

IN RE: PETITION FOR VARIANCE

E side of Rosewick Avenue, 230 feet N
of c/l Philadelphia Road
14th Election District
7th Councilmanic District
(1302 Rosewick Avenue, Lot 6)

Harry J. and Dorothy M. Rose
Petitioners
Keith A. Randlett
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 08-377-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 legal owners of the subject property, Harry J. and Dorothy M. Rose, and the contract purchaser of adjacent Lot 5, Keith A. Randlett. Petitioners are requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an existing dwelling on an undersized lot (Lot 6) with a lot width of 50 feet and area of 5,461 square feet, more or less, in lieu of the required 55 feet and 6,000 square feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Keith A. Randlett. Also appearing in support of the requested relief was Charles E. Merritt with Merritt Development Consultants, Inc., the firm that prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel, though it slants diagonally at the rear of the property, and contains approximately 5,461 square feet and zoned D.R.5.5. The property is improved with an existing 1½-story dwelling and

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4-16-08
pm

is located northwest of Philadelphia Road between Rosewick Avenue and Gransay Road in the Rosedale area of Baltimore County. The property has access to public water and sewer service.

This case arises, essentially, as a result of relief previously granted for adjacent Lot 5, owned by Mr. Randlett. At one time, Petitioners, Mr. and Mrs. Rose, owned Lots 5 and 6. They sold Lot 5 to Mr. Randlett and Mr. Randlett then filed a petition for variance relief from the minimum width and area requirements contained in Section 1B02.3.C.1 of the B.C.Z.R. in order to gain approval to develop that undersized lot. In Case No. 08-069-A, the Undersigned granted the variance request. Thereafter, when Mr. Randlett endeavored to obtain his building permit for Lot 5, it was held pending further review by the Zoning Review Office. According to a Memo to the file dated February 25, 2008 from Aaron Tsui, a Planner II with that Office, the building permit was blocked because it was determined that the owners of Lot 6 put themselves in a potential zoning quandary (not owning sufficient adjoining land to comply with the width and area requirements) by creating a pattern of undersized lot in a single and separate ownership as a consequence of the sale of Lot 5 to Mr. Randlett. As such, and in the interest in full and public disclosure, the Zoning Review Office recommended that the owners of Lot 6 file a separate variance from the minimum width and area requirements for Lot 6 in order to legitimize their existing condition on that lot. Hence, the instant petition seeks variance relief in order to approve the existing dwelling on Lot 6.

As indicated in Case No. 08-069-A, Lots 5 and 6 were created and recorded as part of the "Rosedale Gardens" subdivision on January 26, 1926. Presently, Lot 6 is improved with an existing single-family dwelling. Lot 5 is one of the last lots on Rosewick Avenue that remains unimproved. The dwelling on Lot 6 has been in existence since approximately 1929. Mr. Randlett is in the process of developing Lot 5 and Petitioners, Mr. and Mrs. Rose, are elderly and

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in the process of selling Lot 6 so they can acquire adequate funds to gain entrance into a nursing home. Photographs of Lot 5 and Lot 6 are contained within the case file and were reviewed by the Undersigned. These photographs show Lot 5 in its current vacant condition and show the dwelling on Lot 6.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comment from the Office of Planning dated March 25, 2008 does not oppose the request as the lot size and dwelling on Lot 6 is consistent with the existing pattern of the neighborhood. The other ZAC comments indicate no opposition or other recommendations concerning the requested relief.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This variance request seeks to legitimize an existing condition. In previous Case No. 08-069-A, the Undersigned found sufficient unique characteristics of Lot 5 to permit a dwelling to be built on that undersized lot. As a result, Lot 6 is also now undersized, even though it is improved with a dwelling that has existed thereon for the past 80 years. Hence, I find that the imposition of zoning disproportionably impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. In fact, there were no Protestants in attendance at the hearing and no evidence that the requested relief will have any adverse or detrimental effects. Indeed, the Office of Planning indicated Petitioner's requested relief would be consistent with the existing pattern of the neighborhood.

COPIES RESERVED FOR FILE

4.16.08

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

THEREFORE, IT IS ORDERED this 15th day of April, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an existing dwelling on an undersized lot (Lot 6) with a lot width of 50 feet and area of 5,461 square feet, more or less, in lieu of the required 55 feet and 6,000 square feet is hereby GRANTED, subject to the following:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

THB:pz


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

4.16.08

13



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1302 ROSEWICK AVE., LOT-6
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) BC2K 1B02-3C.1

TO APPROVE AN EXISTING DWELLING ON AN UNDERSIZED LOT (LOT # 6) WITH A LOT WIDTH OF 50 FEET AND AREA OF 5,461 S.F. MORE OR LESS, IN LIEU OF THE REQUIRED 55 FEET AND 6,000 S.F. of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty)

TO BE PRESENTED IN THE 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:

KEITH A. RANDLETT

Name - Type or Print

Signature

8902 COWENTON AVE. 443-465-4646

Address

Telephone No.

BALTO.

MD.

21128

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

HARRY J. ROSE

Name - Type or Print

Signature

DOROTHY M. ROSE

Name - Type or Print

Signature

5839 N. HAZELWOOD AVE. 410-866-2381

Address

Telephone No.

BALTO.

MD.

21206

State

Zip Code

Representative to be Contacted:

MERRITT DEVELOPMENT CONSULTANTS, INC.

WILLIAM A. BROCATO

Name

2416 E. JOPPA RD. 410-663-5525

Address

Telephone No.

BALTO.

MD.

21234

City

State

Zip Code

OFFICE USE ONLY

Case No. 08-377-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By

A. Tami

Date

02/22/08

REV 9/15/98

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4-16-08

P3

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 1302 Rosewick Avenue

Beginning at a point on the East side of Rosewick Avenue at the distance of 230 feet north of the centerline of the nearest improved intersecting street Philadelphia Road (Route 7).

Being Lot # 6, of Rosedale Gardens as recorded in Baltimore County Plat Book # 9, Folio # 8, containing 0.12 ac. Also known as 1302 Rosewick Avenue and located in the 14th Election District, 7th Councilmanic District.

08-377-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: #08-377-A

1302 Rosewick Avenue

E/side of Rosewick Avenue, 230 feet north of centerline of Philadelphia Road

14th Election District - 7th Councilmanic District

Legal Owner(s): Harry & Dorothy Rose

Contract Purchaser: Keith Randlett

Variance: to approve an existing dwelling on an under-sized lot (Lot 6) with a lot width of 50 feet and area of 5,461 square feet, more or less, in lieu of the required 55 feet and 6,000 square feet.

Hearing: Wednesday, April 16, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT/4/623 Ap1

168846

CERTIFICATE OF PUBLICATION

4/3, 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 4/1, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No.

11076

Date:

02/15/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6157				65--

Total:

\$65--

Rec

From:

Merritt Development Consultant,

For:

1302 Rosewick Ave. Lot # 6

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

08-377-A

PAID RECEIPT

BUSINESS ACTUAL TIME DON
 10/2000 2/15/2000 15-1347
 005 MAY 2001 BOOK 000
 RECEIPT # 01076 2/15/2000 FIELD
 S 500 THINGS VERIFICATION
 011076
 Rept To: \$65.00
 \$100.00 TA
 \$75.00 LB
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 3/29/08

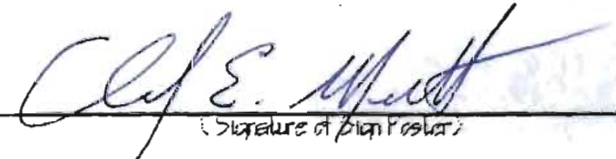
RE: Case Number: 08-377-A

Petitioner/Developer: RANDLETT

Date of Hearing/Closing: 4/16/08

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 1302 ROSEWICK AVENUE

The sign(s) were posted on 3/27/08
(Month, Day, Year)


(Signature of Plan Foster)

Charles E. Merritt
9831 Magleth Road
Baltimore, MD 21234
410-665-5562



MERRITT DEVELOPMENT CONSULTANTS INC.

2416 EAST JOPPA ROAD, BALTIMORE MD, 21234

PHONE: 410-663-5525 FAX: 410-663-4315

MERRITDC@COMCAST.NET

TRANSMITTAL FORM

TO: ZONING

DATE: 3/29/09

PROJECT NAME: ROSEWICK AVE

OUR PROJECT NO.: _____

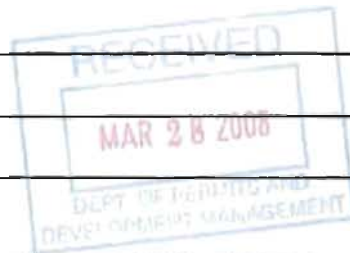
ATTN: KRISTEN

WE ARE SUBMITTING THE FOLLOWING:

FOR APPROVAL _____ FOR YOUR USE/FILE _____ FOR REVIEW _____

QUANTITY DESCRIPTION

1	SIGN POSTING



COMMENTS: _____

SINCERELY,

Chuck

CHARLES MERRITT
PRESIDENT

1302

ZONING NOTICE

CASE # 08-377-A

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

PLACE: 401 BOSLEY AVE. TOWSON 21204 ROOM 407

DATE AND TIME: APRIL 16, 2008 9:00 AM

REQUEST: VARIANCE TO APPROVE AN EXISTING
DWELLING ON AN UNDERSIZED LOT (LOT 6) WITH A WIDTH OF
50 FEET AND AREA OF 5,461 SQUARE FEET, MORE OR LESS, IN
LIEU OF THE REQUIRED 55 FEET AND 6,000 SQUARE FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 08-377-A

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

PLACE: 401 BOULEY AVE. TOWSON, MD 21204

DATE AND TIME: APRIL 16, 2008 9:00 AM

REQUEST: VARIANCE TO REMOVE AN EXISTING

ENCLOSURE ON THE UNDERGROUND LOT (10' x 12' WITH A WIDTH OF

10 FEET AND DEPTH OF 10 FEET) FROM THE FRONT LOT

VIEW OF THE REQUIRED 15 FEET AND 1000 SQUARE FEET

PLANNING AND ZONING DEPARTMENT
10000 WOODBURN AVE. TOWSON, MD 21204
TEL: 410-551-1000 FAX: 410-551-1001

FOR MORE INFORMATION, PLEASE CALL OR VISIT OUR WEBSITE: www.towsonmd.gov

UNIMPAVED ACCESSIBLE

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:

08-377-A

Petitioner:

Keith A. Randlett

Address or Location:

8902 Cowenton Ave. Balto MD. 21128

PLEASE FORWARD ADVERTISING BILL TO:

Name:

Keith A. Randlett

Address:

8902 Cowenton Ave

Balto. MD 21128

Telephone Number:

443-465-4646

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 1, 2008 Issue - Jeffersonian

Please forward billing to:

Keith Randlett
8902 Cowenton Avenue
Baltimore, MD 21128

443-465-4646

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: 08-377-A

1302 Rosewick Avenue

E/side of Rosewick Avenue, 230 feet north of centerline of Philadelphia Road

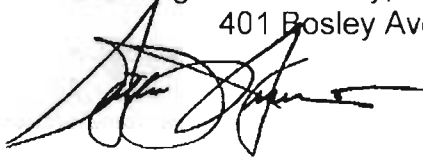
14th Election District – 7th Councilmanic District

Legal Owners: Harry & Dorothy Rose

Contract Purchaser: Keith Randlett

Variance to approve an existing dwelling on an undersized lot (Lot 6) with a lot width of 50 feet and area of 5,461 square feet, more or less, in lieu of the required 55 feet and 6,000 square feet.

Hearing: Wednesday, April 16, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

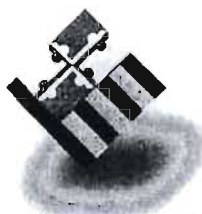


WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- 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.

POSTED 3-27

07127



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

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CASE NUMBER: 08-377-A

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E/side of Rosewick Avenue, 230 feet north of centerline of Philadelphia Road

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Hearing: Wednesday, April 16, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Keith Randlett, 8902 Cowenton Avenue, Baltimore 21128

Harry & Dorothy Rose, 5839 N. Hazelwood Avenue, Baltimore 21206

William Brocato, Merritt Development, 2416 E. Joppa Road, Baltimore 21234 ✓

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

April 9, 2008

Keith A. Randlett
8902 Cowenton Avenue
Baltimore, MD 21128

Dear Mr. Randlett:

RE: Case Number: 08-377-A, 1302 Rosewick Avenue, Lot-6

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 22, 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
Harry J. Rose Dorothy M. Rose 5839 N. Hazelwood Avenue Baltimore 21206
William A. Brocato Merritt Development Consultants, Inc. 2416 E. Joppa Road
Baltimore 21234



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MARCH 4, 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. 8-377-A
1302 ROSEWICK AVE
ROSE 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. 8-377A.

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, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 5, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 10, 2008
Item Nos. 08-377, 384, 387, 388,
389, 390, 391, 392, 393, 394, 395, 396,
397, and 398

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-03052008.doc

TB 4/16
9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 25, 2008

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

RECEIVED
APR 01 2008

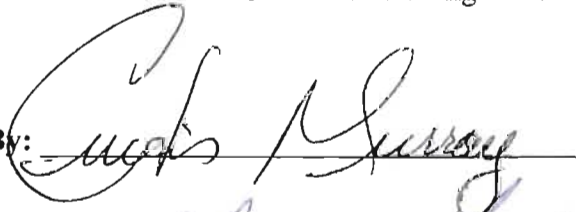
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-377- Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request as it is consistent with the existing pattern of the neighborhood..

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

Prepared By:



Division Chief:



CM/LL



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 10, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 3, 2008

Item Number: 377, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 395, 396, 397, 398, 399

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
1302 Rosewick Avenue, Lot 6, E/S Rosewick *
Avenue, 230' N c/line Philadelphia Road * ZONING COMMISSIONER
14th Election & 7th Councilmanic Districts *
Legal Owner(s): Harry & Dorothy Rose * FOR
Contract Purchaser(s): Keith Randlett *
Petitioner(s) * BALTIMORE COUNTY
* 08-377-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

RECEIVED

MAR 11 2008

Per _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to William Brocato, Merritt Development Consultants, Inc, 2416 East Joppa Road, Baltimore, Maryland 21234, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMO

From: Aaron Tsui, Planner II

A. Tsui

February 25, 2008

To: Zoning Commissioner/File

Re: Variance Case no. 08-377-A
Undersized Lot- Lot#6
1302 Rosewick Ave, 14th Election District

The contract purchaser Mr. Keith Randlett filed a separate petition on 02/22/2008 for an existing single-family dwelling on an Undersized Lot #6.

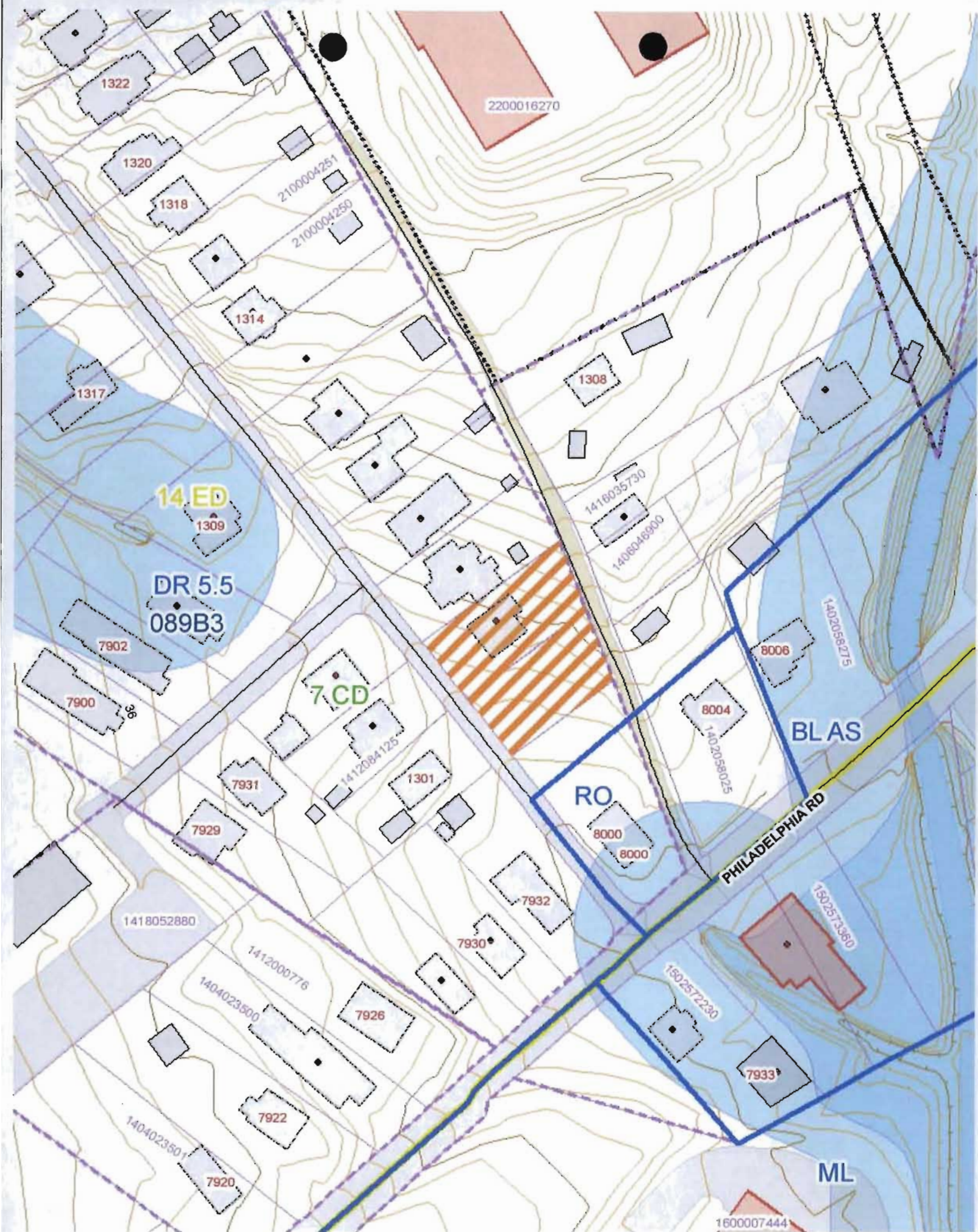
In the previous filing for an undersized lot#5(Case no 08-069-A), this office advised the **same** contract purchaser that both lots# 5 and 6 were not deeded separately and had a single tax record (tax # 1600001533). The current owner had contiguous ownership for both lots 5 and 6 (a doubt lot), and by selling the unimproved lot# 5 to the contract purchaser would create a pattern of undersized lot in a single and separate ownership. The current owner of lot#6 had sufficient adjoining area to conform to zoning regulation. **Variance case no 08-069-A was granted per Section 304 of BCZR on the understanding that the contract purchaser, upon completion of the sale for lot#5, would not own sufficient adjoining land in order to comply with the width and area requirements.**

The building permit for a proposed dwelling in lot#5 (undersized lot granted per case no. 08-069-A) was blocked for the reason that the current owner of Lot#6 put herself in violation by creating a pattern of undersized lot in a single and separate ownership once the sale is final.

The contract purchaser had a meeting with Carl Richards and was recommended to file a separate variance for lot#6, which is now undersized with an existing dwelling.

CASE NAME _____
CASE NUMBER 08-377-A
DATE _____

[illegible]



08-377-A



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1)

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

Account Identifier: District - 14 Account Number - 1600001533

Owner Information

Owner Name:	ROSE HARRY J/DOROTHY M C/O SANDRA ROSE	Use:	RESIDENTIAL
Mailing Address:	5839 N HAZELWOOD AVE BALTIMORE MD 21206-2133	Principal Residence:	YES
		Deed Reference:	1) / 3790/ 103 2)

Location & Structure Information

Premises Address
 1302 ROSEWICK AVE

Legal Description
 LT 5-6 NES ROSEWICK
 150 NW PHILA RD BL EX
 ROSEDALE FARMS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	22	597			B		5	3	Plat Ref: 9/ 8

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	1,215 SF	10,098.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	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	30,270	71,390		
Improvements:	50,140	69,030		
Total:	80,410	140,420	120,416	140,420
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	010	15,000	15,000
State	010	15,000	15,000
Municipal	000	0	0

Tax Exempt: PARTIAL COUNTY AND STATE
Exempt Class: BLIND

Special Tax Recapture:
 * NONE *



02.15.2008 01:40

08-397-11

#1



02.15.2008 01:38

08-377-A #2



02.15.2008 01:39

08-377-A

#3



08-377-A

#4



02.15.2008 01:37

08-377-A

#5



02.15.2008 01:37

08-377-A

#6



02.15.2008 01:37

08-377-A #7



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08-371-A

#9



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08-377-A

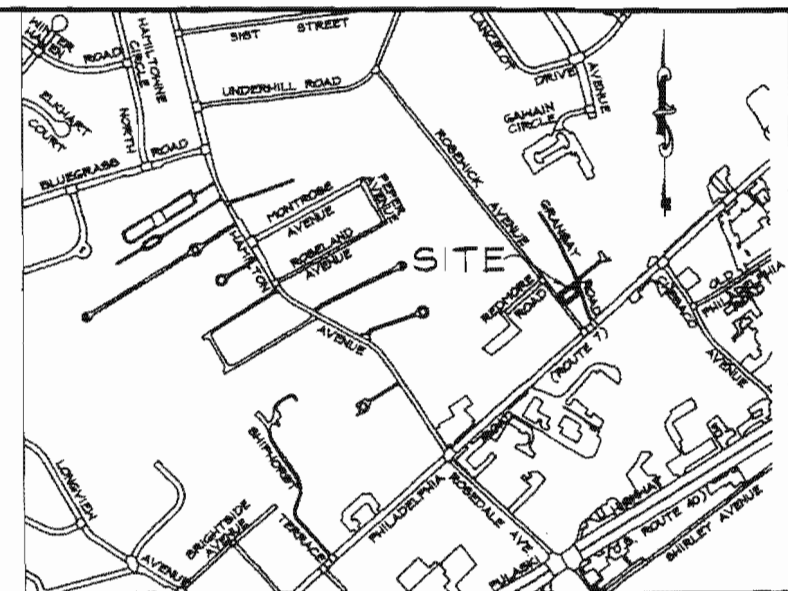
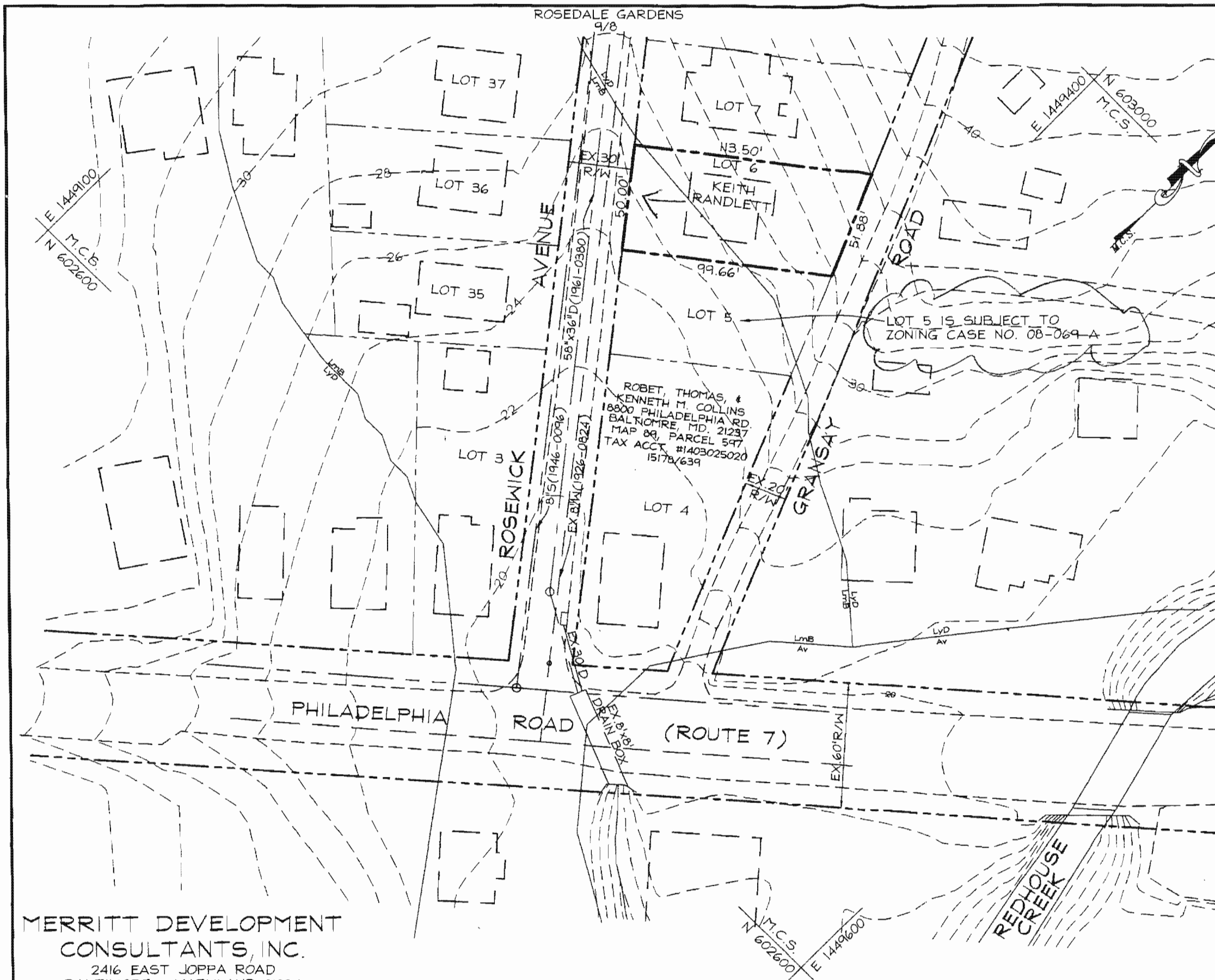
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08-377-A

#11



VICINITY MAP
SCALE: 1" = 1000'

SITE DATA
 GROSS AREA: 0.11 AC. ± (LOT #5 - 4,637 SQ. FT. ±)
 EXISTING ZONING: DR5.5 (LOT #6 - 5,461 SQ. FT. ±)
 OWNER: HARRY J. & DOROTHY M. ROSE
 1302 ROSEWICK AVENUE
 BALTIMORE, MARYLAND 21237
 PHONE NO. (410) 866-2381
 TAX ACCOUNT NUMBER: 1600001533
 TAX MAP NO. 89 GRID 22 PARCEL 597
 DEED 3790/103, PLAT 9/8

GENERAL NOTES

1. TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE 089B3.
2. BOUNDARY SHOWN IS BASED ON DEEDS AND PLATS OF SURROUNDING PROPERTIES.
3. THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
4. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS, WELLS OR SEPTICS ON SITE.
5. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. THERE ARE NO HISTORICAL BUILDINGS ON SITE.
7. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
8. PRIOR ZONING CASE NO. 08-069-A (LOT #5)

MERRITT DEVELOPMENT
 CONSULTANTS, INC.
 2416 EAST JOPPA ROAD
 BALTIMORE, MARYLAND 21234
 PHONE: 410-663-5525 FAX: 410-663-4315

PLAN TO ACCOMPANY *WAP*
 2-15-08
LOT #6
 UNDERSIZE LOT VARIANCE
 1302 ROSEWICK AVE.
 DISTRICT 14C7 BALTIMORE COUNTY, MD
 SCALE: 1" = 50' FEBRUARY 15, 2008

08-377-A