

3/16/09
IN RE: PETITION FOR VARIANCE

W side of Lincoln Avenue, 50 feet N
of c/l of Betz Avenue
15th Election District
7th Councilmanic District
(2203 Lincoln Avenue)

Michael and Amanda Warren
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0113-A**

* * * * *

IN RE: PETITION FOR VARIANCE

W side of Lincoln Avenue, 100 feet N
of c/l of Betz Avenue
15th Election District
7th Councilmanic District
(2205 Lincoln Avenue)

Michael and Amanda Warren
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0114-A**

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner for consideration of a Motion for Reconsideration filed by Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County. The Motion for Reconsideration was filed pursuant to Rule 4(k) of Appendix G of the Baltimore County Zoning Regulations (B.C.Z.R.) wherein the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer for Baltimore County are provided. Rule 4(k) permits a party to file a Motion for Reconsideration of an Order issued by the Zoning Commissioner. This Motion must be filed within 30 days of the date the Order was issued, and must state with specificity the grounds and reasons for their request.

In the instant matter, Petitioner requested Variance relief in the aforementioned Case Numbers as follows: For the property located at 2203 Lincoln Avenue, the variance request was from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 50

foot lot width in lieu of 55 feet, and to permit a side yard setback for an existing covered patio of 2 feet in lieu of the required 7.5 feet. For the property located at 2205 Lincoln Avenue, the variance request was from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 50 foot lot width in lieu of 55 feet. In an Order dated January 14, 2009, the undersigned granted the requested variances.

Thereafter, on January 23, 2009, People's Counsel filed the aforementioned Motion for Reconsideration. In his Motion, Mr. Zimmerman referenced conditions 4 and 5 of the Order which required compliance with Chesapeake Bay Critical Area (CBCA) regulations in the event the properties were in fact within the CBCA. During the previous zoning hearing, even though the file was marked as subject to CBCA regulations, Petitioners questioned whether their properties were within the CBCA and affirmatively indicated they did not believe their properties were within the CBCA. In its Motion, People's Counsel indicates that the site plan shows the properties' proximity to Old Road Bay and Jones Creek, and that they are clearly within 1,000 feet of the waterfront, and thus subject to CBCA regulations. As a result, People's Counsel requests that conditions 4 and 5 be deleted and substituted in their place a condition which states that the properties are in the CBCA and must comply in all respects with the CBCA regulations and any other applicable state and local law, including limits on maximum permitted lot coverage and minimum afforestation requirements.

In considering the Motion for Reconsideration, the undersigned reviewed the file as well as notes taken during the hearing and the Findings of Fact and Conclusions of Law dated January 14, 2009. After reviewing the testimony and evidence, I am persuaded to grant the Motion and delete conditions 4 and 5 as contained in the original Order. Other than Petitioners' assertion that their property was not within the CBCA, Petitioners did not present any evidence that the

property was not, in fact, within the CBCA. On the other hand, the site plan and the affirmative written Zoning Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management (DEPRM) indicating the properties must comply with CBCA regulations leads me to the conclusion that the properties do lie within the CBCA and that the undersigned should have included the CBCA requirements and the Limited Development Area (LDA) requirements as unequivocal conditions in my original Order.

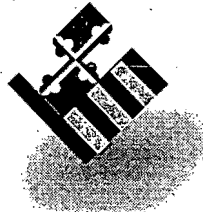
WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of March, 2009 that the aforementioned Motion for Reconsideration be and is hereby GRANTED as follows:

Conditions 4 and 5 in the January 14, 2009 Order shall be deleted and replaced with the following:

4. The properties known as Lots 14 and 15 are within the Chesapeake Bay Critical Area (CBCA). Petitioners and any subsequent owners are advised that development of the properties 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).
5. The properties are located within the Limited Development Area (LDA) of the CBCA. The maximum permitted lot coverage is 31.25% which equals 3,478 square feet. The 25% threshold is 2,782 square feet. Mitigation is required between 25%-31.25%. There is also a 15% afforestation requirement for the lots that must be met on-site.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 16, 2009

PETER MAX ZIMMERMAN
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
105 WEST CHESAPEAKE AVENUE, SUITE 204
TOWSON MD 21208

Re: Petition for Variance
Order on Motion for Reconsideration
Case Nos: 2009-0113-A and 2009-0114-A
Property: 2203 Lincoln Avenue and 2205 Lincoln Avenue

Dear Mr. Zimmerman:

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 dark ink, appearing to read "J. H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Michael And Amanda Warren, 2203 Lincoln Avenue, Sparrows Point MD 21219



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

January 23, 2009

HAND-DELIVERED

Thomas H. Bostwick, Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

JAN 23 2009

Re: PETITIONS FOR VARIANCE
Michael and Amanda Warren – Petitioners
2205 and 2207 Lincoln Avenue
Case Nos.: 09-113-A & 09-114-A

ZONING COMMISSIONER

Dear Mr. Bostwick:

Please accept this letter as a Rule K Motion for Reconsideration of the Findings of Fact and Conclusions of Law and Order dated January 14, 2009 in the above case.

Upon review of the site plan and consultation with David Lykens, the zoning comment liaison of the Department of Environmental Protection and Resource Management (DEPRM), it is clear that this property is well within the Chesapeake Bay Critical Area (CBCA). The site plan shows its proximity to Old Road Bay and Jones Creek. It is clearly within 1000 feet of the waterfront. The enclosed November 20 DEPRM compilation of comments on both cases addresses the subject in some detail.

So far as we can tell, there is no basis for petitioners' suggestion that the property is not in the Chesapeake Bay Critical Area. If it is necessary to an evidentiary hearing, we would be available to present evidence.

We ask that the opinion and order be modified, that the Commissioner delete conditions 4 and 5, and substitute in their place a condition which states that the properties are in the Chesapeake Bay Critical Area, attaches the enclosed DEPRM comments, and orders that any development must comply in all respects with the CBCA regulations in Title 33, 2-1001, et seq. and any other applicable state and local law,

Thomas H. Bostwick, Deputy Zoning Commissioner

January 23, 2009

Page 2

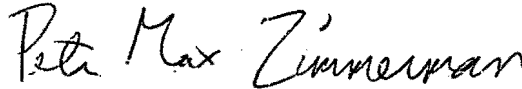
including not limited to the maximum permitted lot coverage and minimum afforestation requirements stated in the law.

As a footnote, we also take this opportunity to mention BCZR § 500.14. This section enumerates three environmental protection and conservation conditions which DEPRM should address in making recommendations on zoning cases in the CBCA. In turn, these should be addressed in each decision. I am sending a copy of this letter both to Mr. Lykens as well as to Patricia Farr, supervisor of the CBCA program. We are hopeful that in future cases, this section will be addressed in substance.

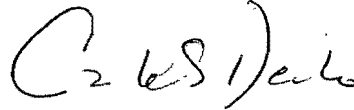
For the present cases, we would be content if the conditions are modified as requested above to comply with the specific conditions articulated in the respective DEPRM correspondence on 2203 and 2205 Lincoln Avenue. We believe this clarification will assure the Petitioners are not under a misapprehension as they proceed.

Thank you for your consideration.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/rmw

cc: Michael & Amanda Warren
David Lykens, DEPRM
Patricia Farr, DEPRM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 20, 2008

SUBJECT: Zoning Item # 09-113-A
Address 2203 Lincoln Avenue
(Warren Property)

Zoning Advisory Committee Meeting of November 3, 2008

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

X 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).

X 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:

The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). The maximum permitted lot coverage is 31.25%, which equals 3,462 square feet. The 25% threshold is 2,770 square feet. Mitigation is required between 25%-31.25%. There is also a 15% afforestation requirement for the lot that must be met on-site.

Reviewer: Shawn Krout

Date: 11/14/08

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 20, 2008
SUBJECT: Zoning Item # 09-114-A
Address 2205 Lincoln Avenue
(Warren Property)

Zoning Advisory Committee Meeting of November 3, 2008

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

X 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).

X 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:

The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). The maximum permitted lot coverage is 31.25%, which equals 3,478 square feet. The 25% threshold is 2,782 square feet. Mitigation is required between 25%-31.25%. There is also a 15% afforestation requirement for the lot that must be met on-site.

Reviewer: Shawn Krout

Date: 11/14/08

1/14/09

IN RE: PETITION FOR VARIANCE

W side of Lincoln Avenue, 50 feet N
of c/l of Betz Avenue
15th Election District
7th Councilmanic District
(2203 Lincoln Avenue)

Michael and Amanda Warren
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0113-A**

* * * * *

IN RE: PETITION FOR VARIANCE

W side of Lincoln Avenue, 100 feet N
of c/l of Betz Avenue
15th Election District
7th Councilmanic District
(2205 Lincoln Avenue)

Michael and Amanda Warren
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0114-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner for consideration of Petitions for Variance filed by Michael and Amanda Warren. In each case number, Petitioners are requesting the following variance relief:

Case No. 2009-0113-A: For the property located at 2203 Lincoln Avenue, the variance request is from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 50 foot lot width in lieu of 55 feet, and to permit a side yard setback for an existing covered patio of 2 feet in lieu of the required 7.5 feet.

Case No. 2009-0114-A: For the property located at 2205 Lincoln Avenue, the variance request is from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 50 foot lot width in lieu of 55 feet.

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1-14-09
[Signature]

The subject properties at 2203 and 2205 Lincoln Avenue and the requested relief are more fully described on the site plans which were marked and accepted into evidence as Petitioners' Exhibits 1A and 1B, respectively.

Appearing at the requisite public hearing in support of the variance requests was Petitioner Michael Warren. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the properties that make up 2203 Lincoln Avenue (Case No. 0113-A) and 2205 Lincoln Avenue (Case No. 2009-0114-A) are each rectangular in shape and are zoned D.R.5.5. The properties are located on the east side of Lincoln Avenue, east of the Sparrows Point Industrial Complex, in the southeast area of Baltimore County. The properties are part of the "East Chesapeake Terrace" subdivision. 2203 Lincoln Avenue is identified as Lot 14 and consists of 11,080 square feet, or 0.254 acre, and 2205 Lincoln Avenue is identified as Lot 15 and consists of 11,130 square feet, or 0.256 acre. The lots are each 50 feet wide by approximately 220 feet deep. The property is currently improved with a one-story dwelling consisting of approximately 960 square feet which is situated entirely on Lot 14. There is also a concrete driveway that runs along the south side of Lot 14 and a covered concrete patio attached to the dwelling located at the northeast corner of Lot 14.

Petitioner purchased the property with his wife in May 2005 with the aforementioned improvements. The home's interior consists of three bedrooms, 1½ bathrooms, living room, and kitchen/dining room. A family room is located in an area of the basement that is finished. Petitioners have three children, ages 13, 8, and 2. They realize that they are outgrowing the home, but like their home, the area, and the schools. They wish to eventually build an addition

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[Signature]

to their home, however, in order to make it financially feasible, they also desire to establish Lot 15 as a separate, buildable lot so it can be sold if necessary.

Further evidence revealed that the dwelling was constructed on Lot 14 in 1930, and that both Lots 14 and 15 were platted and recorded in the Land Records as part of the "East Chesapeake Terrace" prior to 1930, well before the first set of Zoning Regulations in Baltimore County in 1945. And as is often the case with these older subdivisions, many of the lots are undersized by today's standards and do not meet the current width requirements. As such, Petitioners are in need of variance relief for Lot 15 from the required 55 foot minimum width. Petitioners also seek variance relief for Lot 14 from the required 55 foot minimum width, as well as from the side yard setback requirement of 7.5 feet for their covered patio. These variances for Lot 14 are for Petitioners' current residence in order legitimize existing conditions.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated November 25, 2008 which indicate that there appear to be several existing undersized lots in the neighborhood. As such, the Planning Office does not oppose Petitioners' request. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated November 20, 2008 which indicate the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located within the Limited Development Area of the CBCA. The maximum permitted lot coverage is 31.25% which equals 3,478 square feet. The 25% threshold is 2,782 square feet. Mitigation is required between 25%-31.25%. There is also a 15% afforestation requirement for the lot that must be met on-site. However, in response to the DEPRM comment, Petitioner indicated that the property is not in the Chesapeake Bay Critical

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Area. The undersigned informed Petitioner that this issue would need to be addressed with DEPRM in order to determine if DEPRM's comments are applicable.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief as to the minimum lot widths. Without variance relief, Lot 14 would be in violation of the current regulations and Lot 15 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, Petitioners are entitled to their 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 of the B.C.Z.R. for relief to be granted. In addition, Petitioner indicates that any future dwelling on Lot 15 will be constructed and situated in a manner consistent with other houses in the community. Building elevations will need to 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 five feet shy of the required 55 feet. As to the side yard setback variance, this is to legitimize an existing condition. Petitioner indicated the covered patio has been in existence since before he and his wife purchased the property and there are other similar structures attached to a number of homes in the surrounding neighborhood. Hence, I do not find any negative impacts to the public health, safety and general welfare associated with the covered patio and shall grant this variance as well.

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~~PM~~

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

THEREFORE, IT IS ORDERED this 14th day of January, 2009 by this Deputy Zoning Commissioner, that variance relief for properties set forth as follows:

Case No. 2009-0113-A: For the property located at 2203 Lincoln Avenue, the variance request from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 50 foot lot width in lieu of 55 feet, and to permit a side yard setback for an existing covered patio of 2 feet in lieu of the required 7.5 feet be and are hereby GRANTED.

Case No. 2009-0114-A: For the property located at 2205 Lincoln Avenue, the variance request from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 50 foot lot width in lieu of 55 feet be and is hereby GRANTED.

Both properties are subject, however, to the following conditions precedent to the relief granted herein:

1. Petitioners may apply for any applicable building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners or any subsequent owners of Lot 15 shall submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permit. A proposed dwelling on Lot 15 shall be compatible in size, exterior building materials, color and architectural detail as that of the existing dwellings in the area.
3. For Lots 14 and 15, landscaping shall be provided along the public road if consistent with the existing streetscape.

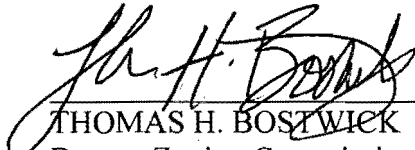
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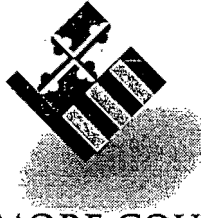
4. If it is determined that Lots 14 and 15 are within the Chesapeake Bay Critical Area (CBCA), Petitioners and any subsequent owners are advised that development of the properties must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
5. If within the CBCA, it should also be noted that the properties are located within the Limited Development Area of the CBCA. The maximum permitted lot coverage is 31.25% which equals 3,478 square feet. The 25% threshold is 2,782 square feet. Mitigation is required between 25%-31.25%. There is also a 15% afforestation requirement for the lot that must be met on-site.

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 REJECTED FOR FILING~~
~~1-14-09~~
~~PB~~



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 14, 2009

MICHAEL AND AMANDA WARREN
2203 LINCOLN AVENUE
SPARROWS POINT MD 21219

Re: Petition for Variance
Case Nos. 2009-0113-A and 2009-0114-A
Property: 2203 Lincoln Avenue and 2205 Lincoln Avenue

Dear Mr. and Mrs. Warren:

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 dark ink, appearing to read "Tom H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2203 Lincoln Avenue
which is presently zoned DR S.5

Deed Reference: 218831652 Tax Account # 1512401050

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)

1 B 02.3.C.1 to permit a

50' lot width in lieu of 55' and to permit a side yard setback for an existing covered patio of 2 ft. in lieu of the required 7.5 ft.

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

Family has outgrown house. Need to sell lot for money to build onto home.

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):

Michael Edward Warren Jr

Name - Type or Print

Michael E Warren Jr

Signature

Amanda Lynn Warren

Name - Type or Print

Amanda Lynn Warren

Signature

2203 Lincoln Avenue

4103881325

Address

Telephone No.

Sparrows Point MD

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

Case No. 2009-0113-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by AM Date 10/23/08

REV 8/20/07

1-14-09

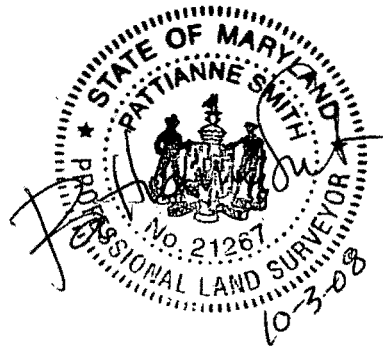
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DESCRIPTION TO ACCOMPANY ZONING VARIANCE

#2203 LINCOLN AVENUE
FIFTEENTH ELECTION DISTRICT
SEVENTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at the end of the second following course and distance measured from the intersection of the centerline of Betz Avenue (30 feet wide) with the centerline of Lincoln Avenue (30 feet wide), (1) Northerly 67 feet, more or less, and thence (2) Easterly 15 feet, more or less, to the point of beginning, said point being the southwestern most corner of Lot 14 as shown on the plat entitled "Plat of East Chesapeake Terrace", which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. 8, Folio 89, thence running for the outlines of said Lot 14, (1) Easterly 218 feet 5-1/2-inches, thence (2) Northeasterly 55 feet 7-3/4-inches, thence (3) Westerly 222 feet 7-1/4-inches to the east side of said Lincoln Avenue, thence binding thereon (4) Southwesterly 28 feet 10-1/4-inches and thence (5) Southerly 25 feet 3-inches to the point of beginning; containing 0.254 of an acres of land, more or less.

BEING all the land known and designated as Lot 14 as shown on the plat entitled "Plat of East Chesapeake Terrace", which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. 8, Folio 89.



Item 40113

**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: # 2009-0113-A

2203 Lincoln Avenue
W/side of Lincoln Avenue, 50
feet north of centerline of Betz
Avenue

15th Election District
7th Councilmanic District
Legal Owner(s): Michael &
Amanda Warren

Variance: to permit a 50-foot
lot width in lieu of 55 feet and
to permit a side yard setback
for an existing covered patio of
3 feet in lieu of the required 7.5
feet.

Hearing: Monday, January
12, 2009 at 9:00 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.

12/18/2008 Dec. 18, 190771

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 2009-0113-A

Petitioner/Developer: MICHAEL
WARREN

Date Of Hearing/Closing: 1/12/09

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 2203 LINCOLN AVENUE

This sign(s) were posted on December 27, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 12/27/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

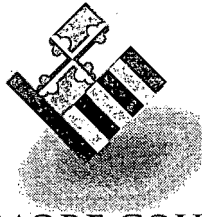
Address

Balto. Md 21220

(443-629 3411)



12/27/2008



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 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: 2009-0113-A

2203 Lincoln Avenue

W/side of Lincoln Avenue, 50 feet north of centerline of Betz Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Michael & Amanda Warren

Variance to permit a 50-foot lot width in lieu of 55 feet and to permit a side yard setback for an existing covered patio of 3 feet in lieu of the required 7.5 feet.

Hearing: Monday, January 12, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Warren, Jr., 2203 Lincoln Avenue, Sparrows Point 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., DECEMBER 27, 2008**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

Please forward billing to:
Michael Warren, Jr.
2203 Lincoln Avenue
Sparrows Point, MD 21219

410-388-1325

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: 2009-0113-A

2203 Lincoln Avenue

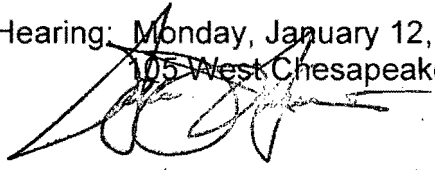
W/side of Lincoln Avenue, 50 feet north of centerline of Betz Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Michael & Amanda Warren

Variance to permit a 50-foot lot width in lieu of 55 feet and to permit a side yard setback for an existing covered patio of 3 feet in lieu of the required 7.5 feet.

Hearing: ~~Monday~~, January 12, 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.

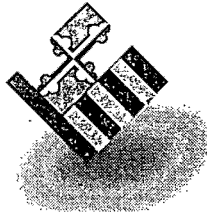
For Newspaper Advertising:

Item Number or Case Number: 2009-0113-A
Petitioner: Michael E Warren JR
Address or Location: 2203 Lincoln Ave, Sparrows PT Md, 21219

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael E Warren JR
Address: 2203 Lincoln Ave
Sparrows PT Md, 21219

Telephone Number: 410-388-1325



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
January 08, 2009

Michael & Amanda Warren
2203 Lincoln Ave.
Sparrows Point, MD 21219

Dear: Michael & Amanda Warren

RE: Case Number 2009-0113-A, 2203 Lincoln 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 23, 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,

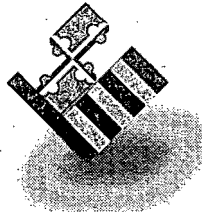
A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



BALTIMORE COUNTY
MARYLAND

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 ¹¹³ 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^{DAK}, 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

TB 1/12
9:10
Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 25, 2008

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

RECEIVED
NOV 26 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 9-114 and 9-113 Variance**

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

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

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared By: Curtis Murray

Division Chief: John L. Lohman

CM/LL

TB 1/12
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 20, 2008
SUBJECT: Zoning Item # 09-113-A
Address 2203 Lincoln Avenue
(Warren Property)

RECEIVED
NOV 21 2008

BY:.....

Zoning Advisory Committee Meeting of November 3, 2008

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

- X 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).

- X 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:

The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). The maximum permitted lot coverage is 31.25%, which equals 3,462 square feet. The 25% threshold is 2,770 square feet. Mitigation is required between 25%-31.25%. There is also a 15% afforestation requirement for the lot that must be met on-site.

Reviewer: Shawn Krout

Date: 11/14/08

RE: PETITION FOR VARIANCE * BEFORE THE
2203 Lincoln Avenue; W/S Lincoln Avenue, * ZONING COMMISSIONER
50' N of c/line of Betz Avenue *
15th Election & 7th Councilmanic District *
Legal Owner(s): Michael & Amanda Warren* FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-113-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 Michael & Amanda Warren, 2203 Lincoln Avenue, Sparrows Point, MD 21219, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 2009-0113-A, 2009-0114-A
DATE 1-12-09

[illegible]

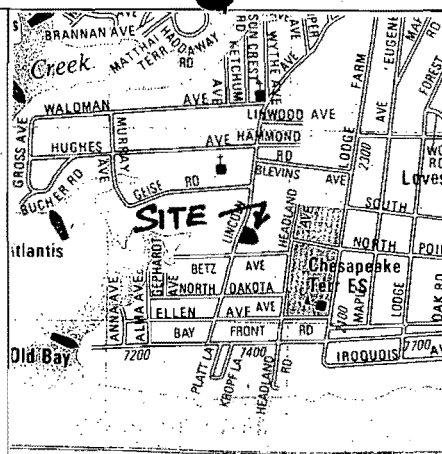
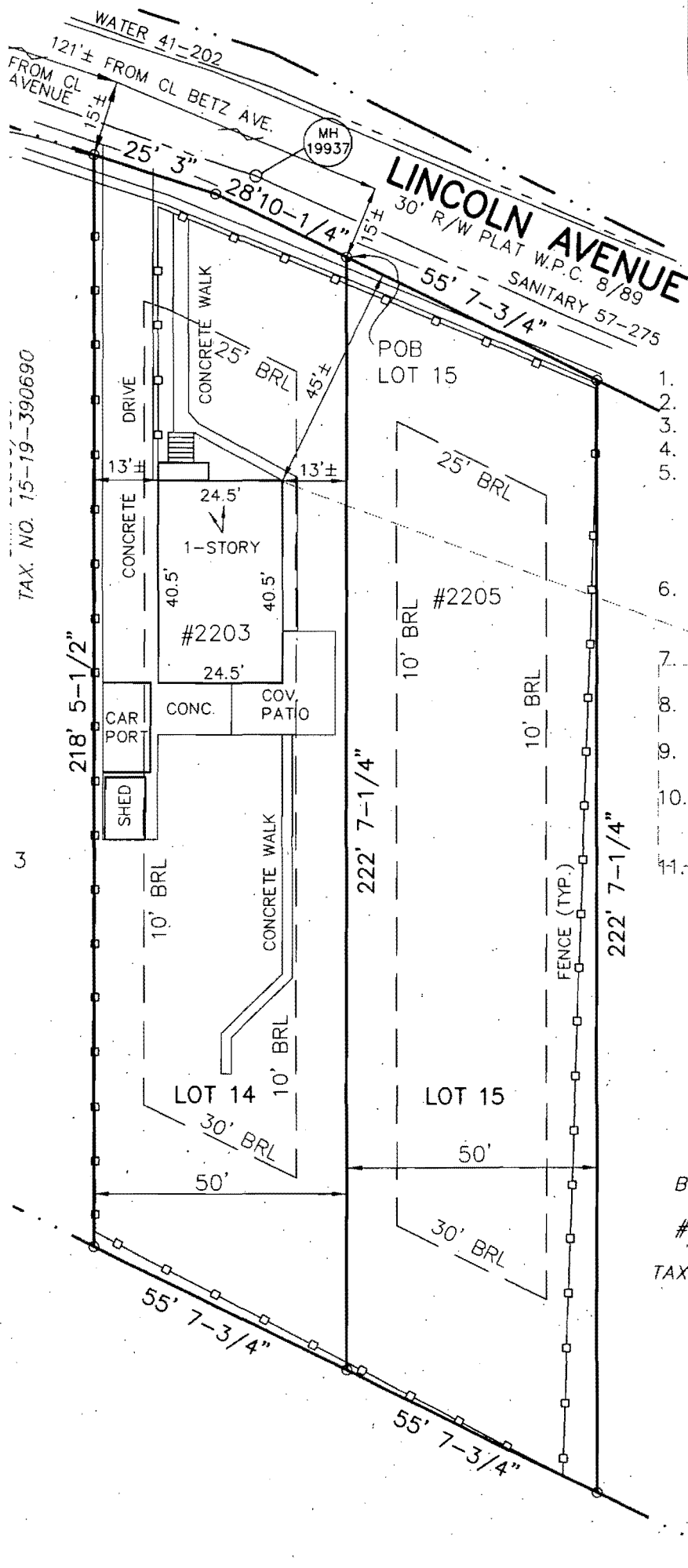
Case No.: 2009-0113-A AND 2009-0114-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1 A+B	Site Plans for 2203 + 2205	
No. 2	Zoning Map	
No. 3	County water service drawing from 1941	
No. 4	Aerial Photograph	
No. 5	SOAT Printout	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



GENERAL NOTES

1. ELECTION DISTRICT 15
2. COUNCILMANIC DISTRICT 7
3. ZONING MAP 111 B3
4. PROPERTY IS ZONED D.R.5.5
5. AREA:
LOT 14 11,080 SQ.FT. OR
0.254 OF AN AC.±
6. PROPERTY IS SERVICED BY:
PUBLIC WATER
PUBLIC SEWER
7. THERE ARE NO PRIOR ZONING CASES.
8. PROPERTY IS NOT IN A HISTORIC DISTRICT.
9. PROPERTY IS NOT IN A 100 YEAR FLOOD ZONE
10. PROPERTY IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
11. CURRENT OWNERSHIP:
MICHAEL E. WARREN, JR.
AMANDA L. WARREN
#2203 LINCOLN AVENUE
SPARROW'S POINT, MD 21219
S.M. 21883/652
LOT 14 AND LOT 15
"PLAT OF EAST CHESAPEAKE TERRACE"
PLAT BOOK W.P.C. 8/89
TAX NO. 15-12-401050

BANK OF NEW YORK,
TRUSTEE
#2207 LINCOLN AVE.
S.M. 26884/457
TAX NO. 15-23-505510
LOT 16

PETITIONER'S

EXHIBIT NO. 1A

L.L.S. LAND SERVICES, INC.

5802 YORK ROAD
BALTIMORE, MARYLAND 21212
410.879.4735
FAX 410.879.4736

PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE

2203 LINCOLN AVENUE

LOTS 14

PLAT OF EAST CHESAPEAKE TERRACE

PLAT BOOK W.P.C. 8, FOLIO 89

FIFTEENTH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

DATE: 10/03/08

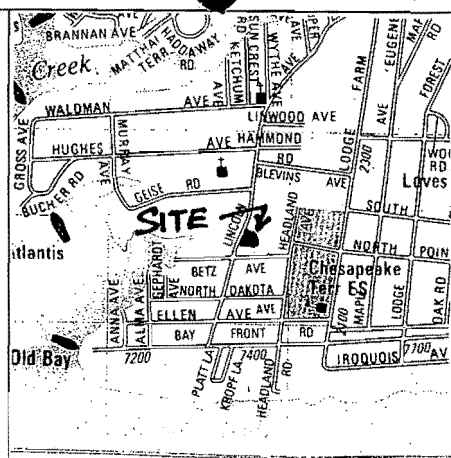
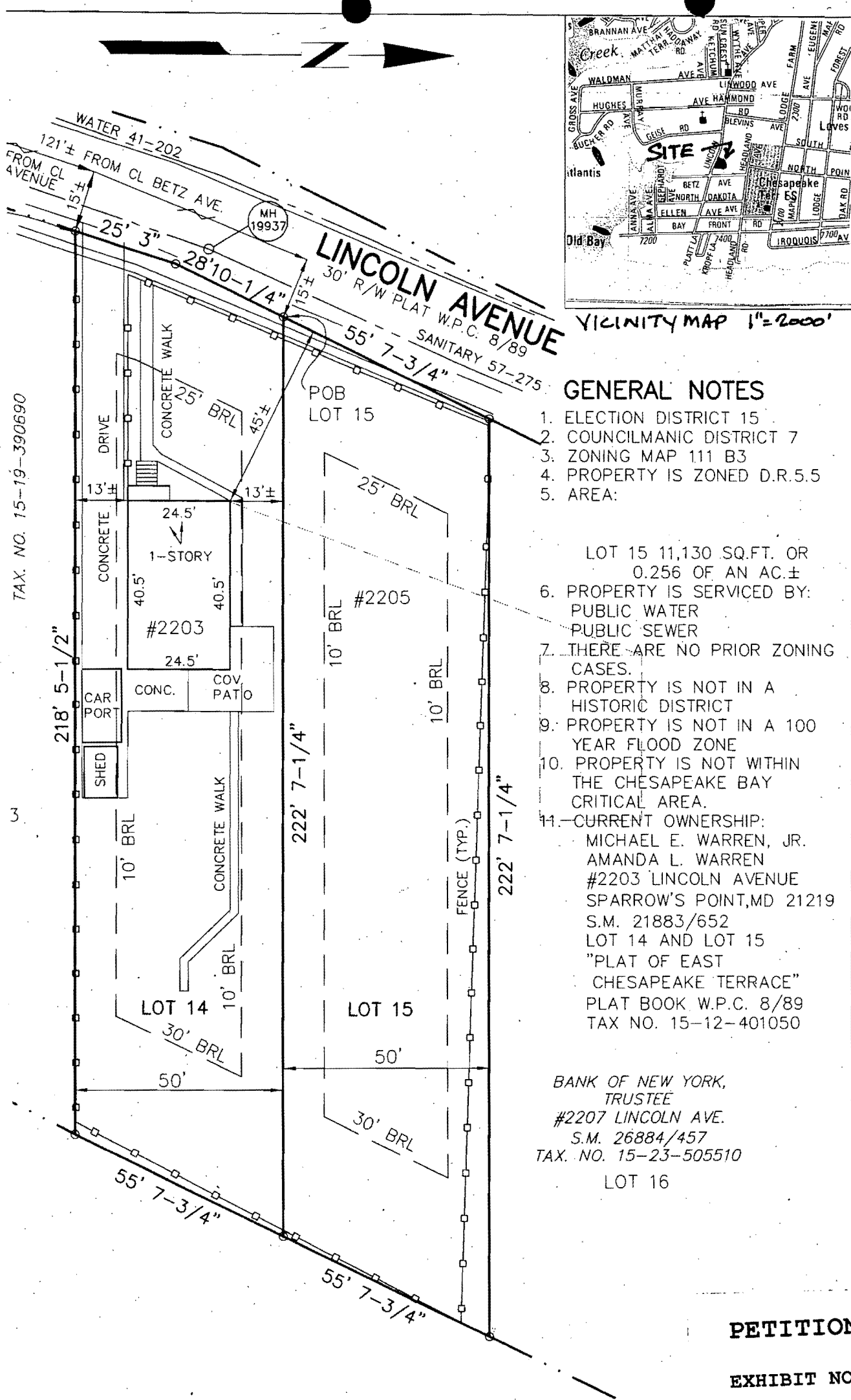
SCALE: 1"=30'

FILE: 08-251

#0113

TAX. NO. 15-19-390690

3



VICINITY MAP 1"=2000'

GENERAL NOTES

1. ELECTION DISTRICT 15
2. COUNCILMANIC DISTRICT 7
3. ZONING MAP 111 B3
4. PROPERTY IS ZONED D.R.5.5
5. AREA:
LOT 15 11,130 SQ.FT. OR
0.256 OF AN AC.±
6. PROPERTY IS SERVICED BY:
PUBLIC WATER
PUBLIC SEWER
7. THERE ARE NO PRIOR ZONING
CASES.
8. PROPERTY IS NOT IN A
HISTORIC DISTRICT
9. PROPERTY IS NOT IN A 100
YEAR FLOOD ZONE
10. PROPERTY IS NOT WITHIN
THE CHESAPEAKE BAY
CRITICAL AREA.
11. CURRENT OWNERSHIP:
MICHAEL E. WARREN, JR.
AMANDA L. WARREN
#2203 LINCOLN AVENUE
SPARROW'S POINT, MD 21219
S.M. 21883/652
LOT 14 AND LOT 15
"PLAT OF EAST
CHESAPEAKE TERRACE"
PLAT BOOK W.P.C. 8/89
TAX NO. 15-12-401050

BANK OF NEW YORK,
TRUSTEE
#2207 LINCOLN AVE.
S.M. 26884/457
TAX. NO. 15-23-505510
LOT 16

PETITIONER'S

EXHIBIT NO.

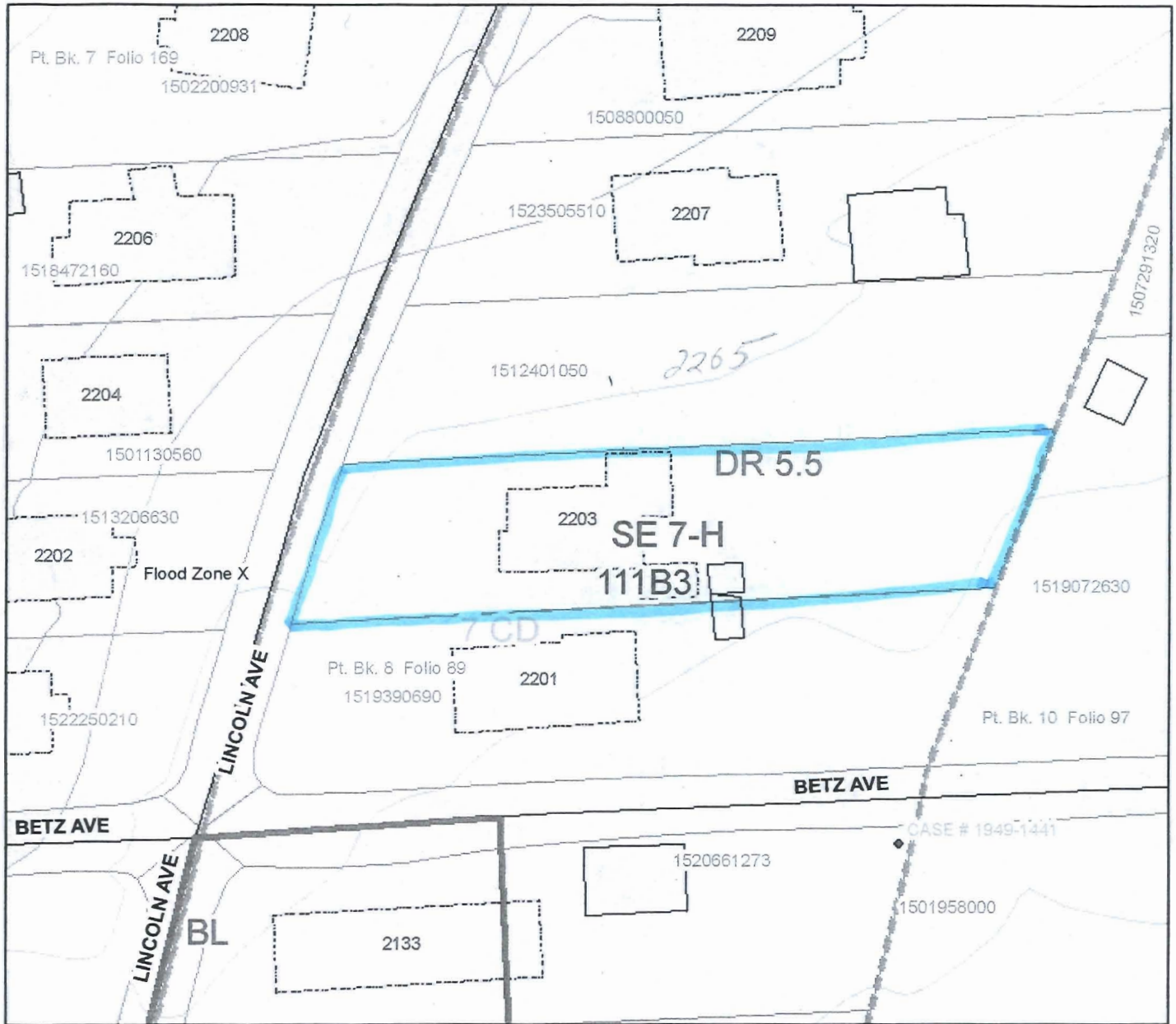
1B

L.L.S. LAND SERVICES, INC.
5802 YORK ROAD
BALTIMORE, MARYLAND 21212
410.879.4735
FAX 410.879.4736

PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE
2205 LINCOLN AVENUE
LOTS 14, 15
PLAT OF EAST CHESAPEAKE TERRACE
PLAT BOOK W.P.C. 8, FOLIO 89
FIFTEENTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
DATE: 10/03/08 SCALE: 1"=30' FILE: 08-251

#.0114

2203 Lincoln Avenue



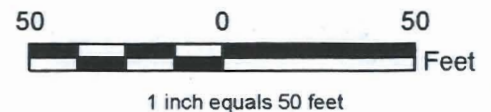
PETITIONER'S

EXHIBIT NO. 2

DQ Map Notes

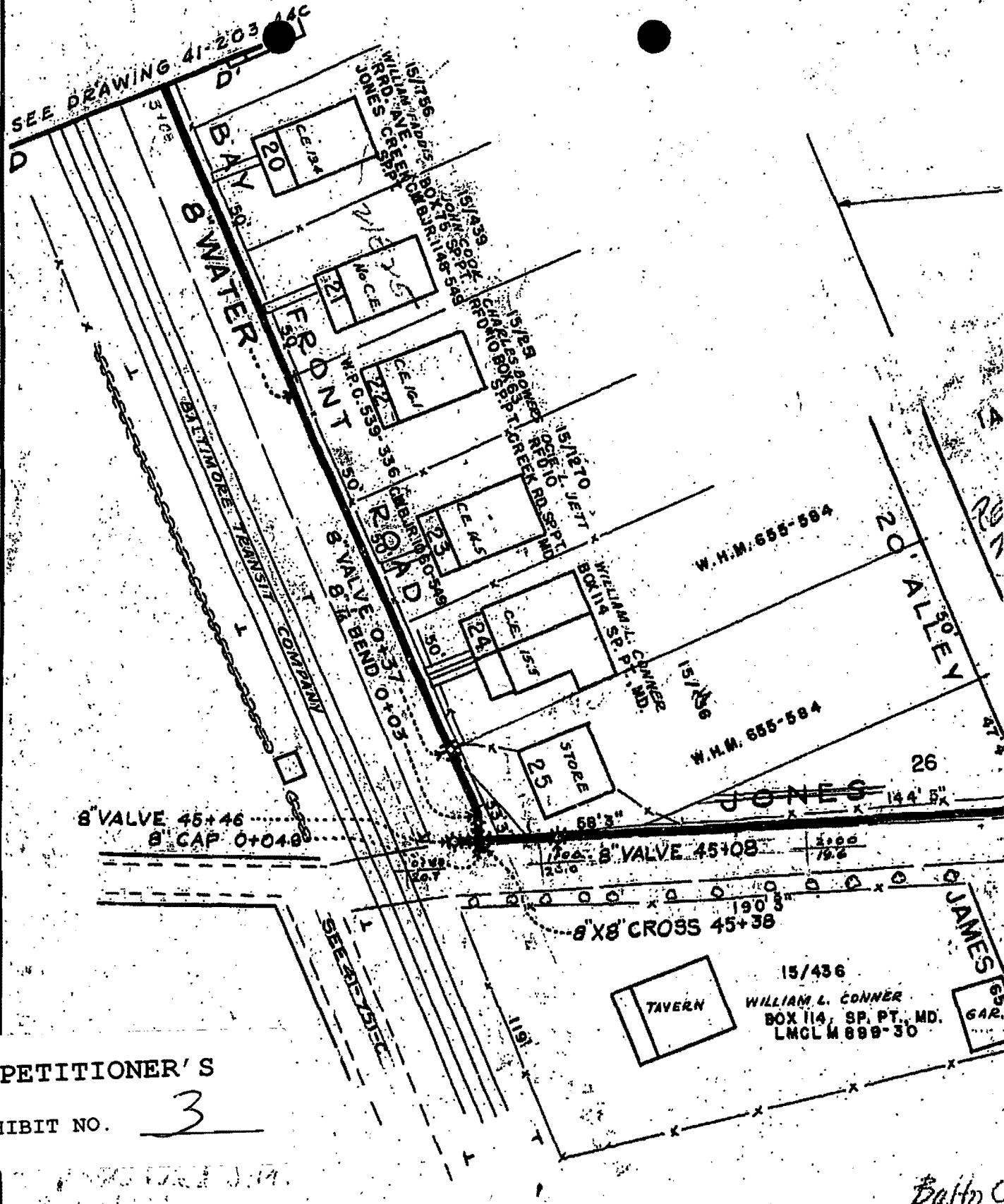


Publication Date: September 11, 2008
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



#0113

SEE DRAWING 41-203 44C



PETITIONER'S

EXHIBIT NO. 3

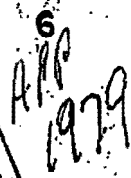
DRAWN:	SMITH
TRACED:	
CHECKED:	
EXAMINED:	
SPRINT. ABST. ENGR.	
CDAM 54	

BALTIMORE COUNTY
METROPOLITAN DISTRICT

APPROVED: *June 23/41*
DATE
Samuel C. Green
CHIEF ENGINEER

GRADE E
2.6
WATER
ROAD

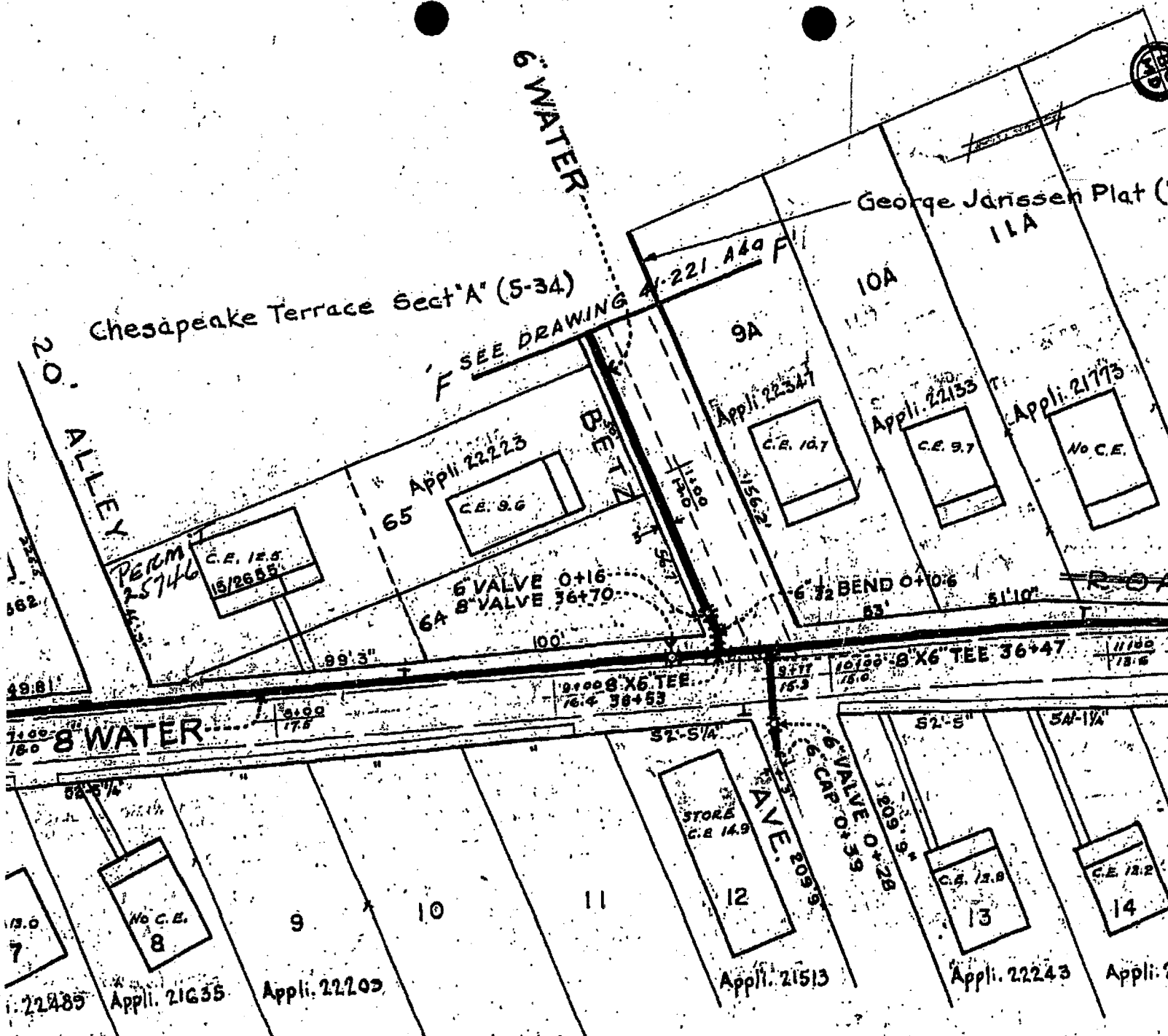
8 WATER



ENGINEER BALTO. COUNTY

WATER ENGINEER	CHIEF ENGINEER
----------------	----------------

ELECTION DISTRICT No.



REVISED AS PER RECORD PRINT 8-1-2 E.J.B.

East Chesapeake Terrace (8-89)

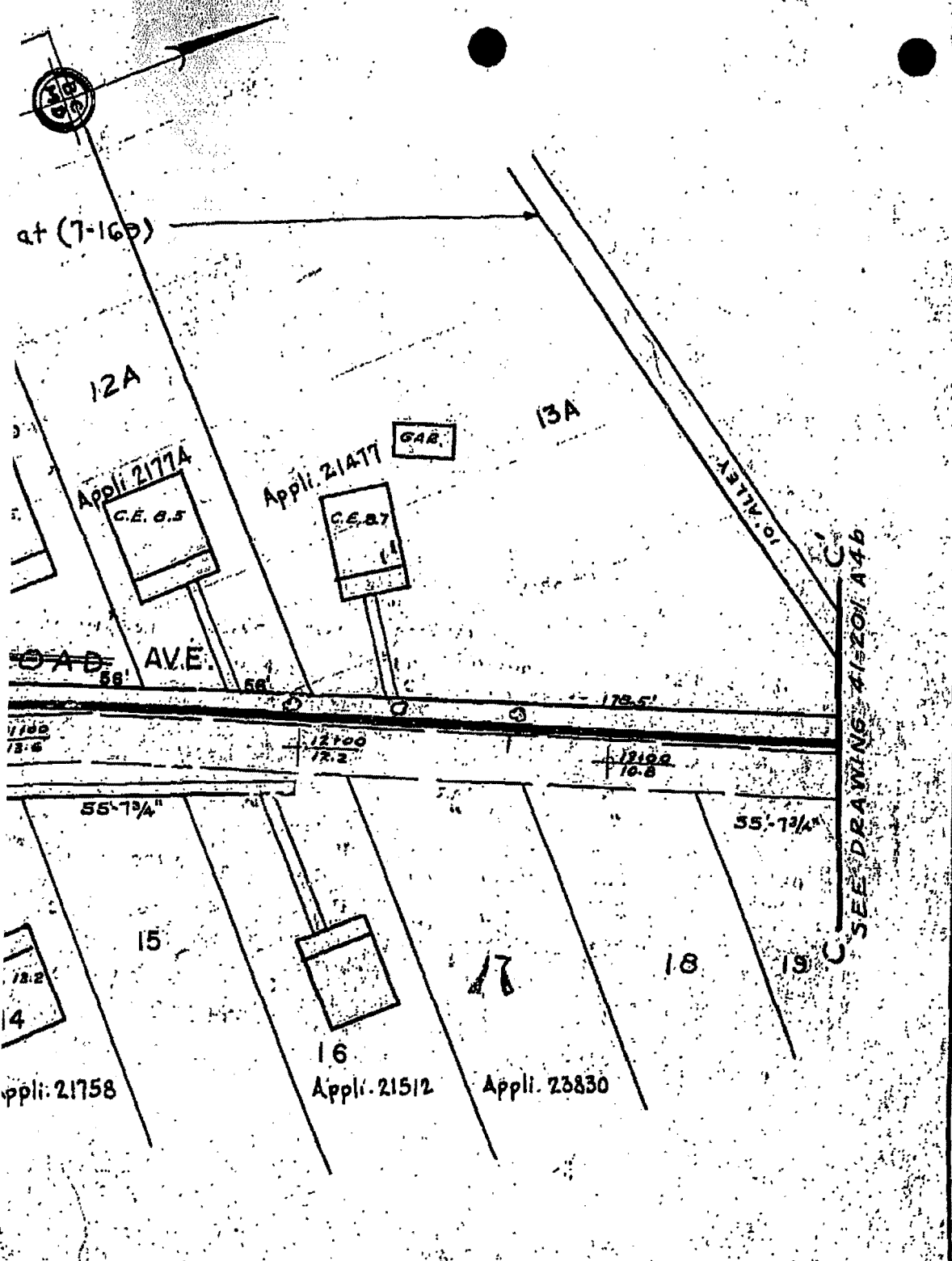
C.W.O. 17283

LINCOLN AVE & BAY FRONT RD

MICR

8" WATER MAIN
LINCOLN AVE. AND BAY FRONT RD.
RUTH AVE. TO BAY FRONT ROAD

CHESAPEAKE TERRACE



SEE DRAWING 41-201 A4b

ICROFILMED

BAY FRONT
RD (29) T

ELECTRIC DIST. NO. 116	DRAWING No. 116 OF 116	SCALE: 1" = 50'	J.C. 3458 41-202 A4c SE 31
------------------------	------------------------------	--------------------	-------------------------------------

MAPQUEST.

Pet Ex. 4

A: 2203 Lincoln Ave, Sparrows Point, MD 21219-2017

 Call 1-800-FREE411 (1-800-373-3411) and get MapQuest Directions via text message.





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1)

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

Account Identifier: District - 15 Account Number - 1512401050

Owner Information

Owner Name:	WARREN MICHAEL E,JR WARREN AMANDA L	Use:	RESIDENTIAL
Mailing Address:	2203 LINCOLN AVE BALTIMORE MD 21219-2017	Principal Residence:	YES
		Deed Reference:	1) /21883/ 652 2)

Location & Structure Information

Premises Address	Legal Description
2203 LINCOLN AVE	LT 14,15 2203 LINCOLN AVE EAST CHESAPEAKE TERRACE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
111	22	10					14	3	
									Plat Ref: 8/ 89

Special Tax Areas

Town	
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1930	960 SF	24,200.00 SF	04
Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2008	07/01/2009
Land	78,050	78,050		
Improvements:	108,910	134,330		
Total:	186,960	212,380	186,960	195,433
Preferential Land:	0	0	0	0

Transfer Information

Seller: SCHERBA FRANCES E	Date: 05/18/2005	Price: \$210,000
Type: NOT ARMS-LENGTH	Deed1: /21883/ 652	Deed2:
Seller: SCHERBA FRANCES E	Date: 12/06/2002	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /17193/ 746	Deed2:
Seller: LIMBO JOHN,ET AL	Date: 11/26/1996	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11913/ 693	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

Ret. Ex. 5