

IN RE: **PETITIONS FOR VARIANCE** *
E/S Linhigh Avenue, 176' & 225' N c/line of *
Henry Avenue *

BEFORE THE
ZONING COMMISSIONER

(201 & 203 Linhigh Avenue) *
14th Election District *
6th Council District *

OF
BALTIMORE COUNTY

Rita L. Staab *
Petitioner *

**Case Nos. 2009-0109-A &
2009-0110-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the legal owner of the subject properties, Rita L. Staab, for two (2) adjacent properties known as 201 Linhigh Avenue (Lots 467 & 468) and 203 Linhigh Avenue (Lots 469 & 470).¹ Since the properties are owned by the same person and are located adjacent to one another, the two (2) cases were heard contemporaneously. In Case No. 2009-0109-A (Lots 467 & 468), the Petitioner requests variance relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling on a lot with a lot width of 50 feet in lieu of the minimum required lot width of 55 feet. In Case No. 2009-0110-A (Lots 469 & 470), Petitioner requests similar relief. Specifically, relief is requested from B.C.Z.R. Section 1B02.3C.1 to permit a proposed single-family dwelling on an undersized lot with a lot width of 50 feet in lieu of the required 55 feet. The subject properties and requested relief are more particularly described on the site plan(s) submitted in each case, which were accepted into evidence and respectively marked as Petitioner's Exhibits 1 and 2.

¹ In 1951, Henry E. Staab and Rita L. Staab purchased Lots 467-470 in the subdivision of Linhigh. Their home was built on Lots 467 and 468 with the intent of building a second home on Lots 469 and 470 for family members. Henry E. Staab departed this world in July 2003 vesting fee simple ownership of the subject property to Rita L. Staab.

COPIES RECEIVED FOR FILING

Date 1-13-09

By [Signature]

Appearing at the requisite public hearing in support of the requests were Rita L. Staab, property owner, and her children, John Staab, Anne McHugh and Jeanne-Marie S. Holly. There were no Protestants or other interested persons present. As noted, Mrs. Staab has resided on the property for some 57 years and confirmed that adjacent property owners do not oppose the requested zoning relief.

Testimony and evidence offered revealed that the subject parcels are located on the east side of Linhigh Avenue, just north of Henry Avenue in the Overlea/Fullerton area. The lots are identified as Lots 467 through 470 on Maryland Department of Assessments and Taxation Map 81 and the plat of subdivision of Linhigh, an older subdivision platted and recorded in the Land Records prior to 1945, thus prior to the first amended set of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots are undersized and do not meet current area and width requirements. In this regard, each of the subject lots contains a gross area of over 6,000 square feet combined (Lots 467 & 468 [201 Linhigh Avenue] improved with a 2-story brick and stone dwelling are 50' wide x 145' deep and contain 7,250 square feet; unimproved Lots 469 & 470 [203 Linhigh Avenue] likewise contain a gross area of 7,250 square feet), more or less, zoned D.R.5.5. Rita Staab desires to convey the adjacent lots to her children for development with a new two-story single-family dwelling. Testimony indicated that this new dwelling and existing dwelling would meet all front, side and rear setback requirements. Relief is requested to approve lot widths of 50 feet respectively and to approve the properties as undersized lots (width at building line less than that required by the area regulations) to permit the proposed development. Photographs and real property data search records illustrate the pattern of development and show that the subject properties and surrounding community were built on combined 25-foot wide lots which is also confirmed by the Office of Planning in its

CORRECTION REQUESTED FOR PLANNING
Date 1-13-09
By [signature]

Zoning Advisory Committee (ZAC) comment. There is no physical evidence that the subject properties were used or consolidated with any other lot to invoke the doctrine of merger as described in *Friends of the Ridge v. Baltimore Gas & Electric Company* 352 Md. 645 (1999) and *Remes v. Montgomery County* 387 Md. 52 (2005). Moreover, the uncontradicted evidence clearly establishes that there has never been a desire to combine or merge the several parcels (Lots 467-468) with (Lots 469-470).

Testimony offered in support of the requests was that without variance relief, Lots 469 & 470 could not be developed. Obviously, strict compliance with the regulations would create a hardship as the zoning regulations result in a denial of a reasonable and sufficient use of the property (*See Belvoir Farms v. North* 355 Md. 259 [1999]). Moreover, based on the testimony and evidence presented, the Petitioner is entitled to her variances as they have met the requirements of Section 304 of the B.C.Z.R. (*See Mueller v. People's Counsel for Baltimore County* 177 Md. App. 43 [2007]). In my view, the relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale and, therefore, would meet the spirit and intent of Section 307 for relief to be granted. The proposed dwelling will meet all front, side and rear setback requirements and will be situated on the lot(s) consistent with other houses in the community. Building elevations will be submitted to the Office of Planning for approval prior to the issuance of a building permit. The only deficiency in both of these instances is the lot width, which is 5 feet shy of the required 55 feet. This Commission granted similar relief for neighboring properties at 200 and 202 Linhigh Avenue in 1998. *See* Case Nos. 99-12-A and 99-15-A.

ORDER RECEIVED FOR FILING
Date 1-13-09
By [Signature]

Pursuant to the resubdivision of the property, the advertisement, posting of the properties and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of January 2009, that the Petition for Variance filed in Case No. 2009-0109-A, seeking relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling on an undersized lot with a width of 50 feet, in lieu of the minimum required 55 feet, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, and

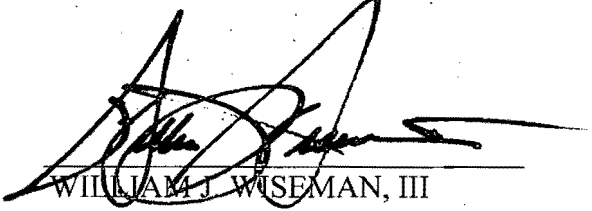
IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 2009-0110-A, seeking relief from Section 1B02.3C.1 of the B.C.Z.R., to permit a proposed buildable lot with a width of 50 feet in lieu of the minimum required 55 feet, and approval of the subject property (Lots 469 & 470) as an undersized lot, pursuant to Section 304 of the B.C.Z.R., for a proposed single-family dwelling, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; subject to the following conditions:

1. The Petitioner(s) may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner(s) is hereby made aware that proceeding at this time is at her own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The Petitioner, her successor or assigns, shall submit to the Office of Planning for review and approval prior to the issuance of any building permit the following:
 - (a) Building Elevations - The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area,

ORDER RECEIVED FOR FILING
Date 1-13-09
By [Signature]

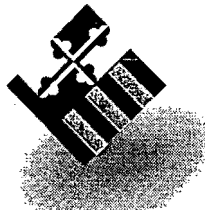
- (b) Photographs of adjacent homes in the area at the time of building permit application to demonstrate compatibility of the proposed architecture, and
- (c) Provide parking in the side or rear yard if off-street parking is required.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

COPIES RECEIVED FOR FILING
Date 1-13-09
By [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 13, 2009

Rita L. Staab
201 Linhigh Avenue
Baltimore, Maryland 21236

RE: **PETITIONS FOR VARIANCE**
E/S Linhigh Avenue, 176' & 225' N c/line of Henry Avenue
(201 & 203 Linhigh Avenue)
14th Election District - 6th Council District
Rita L. Staab - Petitioner
Case Nos. 2009-0109-A & 2009-0110-A

Dear Mrs. Staab:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted with conditions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. J. Wiseman III', written over a horizontal line.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: John Staab, 903 Terra Bella Court, Fallston, MD 21047
Anne McHugh, 9323 Perglen Road, Baltimore, MD 21236
Jeanne-Marie S. Holly, 9402 Concord Court, Baltimore, MD 21234
People's Counsel; Office of Planning; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 201 Linkhigh Ave

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) 1B 02.3 C 1

TO PERMIT AN EXISTING DWELLING ON A LOT WITH A LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET.

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

(TO BE PRESENTED AT THE HEARING)

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2009-0109-A

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 1-13-09

By DW

By A. Tsui Date 10/22/2008

ZONING Description For

201 Linhigh Ave

Beginning at a point the east side of
Linhigh Ave which is 40 Feet
Wide at the distance of 175 Feet North
of the centerline of the nearest improved
intersecting street Henry Ave which is
40 Feet wide, Being lot # 467-468

Block — Section # — in the subdivision of
Linhigh as recorded in Baltimore County Plat
Book # 7 Folio # 81 containing 7,250 S.F.
Also known as 201 Linhigh Ave. and located
in the 14 Election District 6 Councilman District

2009-0109-A

No

Date

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
------	------	------	----------	-----	---------	----------	---------	--------

Total

For:

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1801. It is a formal address, and it begins with the words "I have the honor to acknowledge the receipt of your letter of the 28th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration."

1150833 2004 11 24 08:59:24

SUBJECT: MURDER OF MARTIN LUTHER KING, JR.

1964-1965

2. STATE ZONING VERIFICATION

0876

Report of the

THE UNIVERSITY OF CHICAGO

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: # 2009-0109-A
201 Linhigh Avenue
E/side of Linhigh Avenue, 175
ft. north of centerline of Henry
Avenue.
14th. Election District
6th. Councilmanic District
Legal Owner(s): Rita Staab
Variance: to permit an exist-
ing dwelling on a lot with a lot
width of 50 feet in lieu of the
required 55 feet.
Hearing: Monday, January 5,
2009 at 9:00 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 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.

12/180 Dec. 18 190769

CERTIFICATE OF PUBLICATION

12/18/, 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 12/18/, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 12/25/08

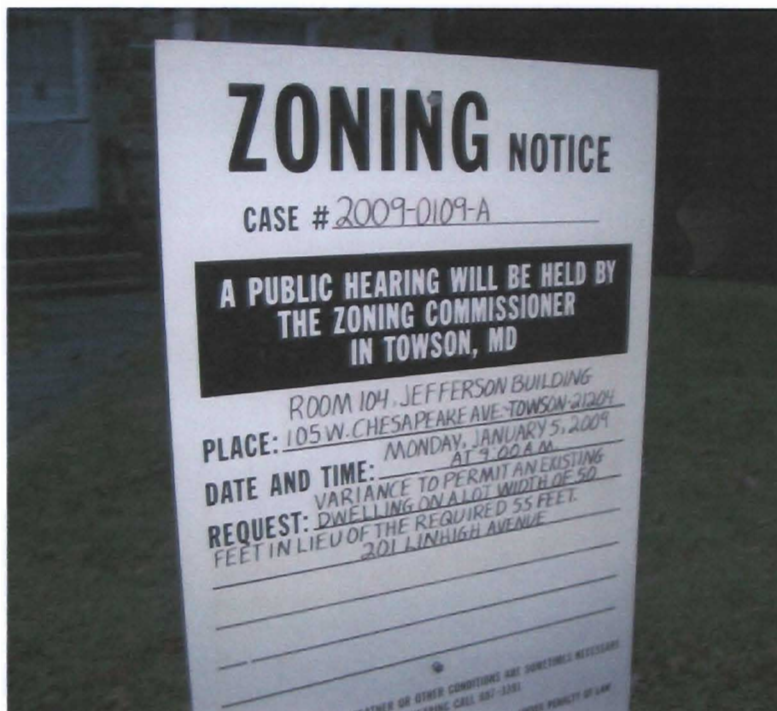
Case Number: 2009-0109-A

Petitioner / Developer: RITA & JOHN STAAB

Date of Hearing (Closing): JANUARY 5, 2009

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:
201 LINHIGH AVENUE

The sign(s) were posted on: DECEMBER 20, 2008



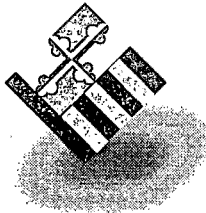
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

November 13, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 2009-0109-A

201 Linhigh Avenue

E/side of Linhigh Avenue, 175 ft. north of centerline of Henry Avenue

14th Election District – 6th Councilmanic District

Legal Owners: Rita Staab

Variance to permit an existing dwelling on a lot with a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Monday, January 5, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Rita Staab, 201 Linhigh Avenue, Baltimore 21236
John Staab, 903 Terra Bella Court, Fallston 21047

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 20, 2008**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 18, 2008 Issue - Jeffersonian

Please forward billing to:

Rita Staab
201 Linhigh Avenue
Baltimore, MD 21236

410-529-9351

NOTICE OF ZONING HEARING

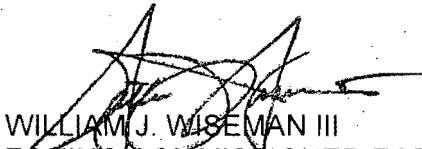
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0109-A

201 Linhigh Avenue
E/side of Linhigh Avenue, 175 ft. north of centerline of Henry Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Rita Staab

Variance to permit an existing dwelling on a lot with a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Monday, January 5, 2009 at 9:00 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: 2009-0109-A

Petitioner: RITA STAAB

Address or Location: 201 LINHIGH AVE, BALTIMORE
MD 21236

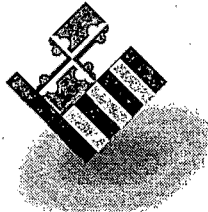
PLEASE FORWARD ADVERTISING BILL TO:

Name: RITA STAAB

Address: 201 LINHIGH AVE
BALTIMORE, MD 21236

Telephone Number: 410-529-9351

Revised 7/11/05 - 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
December 31, 2008

Rita L. Staab
201 Linhigh Ave.
Baltimore, MD 21236

Dear: Rita L. Staab

RE: Case Number 2009-0109-A, 201 Linhigh Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 22, 2008. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
John Staab, 903 Terra Bella Ct., Fallston, MD 21047

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 2, 2009

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

RECEIVED

SUBJECT: 210 & 203 Linhigh Avenue
INFORMATION:

JAN 05 2008

ZONING COMMISSIONER

Item Number: 9-109 & 09-110

Petitioner: Rita L Staab

Zoning: DR 5.5

Requested Action: Variance for lot width of 50 feet in lieu of 55 feet

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width requirement and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing similar width lots in the neighborhood and as such the proposed house at 203 Linhigh Avenue is consistent with the pattern of the neighborhood. As such, this office does not oppose the petitioner's request.

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

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Submit photographs of adjacent homes in the area at the time of building permit application to demonstrate compatibility of the proposed architecture.
3. Provide parking in the side or rear yard if off-street parking is required.

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

Prepared by:

Division Chief:
AFK/LL

1-5-09

9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
NOV 21 2008

BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 20, 2008

SUBJECT: Zoning Item # 09-109-A
Address 201 Linhigh Avenue
(Staab Property)

Zoning Advisory Committee Meeting of November 3, 2008

X 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).

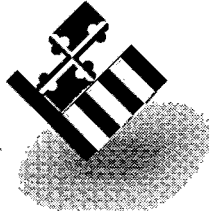
Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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: JWL

Date: 11/20/08



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

November 10, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 03, 2008

Item Numbers: Item Number 0109 through 0125

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 7, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 10, 2008
Item No.: 2009-109, 110, 112, 113,
114, 115, 116, 117, 118, 119, 120,
122 & 123

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

DAK:CEN:cab
cc: File

ZAC-11072008-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: Nov. 3, 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 2009-0109-A
201 LINHIGH AVE
STAB PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0109-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 ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR VARIANCE * BEFORE THE
201 Linhigh Avenue; E/S Linhigh Avenue, * ZONING COMMISSIONER
175' N of c/line of Henry Avenue *
14th Election & 6th Councilmanic Districts *
Legal Owner(s): Rita L. Staab * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-109-A

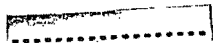
* * * * *

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.

RECEIVED

NOV 12 2008



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November, 2008, a copy of the foregoing Entry of Appearance was mailed to John Staab, 903 Terra Bella Court, Fallston, MD 21047, Representative for Petitioner(s).

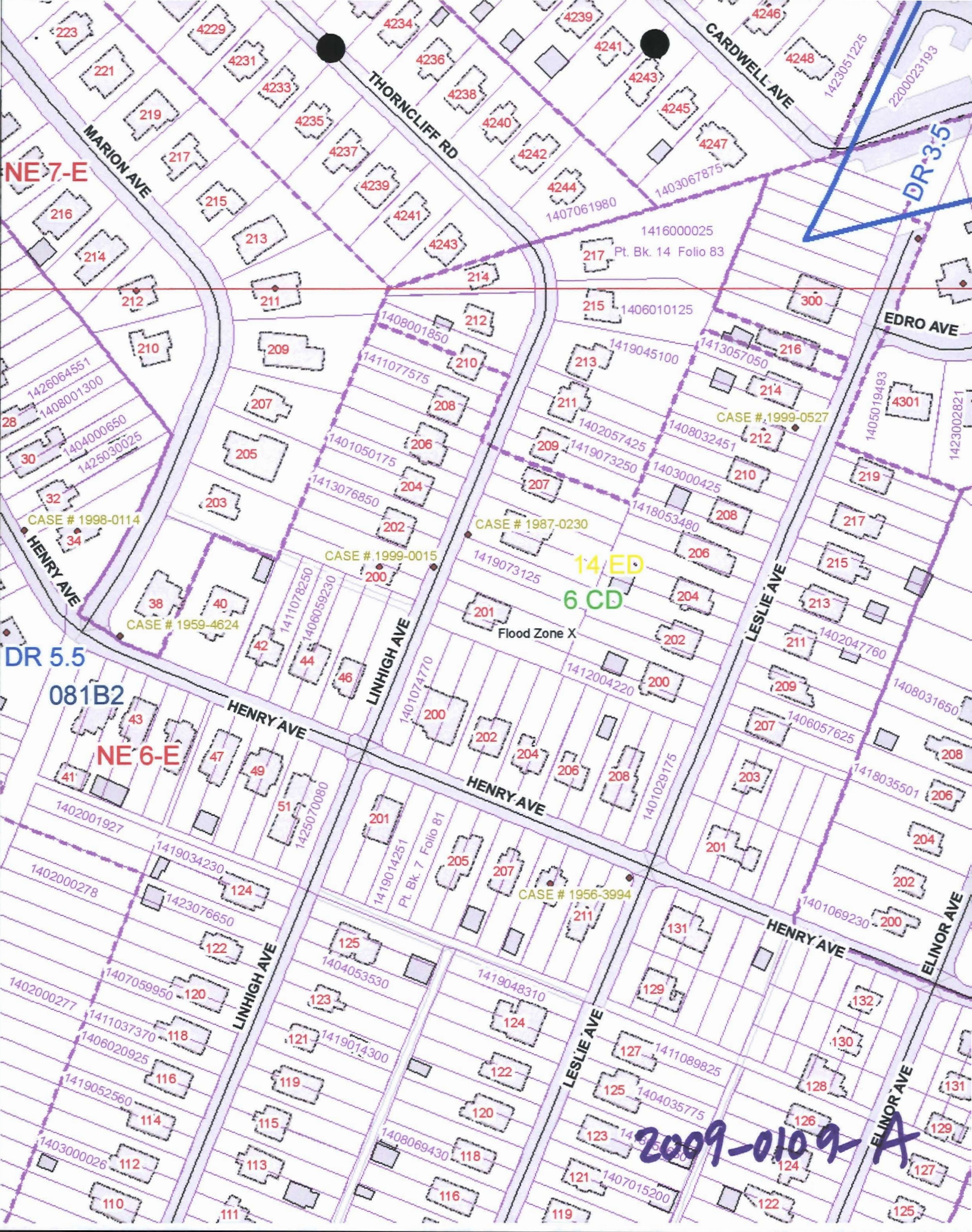
Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME Rita J. Stash
CASE NUMBER 2009-0109A
DATE 2009-0110A
ET 1-5-09

1-5-09

[illegible]



2009-0109-A 201 LINHIGH AVE
Case No.: 2009-0110-A 203 LINHIGH AVE.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site PLAN	
No. 2	Engineering Plat	
No. 3	Photographs Existing Cond. terms	
No. 4	200 - 202 Linhigh - Previous zoning relief	
No. 5	Pattern of Development	
No. 6	NOTE. ORIGINAL PHOTO EXHIBITS	
No. 7	PLACED IN FILE 09-110-A	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 201 Linhigh Ave

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

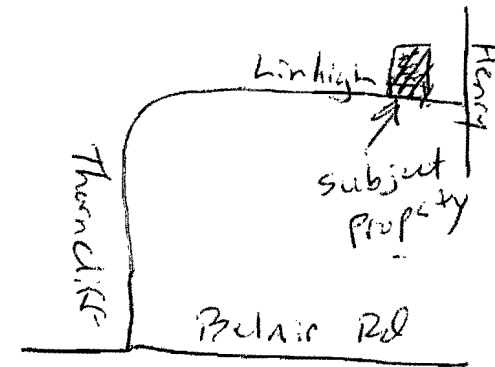
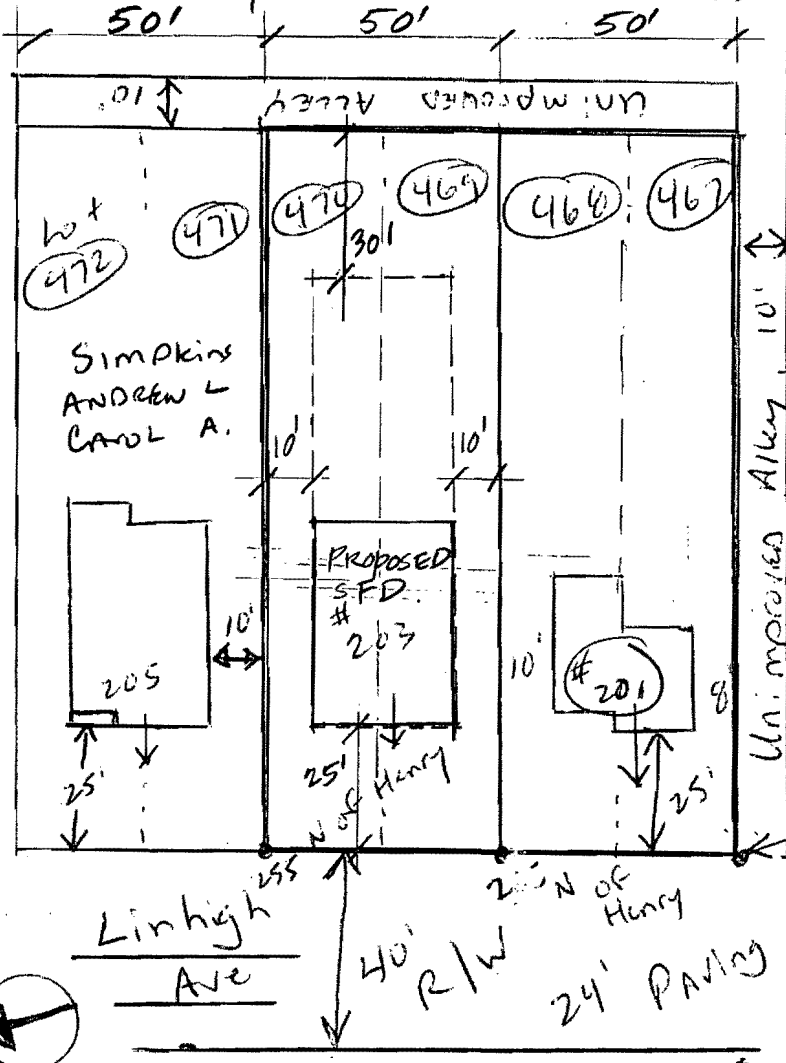
SUBDIVISION NAME Linhigh

PLAT BOOK # 7 FOLIO # 81 LOT # 467-468 SECTION #

OWNER Rita L. STAAB
Henry E. STAAB (DECEASED)

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 14
COUNCILMANIC DISTRICT 6
1" = 200' SCALE MAP # 081B2
ZONING DR S.5

LOT SIZE 7.250
ACREAGE SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE ☐
WATER ☒ PUBLIC ☐ PRIVATE ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
PRIOR ZONING HEARING NONE

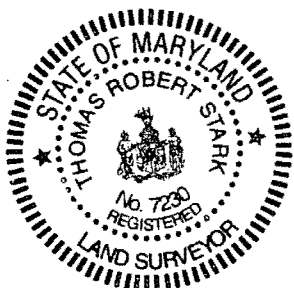
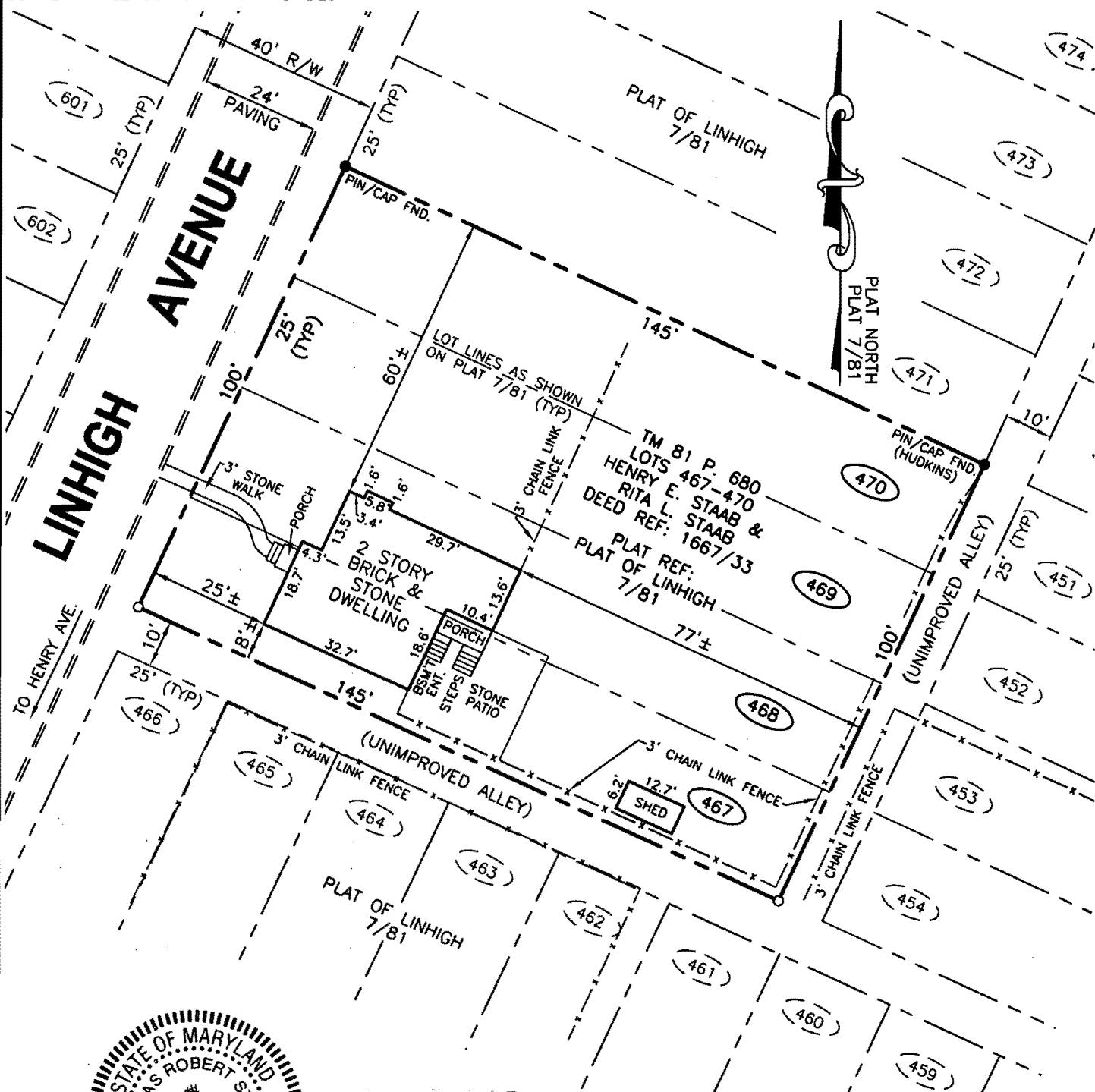
ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PREPARED BY JCS

SCALE OF DRAWING: 1" = 40'0"

A. Tsui 0109 2009-0109-A

THIS LOCATION DRAWING HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND BOARD OF PROFESSIONAL LAND SURVEYORS MINIMUM STANDARDS OF PRACTICE AND IS OF BENEFIT TO A CONSUMER ONLY, INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT, IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING AND IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS AND DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. NO CURRENT TITLE SEARCH WAS PROVIDED.



PETITIONER'S

EXHIBIT NO.

2

2009-0109-A

NOTES:

- (1) BUILDING DIMENSIONS SHOWN HEREON ARE FIELD MEASURED EXTERIOR DIMENSIONS.
- (2) APPARENT ENCROACHMENTS, EITHER WAY ACROSS PROPERTY LINES, AS DETERMINED BY VISUAL INSPECTION, ARE SHOWN HEREON; (2) IMPROVEMENT SETBACK DIMENSIONS, SHOWN HEREON, ARE WITHIN A TOLERANCE OF 1 FT.; (3) THE LOT HEREON IS WITHIN ZONE(S) "C" AS SHOWN ON THE F.I.R.M. MAP 240010 0410 B DATED MARCH 2, 1981.

OWNER:

HENRY E. STAAB &
RITA L. STAAB
201 LINHIGH AVE.
BALT., MD. 21236

DEED REF: 1667/33
PLAT REF: "LINHIGH" W.P.C. 7/81

THOMAS R. STARK
PROFESSIONAL LAND SURVEYOR
MARYLAND REG. NO. 7230

DATE

3-12-08



Civil Engineers • Land Surveyors • Landscape Architects
Planners • Geotechnical Engineers • Environmental Engineers
215 Bynum Road
Forest Hill, Maryland 21050
Phone (410) 879-7200 • Fax (410) 838-1811
E-mail: cnamail@cna-engineers.co

FINAL LOCATION DRAWING
LAND OF

HENRY E. STAAB & RITA L. STAAB
#201 LINHIGH AVENUE

TAX MAP 81, P. 680
LOTS 467, 468, 469 & 470

FOURTEENTH ASSESSMENT DISTRICT BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 30'

DATE: 3/12/08
FIELD DATE: 2/18/08

BY: SEP
CHECKED BY: JES

BOOK: CNA PAD

JOB NO.: 08030

L:\Survey\08000\08030_LinhighAve(201)\LocationSurvey\08030_Location.dwg

ZONING NOTICE

CASE # 2104A

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

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PETITIONER' S

EXHIBIT NO. 3A

ZONING NOTICE

CASE # 2009-0101A

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

PLACE: 10511 W. 11TH AVE. TOWSON, MD
DATE AND TIME: 11:00 AM - 1:00 PM
REQUEST: 10511 W. 11TH AVE. TOWSON, MD
201 JENNIFER AVENUE

FOR INFORMATION: 10511 W. 11TH AVE. TOWSON, MD
10511 W. 11TH AVE. TOWSON, MD
10511 W. 11TH AVE. TOWSON, MD
HANDICAPPED ACCESSIBLE

PETITIONER'S

EXHIBIT NO. 33



PETITIONER'S

EXHIBIT NO. 4



PETITIONER'S

EXHIBIT NO. 5A



PETITIONER'S
EXHIBIT NO. 5B