

IN RE: PETITION FOR SPECIAL HEARING

East side of Lochearn Drive, 203 feet
South of the c/l Laurel Road
3rd Election District
4th Councilmanic District
(3815 Lochearn Drive)

Joel Goldfadim
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2008-0558-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 Joel Goldfadim, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a proposed single-family dwelling on an undersized lot with a lot width of 50 feet in lieu of the required 55 feet pursuant to Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.).¹ 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 Joel Goldfadim and his attorney, Howard L. Alderman, Jr., Esquire. Also appearing in support of the requested relief were Brett Goldfadim and Dino Cimino, as well as Charles Merritt with Merritt Development Consultants, Inc., the consultant who prepared the site plan. The case also garnered interest in the neighborhood community and several interested citizens attended, including Henry and Christine Cypress of 3810 Lochearn Drive, Judith Berger of 3801 Lochearn

¹ The Petition as filed references Section 304.4 of the B.C.Z.R. At the outset of the hearing, Petitioner's counsel requested to amend the Petition to reference Section 304 of the B.C.Z.R. generally, concerning undersized single-family lots. The amendment was permitted without objection.

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[Signature]

Drive, Mary Johnson of 3832 Arbutus Avenue, Herman Johnson of 3724 Oak Avenue, and Catherine and Claude Talbott of 3814 Lochearn Drive.

The testimony and evidence offered revealed that the subject property is rectangular-shaped and consists of approximately 8,363 square feet or 0.192 acre, more or less, zoned D.R.5.5. The property is located north of Liberty Road and east of the Interstate 695 Beltway, not far from the Baltimore County-Baltimore City line, in the Lochearn area of Baltimore County. The lot is approximately 50 feet wide and 167 feet deep and is currently unimproved. The neighborhood is an older, mature development, with most of the homes built in the late 1940's and early 1950's, and most of the lots being approximately 50 feet wide.

Petitioner's counsel, Mr. Alderman, presented the case by way of a proffer and explained that the subject property is governed by the "small lot table" contained in Section 1B02.3.C.1 of the B.C.Z.R. which sets forth certain minimum area, width, and setback requirements, depending on the residential zoning classification. A copy of the regulation was marked and accepted into evidence as Petitioner's Exhibit 2. In this case, the property is zoned D.R.5.5. This requires a minimum lot area of 6,000 square feet, a minimum lot width of 55 feet, a minimum front yard depth of 25 feet, a minimum side yard width of 10 feet, and a minimum rear yard depth of 30 feet. Mr. Alderman indicated that Petitioner plans to construct a single-family dwelling on the subject property. The proposed single-family dwelling would meet or exceed all of the zoning requirements in every respect but one; the lot is undersized because it is only 50 feet wide where 55 feet is required. Hence, Petitioner is seeking special hearing relief to approve a proposed single-family dwelling on this undersized lot pursuant to Section 304 of the B.C.Z.R.

In support of the requested relief, Mr. Alderman submitted a copy of the record plat for "Lochearn Section 3" dated February 23, 1945 that includes the subject property. The plat was

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marked and accepted into evidence as Petitioner's Exhibit 3. As shown on the plat, Lochearn Section 3 is situated between Laurel Avenue, Wildwood Avenue, Arbutus Avenue, and Oak Avenue. The subject property is identified as Lot 15. As pointed out by Mr. Alderman, other than some of the end lots shown on the plat, virtually all of the interior lots are identically sized and shaped, with similar 50 foot widths. In addition, Mr. Alderman indicated that Petitioner does not own any adjoining land sufficient to meet the minimum width requirements. In fact, as shown on the site plan, the property to the immediate east of the subject property is owned by Jerome and Yoma Briscoe and is improved with a single-family dwelling, and the property to the immediate west is owned by Sharon Daniels and is also improved with a single-family dwelling.

Section 304 of the B.C.Z.R. governs the use of undersized single-family lots. A copy of this regulation was marked and accepted into evidence as Petitioner's Exhibit 4. In particular, Section 304.1 of the B.C.Z.R. states that:

Except as provided in Section 4A03, a one-family detached or semidetached 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:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

Mr. Alderman points out that Petitioner meets all the above requirements of Section 304.1 of the B.C.Z.R. The lot was recorded in 1945, prior to March 30, 1955; all other height and area (and front, side and rear yard setback) regulations are complied with; and Petitioner does not own sufficient adjoining land to conform to the minimum width requirements. As such, Petitioner is entitled to the requested relief.

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In addition, Mr. Alderman referred to the Zoning Advisory Committee (ZAC) comment received from the Office of Planning dated June 26, 2008, a copy of which was marked and accepted into evidence as Petitioner's Exhibit 5. This comment indicates 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 B.C.Z.R. Additionally, there appears to be several existing undersized lots in the neighborhood. As such, the Planning Office does not oppose Petitioner's request. The Planning Office would require, if the request is granted, that Petitioner submit building elevations for review and approval prior to issuance of any building permits; the proposed dwelling shall be compatible in size, exterior building materials, color and architectural detail as that of existing dwellings in the area; Petitioner shall provide landscaping along the public road; and submit photos of houses in the 3800 block of Lochearn Drive for comparison.

An aerial photograph of the neighborhood was marked and accepted into evidence as Petitioner's Exhibit 6. This photograph shows the similarities in the lots sizes and house sizes. Photographs of the subject property and nearby properties were also marked and accepted into evidence as Petitioner's Exhibits 7A through 7L. These photographs show the unimproved subject property situated between two improved properties. They also show the other established homes in the neighborhood. The properties consist of relatively small, well-maintained lots with mostly attractive, well-kept 1½-story single-family dwellings. There are some two-story single-family dwellings as well. Marked and accepted into evidence as Petitioner's Exhibits 8A through 8E were photographs of the style of home that Petitioner proposes to construct on the subject property. These photographs show two-story homes with varying roof lines, a one car front loading garage, a stone façade, and siding on the sides and rear of the homes.

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Mr. Alderman proffered that if Mr. Merritt were called as an expert in land use and interpretation of the B.C.Z.R., he would testify that in his opinion, the relief requested would allow construction of an appropriate single-family dwelling that would be in keeping with the aesthetics and character of the neighborhood and would meet the requirements of Section 304.1 of the B.C.Z.R. He would also testify that the requested relief would not be detrimental to the health, safety or general welfare of the locale, and would not have a negative impact on any of the other criteria set forth in Section 502.1 of the B.C.Z.R., and in particular would not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of the Zoning Regulations.

Testimony was then received by a number of interested citizens. These individuals included Judith Berger, Herman Johnson, Christine Cypress, Mary Johnson, and Claude Talbott. In summary, these citizens expressed concerns over some of the other infill development that has occurred in the community over the years. Most of the newer homes that have been built are not compatible in size and style as that of existing dwellings in the area, and they fear Petitioner's proposed single-family dwelling will also not be compatible. They feel that this detracts from the overall look and feel of their older, established neighborhood. In addition, parking and traffic congestion is a problem. When the community was originally laid out over 50 years ago, most families had one or perhaps two cars and the neighborhood could handle the volume of vehicles; however, today, many families have two and perhaps three cars, with some larger trucks and SUV's and the streets simply cannot handle the traffic congestion and parking requirements. Photographs of the vehicles parked on Lochearn Drive were marked and accepted into evidence as Protestants' Exhibits 1A and 1B.

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The citizens also believe there is a potential fire hazard in the neighborhood with the homes being so close together, and adding another infill home to the mix would add to the potential hazard. They also expressed their dissatisfaction with how Petitioner has kept the property, particularly during the summer months when the grass was permitted to grow several feet high. Photographs showing the grass height as of July 2, 2008 were marked and accepted into evidence as Protestants' Exhibits 2A and 2B. Finally, a petition signed by eight members of the community was introduced, expressing opposition to the request to permit a change in the lot size from 55 feet to 50 feet. This petition was marked and accepted into evidence as Protestants' Exhibit 3.

In response to the traffic issue, Petitioner's counsel pointed out that it is unlikely the subject property would contribute to the traffic problem because Petitioner's plan is to construct a home with a driveway leading to a one car garage, hence there would be sufficient off-street parking for at least two vehicles.

As to the special hearing to approve a single-family dwelling on an undersized lot of 50 feet in lieu of the minimum required 55 feet, based on the testimony and evidence presented, I am persuaded to grant the relief. It is clear that based on the current Zoning Regulations, the subject property is an undersized lot and is therefore subject to the requirements of Section 304.1 of the B.C.Z.R. It is also evident that the subject lot has existed since before March 30, 1955, that Petitioner's proposal meets all other height and area requirements in the regulations, and that Petitioner does not own sufficient adjoining land to meet the minimum width requirement. As such, Petitioner has substantiated its case and is entitled to the relief requested.

I am, however, mindful of one issue in particular raised by the citizens. They have expressed concerns that the house to be built on the subject lot will not be compatible with the

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existing homes in the neighborhood. In response to this issue, I will include the conditions set forth by the Office of Planning, which includes the requirement that the proposed dwelling shall be compatible in size, exterior building materials, color and architectural detail as that of existing dwellings in the area. I would also encourage the citizens that were present at the hearing to communicate with the Planning Office so that their concerns on this issue can be considered.

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 request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 13th day of August, 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 approve a proposed single-family dwelling on an undersized lot with a lot width of 50 feet in lieu of the required 55 feet pursuant to Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) be and 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 his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permits. 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.
4. Petitioner shall submit photographs of the houses in the 3800 block of Lochearn Drive to the Office of Planning.

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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

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 B3



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 13, 2008

HOWARD ALDERMAN JR., ESQUIRE
LEVIN & GANN
502 WASHINGTON AVENUE, 8TH FLOOR
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 2008-0558-SPH
Property: 3815 Lochearn Drive

Dear Mr. Alderman:

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 black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

- c: Joel Goldfadim, 10 Liberty Ridge Court, Owings Mills MD 21117
Brett Goldfadim, 1504 Washington Road, Westminster MD 21157
Charles Merritt, Merritt Development Consultants, Inc., 2416 East Joppa Road, Baltimore MD 21234
Dino Cimino, 8704 Winards Road, Randallstown MD 21133
Henry and Christine Cypress, 3810 Lochearn Drive, Baltimore MD 21207
Judith Berger, 3801 Lochearn Drive, Baltimore MD 21207
Mary Johnson, 3832 Arbutus Avenue, Baltimore MD 21207
Herman Johnson, 3724 Oak Avenue, Baltimore MD 21207
Catherine and Claude Talbott, 3814 Lochearn Drive, Baltimore MD 21207



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3815 LOCKEARN DRIVE
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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A PROPOSED SINGLE FAMILY DWELLING ON AN UNDERSIZED LOT WITH A LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET PURSUANT TO SECTION 1802.3C.1 & 304.4

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

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

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

Contract Purchaser/lessee:

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

Attorney For Petitioner:

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

Legal Owner(s):

GOLDFADIM, JOEL
Signature _____
Name - Type or Print _____
Signature _____
10 LIBERTY RIDGE CT 443-423-9181
Address Telephone No.
OWINGS MILLS MD 21117-4619
State Zip Code

Representative to be Contacted:

Merritt Development Consultants, Inc.
Name William A. Brocato
2416 F. Joppa Road 410-663-5525
Address Telephone No.
Baltimore MD 21234
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2008-0558-SPH

Reviewed By A. Tsui Date 06/03/2008

REV 9/15/98

STAMP RESERVED FOR FILING

8.13.08

PM

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 3815 Lochearn Drive

Beginning at a point on the East side of Lochearn Drive which is 40 feet wide at the distance of 203 feet south of the centerline of the nearest improved intersecting street Laurel Road which is 40 feet wide. Being all the land known as Lot 15 associated with the subdivision of "Lochearn Section 3" and recorded among the plat records of Baltimore County, Maryland in plat book 13 folio 102 containing 8,363.50 S.F. +/- or 0.192 AC. +/- and located in the 3rd Election District, 4th Councilmanic District.

2008-0558-SPH

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:

2008-0558-SPH

Petitioner:

JOEL GOLDFADIM

Address or Location:

3815 LOCHEARN DRIVE BALTO., MD. 21207

PLEASE FORWARD ADVERTISING BILL TO:

Name:

JOEL GOLDFADIM

Address:

10 LIBERTY RIDGE COURT

OWINGS MILLS, MD. 21117

Telephone Number:

443-423-9181

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 15961

Date: 6/3/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6152				65-

Total: \$ 65-

Rec
From:

Merritt Development

For:

3815 Lockean Dr.

2008-0558-SPH

CHK, # 1196

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME AM
 6/04/2008 6/03/2008 14:07:10
 REQ 001 WALKIN 001 544
 RECEIPT # 443213 6/03/2008 0814
 5.528 ZONING VERIFICATION
 015961
 Rept tot \$65.00
 \$65.00 CN \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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: # 2008-0558-SPH

3815 Lochearn Drive
E/side of Lochearn Drive, 203
feet s/of centerline of Laurel
Road

3rd Election District

4th Councilmanic District

Legal Owner(s): Joel Goldfadm
Special Hearing: for a proposed single family dwelling on an undersized lot with a lot width of 50 feet in lieu of the required 55 feet pursuant to Section 1802.3c.1 & 304.4.

Hearing: Thursday, August 7, 2008 at 10:00 a.m. in Hearing Room 1, 2nd Floor, Jefferson Building, 105 W. 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) 887-4386.

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

JT 7/649 July 22 178850

CERTIFICATE OF PUBLICATION

7/23/, 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 7/22/, 2008.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 7/25/08

RE: Case Number: 2008-0558-SPH

Petitioner/Developer: GOLDFADIM

Date of Hearing/Closing: 8/7/08

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 3815 LOCHEARN DRIVE

The sign(s) were posted on 7/23/08
(Month, Day, Year)

Charles E. Merritt
(Signature of Sign Poster)

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



ZONING NOTICE

CASE # 2008-0558-SPH

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

PLACE: JEFFERSON BLDG. 105 W. CHESAPEAKE AVE.
TOWSON, MD. 21204 ROOM 1, 2ND FLOOR

DATE AND TIME: AUGUST 7, 2008 AT 10:00 A.M.

REQUEST: VARIANCE TO APPROVE A

PROPOSED SINGLE FAMILY DWELLING ON AN
UNDERSIZED LOT WIDTH OF 50 FEET IN
LIEU OF THE REQUIRED 55 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

07.23.2008 11:18

ZONING NOTICE

CASE # 2008-0558-SPH

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

PLACE: JEFFERSON SQ. 105 W CHESAPEAKE AVE
TOWSON, MD 21204 ROOM 1, 2ND FLOOR

DATE AND TIME: AUGUST 7, 2008 AT 10:00 A.M.

REQUEST: VARIANCE TO APPROVE A
PROPOSED SINGLE FAMILY DWELLING ON AN
UNDERSIZED LOT WIDTH OF 50 FEET IN
LIEU OF THE REQUIRED 55 FEET

RESPONDENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIME'S NEARLY
TO CONFIRM HEARINGS CALL 847-1151

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

HANDICAPPED ACCESSIBLE

07.23.2008 11:18



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 20, 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: 2008-0558-SPH

3815 Lochearn Drive

E/side of Lochearn Drive, 203 feet s/of centerline of Laurel Road

3rd Election District – 4th Councilmanic District

Legal Owners: Joel Goldfadim

Special Hearing for a proposed single family dwelling on an undersized lot with a lot width of 50 feet in lieu of the required 55 feet pursuant to Section 1B02.3c.1 & 304.4.

Hearing: Thursday, August 7, 2008 at 10:00 a.m. in Hearing Room 1, 2nd Floor,
Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Joel Goldfadim, 10 Liberty Ridge Court, Owings Mills 21117
William Brocato, Merritt Development, 2416 E. Joppa Rd., Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 23, 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, July 22. 2008 Issue - Jeffersonian

Please forward billing to:
Joel Goldfadim
10 Liberty Ridge Court
Owings Mills, MD 2111

443-432-9181

NOTICE OF ZONING HEARING

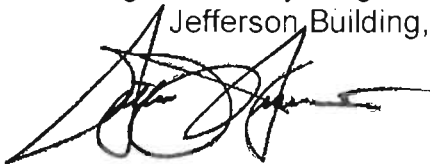
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0558-SPH

3815 Lochearn Drive
E/side of Lochearn Drive, 203 feet s/of centerline of Laurel Road
3rd Election District – 4th Councilmanic District
Legal Owners: Joel Goldfadim

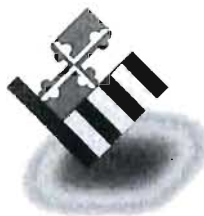
Special Hearing for a proposed single family dwelling on an undersized lot with a lot width of 50 feet in lieu of the required 55 feet pursuant to Section 1B02.3c.1 & 304.4.

Hearing: Thursday, August 7, 2008 at 10:00 a.m. in Hearing Room 1, 2nd Floor,
Jefferson Building, 105 W. Chesapeake 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

July 30, 2008

Joel Goldfadim
10 Liberty Ridge Ct.
Owings Mills, MD 21117-4619

Dear: Joel Goldfadim

RE: Case Number 2008-0558-SPH, Address: 3815 Lockearn Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 03, 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:lnw

Enclosures

c: People's Counsel
William A. Brocato: Merritt Development Consultants, Inc., 2416 E. Joppa Rd., Baltimore, MD
21234

But 8/7
TB 11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 26, 2008

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

RECEIVED
JUN 30 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 8-558- 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 not meet the standards stated in Section 304.1.C of the BCZR. Additionally, 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.
3. Submit photos of the houses in the 3800 block of Lochearn Drive.

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:

Curtis Murray

Division Chief:

Lynn S. S. S. S.

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 19, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 23, 2008
Item Nos. 08-456, 0531, 0543, 0558, 0559, 0560,
0561, 0562, 0563, 0566, 0567, 0568, and 0571

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

DAK:CEN:lrk

cc: File

ZAC-06192008-NO COMMENTS



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: 6-20-2008

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

RE: Baltimore County
Item No 2008-0558 -SPH
3815 LOCHEARN DRIVE
GOLDFADIM 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. 2008-0558-SPH

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



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
3815 Lochearn Drive; E/S Lochearn Drive, * ZONING COMMISSIONER
203' S c/line of Laurel Road *
3rd Election & 4th Councilmanic Districts * FOR
Legal Owner(s): Joel Goldfadim *
Petitioner(s) * BALTIMORE COUNTY
* 08-558-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUN 2 / 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Merritt Development Consultants, Inc, 2416 East Joppa Road, Baltimore, Md 21234, Representative for Petitioner(s).

Peter Max Zimmerman

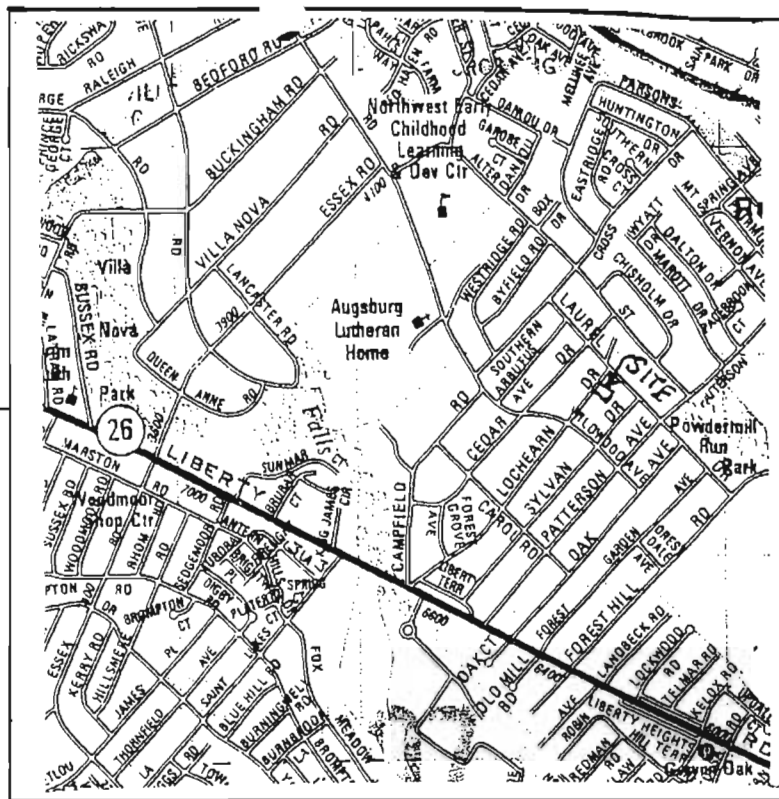
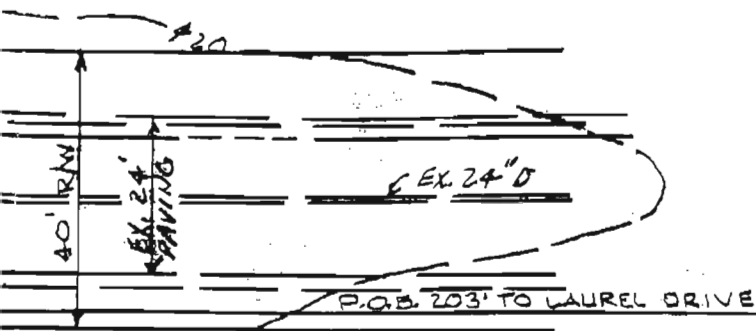
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME GADFADIM
CASE NUMBER 2008-~~558~~-SPH
DATE 07 Aug 08

[illegible]

CASE NAME _____
CASE NUMBER 7008-0558-SPH
DATE 8/6/08

[illegible]



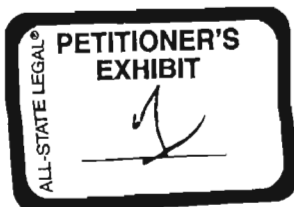
VICINITY MAP
1" = 2000'

- 1- ZONING MAP-1"=200'-#088B1
- 2- EX.ZONING - DR 5.5
- 3- LOT SIZE - 8363.5 Sq.Ft. OR 0.192 Ac.±
- 4- NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.
- 5- NON-HISTORIC PROPERTY
- 6- NOT CHESAPEAKE BAY CRITICAL AREA.

OWNER

BRETT L. GOLDFADIM
1504 WASHINGTON ROAD
WESTMINSTER, MD. 21157
ACC'T. NO. 0319008776 \$8777
MAP 88 PARCEL 396
PLAT - 13/102, LOT 15
DEED REF- 26122/55

PLAN TO ACCOMPANY
PETITION FOR
SPECIAL HEARING
3815 LOCHEARN DRIVE
DISTRICT- 3C4 BALTO., CO., MD.
SCALE- 1"= 30' 5-27-08



BRISCOE
SCOE
N DR.
08775

1B02.3 Special regulations for certain existing developments or subdivisions and for small lots or tracts in D.R. Zones.

- A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:
1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;
 2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;
 3. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;
 4. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than one-half acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or
 5. Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.
- B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in Subsection A.2 shall be in accordance with the tentatively approved subdivision plan therefor. Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.
- C. Development standards for small lots or tracts.
1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:



all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 Zones, 50 feet in D.R.3.5 Zones and 40 feet in D.R.5.5 Zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefor in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 Zones respectively. **[Resolution, November 21, 1956]**

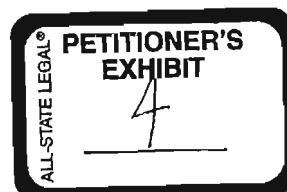
- 303.2 In B.L., B.M. and B.R. Zones, the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with permanent commercial buildings constructed of fire-resisting materials situate within 100 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above.

Section 304

Use of Undersized Single-Family Lots

[BCZR 1955; Bill No. 47-1992]

- 304.1 **[Bill Nos. 64-1999; 28-2001]** Except as provided in Section 4A03, a one-family detached or semidetached 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:
- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
 - B. All other requirements of the height and area regulations are complied with; and
 - C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.
- 304.2 Building permit application.
- A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Department of Permits and Development Management, at the time of application for a building permit, plans sufficient to allow the Office of Planning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Office of Planning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood.
 - B. At the time of application for the building permit, as provided above, the Director of the Department of Permits and Development Management shall request comments from the Director of the Office of Planning (the "Director"). Within 15 days of receipt of a request from the Director of the Department of Permits and Development Management, the Director shall provide to the



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 26, 2008

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 8-558-Special Hearing

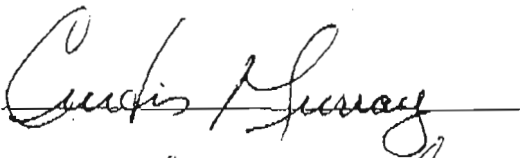
The Office of Planning has reviewed the subject request and has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. Additionally, there appears to be 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:

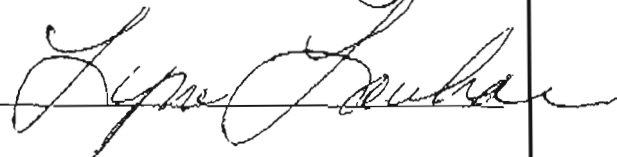
1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road.
3. Submit photos of the houses in the 3800 block of Lochearn Drive.

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:

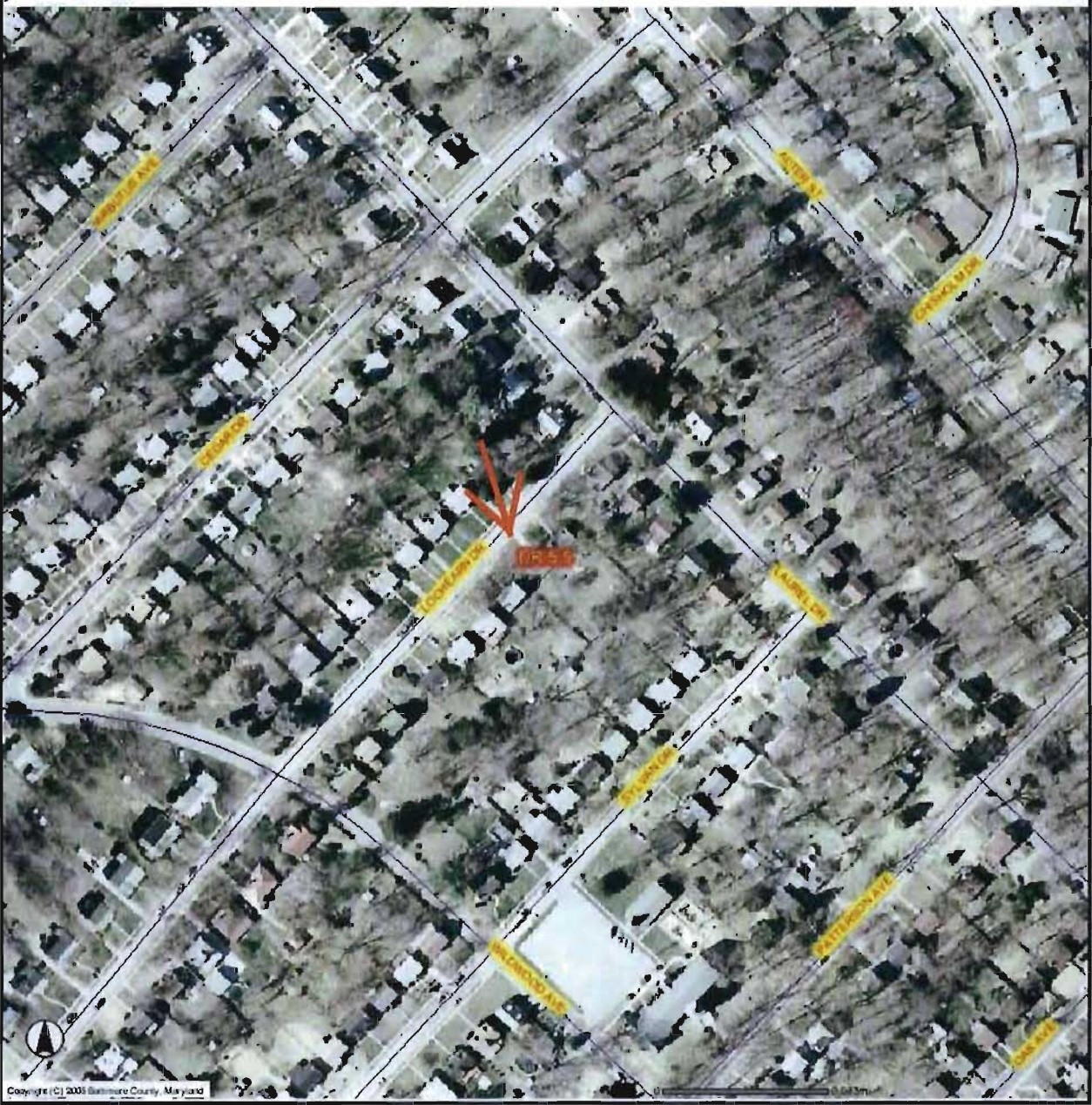


Division Chief:

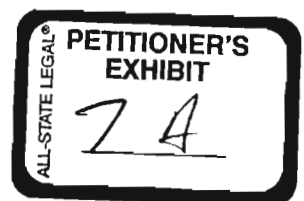


CM/LL



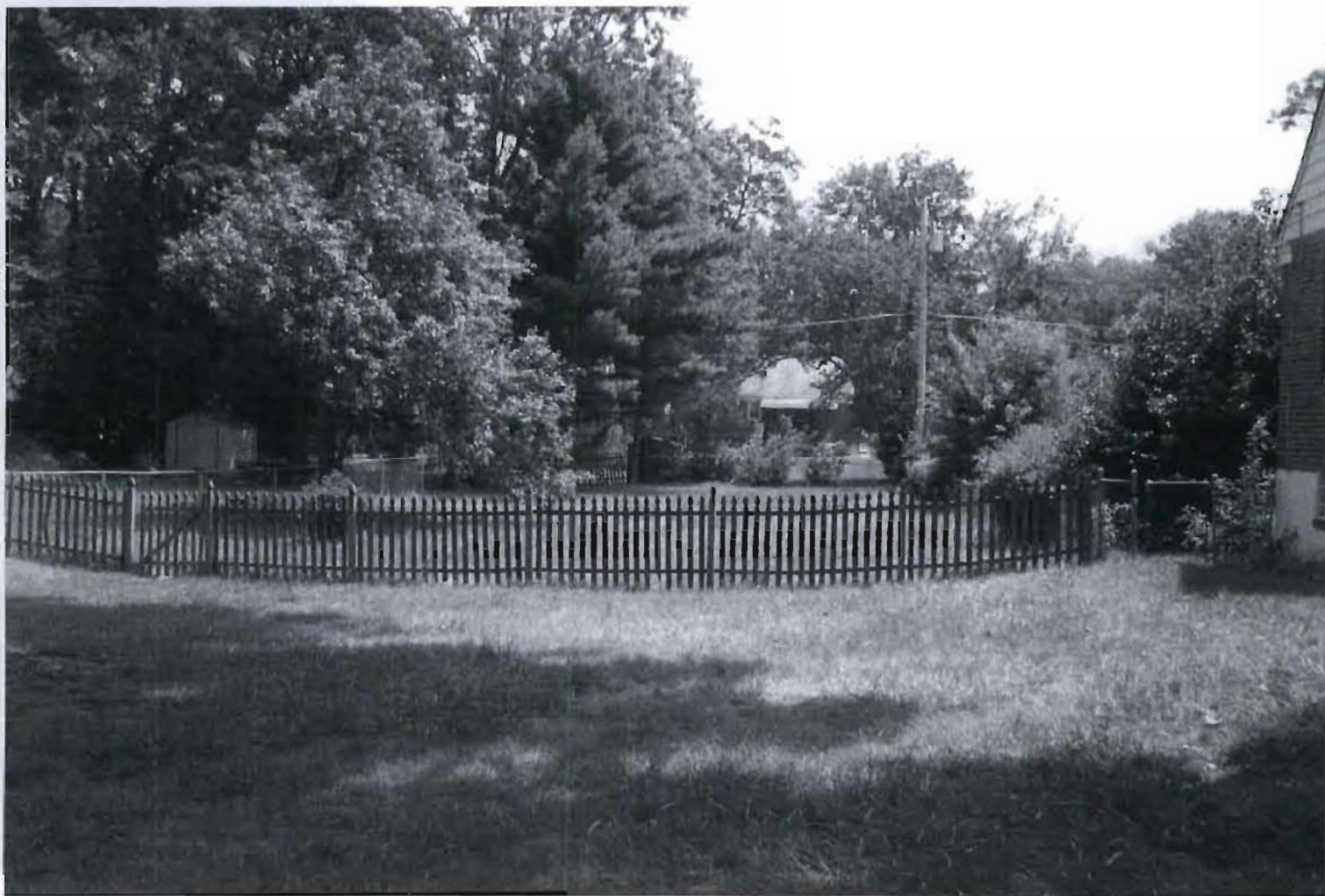


PETITIONER'S
EXHIBIT
6





B



C



D



E



11



G



H



I



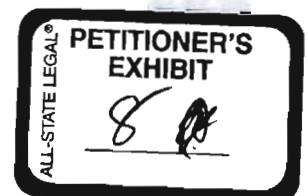
J



K



L



A





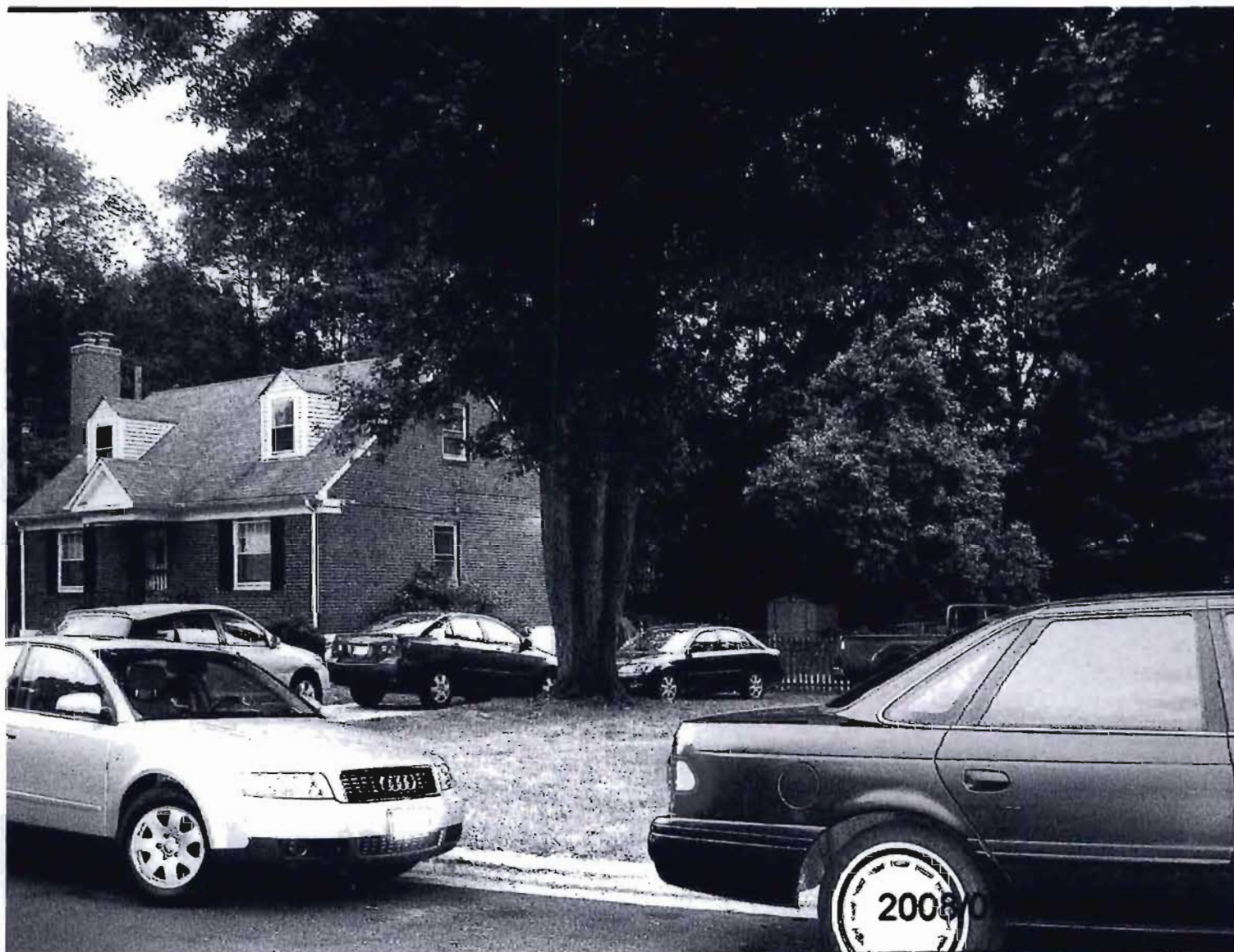
C



D



E



PROTESTANT' S

EXHIBIT NO. 1 A



PROTESTANT' S

EXHIBIT NO. 1B



PROTESTANT' S

EXHIBIT NO. 2A+JB

We, the undersigned residents of the community of Lochearn, members of the Lochearn Improvement Association, Inc. and who reside within a thousand yards (1,000) of the property at 3815 Lochearn Drive, request that a change in variance from fifty-five(55) feet to fifty (50) in CASE NUMBER 2008-0558--SPH be denied.

1.	Quintina Muhammad 3811 Lochearn Drive
2.	
	SHARON DANIEL 3813 Lochearn Dr.
3.	C MICHAEL CARRINGTON 3816 LOCHEARN DRIVE
4.	Leah Tyson 3809 Lochearn Dr.
5.	DEAN & LARISA JONES 3807 Lochearn Dr. 21207
6.	Shawn & Kim Steppert 3806 Lochearn Dr 21207
7.	Wanda Jackson-Houston 3808 Lochearn Drive
8.	Henry & Christine Cypress 3810 Lochearn Drive
9.	
10.	
11.	
12.	
13.	

PROTESTANT' S

EXHIBIT NO.

3





06.03.2008 10:49



06.03.2008 10:49

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06.03.2008 10:49

4

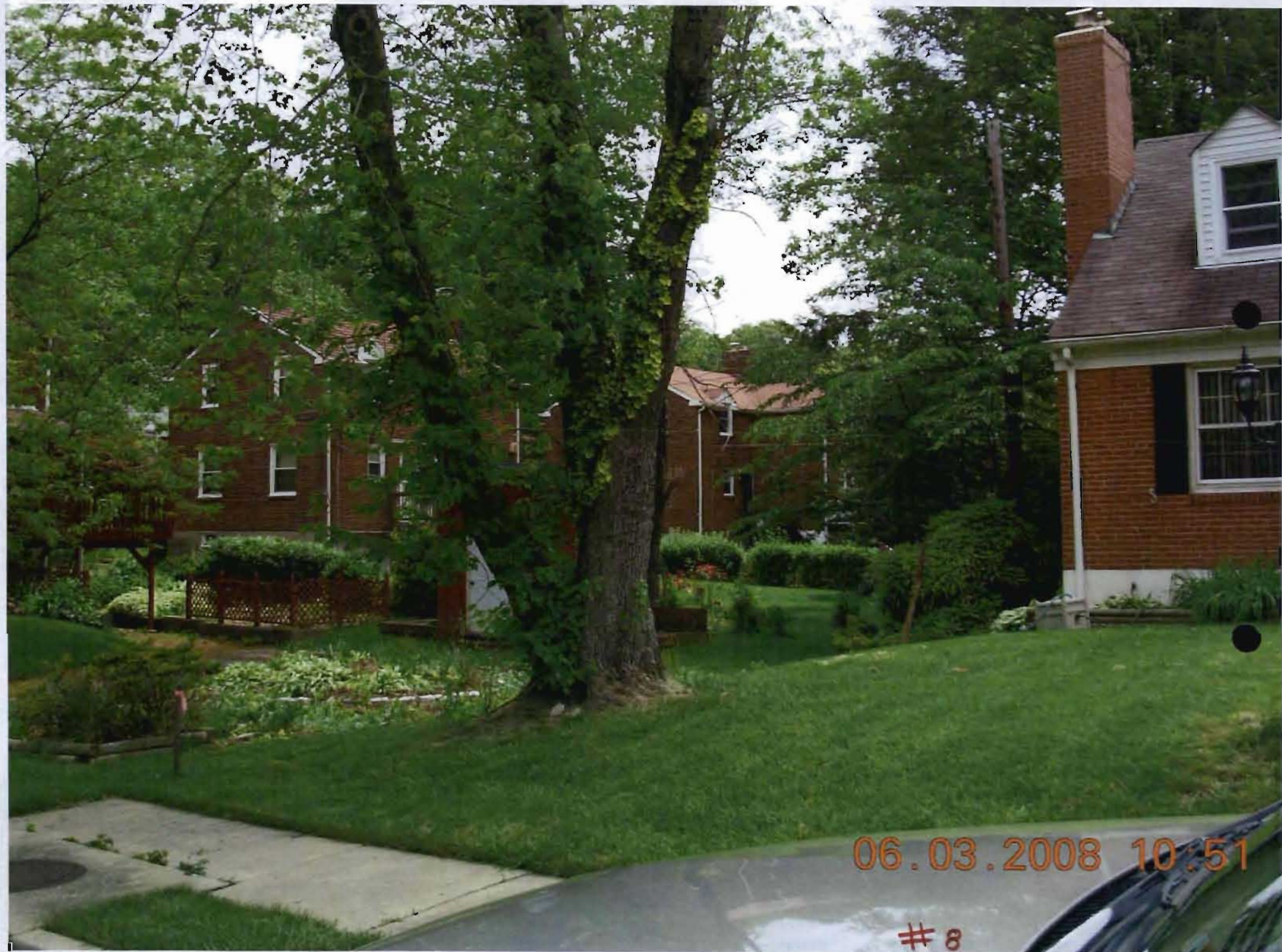




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#6





06.03.2008 10:51

8





2008-0558-SPH

3815 LOCHEARN DRIVE

Plan Sheet: 088B1

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Buildings
- Streams
- Roads
- Vegetation
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

077B3	077C3	078A3	078B3
087B1	087C1	088A1	088B1
087B2	087C2	088A2	088B2

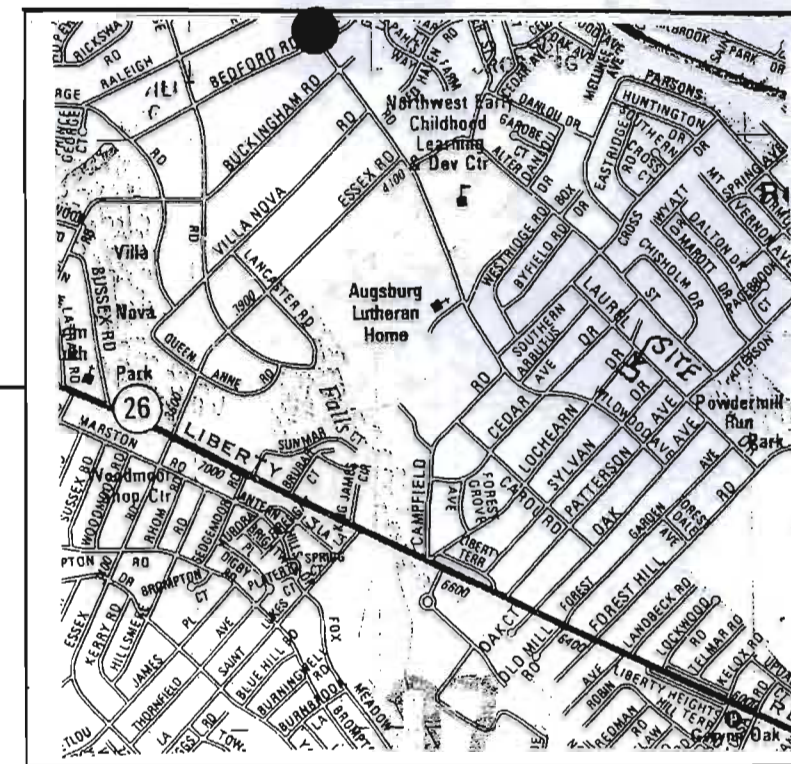
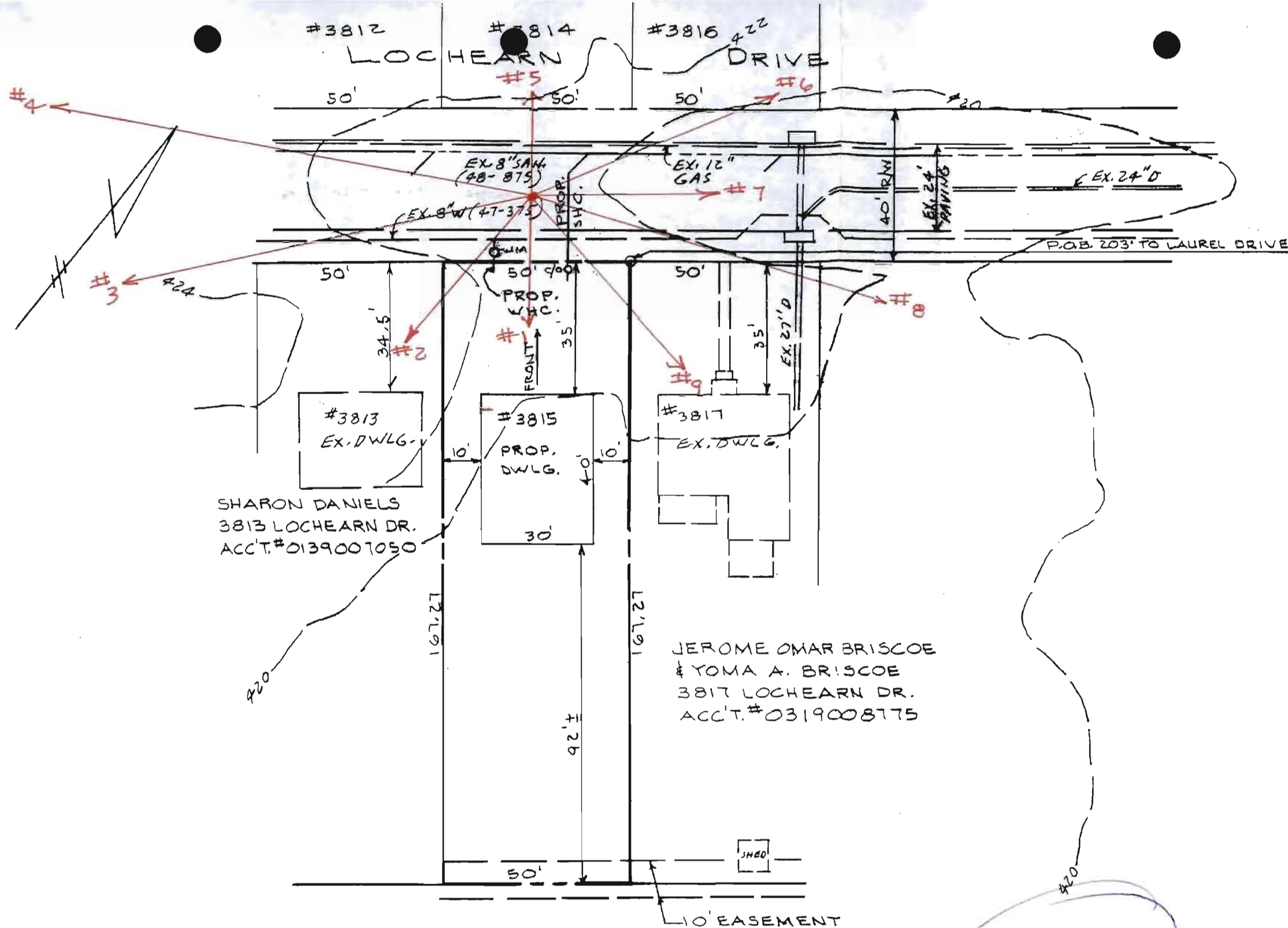
Scale

1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004



VICINITY MAP
1" = 2000'

- 1- ZONING MAP-1"=200'-#088B1
- 2- EX. ZONING - DR 5.5
- 3- LOT SIZE - 8363.5 Sq. Ft. or 0.192 Ac. ±
- 4- NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.
- 5- NON-HISTORIC PROPERTY
- 6- NOT CHESAPEAKE BAY CRITICAL AREA.

OWNER

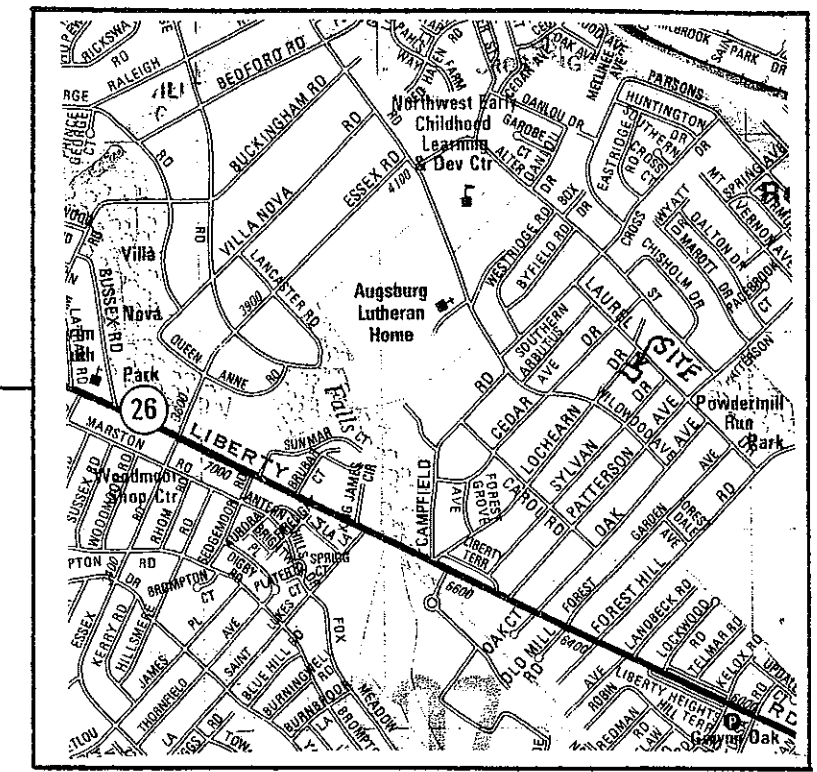
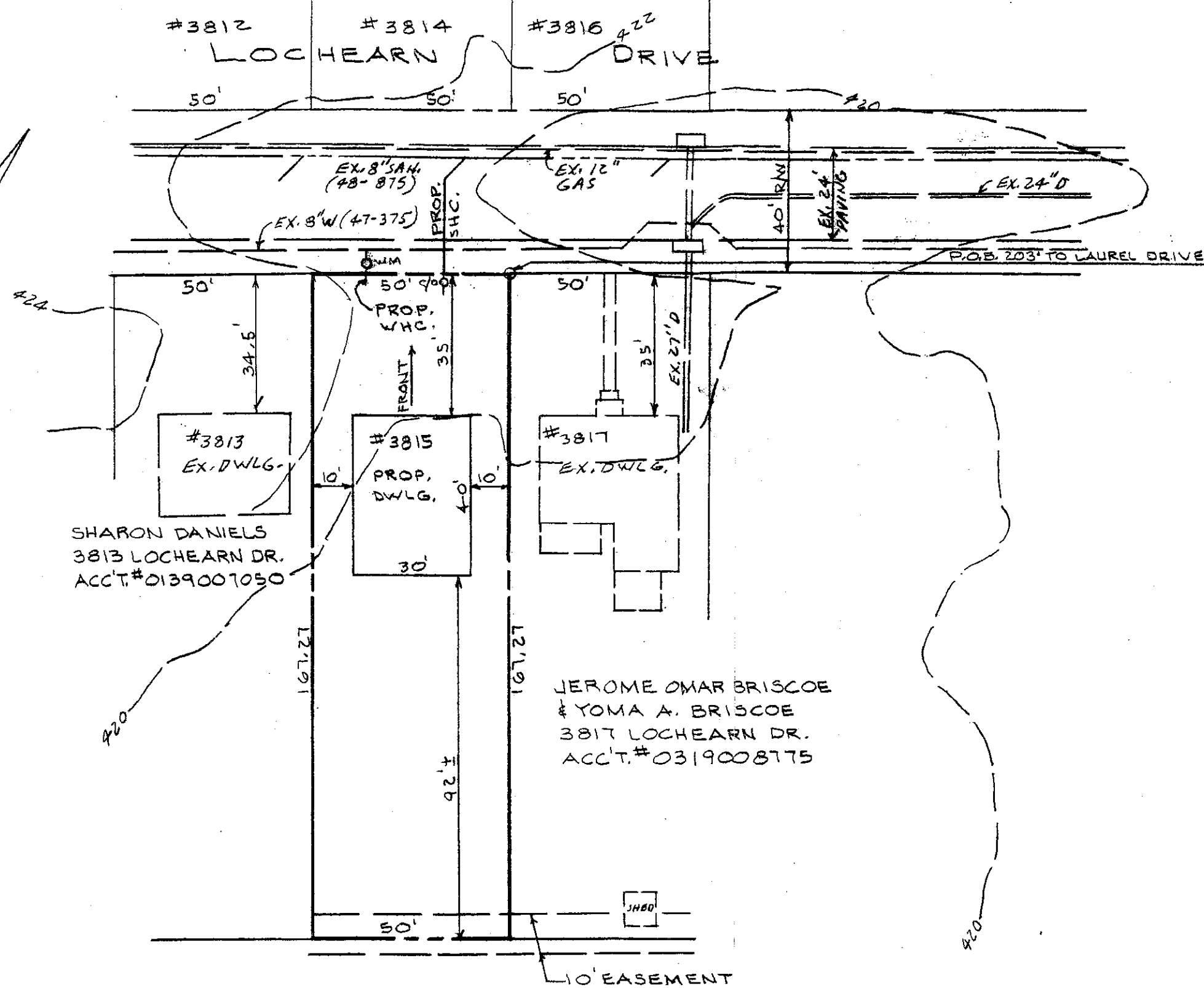
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1504 WASHINGTON ROAD
WESTMINSTER, MD. 21157
ACC'T. NO. 0319008776 & 8777
MAP 88 PARCEL 396
PLAT - 13/102, LOT 15
DEED REF. - 26122/55

PHOTOS

MERRITT DEVELOPMENT
CONSULTANTS, INC.
2416 E. Joppa Road
Baltimore, Maryland 21234

PLAN TO ACCOMPANY
PETITION FOR
SPECIAL HEARING
3815 LOCHEARN DRIVE
DISTRICT- 3C4 BALTO. CO., MD.
SCALE - 1" = 30' 5-27-08

2008-0558-SPH



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