to permit a building permit on an undersized lot with contiguous ownership, and any other required further relief.

Hearing: Thursday, March 13, 2008 at 11:00 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/2/807 Fe26 164830

CERTIFICATE OF PUBLICATION

2/28/2008

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 2/26/2008.

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

J. Wilkinson

LEGAL ADVERTISING

ZONING DESCRIPTION

2113 HOLDER AVENUE.

BEGINNING AT A POINT ON THE EAST SIDE
OF HOLDER AVE., WHICH IS 40 FT WIDE,
AT A DISTANCE OF 400 FT $\pm$ NE OF
WINDSOR MILL Rd. BEING LOT NO. 51
IN THE SUBDIVISION OF HOLDER PARK (80507 $\pm$)
PLAT BOOK 4, folio 38.

E.D. 2ND

C.D. 4TH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09729**

Date: **1.10.08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			610				65.-

Total: **65.-**

Rec From: **C. Schmier**

For: **08-301-A**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS SYSTEM TIME
 1/11/2008 1/10/2008 15:44:24

REC 03 WALKIN 1209 132
 RECEIPT # 35470 1/10/2008 OFFI
 5 520 0000 VERIFICATION
 00729

Recpt tot 45.00
 \$130.00 CA 1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

ZONING NOTICE

CASE # 08-301-A

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

ROOM 407 COUNTY COURTS BUILDING

PLACE: 401 BOSLEY AVE. TOWSON 21204

DATE AND TIME: THURSDAY, MARCH 13, 2008

AT 11:00 AM

REQUEST: VARIANCE TO PERMIT A BUILDING
PERMIT ON AN ADJACENT
LOT WITH CONTIGUOUS OWNERSHIP AND ANY
OTHER REQUIRED FURTHER RELIEF

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 841-1331

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

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No: 08-321-A

Petitioner/Developer: Morgan
Kelley

Date Of Hearing/Closing: 3/13/08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at 2113 HOLDER AVENUE

This sign(s) were posted on February 26, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 2/26/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

**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/neighborhood 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: 08-301-A
Petitioner: CALVIN SCHMIEB
Address or Location: 2113 HOLDER AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: CALVIN SCHMIEB
Address: 1261 WOODLAWN CIR.
NEW WINDSOR MD. 21776
Telephone Number: 443-742-8402



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 28, 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: 08-301-A

2113 Holder Avenue

E/side of Holder Avenue, 400 feet +/- northeast of Windsor Mill Road

2nd Election District – 4th Councilmanic District

Legal Owners: Calvin Schmier

Contract Purchaser: Morgan Kelly

Variance to permit a building permit on an undersized lot with contiguous ownership, and any other required further relief.

Hearing: Thursday, March 13, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Calvin Schmier, 1261 Woodland Circle, New Windsor 21776
Morgan Kelly, 9259 Broken Timber Way, Columbia 21045

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 27, 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 26, 2008 Issue - Jeffersonian

Please forward billing to:
Calvin Schmier
1261 Woodlawn Circle
New Windsor, MD 21776

443-742-8402

NOTICE OF ZONING HEARING

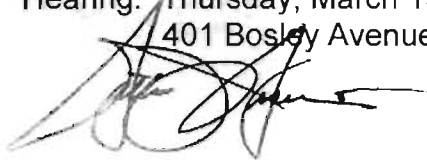
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-301-A

2113 Holder Avenue
E/side of Holder Avenue, 400 feet +/- northeast of Windsor Mill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Calvin Schmier
Contract Purchaser: Morgan Kelly

Variance to permit a building permit on an undersized lot with contiguous ownership, and any other required further relief.

Hearing: Thursday, March 13, 2008 at 11:00 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 5, 2008

Morgan C. Kelly
9259 Broken Timber Way
Columbia, Maryland 21045

Dear Ms. Kelly:

RE: Case Number: 08-301-A, 2113 Holder 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 10, 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
Calvin E. Schmier 1261 Woodland Circle New Windsor 21776

TB 3/13
11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 20, 2008

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

RECEIVED
FEB 26 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 8-301- Variance**

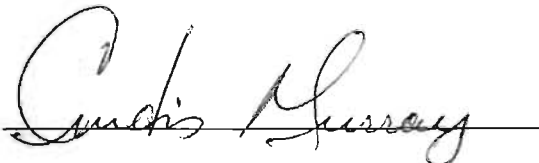
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing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

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

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Submit photographs of existing houses in the immediate vicinity (on the same block).
3. 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 Dave Green with the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 4, 2008
Item Nos. 08-298, 299, 300, 301, 302, 304,
306, 307, 308, 309, 310, 311, 312, 313, 314,
316, 317, 318, 319, 320, 321, 322 and 323

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS- 02042008.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. 30, 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. 8-301-A
2113 HOLDER AVENUE
SCHMIEG 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. 8-301-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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

January 29, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2008

Item Number:

298, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315,
316, 317, 318, 319, 320, 322, 323, 324

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

RE: PETITION FOR VARIANCE * BEFORE THE
2113 Holder Avenue; E/S Holder Avenue, *
400' NE of Windsor Mill Road * ZONING COMMISSIONER
2nd Election & 4th Councilmanic Districts *
Legal Owner(s): Calvin Schmier * FOR
Contract Purchaser(s); Morgan Kelly *
Petitioner(s) * BALTIMORE COUNTY
* 08-301-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 25th day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to, , Morgan C. Kelly, 9259 Broken Timber Way, Columbia, MD 21045, Petitioner(s).

RECEIVED

JAN 25 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 08-301-A
DATE 3-13-08

[illegible]

CASE NAME _____
CASE NUMBER 08-201-A
DATE 3/13/08

[illegible]

These are ^{mine} my neighbors thoughts & concerns.

- ① Our area is zoned for DR 3.5 units per acre (which means $3\frac{1}{2}$ houses per acre)
- ② Holder Ave already can't support the sewage usage. The county comes out frequently to open up the sewage pipes.
- ③ With all the houses that ~~are~~ already exist we have no where for the H₂O to run off. I know of at least 4 homes that when the water tables are high the basement flood. Our being one of them.
- ④ Most of the homes on Holder Ave ~~are~~ were built on 100' lots. (There are 3 exceptions - these home where built on 50' lots back in the 1940's, but are very tiny homes so they don't look out of place) (they are right next to one another)
 - If this variance were to be approved There would be a house crammed into a 50' space, which would be out of proportion to the rest of the neighborhood.
- ⑤ What the neighbors are ^{especially yours truly} really concerned about is that if the county approved this a precedent ~~will be established~~ zoning variance ~~for lot #51, then~~ ~~down the road on lots #48 & 49 (which are~~ ~~each 50' lots)~~ 2 more houses will be built. Then we will not only have 1 house crammed into a 50' lot, but 4 houses ^{into an acre}

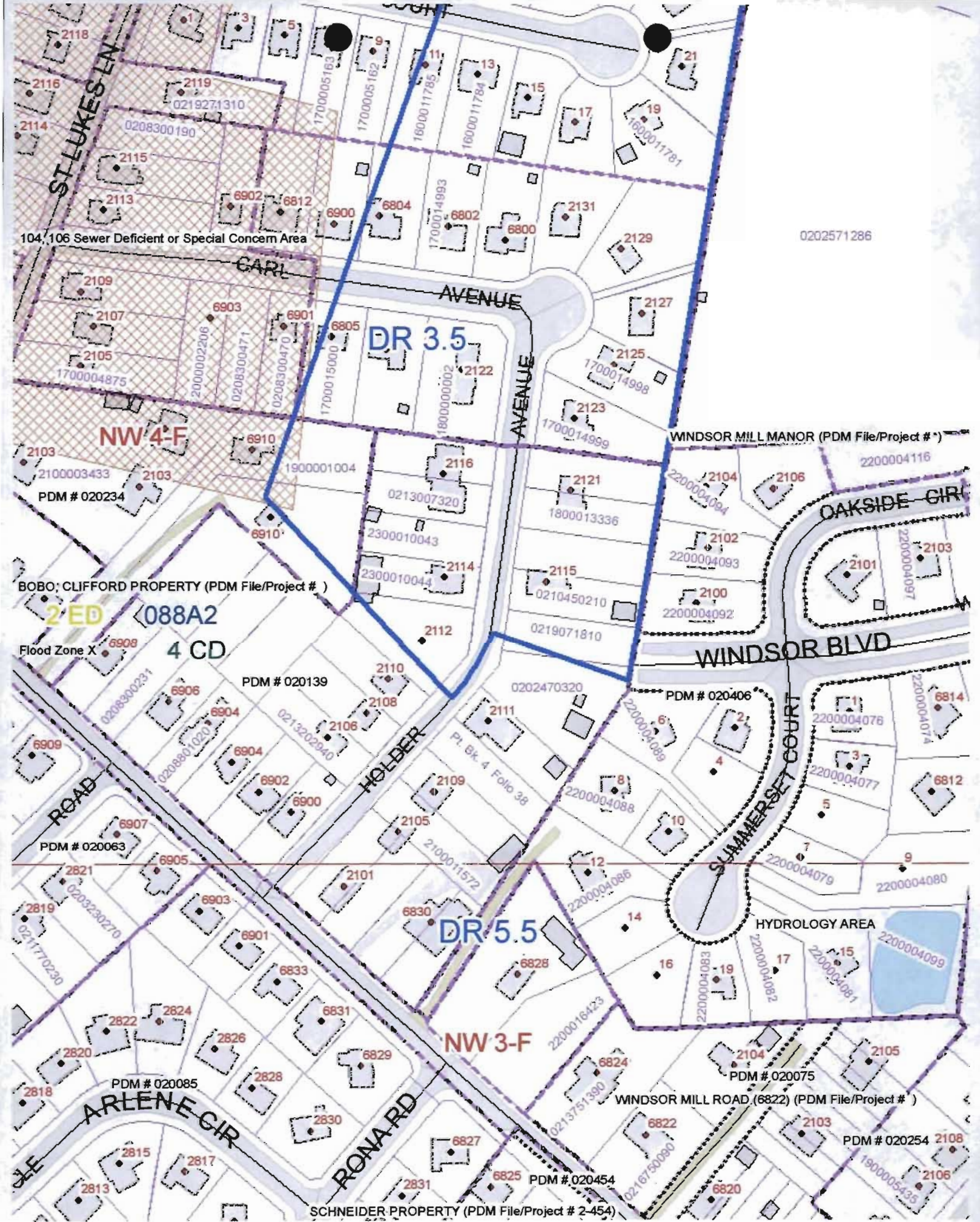
Byers
Davis
Kidwell
Strobes

PROTESTANT'S

EXHIBIT NO. /

I truly love my neighbors & this neighborhood. I have lived here all my life - My Grandparents had our house built in 1922. I am not opposed to change, but changing the zoning code ~~in this~~ ^{for} lot # 51 would ~~be~~ ^{not} be ~~in~~ in the best interest for this Avenue.

Please your honor consider these problems and how it will affect this community when making your ruling.





6903 CARL AVE

6901 CARL AVE

6805 CARL AVE

6803 CARL AVE

2127 HOLDER AVE

2122 HOLDER AVE

2125 HOLDER AVE

2103 A ST LUKES LN

6910 WINDSOR MILL RD

2116 HOLDER AVE DR 3.5

2123 HOLDER AVE

2121 HOLDER AVE

2106 OAKSIDE CIR

2104 OAKSIDE CIR

6910 WINDSOR MILL RD

2102 OAKSIDE CIR

2114 HOLDER AVE

2115 HOLDER AVE

2100 OAKSIDE CIR

2112 HOLDER AVE

2110 HOLDER AVE

SITE

6906 WINDSOR MILL RD

2108 HOLDER AVE

2111 HOLDER AVE

6 SUMMERSET CT 2 SUMMERSET CT

6904 1/2 WINDSOR MILL RD

2106 HOLDER AVE

4 SUMMERSET CT

6904 WINDSOR MILL RD

6902 WINDSOR MILL RD

2109 HOLDER AVE

8 SUMMERSET CT

6900 WINDSOR MILL RD

2105 HOLDER AVE

10 SUMMERSET CT

2101 HOLDER AVE

DR 5.5

12 SUMMERSET CT

6903 WINDSOR MILL RD

6830 WINDSOR MILL RD

14 SUMMERSET CT

6901 WINDSOR MILL RD

16 SUMMERSET CT

6833 WINDSOR MILL RD

19 SUMMERSET CT

6831 WINDSOR MILL RD

2826 ARLENE CIR

6829 WINDSOR MILL RD

6824 WINDSOR MILL RD

2104 BEVERLY AVE

2828 ARLENE CIR

2830 ARLENE CIR

6822 A WINDSOR MILL RD 2103 BEVERLY AVE

6827 WINDSOR MILL RD



lot 51



b/t lots 51 + 50



lots 48 + 49



2117 Holden



2112 Holden



2119 Holden

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

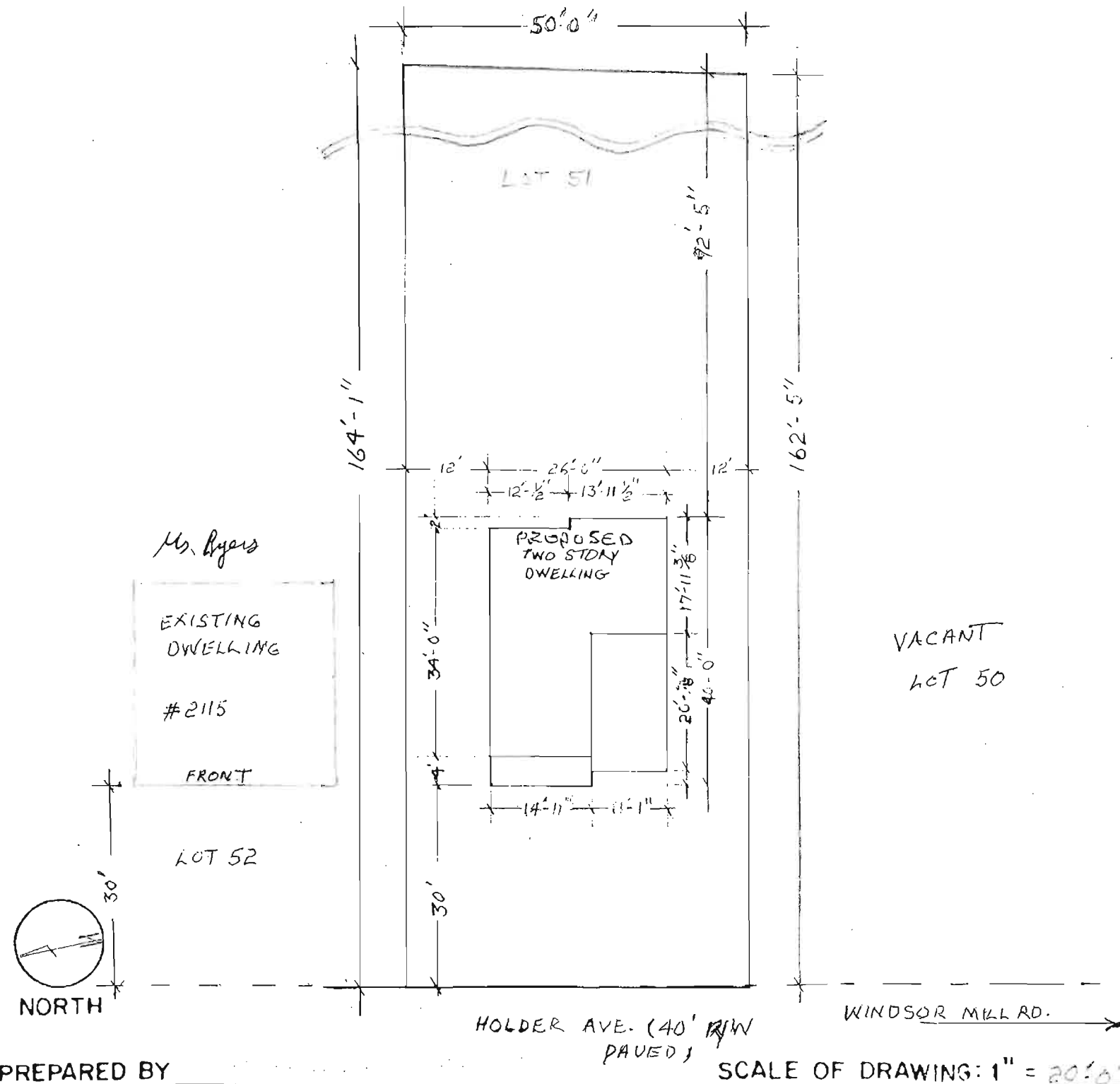
PROPERTY ADDRESS HOLDER AVE.

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

SUBDIVISION NAME HOLDER PARK

PLAT BOOK # 04 FOLIO # 38 LOT # 51 SECTION #

OWNER CALVIN E. SCHMIER



CARL AVE.

HOLDER AVE.

WINDSOR MILL RD.



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 02ND

COUNCILMANIC DISTRICT 4TH

1"=200' SCALE MAP # 088A2

ZONING DR 5.5

LOT SIZE 8030
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
PRIOR ZONING HEARING ☐ YES ☒ NO

ZONING OFFICE USE ONLY
REVIEWED BY SCM ITEM # 08-301-A CASE #

PETITIONER'S

EXHIBIT NO. 1