

IN RE: PETITION FOR VARIANCE
NE side of Virginia Ave, 656 feet NW
of c/l of Belair Road
13th Election District
1st Councilmanic District
(24 Virginia Avenue)

McCloskey Group, LLC
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0067-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 owner of the subject property, McCloskey Group, LLC, by Brian M. McCloskey, Authorized Member. Variance relief is requested from Section 1B02.3.B [March 20, 1955 regulations] of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 15 foot side yard setback to a paper street and a 40 foot setback to the centerline of a paper street in lieu of the required 25 feet and 50 feet, respectively.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 variance request were Petitioner Brian M. McCloskey on behalf of McCloskey Group, LLC, and Deborah Dopkin, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was G. Dwight Little with Little & Associates, Inc., the professional engineer who 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 property consisting of approximately 9,770 square feet or 0.224 acre, more or less, zoned

¹ Petitioner, in its original petition, requested a 40 foot setback to the centerline of a paper street in lieu of the required 50 feet, but requested to amend this requested relief when it was realized during the hearing that the paper street right-of-way referred to in the petition -- Clearview Avenue -- is actually 30 feet wide, and not the 50 foot width upon which the original request was based. There being no opposition, the amendment was permitted.

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Date 11-28-08
By [Signature]

D.R.5.5. The property is situated at the terminus of Virginia Avenue located on the northwest side of Belair Road, north of Taylor Avenue, in the Overlea area of Baltimore County. The subject property is one of two lots that were created by a minor subdivision of the "Goble Property." The minor subdivision was approved in March 2008, as shown on the Minor Subdivision Plan that was marked and accepted into evidence as Petitioner's Exhibit 2. The subject property is shown on the plan as Lot 1.

Currently, the adjacent lot to the subject property, Lot 2, has a home that is under construction and Petitioner's plan is to also develop Lot 1 with construction of a single-family dwelling; however, as shown on the site plan, in order to build a home on the subject property, Petitioner is in need of variance relief from the side yard setback requirements by virtue of Section 1B02.3.B of the B.C.Z.R. This section states generally that for existing developments, 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 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. In the instant matter, the March 20, 1955 regulations are applicable and require a 25 foot side yard setback to paper street and 50 foot setback to the centerline of a paper street for the property. Petitioner is requesting a variance to permit a 15 foot side yard setback to a paper street and a 30 foot setback to the centerline of a paper street.

In support of the variance requests, Mr. Little, Petitioner's engineer, explained that what drives the need for the requested relief is the subject property's proximity to the paper street known as Clearview Avenue, which although not shown on most vicinity maps, is depicted on the site plan as bordering the north side of the subject property. Mr. Little noted that this paper street has never been developed and is now a heavily wooded area, as shown on the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 3. Another

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Date 11-28-08
By [Signature]

unusual characteristic of the property is that it is situated fairly high in terms of elevation, in relation to others in the neighborhood. It also has existing vegetation surrounding the property that would be kept and would act as a natural buffer from other existing properties. In terms of the lot itself, Petitioner proposes a home similar to the one being constructed on Lot 2 (approximately 2,000 square foot, two-story colonial with two car garage), with comparable size and materials, and similar in character to other homes that have been built over the last 10 to 15 years on the last remaining lots on Virginia Avenue, with appealing finishes and color scheme. Photographs depicting the subject property, as well as Lot 2 and the other properties in the neighborhood, were marked and accepted into evidence collectively as Petitioner's Exhibit 4. The subject property would have access to public water and sewer service, and access to the site would be via a use-in-common driveway at the terminus of Virginia Avenue, as illustrated on the site plan.

Mr. Little also described the practical difficulty and undue hardship associated with the variance requests, stating that strict interpretation of the zoning regulations would not allow a properly sized home on this buildable lot. Instead, the home would have to be much narrower, and would not be in keeping with the size and character of the other homes in the neighborhood. In addition, strict interpretation would not permit the desirable in-fill development of the property, with access to essential services, including public water and sewer and geographic proximity to main arterial roads and commercial areas. Mr. Little also noted that the variance requests would not increase density beyond that which is permitted in the Zone by the B.C.Z.R. He also indicated that based on his professional experience, it is foreseeable that Clearview Avenue as a paper street will never be developed, and it is not part of any potential improvements being contemplated by the Baltimore County Department of Public Works; hence

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Date 11-28-08
By [Signature]

there would be virtually no impact, and certainly no negative or detrimental impacts, to the health, safety, or general welfare of the locale.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comment dated October 27, 2008 from the Office of Planning indicates that the minor subdivision of the Goble Property (06108 M) was approved in March 2008 for two single-family lots. The Office of Planning has no objection to the requested variance, as the public right-of-way (Clearview Avenue) is an unimproved paper street.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. In short, the subject property is unique because it is the only one in the neighborhood that abuts a paper street and has the setback limitations associated with its placement at this location. As such, it creates artificial constraints from a zoning perspective that affect this property singularly unlike others in the immediate area. Therefore, I find that the imposition of zoning on this property disproportionately 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. As indicated by Mr. Little, strict interpretation of the zoning regulations would not allow a properly sized home on this buildable lot, and would not permit the desirable in-fill development contemplated here. Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare.

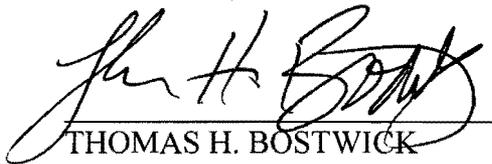
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Date 11-28-08
By [Signature]

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 Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 28th day of November, 2008 by this Deputy Zoning Commissioner, that Petitioner's Variance requests from Section 1B02.3.B [March 20, 1955 regulations] of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 15 foot side yard setback to a paper street and a 30 foot setback to the centerline of a paper street in lieu of the required 25 feet and 50 feet, respectively, be and are hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.

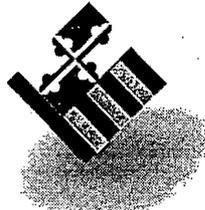
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
Date 11-28-08
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 28, 2008

Deborah Dopkin, Esquire
409 Washington Avenue
Towson, MD 21204

Re: **PETITION FOR VARIANCE**
NE side of Virginia Ave, 656 feet NW of c/l of Belair Road
13th Election District - 1st Councilmanic District
(24 Virginia Avenue)
McCloskey Group, LLC - *Petitioner*
Case No. 2009-0067-A

Dear Ms. Dopkin:

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 "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw
Enclosure

c: Brian M. McCloskey, McClosley Group, LLC, 7306 Belair Road, Baltimore, MD 21206
G. Dwight Little, P.E., Little & Associates, Inc., 1055 Taylor Avenue, Suite 307,
Towson, MD 21286
People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #24 VIRGINIA AVENUE (LOT #1)
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)

Section 1B02.3.B March 30,1955 Regulations

To permit a proposed dwelling with a 15 feet side yard setback to a paper street and a 40 feet setback to the centerline of a paper street in lieu of the required 25 feet and 50 feet respectively.

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 DISCUSSED AT HEARING

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
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):

McCLOSKEY GROUP, LLC
BRIAN M. McCLOSKEY, AUTHORIZED MEMBER
Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____
7306 BELAIR ROAD (410) 661-4110
Address Telephone No.
BALTIMORE MD 21206
State Zip Code

Representative to be Contacted:

JOHN MOTSCO
Name
1055 TAYLOR AVE, SUITE 307 (410) 296-1636
Address Telephone No.
TOWSON MD 21286
City State Zip Code

OFFICE USE ONLY

Case No. 2009-0067-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By _____ Date 9/5/08

REV 9/15/98

RECEIVED FOR FILING
Date 11-28-08
By _____

DESCRIPTION TO ACCOMPANY
PETITION FOR ZONING VARIANCE
#24 VIRGINIA AVENUE
LOT 1 "GOBLE PROPERTY"
FOURTEENTH ELECTION DISTRICT
SIXTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at the end of the fourth following course and distance measured from the intersection of the centerline of Belair Road with the centerline of Virginia Avenue (20' wide), (1) Northwesterly 656 feet, more or less, thence (2) Northeasterly 130 feet, more or less, thence (3) Southeasterly 39 feet, more or less, and thence (4) North 34 degrees 32 minutes 28 seconds East 55.00 to the point of beginning, said point being the northwestern most corner of #24 Virginia Avenue, also known as Lot 1 of the "Goble Property", thence running for the outlines of said lot, (1) South 56 degrees 09 minutes 32 seconds East 150.04 feet, thence (2) North 35 degrees 00 minutes 28 seconds East 65.00 feet, thence (3) North 56 degrees 09 minutes 32 seconds West 150.57 feet, and thence (4) South 34 degrees 32 minutes 28 seconds West 65.01 feet, to the point of beginning; containing 0.224 of an acre of land, more or less.



2009-0067-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: #2009-0067-A
24 Virginia Avenue (Lot 1)
N/east side of Virginia Avenue,
656 feet n/west of centerline of
Belair Road
13th Election District
1st Councilmanic District
Legal Owner(s): McCloskey
Group, LLC

Variance: to permit a pro-
posed dwelling with a 15 feet
side yard setback to a paper
street and a 40-foot setback to
the centerline of a paper street
in lieu of the required 25 feet
and 50 feet respectively.

**Hearing: Wednesday, Octo-
ber 29, 2008 at 11:00 a.m. in
Room 104, Jefferson Build-
ing, 105 West Chesapeake
Avenue, Towson 21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

JT/10/655 Oct. 14 186068

CERTIFICATE OF PUBLICATION

10/16, 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 10/14, 2008.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 10-12-08

RE: Case Number: 2009-0067-A

Petitioner/Developer: McCloskey Group, LLC

Date of Hearing/Closing: 10-29-08 11AM

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 24 Virginia Ave

The signs(s) were posted on 10-12-08
(Month, Day, Year)

J Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2009-0067-A

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

JEFFERSON BLDG, ROOM 104
PLACE: 105 W CHESAPEAKE AVE TOWSON 21204
DATE AND TIME: WEDNES. OCT 29, 2008 11 AM
REQUEST: VARIANCE TO PERMIT A PROPOSED
DWELLING WITH A 15-FOOT SIDE YARD
SETBACK TO A PAPER STREET AND A 40-FOOT
SETBACK TO THE CENTERLINE OF A PAPER
STREET IN LIEU OF THE REQUIRED 25 FT
AND 50 FEET RESPECTIVE

POSTPONEMENTS DUE TO WEATHER OR OTHER

BALTIMORE COUNTY, MARYLAND
 OFFICE OF BUDGET AND FINANCE
 MISCELLANEOUS CASH RECEIPT

No. 26518

Date: 9/15/08

PAID RECEIPT

SYSTEMS ACTUAL TIME TRN
 9/15/2008 9/15/2008 11:39:53 2
 RECEIPT # 460805 9/15/2008 OFLN
 \$ 528 ZORING VERIFICATION
 Receipt Tot: \$65.00
 \$65.00 CK \$65.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0		6150				65.00

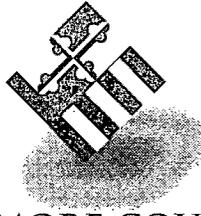
Total: 65.00

Rec From: John Motasco

For: 24 Virginia Ave (Lot #1) 2009-0067-A
 Baltimore, MD 21206

CASHIER'S
 VALIDATION

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

September 29, 2008
TIMOTHY 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: 2009-0067-A

24 Virginia Avenue (Lot 1)

N/east side of Virginia Avenue, 656 feet n/west of centerline of Belair Road

13th Election District – 1st Councilmanic District

Legal Owners: McCloskey Group, LLC

Variance to permit a proposed dwelling with a 15 feet side yard setback to a paper street and a 40-foot setback to the centerline of a paper street in lieu of the required 25 feet and 50 feet respectively.

Hearing: Wednesday, October 29, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Brian McCloskey, 7306 Belair Road, Baltimore 21206
John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 14, 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, October 14, 2008 Issue - Jeffersonian

Please forward billing to:

McCloskey Group, LLC
Attn: Brian McCloskey
7306 Belair Road
Baltimore, MD 21206

410-661-4110

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: 2009-0067-A

24 Virginia Avenue (Lot 1)

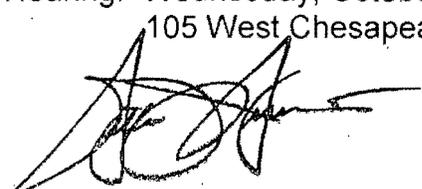
N/east side of Virginia Avenue, 656 feet n/west of centerline of Belair Road

13th Election District – 1st Councilmanic District

Legal Owners: McCloskey Group, LLC

Variance to permit a proposed dwelling with a 15 feet side yard setback to a paper street and a 40-foot setback to the centerline of a paper street in lieu of the required 25 feet and 50 feet respectively.

Hearing: Wednesday, October 29, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 West 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.

**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.

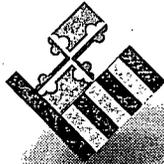
For Newspaper Advertising:

Item Number or Case Number: 2009-0067-A
Petitioner: McCLOSKEY GROUP LLC
Address or Location: #24 VIRGINIA AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: McCLOSKEY GROUP LLC
Address: 7306 BELAIR ROAD
BALTIMORE, MD 21206
Telephone Number: (410) 661-4110

Revised 2/20/98 - SCJ



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
October 23, 2008

Brian M. McCloskey
McCloskey Group, LLC
7306 Belair Rd.
Baltimore, MD 21206

Dear: Brian M. McCloskey

RE: Case Number 2009-0067-A, 24 Virginia Ave. Lot #1

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 05, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
John Motsco, 1055 Taylor Ave. Ste. 307, Towson, MD 21286

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 23, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For September 29, 2008
Item Nos. 2009-0065, 0066, 0067, 0068,
0070, 0072, 0073, 0074, and 0076

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

DAK:CEN:lrk
cc: File
ZAC-09232008 -NO COMMENTS

TB 10/29
11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 27, 2008

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

SUBJECT: 24 Virginia Avenue

INFORMATION:

Item Number: 09-067

Petitioner: 24 Virginia Avenue

Zoning: DR 5.5

Requested Action: Variance

RECEIVED
OCT 28 2008

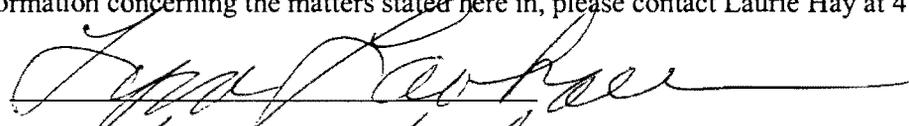
BY:.....

SUMMARY OF RECOMMENDATIONS:

The minor subdivision of the Goble property (06108 M) was approved in March 2008 for 2 single family lots. The Office of Planning has no objection to the requested variance, as the public right-of-way (Clearview Avenue) is an unimproved paper street.

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

Reviewed by:



Division Chief:

AFK/LL



TB 10/29
11Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 16, 2008
SUBJECT: Zoning Item # 09-067-A
Address 24 Virginia Avenue
(McCloskey Group, LLC)

RECEIVED
OCT 16 2008

BY: _____

Zoning Advisory Committee Meeting of September 22, 2008

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

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

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

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

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

Additional Comments:

Reviewer: J. Livingston

Date: 10/16/08



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: SEPT. 23, 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 2009-0067-A
24 VIRGINIA AVENUE
MC CLOSEKEY GROUP, LLC
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0067-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



RE: PETITION FOR VARIANCE * BEFORE THE
 24 Virginia Avenue; NE/S Virginia Avenue, * ZONING COMMISSIONER
 656' NW of c/line Belair Road *
 13th Election & 1st Councilmanic Districts *
 Legal Owner(s): McCloskey Group, LLC * FOR
 Petitioner(s) * BALTIMORE COUNTY
 * 09-067-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
 Jefferson Building, Room 204
 105 West Chesapeake Avenue
 Towson, MD 21204
 (410) 887-2188

RECEIVED

SEP 29 2008

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 2008, a copy of the foregoing Entry of Appearance was mailed to John Motsco, 1055 Taylor Avenue, Suite 307, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Yitti & Assoc.

Mark up Copy

GOBLE PROPERTY
Clearwood Avenue
06-108-M

2nd Minor Subdivision Review
Plan Date: 9/1/06
Comments Date: 3/30/07
D.R. 5.5

Prior to final zoning approval, the following items must be addressed:

1. Indicate street addresses of all proposed lots.
2. Lot #1 will need a 25-foot setback from the side street right-of-way. Attached please find copies of requirements from the Zoning Commissioner's Policy Manual. If this setback cannot be met a zoning variance will be necessary prior to approval of this minor subdivision.

Any requests for further information from the Zoning Office must include a reference to the minor subdivision file number 06-108-M and a copy of these comments must accompany written correspondence or revised plans.


Donna Thompson
Planner II
Zoning Review

DT

See attached

2009-0067-A

1B02.3.B SETBACK REQUIREMENTS - PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS ONLY

ZONE (1971) (1955) (1945) (HOUSING TYPE)	TIME PERIOD JAN. 2, 1945 to JULY 1, 1955				JULY 2, 1955 to MARCH 29, 1955				MARCH 30, 1955 to MARCH 30, 1971				MARCH 31, 1971 to PRESENT*			
	FRONT	REAR	SIDE	CORNER (SIDE STREET)	FRONT	REAR	SIDE (COMBINED)	CORNER (SIDE STREET)	FRONT	REAR	SIDE (COMBINED)	CORNER (SIDE STREET)	FRONT	REAR	SIDE (COMBINED)	CORNER (SIDE STREET)
DR 1 R 40					25	20	7 (17)	40	50	50	20 (50)	50	50	20 (50)	-	
DR 2 R 20					25	20	7 (17)	40	40	40	15	40	40	40	15 (40)	-
DR 3.5 R 10 A (1 or 2 FAMILY)	25	15	7	15	25	20	7 (17)	40	30	30	10 (25)	30	30	30	10 (25)	-
DR 5.5 R 6 B (SEMI-DETACHED)	25	15	7	15	25	20	7 (17)	40	25	30	8 (20)	25	25	30	10	-
DR 10.5 R.G. D (TOWN HOUSES)	25	25	10 END OF GROUP	25	25	50	15	-	25	50	15	-	10	50	10	-
DR 16 R.A. C (APARTMENTS)	55 TO 6	20	7	-	25	25	7	15	25	50	15	-	10	30	25	-
				* FOR BLDGS. OVER 40 FT. HIGH ADD 4 INCHES FOR EACH FOOT OVER								* * ONLY FOR SUBDIVISIONS WITH NO FDP				

1B02.3.B.1 - PARCELLING OR DIVIDING ALREADY DEVELOPED PROPERTY -
Parcelling or dividing developed property that is under one ownership and meets the overall density, would be permitted for mortgage purposes provided that:

- a. the ownership remains the same, and
- b. that the existing uses at the time of separation would not change in a way that would increase the overall density.

SECTION

1B02.3.C.1 APPLICABILITY - 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 must also comply with this small lot table.

- a. SIDE STREET SETBACKS when the small lot table applies are the same as the required front yard setback. Averaging is not permitted on a side street setback.

1B01.2.C.3 SETBACKS FROM STREET CENTERLINES

- a. Paper Streets -- Unimproved (paper) streets shall be considered the same as existing (improved) streets. The applicant has the option of either petitioning for a variance or a road closing. To initiate a road closing procedure, a person should contact:

Law Office 807-4420
 Bureau of Land Acquisition 887-3252

- b. Road Widening - Existing Lots -- When the County or State widens a road right-of-way that adjoins a lot and the setbacks and/or the lot area become deficient or the deficiency is increased by the taking, then the following applies:

1. If the lot is "a lot of record" as defined in B.C.Z.R. unimproved and considered buildable (area-wise) prior to the taking, the area will be considered nonconforming after the taking. However, all structures and uses must meet the setbacks required in the current zoning regulations.
2. If the lot is improved with a structure, then any deficiencies (inclusive of height, setback and/or area) that are created by the taking will be considered nonconforming.

1B01.2.C.4 MINIMUM AREA STANDARDS IN RESIDENTIAL TRANSITION AREAS for subdivisions approved from September 19, 1970 to September 25, 1981 (adoption of Bill 100-70 until Repeal by Bill 124-81) - Dwellings (no other principal building permitted) and accessory buildings in residential transition areas, if designated under Subparagraph 1B01.1.B.1 as Group I, Group II, or Group III uses, shall be situated on lots in accordance with the standards set forth in the table below and with the provisions of Section 400, respectively. No more than one principal building shall be situated on any lot in such a residential transition area.

Residential Transition Uses to Which Lot is Limited under Subparagraph B.1 of Subsection 1B01.1	Zone Within Which Adjoacent Dwelling or Lot is Situated	Minimum Standards for Dwelling Permitted						
		Minimum Lot Area, in Square Feet	Minimum Lot Width, in Feet	Minimum Distance from Building to Centerline of Any Street, in Feet	Minimum Rear-Yard Depth in Feet	Minimum Width of Any Side Yard (Except as Otherwise Provided, as on a Corner Lot), in Feet	Minimum Sum of Width of Side Yards for Any Detached Building	
Group I uses	D.R. 1	25,000	125	75	30	20	30	
" " "	D.R. 2	13,000	90	65	40	15	30	
" " "	D.R. 3.3	7,500	70	55	30	10	25	
" " "	D.R. 5.5	5,700	55	50	30	8	20	
Group II or Group III uses	D.R. 1 D.R. 2 D.R. 3.3 D.R. 5.5 D.R. 10.5	Two-Family Detached Dwelling	70	50	30	8	15	20
		One-Family Detached Dwelling	55					
		One-Family Semidetached Dwelling	35					
		Group House	20					
		Group-House Apartment Building	28					
		Two-Family Detached Dwelling	70					
		One-Family Detached Dwelling	55					
		One-Family Semidetached Dwelling	35					
		Group House	20					
		Group-House Apartment Building	28					

Provided, however, that alternative standards of lot or side-yard width may be applied to non-rectangular lots if such standards have been adopted under the authority of Section 504. (Bill No. 100, 1970.)

2009-0067-A

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

To Kristen
Please handle
T=K

DEBORAH C. DOPKIN

October 14, 2008

Timothy M. Kotroco, Esquire
Director, Department of Permits and
Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

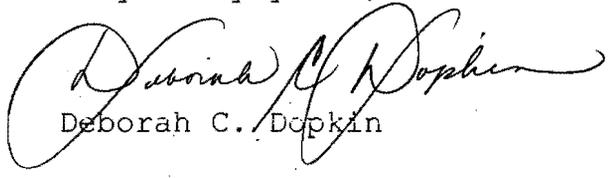
RE: Case No. 2009-0067-A
24 Virginia Avenue

Dear Mr. Kotroco:

Please enter my appearance on behalf of the Petitioner, McCloskey Group, LLC in connection with the above captioned Petition for Variance. I would appreciate your sending me copies of the Zoning Advisory Committee comments and any other correspondence relating to this matter.

Thanking you in advance, I am

Very truly yours,


Deborah C. Dopkin

DCD/kmc
cc: McCloskey Group, LLC
Little & Associates, Inc.
C:\docs\KMC\DCD\Letters 2008\kotroco timothy-mccloskey' 10 13 08.wpd

Faint, illegible text at the bottom of the page, possibly bleed-through from the reverse side.

Case No.: 2009-0067-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Minor Sub Plot	
No. 3	Aerial Photo	
No. 4	Photos of properties	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S 3
EXHIBIT NO.



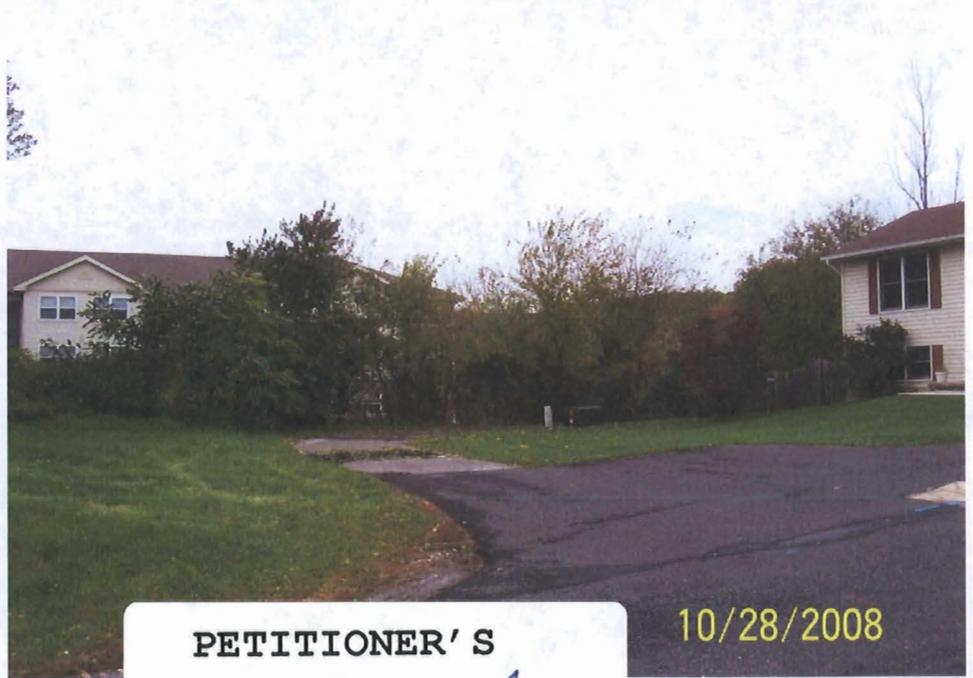
2



4



1



3

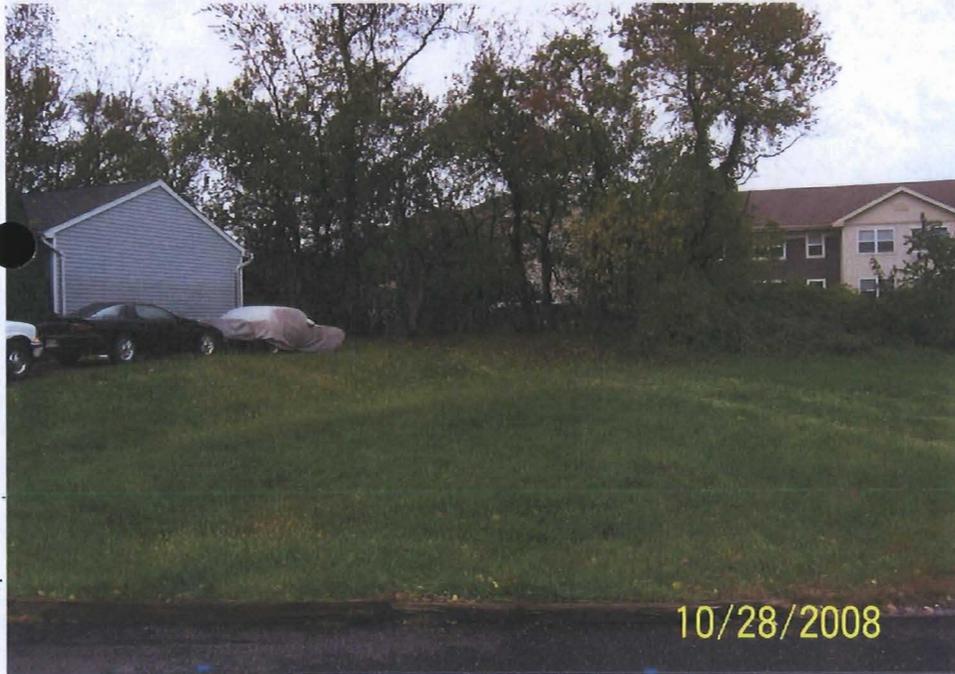
PETITIONER'S
EXHIBIT NO. 4



6



8



5



7



10



12



9



11





18



20



17



19



22



24



21



23



26



28



25



27



30



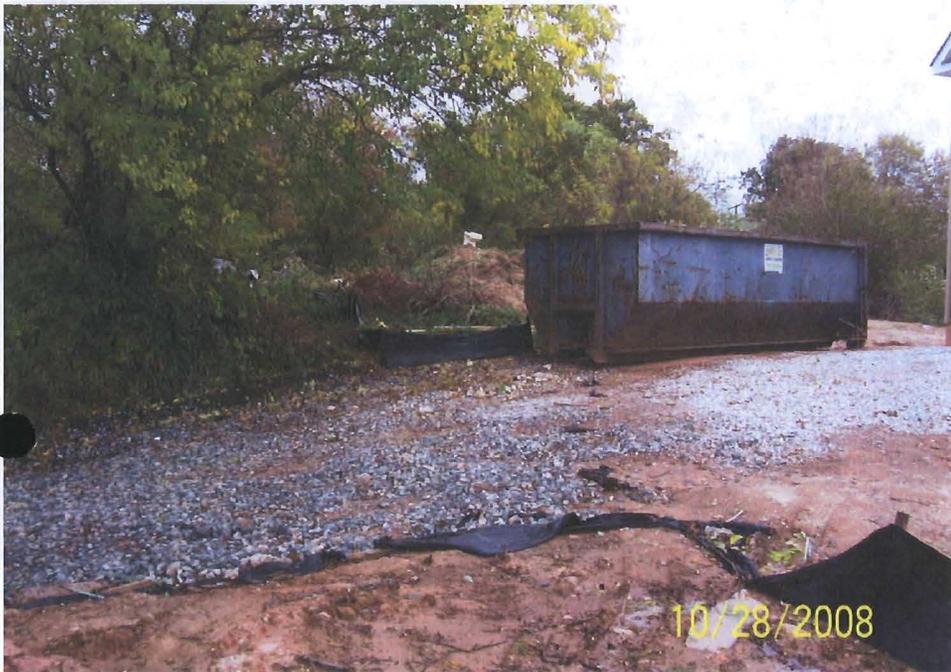
32



29



31



34



36



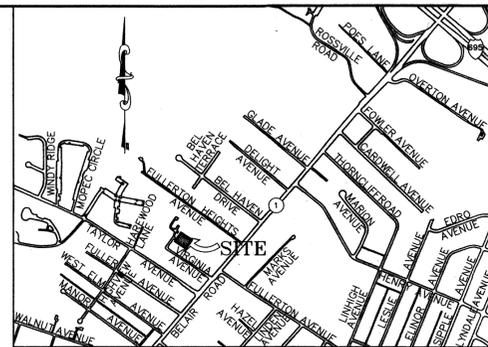
33



35

SMALL LOT TABLE

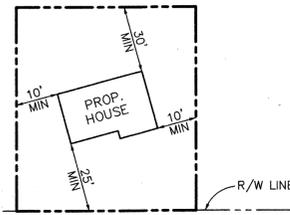
ZONING CLASSIFICATION	MINIMUM NET LOT AREA PER DWELLING UNIT (SQ. FT.)	MINIMUM LOT WIDTH	MINIMUM FRONT YARD DEPTH (FEET)	MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (FEET)	MINIMUM SUM OF SIDE YARD WIDTHS (FEET)	MINIMUM REAR YARD DEPTH (FEET)
D.R. 1	40,000	150	50	20	50	50
D.R. 2	20,000	100	40	15	40	40
D.R. 3.5	10,000	70	30	10	25	30
D.R. 5.5	6,000	55	25	10	-	30
D.R. 10.5	3,000	20	10	10	-	50
D.R. 16	2,500	20	10	25	-	30



VICINITY MAP
SCALE: 1"=1000'

SITE DATA
 NET AREA: 0.413 AC±
 GROSS AREA: 0.413 AC±
 EXISTING ZONING: DR 5.5, 200 SCALE MAP 81b2
 EXISTING USE: VACANT
 PROPOSED USE: 2 SINGLE FAMILY DWELLINGS
 DENSITY CALCULATIONS:
 UNITS ALLOWED: 0.413 AC (DR 5.5)= 2.27 UNITS
 TOTAL UNITS PERMITTED: 2
 TOTAL UNITS PROPOSED: 2
 OWNER: MCCLOSKEY GROUP LLC
 7306 BELAIR ROAD
 BALTIMORE, MD 21206
 (410) 661-4110
 TAX ACCOUNT NUMBER: 14-02-086304
 TAX MAP NO. 81 GRID 09 PARCEL 633
 DEED: S.M. 23495/727
 CENSUS TRACT: 4402 REGIONAL PLANNING DISTRICT: 316
 SCHOOL DISTRICT: FULLERTON ELEMENTARY SCHOOL
 PARKVILLE MIDDLE SCHOOL
 PARKVILLE HIGH SCHOOL
 PARKING REQUIRED: 2 P.S./LOT x 2 LOTS= 4 P.S.
 PARKING PROPOSED: 4 P.S. (9' x 18')
 WATER & SEWER DESIGNATIONS: W-1, S-1
 SUBSERVED: 47
 BACK RIVER WATERSHED

- GENERAL NOTES**
1. TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE 81B2.
 2. BOUNDARY SHOWN IS BASED ON A FIELD RUN BOUNDARY SURVEY PERFORMED BY LITTLE & ASSOCIATES, INC. IN MAY 2006.
 3. THERE ARE NO KNOWN CRITICAL AREAS, HAZARDOUS WASTE SITES, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES ON THIS PROPERTY.
 4. THIS PROPERTY HAS BEEN HELD INTACT SINCE 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
 5. THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
 6. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON SITE.
 7. THERE ARE NO KNOWN EXISTING WELL OR SEPTIC SYSTEMS LOCATED ON SITE.
 8. THE SOIL TYPES FOR THIS SITE WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 40.
 9. THE GRID SYSTEM SHOWN IS BASED ON THE MARYLAND COORDINATE SYSTEM NAD83-(1991).
 10. THIS SITE IS EXEMPT FROM THE FOREST CONSERVATION REGULATIONS.
 11. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, FOR TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB AND GUTTER.
 12. ARCHITECTURAL ELEVATION DRAWINGS WILL BE SUBMITTED TO THE BALTIMORE COUNTY OFFICE OF PLANNING FOR REVIEW AND APPROVAL PRIOR TO THE APPLICATION FOR BUILDING PERMITS.
 13. 25' BUILDING SETBACK REQUIRED PER ZONING COMMISSIONER'S POLICY MANUAL, SECTION 1802.3.C.1.d
 14. STORMWATER MANAGEMENT HAS BEEN ADDRESSED WITH A COMBINATION OF DRYWELLS AND A PAYMENT TO THE BALTIMORE COUNTY STORMWATER MANAGEMENT FUND.

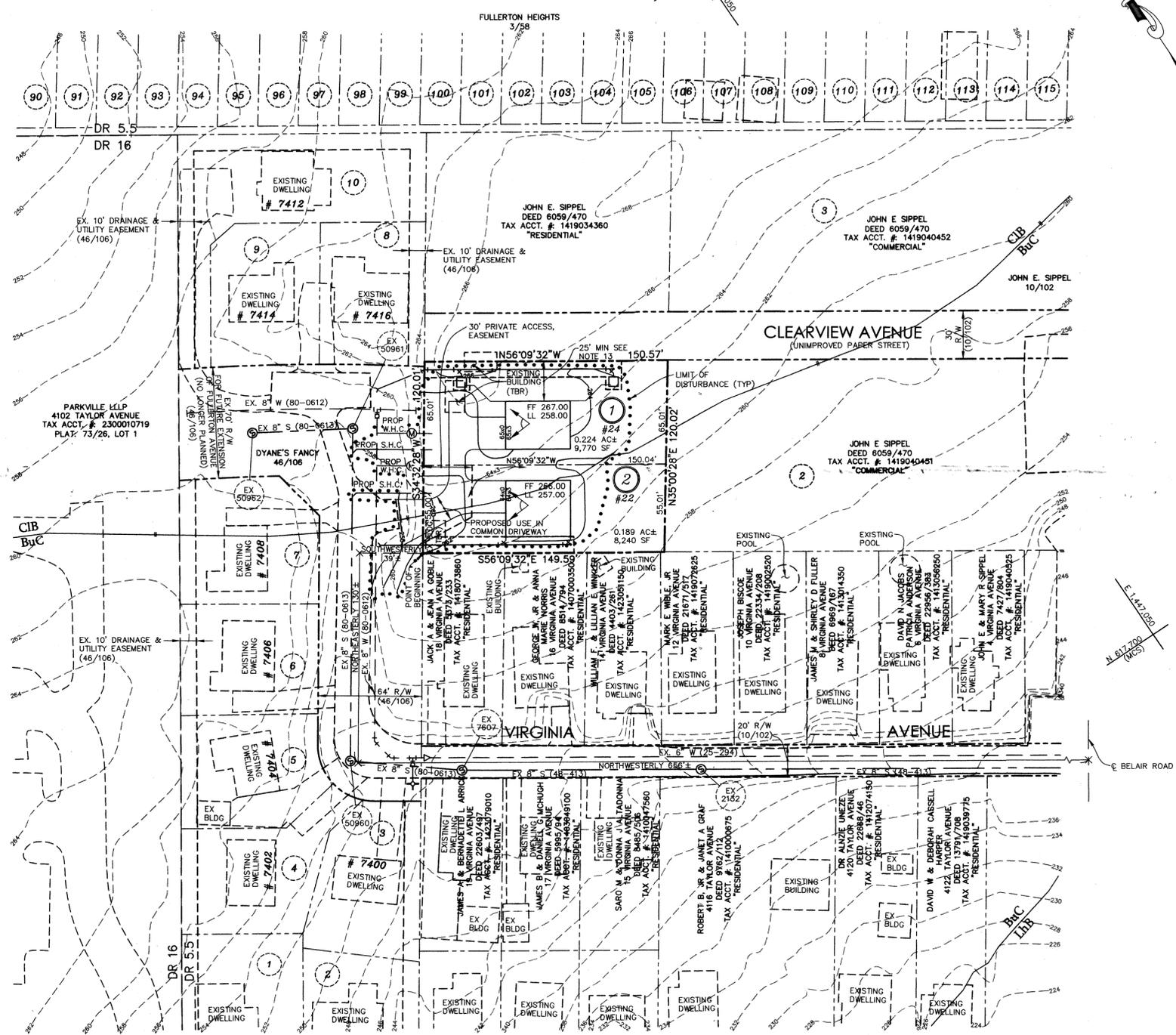


TYPICAL LOT LAYOUT
NOT TO SCALE

ZONING REGULATIONS (DR-5.5)
 FRONT - 25'
 REAR - 30'
 SIDE YARD 10'

LOT AREA TABLE

LOT NO.	AREA (AC.)	AREA (SF.)
1	0.224	9,770
2	0.189	8,240



- LEGEND**
- Sanitary Manhole
 - Storm Drain Manhole
 - Water Meter
 - Fire Hydrant
 - Water Valve
 - Cleanout
 - Utility Pole
 - Existing Contour
 - Tract Boundary
 - Limits of Disturbance
 - Soils
 - Ex Woods



LITTLE & ASSOCIATES, INC.
 ENGINEERS~LAND PLANNERS~SURVEYORS
 1055 TAYLOR AVENUE, SUITE 307
 TOWSON, MARYLAND 21286
 PHONE: (410)296-1636 FAX: (410)296-1639

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE AGENCY COMMENTS DATED OCTOBER 19, 2006 AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCIES COMMENTS.

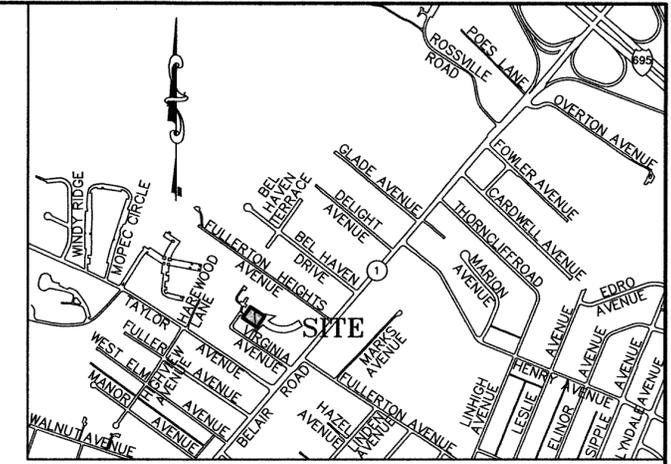
LIMITS OF DISTURBANCE
 16,397 S.F.± OR 0.3764 AC.±

PETITIONER'S
 EXHIBIT NO. 2

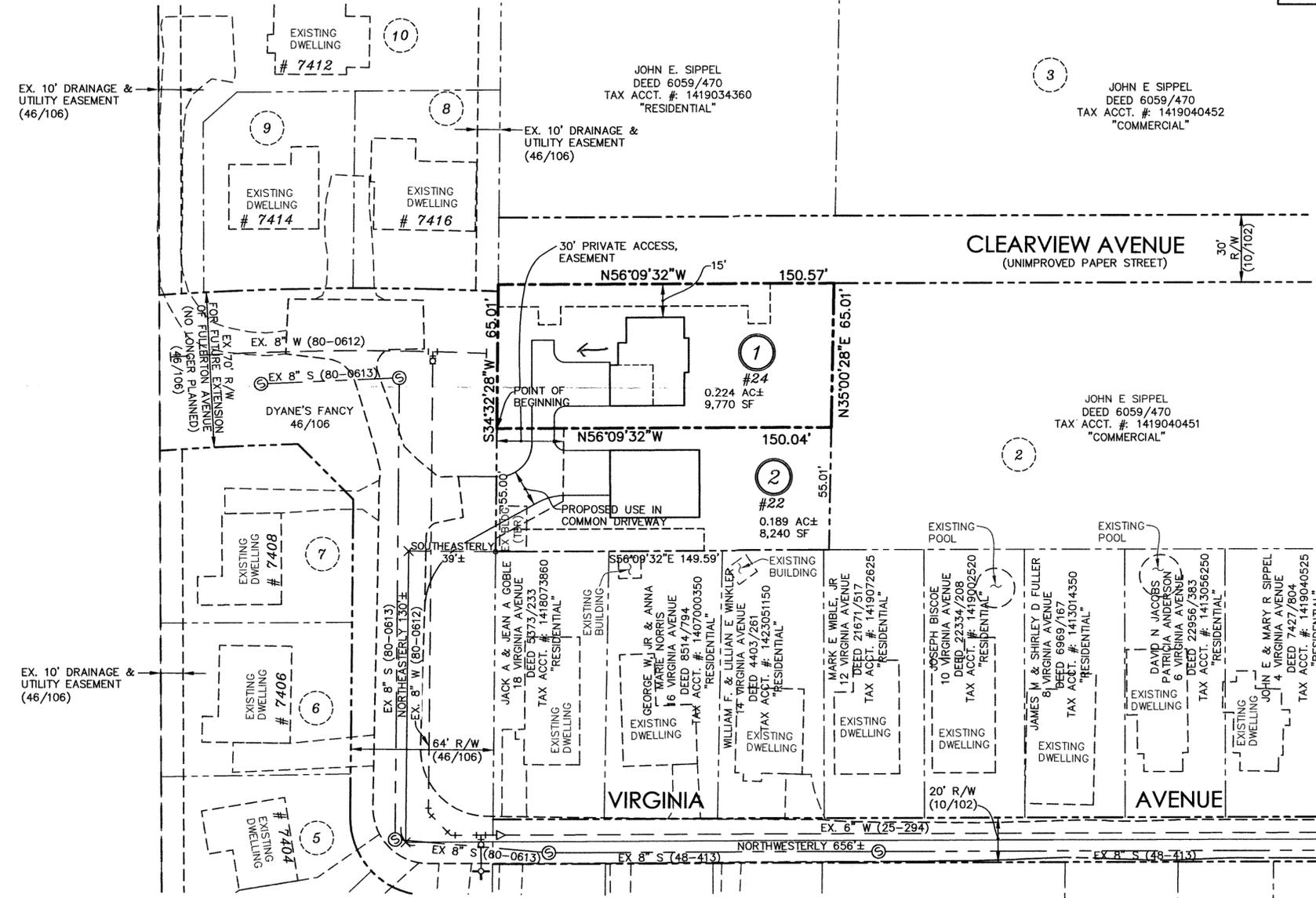
BALTIMORE COUNTY MINOR SUBDIVISION
 Project No. 06-108-M
 DEVELOPMENT REGULATIONS
 Exempt from Article 32, Title 4, Subtitle 2, BCC
 PDM CERTIFICATION
 Approved Disapproved
 By: *[Signature]* Date: 11/15/08
 APPROVED DEED BY: *[Signature]* Date: 3/4/08

MINOR SUBDIVISION PLAN
GOBLE PROPERTY

DISTRICT 14c6 BALTIMORE COUNTY, MD
 SCALE: 1"=40' DECEMBER 18, 2007
 JOB NO. 06013



VICINITY MAP
SCALE: 1"=1000'



ZONING VARIANCE REQUEST
A VARIANCE FROM SECTION 1B02.3.B.1 OF THE ZONING COMMISSIONER'S POLICY MANUAL, IN A D.R. 5.5 ZONE, TO ALLOW SINGLE FAMILY DWELLING TO HAVE A SIDE YARD SETBACK OF 15' (WHICH CONFORMS TO SECTION 1B02.3.C.1 BCZR) FROM A PUBLIC RIGHT-OF-WAY IN LIEU OF THE REQUIRED 25' SETBACK ON LOT #1.

ZONING MAP: 081B2
ZONING: DR 5.5
LOT SIZE: 0.224 AC±, 9,770 S.F.
SEWER: PUBLIC
WATER: PUBLIC
THIS PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
THIS PROPERTY IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN.
THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.

- LEGEND**
- ⊙ SANITARY MANHOLE
 - ⊕ STORM DRAIN MANHOLE
 - ⊗ WATER METER
 - ⊕ FIRE HYDRANT
 - WATER VALVE
 - ⊙ CLEANOUT
 - ⊕ UTILITY POLE



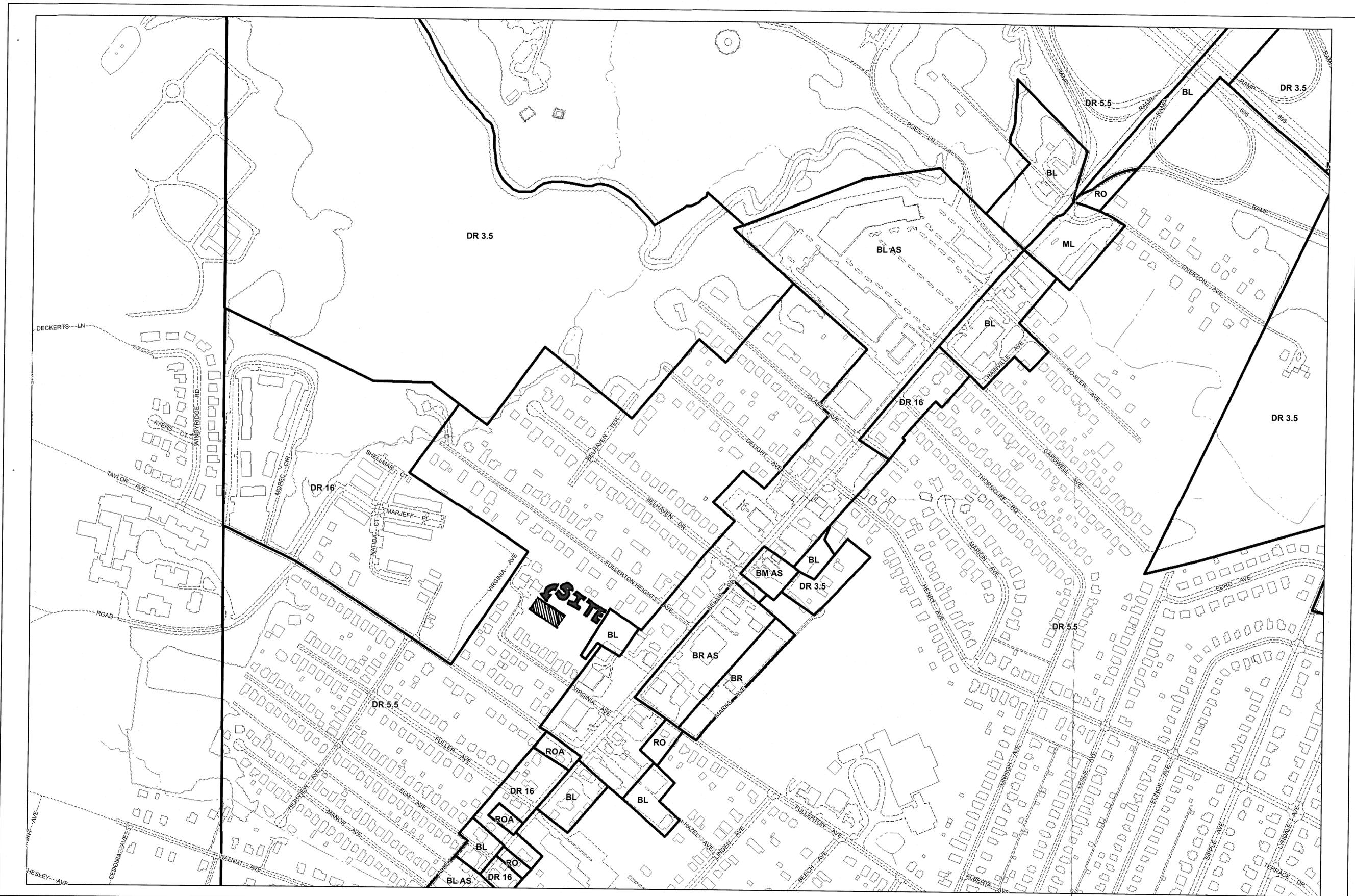
LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

ADDRESS: #24 VIRGINIA AVENUE
BALTIMORE, MD 21236-4610
GOBLE PROPERTY
MSP#: 06-108-M LOT #1
OWNER: McCLOSKEY GROUP, LLC
7306 BELAIR ROAD
BALTIMORE, MD 21206
(410) 661-4110

**PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
GOBLE PROPERTY**
DISTRICT 14c6 BALTIMORE COUNTY, MD
SCALE: 1"=40' AUGUST 12, 2007

**PETITIONER'S
EXHIBIT NO. 1**

Z:\PROJECTS\GOBLE PROPERTY\06013A\dwg\PLAN TO ACCOMPANY ZONING REQ.dwg, 8/27/2008 1:01:11 PM, Desig.pcl, 500-HR62.2 (CT7708).pc3, User:1308, 1:40



Plan Sheet: 081B2

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		Streams		Vegetation
	Buildings		Roads		Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

080C1	081A1	081B1	081C1	082A1
		081B2	081C2	082A2
		081B3	081C3	082A3

Scale
 " = 200'
 0 100 200 400 Feet

1 2009-0067-A

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