

5/4/09

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
E side of Washington Avenue, NE corner	*	DEPUTY ZONING
of Washington and Clyde Avenue		
13 th Election District	*	COMMISSIONER
1 st Councilmanic District		
(204 Clyde Avenue)	*	FOR BALTIMORE COUNTY
 Mark G. Banks	*	
<i>Legal Owner</i>		
	*	
 Chris Caldwell	*	
<i>Lessee</i>		Case No. 2009-0171-SPHA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner for consideration of a Motion for Reconsideration filed by People's Counsel for Baltimore County, Maryland. 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, Petitioners requested Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a use permit for a proposed 8 bedroom rooming/boarding house in a D.R.5.5 Zone, and to approve a modified parking plan pursuant to Section 409.12(B) of the B.C.Z.R. Petitioners also requested Variance relief as follows:

- From Section 409.6.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 3 parking spaces for a proposed boarding/rooming house in lieu of the required 8 parking spaces; and

- From Section 409.4.A of the B.C.Z.R. to permit a driveway width of 9 feet in lieu of the required 20 feet for two way traffic; and
- From Section 409.8.A.5 to permit no back-up area for dead end parking.

On the hearing date, but prior to the start of the hearing, the property owner, Petitioner Mark Banks, made a preliminary request to withdraw the Petitions without prejudice, indicating that he had become aware that the nearby community was opposed to the use of the dwelling on the subject property as a rooming/boarding house, and that he no longer wished to pursue the Petitions at that time. There was no testimony taken on the matter and no objection to the request, and the undersigned granted the request to withdraw the Petitions for Special Hearing and Variance, without prejudice in an Order dated February 23, 2009.

Thereafter, on March 25, 2009, People's Counsel filed the aforementioned Motion for Reconsideration. In his Motion, People's Counsel indicated that the petitions should be dismissed with prejudice, citing concerns that Petitioners may continue the boarding house activities despite lack of approval, and may then file a subsequent Petition to stave off or delay complaints and Code Enforcement proceedings in the future. As a result, People's Counsel requested that the petitions be dismissed with prejudice.

In considering the Motion for Reconsideration, the undersigned reviewed the file and the Order on Petitioner's Request to Withdraw Petitions dated February 23, 2009, as well as People's Counsel's Motion for Reconsideration. After reviewing this matter, I am not persuaded to disturb my earlier ruling allowing Petitioner to withdraw the Petitions without prejudice. In my view, Petitioner's rationale for withdrawing the Petitions stemmed from the negative reaction from the community, as opposed to avoiding an adverse decision from this Commission. In the instant matter, there was never a hearing on the merits that included testimony and evidence put forth by Petitioner and/or Protestants. Although the Protestants at the hearing expressed their opposition to the Petitions during the preliminary moments of the hearing, there were never any conclusions or

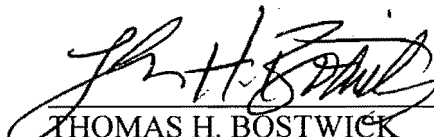
determinations made in the case that would have conveyed an impending adverse decision from this Commission. In that vein, procedural due process and fundamental fairness recognize the important tenet that a case be fairly tried and decided "after notice and opportunity for hearing." Without a hearing on the merits wherein testimony and evidence was received, Petitioner's request to withdraw was not done arbitrarily. Accordingly, he is allowed a voluntary withdrawal of the Petitions without prejudice.

This does not mean I am completely unmindful of the points made by People's Counsel in its Motion for Reconsideration. So although I shall deny the Motion for Reconsideration, I agree that Petitioner's request to withdraw the Petitions without prejudice should not enable him to continue the boarding house activities despite lack of approval, only saving him from Code Enforcement proceedings by the filing of subsequent Petitions. Hence, I shall add a condition to the Order that prevents such an occurrence in the future.

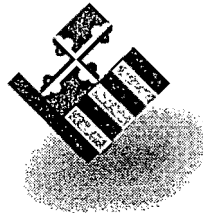
WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of May, 2009 that the aforementioned Motion for Reconsideration be and is hereby DENIED; except that

IT IS FURTHER ORDERED that a condition be added to the February 23, 2009 Order as follows:

1. In the event Petitioner files any subsequent Petitions for the subject property within eighteen (18) months of the previous withdrawal and seeks the same relief as before, but then requests a dismissal or withdrawal of the Petitions, if the request is granted, such requests for dismissal or withdrawal of the Petitions shall be with prejudice.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 4, 2009

PETER MAX ZIMMERMAN, ESQUIRE
PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY
105 WEST CHESAPEAKE AVENUE, ROOM 204
TOWSON MD 21204

Re: Petition for Special Hearing and Variance
Order on Motion for Reconsideration
Case No. 2009-0171-SPHA
Property: 204 Clyde 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 black ink, appearing to read "Thomas H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Mark G. Banks, 3540 Crain Highway #150, Bowie MD 20716



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

March 25, 2009

RECEIVED

MAR 25 2009

HAND-DELIVERED

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

ZONING COMMISSIONER

Re: PETITION FOR SPECIAL HEARING AND VARIANCE
Mark Banks, Legal Owner and Chris Caldwell, Lessee- Petitioners
204 Clyde Avenue
Case No: 09-171-SPHA

Dear Mr. Bostwick:

Please accept this letter as a Rule K Motion for Reconsideration of the Order on Petitioner's Request to Withdraw Petitions dated February 23, 2009 in the above case.

In light of the concerns expressed in our letter dated February 11, 2009, this petitions should be dismissed with prejudice, or denied after a hearing on the merits. By allowing the withdrawal without prejudice, there is a reasonable concern that the petitioners may continue the boarding house activities despite lack of approval, and may then file another petition to stave off or delay any complaints and code enforcement proceedings, and to require citizens, county departments, our office, and the zoning commissioner's office to spend additional time and resources on another petition.

Therefore, we ask that you reconsider your allowance of the withdrawal without prejudice, and dismiss the petition with prejudice. In light of petitioner's request to dismiss without prejudice, another option would be to allow the petitioner to reopen the case and proceed on the merits, in which event we reiterate our opposition. We have every expectation that the petitions would be denied on the merits if the petitioners wish to proceed.

Thomas H. Bostwick, Deputy Zoning Commissioner

March 25, 2009

Page 2

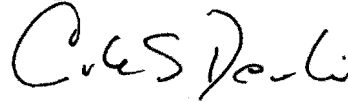
Thank you for your consideration.

Very truly yours,



Peter Max Zimmerman

People's Counsel for Baltimore County



Carole S. DeMilio

Deputy People's Counsel

PMZ/rmw

cc: Mark Banks
Chris Caldwell
Theresa Lowry

2/23/09

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

E side of Washington Avenue, NE corner of
Washington and Clyde Avenue
13th Election District
1st Councilmanic District
(204 Clyde Avenue)

Mark G. Banks
Legal Owner

Chris Caldwell
Lessee

* BEFORE THE
*
* DEPUTY ZONING COMMISSIONER
*
* FOR BALTIMORE COUNTY
*
*
*
* **Case No. 2009-0171-SPHA**

* * * * *

ORDER ON PETITIONER'S REQUEST TO WITHDRAW PETITIONS

This matter came before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Mark G. Banks, and Chris Caldwell, the lessee. Petitioners requested Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a use permit for a proposed 8 bedroom rooming/boarding house in a D.R.5.5 Zone, and to approve a modified parking plan pursuant to Section 409.12(B) of the B.C.Z.R. Petitioners also requested Variance relief as follows:

- From Section 409.6.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 3 parking spaces for a proposed boarding/rooming house in lieu of the required 8 parking spaces; and
- From Section 409.4.A of the B.C.Z.R. to permit a driveway width of 9 feet in lieu of the required 20 feet for two way traffic; and
- From Section 409.8.A.5 to permit no back-up area for dead end parking.

The subject property and requested relief were more fully described on the site plan that was filed with the Petitions and contained within the case file.

2-23-09
M

Appearing at the requisite public hearing was Petitioner Mark G. Banks, the property owner. Appearing as interested citizens were Theresa Lowry of 2517 Hammonds Ferry Road, Craig Rankin of 3201 Hilltop Avenue, John Yankulou of 27 Hazel Avenue, and Brenda Harney of 914 Winsap Court, residing in the Halethorpe area of Baltimore County.

At the outset of the hearing, citing opposition from the nearby community and their desire that the dwelling on the subject property not be used as a rooming/boarding house, Petitioner Mark Banks made a preliminary request to withdraw the Petitions without prejudice. There being no testimony taken on the matter and no objection to the request, the undersigned granted the request to withdraw the Petitions for Special Hearing and Variance, without prejudice.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of February, 2009 that Petitioner's Special Hearing requests filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Petitioner's aforementioned Variance requests, be and are hereby WITHDRAWN without prejudice.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

~~RECEIVED FOR FILE~~
2-23-09
MB



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

February 23, 2009

MARK G. BANKS
3540 CRAIN HIGHWAY #150
BOWIE MD 20716

Re: Petition for Special Hearing and Variance
Case No. 2009-0171-SPHA
Property: 204 Clyde Avenue

Dear Mr. Banks:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Th H Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Theresa Lowry, 2517 Hammonds Ferry Road, Baltimore MD 21227
Craig Rankin, 3201 Hilltop Avenue, Baltimore MD 21227
John Yankulou, 27 Hazel Avenue, Baltimore MD 21227
Brenda Harney, 914 Winsap Court, Baltimore MD 21227



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 204 CLYDE AVE, HALTHORPE, MD
which is presently zoned DR S.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve A USE PERMIT FOR

A PROPOSED EIGHT (8) BEDROOMS ROOMING/BOARDING HOUSE IN
A DR S.5 ZONE, AND, APPROVE A MODIFIED PARKING PLAN PURSUANT
OF SECTION 409.12(B) OF BCZR

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

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

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

Contract Purchaser/Lessee:

CHRIS CALDWELL
Name - Type or Print

Signature

204 CLYDE AVE 410-294-7767
Address Telephone No.

HALTHORPE MD 21227
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

MARK G. BANKS
Name - Type or Print

Signature

Name - Type or Print

Signature

3540 CRAIN HWY #150 240-353-3487
Address Telephone No.

BOWIE MD 20716
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By A. TSUI Date 12/15/2008

Case No. 2009-0171-SPHA

REV. 9/15/98

RECEIVED FOR FILING
2-23-09



TAX. DOUNT # 1323000610

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 209 CLYDE AVE, HOLT HOPES, MD 21227
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) 409.6.A.1 TO PERMIT 3 PARKING SPACES
FOR A PROPOSED BOARDING/ROOMING HOUSE IN LIEU OF THE REQUIRED 8 PARKING
SPACES, § 409.4.A TO PERMIT A DRIVEWAY WIDTH OF 9 FEET IN LIEU OF
THE REQUIRED 20 FEET FOR TWO WAY TRAFFIC, AND § 409.8.A 5 TO
PERMIT NO BACK-UP AREA FOR DEAD END PARKING.
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

Reviewed By A. TSUI Date 12/15/2008

ZONING DESCRIPTION FOR 204 CLYDE AVENUE, Halethorpe, MD 21227-3015

Beginning at a point on the east side of Washington Ave. which is 50' wide at the distance of 25' ^{NORTH} ~~south~~ of the centerline of the nearest improved intersecting street Clyde Ave. which is ^{50 FT} ~~22.5'~~ wide. Being lot# 162, Block 2, Section in the subdivision of Joshua as recorded in Baltimore County Plat Book # 1, Folio # 144, continuing 6,400 SF. Also known as 204 Clyde, Halethorpe, MD 21227-3015 and located in the 13th Election District, 1st Councilmanic District.

WB 12/15/08

2009-0171-SPHA

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

No. 33017

Date: 12/15/08

PAID RECEIPT

STAMP: 12/15/2008 11:00:50
 RECEIVED BY: [illegible]
 RECEIPT # 472402 12/15/2008
 BALTIMORE COUNTY, MARYLAND

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						130

Total: 130

Rec From: MARK BANKS
 For: 204 CLYDE AVE
2009-0171-SPHA

DISTRIBUTION

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

**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: # 2009-0171-SPHA

204 Clyde Avenue

E/side of Washington Avenue, N/east corner of Washington & Clyde Avenue

13th Election District — 1st Councilmanic District

Special Hearing: for a use permit for a proposed eight (8) bedrooms rooming/boarding house in a DR-5.5 zone, and approve a modified parking plan. **Variance:** to permit 3 parking spaces for a proposed boarding/rooming house in lieu of the required 8 parking spaces; to permit a driveway width of 9 feet in lieu of the required 20 feet for two way traffic; and to permit no back-up area for dead end parking.

Hearing: Thursday, February 19, 2009 at 2:00 p.m. in Room 106, County Office Building, 111 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 concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 2/6/19 Feb. 3

193389

CERTIFICATE OF PUBLICATION

2/5/2009

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 2/3/2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0171-SPHA

Petitioner/Developer: _____

Mark Banks, 1st Councilman district 13th Election District

Date of Hearing/closing Feb 19 2009

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn : Kristin Matthews

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 located at .

204 Clyde Avenue

The sign(s) were posted on _____ Feb 4, 2009
(Month, Day, Year)

Sincerely,

Robert Black 2-10-09
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0171-SPHA

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

PLACE: Room 106, County Office Building
111 WEST CHESAPEAKE AVE. TOWSON 21204

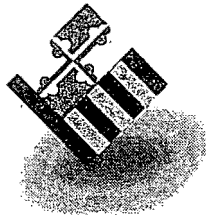
DATE AND TIME: THURSDAY, FEBRUARY 19, 2009 AT 2:00 PM.

REQUEST: SPECIAL HEARING FOR A USE PERMIT FOR A PROPOSED
EIGHT (8) BEDROOMS ROOMING/BOARDING HOUSE IN A DR-5.5
ZONE, AND APPROVE A MODIFIED PARKING PLAN. VARIANCE TO
PERMIT 3 PARKING SPACES FOR A PROPOSED BOARDING/ROOMING
HOUSE IN LIEU OF THE REQUIRED 8 PARKING SPACES. TO PERMIT
A DRIVEWAY WIDTH OF 9 FEET IN LIEU OF THE REQUIRED 20 FEET
FOR TWO WAY TRAFFIC, AND TO PERMIT NO BACK-UP AREA FOR DEAD
END PARKING.

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

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

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 22, 2009
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: 2009-0171-SPHA

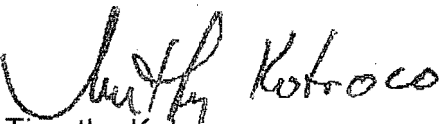
204 Clyde Avenue

E/side of Washington Avenue, N/east corner of Washington & Clyde Avenue

13th Election District – 1st Councilmanic District

Special Hearing for a use permit for a proposed eight (8) bedrooms rooming/boarding house in a DR-5.5 zone, and approve a modified parking plan. Variance to permit 3 parking spaces for a proposed boarding/rooming house in lieu of the required 8 parking spaces; to permit a driveway width of 9 feet in lieu of the required 20 feet for two way traffic, and to permit no back-up area for dead end parking.

Hearing: Thursday, February 19, 2009 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Mark Banks, 3540 Crain Highway, #150, Bowie 20716
Chris Caldwell, 204 Clyde Avenue, Halethorpe 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 4, 2009.**
- (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, February 3, 2009 Issue - Jeffersonian

Please forward billing to:

Mark Banks
3540 Crain Highway, #150
Bowie, MD 20716

240-353-3487

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: 2009-0171-SPHA

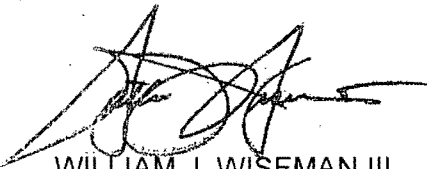
204 Clyde Avenue

E/side of Washington Avenue, N/east corner of Washington & Clyde Avenue

13th Election District – 1st Councilmanic District

Special Hearing for a use permit for a proposed eight (8) bedrooms rooming/boarding house in a DR-5.5 zone, and approve a modified parking plan. Variance to permit 3 parking spaces for a proposed boarding/rooming house in lieu of the required 8 parking spaces; to permit a driveway width of 9 feet in lieu of the required 20 feet for two way traffic, and to permit no back-up area for dead end parking.

Hearing: Thursday, February 19, 2009 at 2:00 p.m. in Room 106, County Office Building,
111 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.

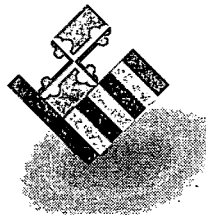
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0171-SPHA
Petitioner: MARK BANKS
Address or Location: 204 CLYDE AVE, HAITHERS, MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARK BANKS
Address: 3540 Crown Hwy #150
BOWIE, MD 20716
Telephone Number: 240-353-3487



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
February 12, 2009

Mark G. Banks
3540 Crain Hwy, # 150
Bowie, MD 20716

Dear: Mark G. Banks

RE: Case Number 2009-0171-SPHA, 204 Clyde Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 15, 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Chris Caldwell; 204 Clyde Ave.; Halthorpe, MD 21227

TB
2-19-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JAN 30 2009



ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: January 30, 2009

SUBJECT: Zoning Item # 09-171-SPHA
Address 204 Clyde Avenue
(Banks Property)

Zoning Advisory Committee Meeting of December 22, 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:

Additional Comments:

Reviewer: JW L

Date: 1/30/09

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 6, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For December 29, 2008
Item Nos. 2009-0148, 0162, 0167, 0168,
0169, 0170, 0171, and 0173.

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

DAK:CEN:lrk
cc: File
ZAC-122908 -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: 12/23/2008

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

RE: Baltimore County
Item No 2009-0171-SHA
204 CLYDE AVE.
BANKS PROPERTY
SPECIAL HANDLING
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. 2009-0171-SHA

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,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TB
2-19-09

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

DATE: January 22, 2009

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

SUBJECT: 204 Clyde Avenue

RECEIVED

INFORMATION:

JAN 29 2009

Item Number: 9-171

Petitioner: Mark G. Banks

ZONING COMMISSIONER

Zoning: DR 5.5

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

The petitioner's requests should be denied for the following reasons:

The proposed use doesn't meet the requirements of Sections 408B and 502.1 of the BCZR. Granting the requested relief would be inconsistent with the spirit and intent of the BCZR.

Generally, rooming houses in DR zones are potentially incompatible uses in residential neighborhoods. They should only be permitted if they comply with all zoning requirements.

It would be detrimental to the surrounding community to grant a variance to permit 3 off-street parking spaces in lieu of the required 8 spaces. No on-street parking is permitted adjacent to this property (i.e., along the south side of Clyde Ave and the west side of Washington Ave). Also, on-street parking is very limited in the surrounding community. A shortage of off-street parking spaces for the petitioner's site would be disruptive to the neighborhood.

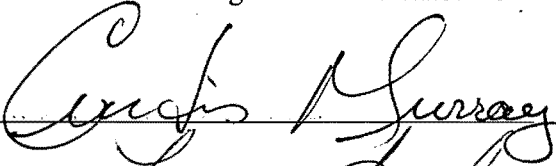
The proposed rooming house doesn't appear to comply with Section 408B.1.B of the BCZR, which requires that rooming houses are permitted only in single-family detached dwellings. It appears that the existing structure is brand new and wasn't constructed as a single-family detached dwelling. Single-family dwellings rarely have 8 bedrooms. Also, this building has the appearance of a small apartment building rather than a single-family detached dwelling.

The proposed use clearly doesn't comply with Sections 502.1.A and 502.1.D of the BCZR. The proposed use will be detrimental to the health, safety or general welfare of the locality involved, and it will tend to overcrowd land and cause undue concentration of population.

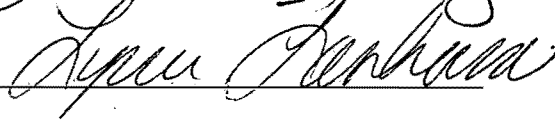
It should be determined whether the building on this property complies with the required minimum front yard depth. A front setback of 12.83 feet is shown while 25 feet is normally required.

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

Prepared by:

Curtis P. Murray

Division Chief:

Lynn Perham

AFK/LL: CM

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
204 Clyde Avenue; E/S Washington Avenue, * ZONING COMMISSIONER
1500' E of c/line of Gunpowder Road *
13th Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Mark G. Banks *
Contract Purchaser(s): Chris Caldwell * BALTIMORE COUNTY
Petitioner(s) *
09-171-SPHA

* * * * *

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/ documentation filed in the case.

RECEIVED

JAN 07 2009

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 7th day of January, 2009, a copy of the foregoing Entry of Appearance was mailed to Mark Banks, 3540 Crain Highway, Suite 150, Bowie, MD 20716 and Chris Caldwell, 204 Clyde Avenue, Halthorpe, MD 21227, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMO

From: Aaron Tsui, Planner II. *A. Tsui*

December 18, 2008

To: Zoning Commissioner/File

Re: Special Hearing/Variance Case no. 2009-0171-SPHA
Room/Boarding House
204 Clyde Ave, 13th Election District

The petition, Mr. Banks, stated that he purchased this 2-story property in 2007. The property had two units i.e. duplex. The petitioner renovated the house and created a total of eight (8) bedrooms, with 4 bedrooms on each floor and a common kitchen on the 1st floor. The dwelling has a front entrance facing Washington Avenue and there are three (3) existing parking spaces on the side of the dwelling adjacent to the alley. The access to these parking spaces is from Washington Avenue; no access is from the alley.

A correction notice no. 52842 was issued for violation of converting the dwelling into rooming and boarding house and carrying out the alteration work without building permits.



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

February 11, 2009

CAROLE S. DEMILIO
Deputy People's Counsel

RECEIVED

FEB 11 2009

ZONING COMMISSIONER

HAND DELIVERED

William J. Wiseman, III, Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING AND VARIANCE
Mark Banks— Legal Owner and Chris Caldwell – Lessee
204 Clyde Avenue
Case No: 09-171-SPHA

Dear Mr. Wiseman,

Theresa Lowery has communicated to this office her concerns about these petitions to legitimize an existing boarding house, which is operating without proper zoning approval. Ms. Lowery is President of the Maryland Citizens for the Environment and Co-Director of the Southwest Leadership Team. Her concerns include noise, traffic, overflow parking, a multiplicity of residents, frequent loud parties, and general incompatibility and detriment to the character and quality of the neighborhood. The hearing is scheduled February 19.

Because of her concerns, Ms. Lowery filed a zoning complaint, which generated code enforcement case 224829. The enforcement file refers to substantial citizen complaints about adverse impacts on the community. The enclosed November 9 and 19, 2008 letters from the owner, Mark Banks, to the tenant, Chris Caldwell, corroborate these citizen concerns and request cessation of the unauthorized use of the property for more than two unrelated persons.

Switching gears, petitioners Messrs. Banks and Caldwell proceeded to file the present petitions on December 15, 2008, with Mr. Caldwell listed as lessee. Apparently, Mr. Caldwell subleases the property to various subtenants. The petitions request approval for a rooming/boarding house, a modified parking plan, and variances for 3 parking spaces instead of the required 8, for a substandard driveway width, and for dispensation of the required backup area for dead-end parking.

Pursuant to BCZR § 409.8B, a rooming or boarding house may be permitted only if specific requirements are met. A preliminary review indicates that the proposed use does not satisfy applicable legal standards and is not in the public interest.

First of all, there must be a site plan showing maximum number of tenants, location and type of structure and proximity of dwellings on adjacent lots, location of required offstreet parking spaces, a floor plan, and such other information as the Director may require. BCZR § 409.8B.A.1. The site plan here lists the number of beds but not the maximum number of tenants; the plan does not show adjacent dwellings; and it does not show the required 8 parking spaces. (Indeed, the latter requirement implies that parking variances should be disqualified at the start.)

Secondly, there must be a review of the impact on the surrounding community. BCZR § 408B2.e.2. The record so far indicates that the impact here appears is adverse.

Thirdly, the use must meet the special exception standards of BCZR § 502.1 and, in particular, must not be detrimental to the public safety, health, or welfare of the surrounding community. BCZR § 409.8B.2.e.3. The record indicates that the use is posing particular problems in this community. It overcrowds the land, generates noise and traffic congestion, and is, in general, incompatible with the nearby elderly housing facility and single-family homes.

Fourthly, boarding or rooming houses are permitted only in single-family dwellings. BCZR § 408B.2.B. The enclosed SDAT record says that the principal structure was built in 1915, presumably as a single-family dwelling. Ms. Lowery informs us, however, that it has been expanded significantly about 30 feet toward the Washington Avenue side and 15 feet toward the rear alley for conversion into a boarding house, with eight bedrooms and two kitchens.

The property is zoned D.R. 5.5. The enclosed SDAT record states the entire property occupies 6,400 square feet and the 2-story structure encloses 4,124 square feet. It appears to be much larger than the original single-family dwelling and other single-family dwellings in this neighborhood. There is no reference in the record so far of any permits for construction relating to the conversion.

The enclosed January 22, 2009 correspondence from Planning Director Arnold F. "Pat" Keller corroborates and reinforces these concerns and objections in detail. It also indicates that there is a conflict with the front yard minimum setback requirements.

Separately, as is our custom, we asked Stephen E. Weber, Chief, Division of Traffic Engineering, to review the petition and site plan because of the parking and traffic issues. As a result, he sent the enclosed e-mail dated February 9, 2009.

Mr. Weber's thorough report raises major concerns about the lack of adequate parking for the proposed use. While he concludes with a suggestion that there be a limit of six bedrooms, one person to a bedroom, to accommodate six persons (with three onsite spaces and three offsite in front of the property) to minimize the impact on offsite parking adjacent to other properties, the enforceability of such a provision is likely impractical.

Mr. Weber's report also corroborates that the building is not compatible with the neighborhood. He states,

"The building on this site is significantly more massive than the homes surrounding the property, thus taking up a greater percentage of the available property on side and eliminating the potential for accommodating additional on-site parking demands.

Given that it appears that it is a relatively newly constructed building, the property owner appears to have generated part of their own parking deficiency."

Furthermore, there does not appear to be any real hardship to justify a modified parking plan. Nor is there any justification for the requested variances, especially for the convenience of a tenant who desires to sublease the property for an incompatible use.

As always, we ask for your careful consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Peter Max Zimmerman". The signature is written in a cursive, flowing style.

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Mark Banks w/enclosures
Chris Caldwell w/enclosures
Theresa Lowery w/enclosures
Curtis Murray, Office of Planning w/enclosures
Stephen E. Weber, Division of Traffic Engineering w/enclosures

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 02/09/2009 7:07 PM
Subject: Case No. 09-171-SPHA, 204 Clyde Ave
Attachments: IMG_0514.JPG; IMG_0509.JPG; IMG_0510.JPG; IMG_0508.JPG; 204ClydeAve-a.bmp; 204ClydeAve.bmp

Dear Mr. Zimmerman:

We have reviewed the subject site and the request for providing an 8 bed boarding house. Attached are two aerial photos showing this property in relation to the surrounding area. The area surrounding the house is primarily a single-family home neighborhood with moderate sized lots. The one residential exception to those uses is located directly to the south of this site across Clyde Ave with the 60-unit subsidized elderly housing at Courcney Station Apartments. Because it is elderly housing, the amount of parking needed by those residents is lower than for standard housing, but based on observations of the site it does appear that its parking lot located off of 1st Ave does not always accommodate the total parking of the residents plus the staff. There is parking which takes place along the property frontage on the east side of Washington Ave between Clyde Ave and 1st Ave which is associated with the apartment building.

Attached are 4 photographs of the subject property:
508 - looking at the rear parking lot of the site from Washington Ave

509 - looking southeast at the west side of the house from Washington Ave

510 - looking east along Clyde Ave from southbound Washington Ave

514 - looking northeast at the west side of the house from the intersection of Washington Ave & Clyde Ave

We have a history of sight line problems from southbound Washington Ave (which is a one-way southbound street) at Clyde Ave due to this property. As can be seen from the photographs, the property is comprised of a house sitting on top of two relatively steep banks coming up from both Washington Ave and from Clyde Ave. Because the bank comes down relatively close to the intersection, it does limit sight distance from drivers stopped on southbound Washington Ave looking to see oncoming westbound traffic on Clyde Ave. Due to this problem, parking is prohibited on the north side of Clyde Ave along the entire property frontage. In addition, parking is also prohibited on the east side of Washington Ave for a relatively short distance north of Clyde Ave. Therefore, the remaining frontage on the side yard of the property only allows for approximately 3 vehicles to be parked on street adjacent to the subject site. Any additional vehicles would have to be parked adjacent to someone else's property.

The greatest traffic issues created by the proposed use would be the lack of provided parking. Since the proposal is for an 8 bed boarding house, it is certainly reasonable that there could be 8 vehicles being brought to this site at one time to be parked. The site plan only shows 3 parking spaces and that is probably the maximum number of spaces on site to be accommodated, especially due to the steep grades on the street perimeter of the site. Therefore, this could very foreseeably place the remaining 5 vehicles on the street. (This assumes that only one person can reside in any given room and that it isn't permissible for say a couple to be able to rent one room. If a couple could reside in a room, this could potentially double the number of vehicles being brought to the site.) Given that the street can only accommodate space for an additional 3 vehicles adjacent to the property, this would force the remaining 2 vehicles to be in front of someone else's property. Given the topography of the site and the access points into the house, the closest spaces on street would be those adjacent to the property on the east side of Washington Ave and those on the west side of Washington Ave adjacent to 170 Clyde Ave and 313 Washington Ave. #313 Washington Ave could be the most impacted adjacent home since it is not a corner lot, it has a very limited property frontage to the street, and it is directly opposite the driveway to the subject site. #313 only has frontage to allow for 2 parked vehicles and in the one aerial photo one can see two vehicles parked in front of this home utilizing the entire frontage of the property.

In dealing with parking problems in residential neighborhoods like this, one of the loudest and most understandable complaints we hear from the general public deals with homes that have a very large number of vehicles registered to one house. Oftentimes these are at houses where the homeowners themselves have a few cars and then they also have a number of teenagers and/or young adults also residing in the home, each with their own vehicle. Many times we hear complaints from nearby neighbors wanting the County to do something to legislate a maximum number of vehicles that can be registered to a given household/address in order to not have one property owner unduly impinge on everyone else's rights to the reasonable and expected use of the public road system to park residents' cars.

Putting aside the apartment complex for subsidized elderly housing (which is a significantly different use with substantially greater on-site parking), it appears that the subject site certainly does not conform with the surrounding single-family home properties. It places a significantly greater number of residents all in one building on a 0.15 acre size piece of ground and only appears to set up the potential for adversely impacting adjacent property owners with a lessened probability of being able to park adjacent to their own home. The building on this site is also significantly more massive than the homes surrounding this property, thus taking up a

greater percentage of the available property on site and eliminating the potential for accommodating additional on-site parking demands. Given that it appears this is a relatively newly constructed building, the property owner appears to have generated part of their own parking deficiency. Because the subject site can only accommodate 3 vehicles on-site and 3 vehicles adjacent to the property off-site, it would be our recommendation that the number of residents in this proposed boarding house be limited to a maximum of six (6) persons and that there would be no allowance for any more than one person to reside in any given bedroom. (We note from the floor plan that bedrooms #1 on the 1st and 2nd floors have their own bathrooms with an apparent double vanity which would seem to indicate that two of the bedrooms in the house are being planned for the potential of a couple.) At least from a traffic standpoint, such a limitation to a total of 6 residents would reasonably guarantee a minimal adverse impact on the adjoining residential homes, but still accommodate the higher than standard utilization of this particular residential property.

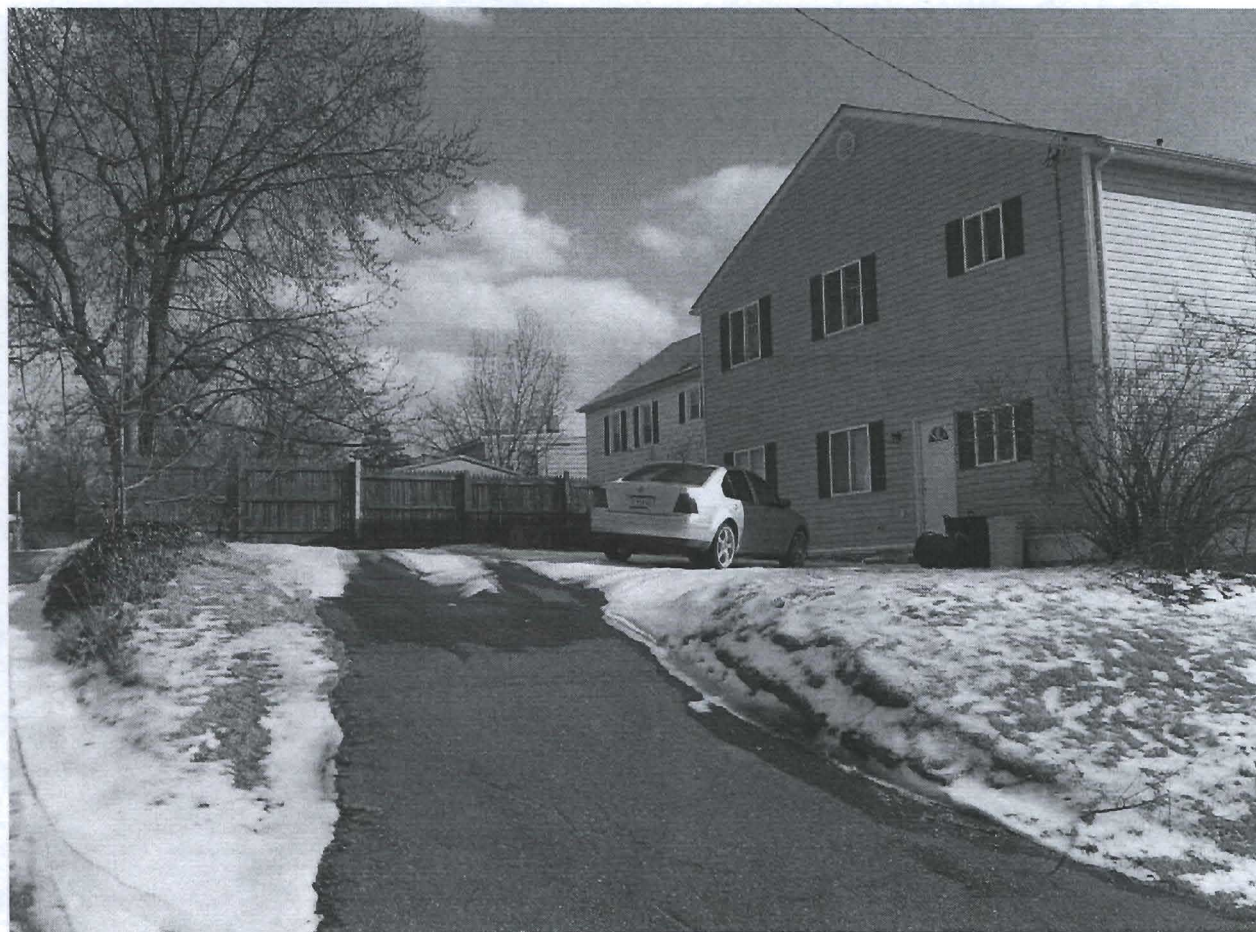
Should you wish to discuss the matter further or have any questions, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554











204 Clyde, 21227



[Businesses](#) | [People](#) | [Collections](#) | [Locations](#) | [Web](#)

Welcome

Directions





DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 0224829

204 CLYDE AVE

**ZONING CASE: 09-0171-SPHA
204 CLYDE AVE**

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: December 29, 2008

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Hearing Officer
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 171
Legal Owner/Petitioner: Mark G. Banks
Contract Purchaser: Chris Caldwell
Property Address: 204 Clyde Ave
Location Description: East side of Washington Avenue; North East corner of Washington
& Clyde Avenue

VIOLATION INFORMATION: **Case No.: 0224829**
Defendants: Mark G. Banks

Please be advised that the aforementioned petition is the subject of an active violation case.
When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

**Theresa Lowery
2517 Hammonds Ferry Road
Baltimore, MD 21227**

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form
State Tax Assessment printout
Correction Notice/Code Violation Notice
Photographs
Complaint Report
Interrogatories
Other: correspondences

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/
c: Ray Harmon

PHONE DUTY INTAKE SHEET

Tuesday, January 22, 2008

INTAKE CP CASE # 05-10427 AREA 13 INSPECTOR: _____PROBLEM converting sfd into 4 units08-0544VIOL. LOCATION 204 Clyde AveVIOL. ZIP 21227COMPLAINANT NAME Ms LowryCOMP. ADDRESS 2517 Hammonds Ferry RdCOMPL. ZIP 21227

COMPL. PHONE _____

COMPL. WORK #: _____

EXT _____

OWNERS INFO/ NOTES

DATE: 01/22/2008 STANDARD AS
TIME: 09:52:42
PROPERTY NO. DIST GROUP CLASS OCC
13 23 000610 13 1-0 04-00 N
BANKS MARK G DE
CLARKE STEPHANIE Y DE
204 CLYDE AVE PR
HALETHORPE MD 21227-3015

PREVIOUS CASE NUMBERS:

02-4239 ☒ NCF
02-4344
03-1249 ☒ REOPEN
99-4359

QTE

↓ still open - do you
want an 08 #?

last date inspected 1/9/06

P/V 2/15/08

1/22
No Sheet
was printed.

DATE: 01/22/2008

STANDARD ASSESSMENT INQUIRY

TIME: 09:52:42

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
13 23 000610	13	1-0	04-00	N	NO		01/02/08

BANKS MARK G DESC-1... LTS 162,163,164,165

CLARKE STEPHANIE Y DESC-2... JOSHUA

204 CLYDE AVE PREMISE. 00204 CLYDE AVE

00000-0000

HALETHORPE MD 21227-3015 FORMER OWNER: FRANCE GILBERT, JR

FCV		PHASED IN		
PRIOR	PROPOSED	CURR	CURR	PRIOR
LAND: 32,100	84,400	FCV	ASSESS	ASSESS
IMPV: 0	0	TOTAL.. 66,966	66,966	49,533
TOTL: 32,100	84,400	PREF... 0	0	0
PREF: 0	0	CURT... 0	0	0
CURT: 0	0	EXEMPT.	0	0
DATE: 07/03	08/06			

TAXABLE BASIS	FM DATE
ASSESS: 66,966	12/18/07
ASSESS: 49,533	
ASSESS: 0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Mainframe - B - M26BAEN											
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Stop Macro	Pause Macro	Run Applet...	Information Center								

RA1001F

DATE: 01/23/2008
TIME: 07:56:30

ASSESSMENT TAXPAYER SERVICE

PROPERTY NO.	DIST	GROUP	CLASS	OCC	HIST	DEL	LOAD DATE
13-000010	13	1-0	04-00	H	NO		01/02/08

BANKS MARK G
CLARK STEPHEN Y
204 CLYDE AVE

DESC-1... 112 162, 163, 164, 165
DESC-2... 100000
PREMISE... 00200 CLYDE AVE
000000 00001

HALL THORPE MD 21227 2015 FORMER OWNER: LEONCE GILBERT JR

-----FCV-----		-----TRANSFER DATA-----		---PROPERTY ID---	
	PRIOR	PROPOSED	NUMBER.....	371346	LOT.....
LAND:	32,100	84,400	DATE.....	11/21/07	BLOCK....
IMPV:	0	0	PURCHASE PRICE..	643,000	SECTION..
TOTL:	32,100	84,400	GROUND RENT.....	0	PLAT.....
PREF:	0	0	DEED REF LIBR...	26407	BOOK.....
CURT:	0	0	DEED REF FOLIO..	446	FOLIO....
DATE:	07/03	08/06	YEAR BUILT.....		MAP.....
			NEW CONSTR YR...		GRID.....
TAXABLE BASIS					PARCEL... 0357
	66,966	LOT WIDTH..	64.00	SB 1952	1.00
	49,533	LOT DEPTH..	100.00	WB 1926	1.00
	0	LAND AREA..	6400.000 S	SS	50.00
ENTER-INQUIRY1		PA1-PRINT	PF4-MENU	PF5-QUIT	WD
					79.02

01/001

PF1	PF2	PF3	PF4	PF5	PF6	Enter	PA1	Attn	Insert	NewLine
PF7	PF8	PF9	PF10	PF11	PF12	Clear	PA2	SysReq	Delete	NextPad

bcgprod1.co.ba.md.us:992 15

start

MOD Main- Microsoft

Baltimore County Pri...

AS/400 - A

Mainframe - B - M26B...

7:59 AM

Property Search - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Search Favorites

Address <http://arcims/PropertySearch/viewer.htm> Go Links BCG Website BCnet GroupWise WebAccess HOD

Property Search



Map created with ArcIMS - Copyright (C) 1992-2005 ESRI Inc.

Zoom Out

Map: 1408433.2, 575350.08 -- Image: 428, 89 -- ScaleFactor: 1.0051861779948643

Local intranet

start Internet Explorer 7:50 AM

Layers

Visible	Active	Layer Name
☒	☐	Road Names
☐	☐	Roads
☐	☐	County Outline
☐	☐	MET Boundary
☐	☐	URDL
☒	☐	Parcels
☐	☐	Address Points
☐	☐	Spot Elevation
☐	☐	Contours
☐	☐	Buildings
☒	☒	Zoning
☐	☐	Cycle Amends Water
☐	☐	Cycle Amends Sewer
☒	☐	Lakes and Ponds
☐	☐	Streams and Rivers
☐	☐	Water Plan
☐	☐	Sewer Plan
☐	☐	Geology
☐	☐	Soils
☒	☐	Imagery

DATE: 10/27/2008

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:26:44

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
13 23 000610	13	1-0	04-00	N	NO		10/02/08
BANKS MARK G				DESC-1... LTS 162,163,164,165			
CLARKE STEPHANIE Y				DESC-2.. JOSHUA			
204 CLYDE AVE				PREMISE. 00204		CLYDE	AVE

00000-0000

HALETHORPE

MD 21227-3015 FORMER OWNER: FRANCE GILBERT, JR

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	32,100	84,400		FCV	ASSESS	ASSESS
IMPV:	0	0	TOTAL..	84,400	84,400	66,966
TOTL:	32,100	84,400	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	07/03	08/06				

----- TAXABLE BASIS ----- FM DATE

ASSESS:	84,400	12/18/07
ASSESS:	66,966	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

ILLEGAL CONVERSION OF DWELLING
 ILLEGAL ROOMING/BOARDING HOUSE

COMPL. Teresa Lowery
 410-247-2325

Permits and Code Inspection Management
County Office
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement 410-887-3351
Inspection 410-887-3953
Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Signs/Fences 410-887-3896

CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER 52842	PROPERTY TAX ID 1323000610	DATE ISSUED 10/28/08
NAME(S): BANKS MARK G		
CLARKE STEPHANIE Y		
MAILING ADDRESS 204 CLYDE AVE		
CITY HALETHORPE	STATE MD	ZIP CODE 21227
VIOLATION ADDRESS SAME		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- ☒ 101; 102.1: Definitions; general use
☒ 1B01.1: DR Zones-use regulations
☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s)
☐ 1B01.1D: Remove open dump/ junk yard
☐ 431: Remove commercial vehicle(s)
☐ 101; 102.1: Remove contractors equip. storage yard
☐ 101; 102.1; ZCPM: Cease service garage activities
☒ 402: Illegal conversion of dwelling
☐ 101; 102.1; ZCPM: Illegal home occupation
☐ 415A: License/ remove untagged recreation vehicle
☐ 415A: Improperly parked recreation vehicle
☐ 415A: One recreational vehicle per property
☐ 410: Illegal Class II trucking facility
☐ 400: Illegal accessory structure placement
☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs
☐ 102.5: Residential site line violation/ obstruction
☒ 408B: Illegal rooming/ boarding house
☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C.)

- ☐ 13-7-112: Cease all nuisance activity
☐ 13-7-115: County to abate nuisance & lien costs
☐ 13-7-310: Remove all trash & debris from property
☐ 13-7-312: Remove accumulations of debris, materials, etc
☐ 13-7-201(2): Cease stagnant pool water
☐ 12-3-106: Remove animal feces daily
☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests
☒ 13-4-201(b)(d): Store garbage in containers w/tight lids
☐ 35-2-301: Obtain building/ fence/ sign permit
☐ 18-2-601: Remove all obstruction(s) at street, alley, road
☐ 13-7-310(2): Remove bird seed / other food for rats
☐ 32-3-102: Violation of development plan/ site plan
☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise
☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height

OWNER OCCUPIED HOUSING (B.C.C.)

- ☐ 35-5-302(a)(1): Unsanitary conditions.
☐ 35-5-302(a)(3): Cease _____ infestation from prop.
☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc
☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions
☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s)
☐ 35-5-302(a)(2): Store all garbage in trash cans
☐ 35-5-302(b)(1): Repair exterior structure
☐ 35-5-302(b)(1)(3): Repair exterior extensions
☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces
☐ 35-5-302(b)(1)(7): Repair defective fence

INVESTMENT PROPERTY (B.C.C.)

- ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition
☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members
☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry
☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below)
☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)
☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members
☐ 35-2-404(a)(1)(iv): Repair exterior chimney
☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations
☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris
☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure

OTHER VIOLATIONS OR REMARKS:

ANY QUESTIONS CALL ME

☐ NOTICE POSTED AND MAILED

POTENTIAL FINE: ☒ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: **11/28/08**

INSPECTOR NAME: **RAY HARMON**
PRINT NAME (Rev 9/05)

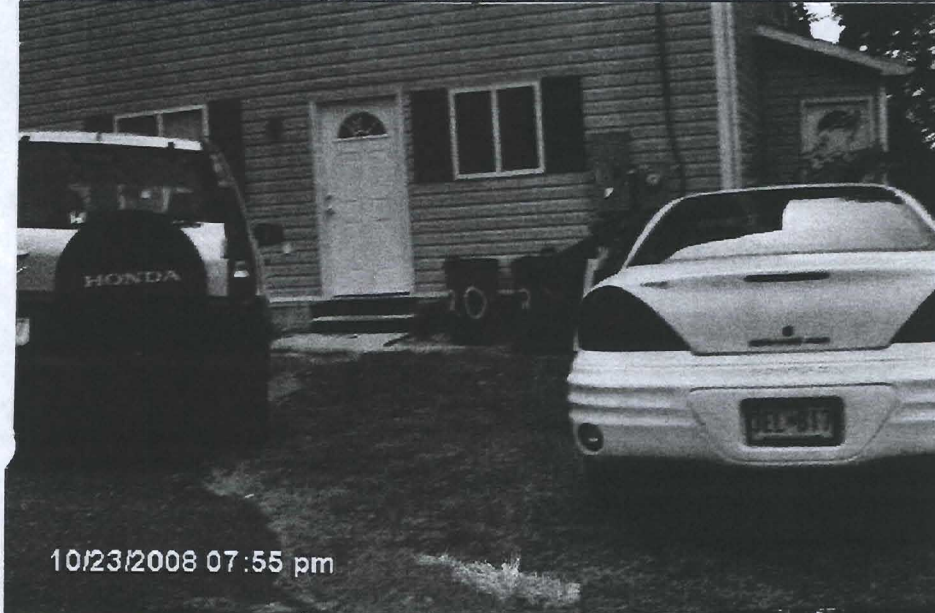
AGENCY

PHOTOGRAPHIC RECORD

Complaint Number: 52842 Facility Number: 0224829

Property Address: 204 CLYDE AVE

Date of Photographs: 10/28/08



I HEREBY CERT

fairly and accurat
number on the date set out above.

ese photographs

subject of the above-referenced complaint

Ray
Code Enforcement Officer



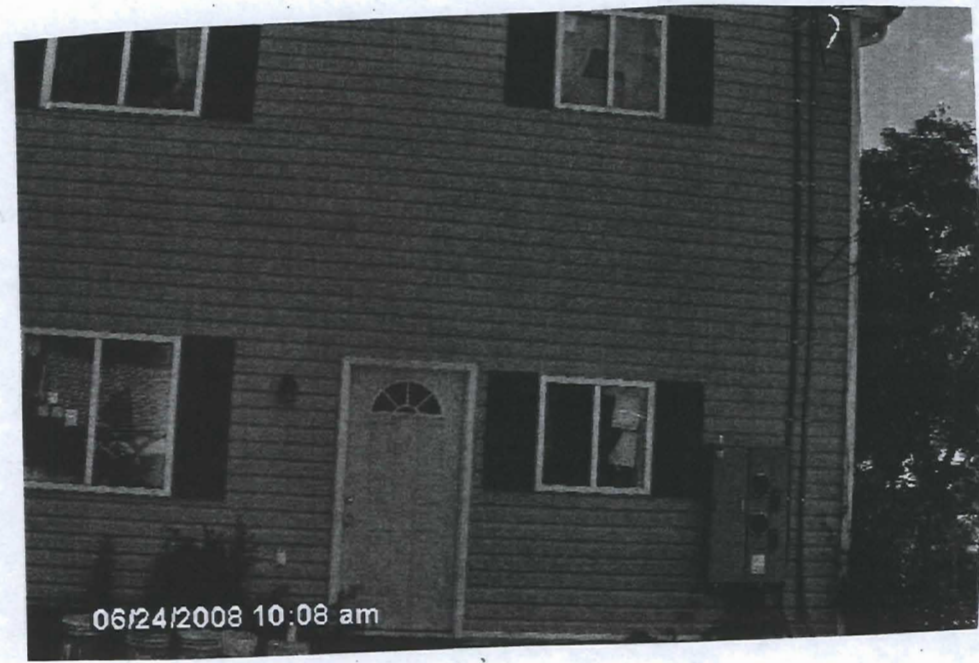
06/24/2008 10:08 am

tion/Case No.: 08-0544

e of Photographs: 6/24/08

204 CLYDE AVE

HOUSE REMAINS VACANT
CALLED OWNER ABOUT GRASS



REBY CERTIFY that I lo
y and accurately depict th
ion/case number on the

ographs

RAY
Enforcement Officer

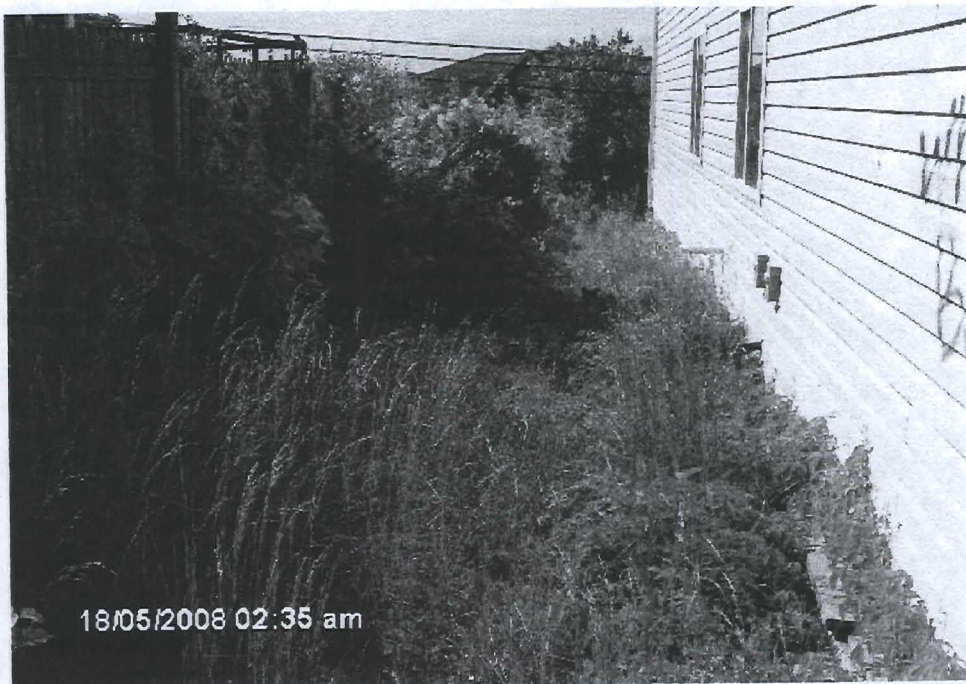
PHOTOGRAPHIC RECORD

Citation/Case No.: 08-0544
Date of Photographs: 5/21/08 204 CLYDE AVE.

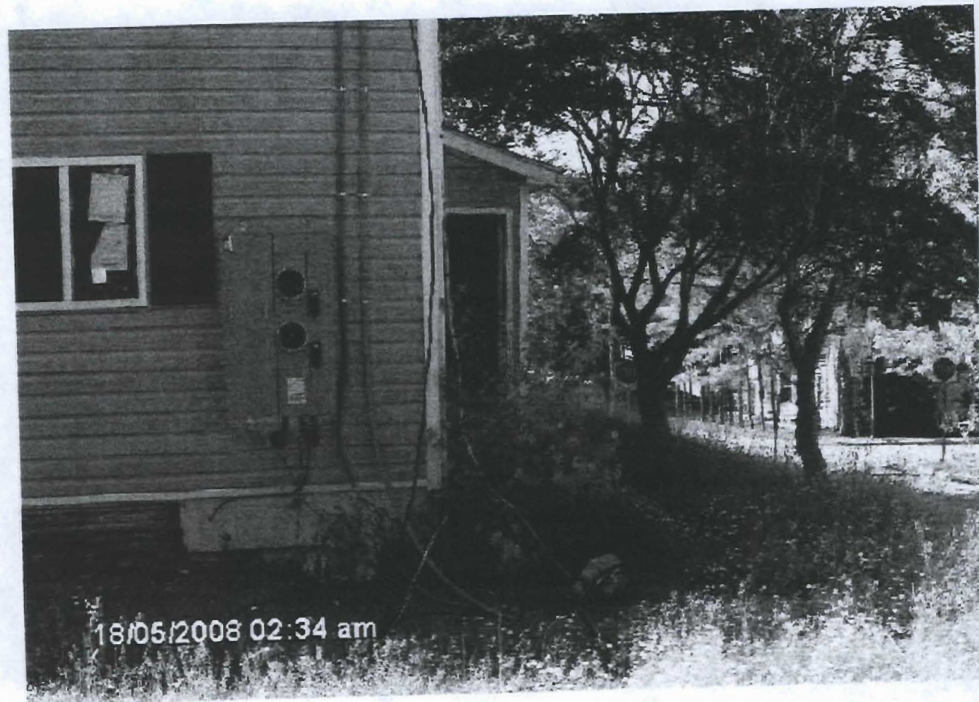


I HEREBY CERT
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citation/case num

11/14/00



raphs





08-0544

4/4/08

INSPECTION

204 Clyde Ave

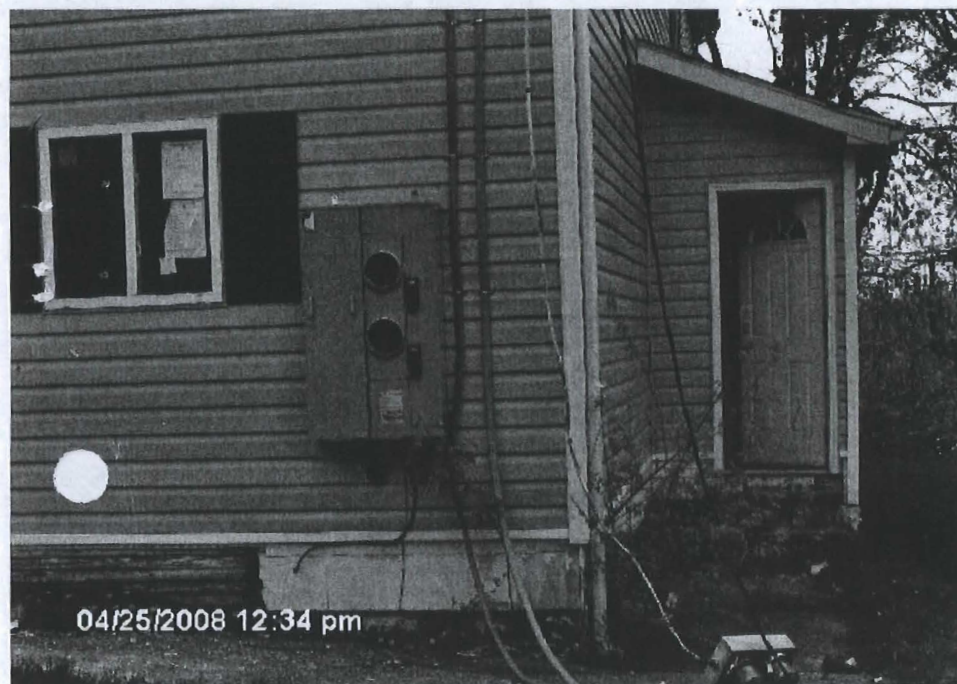
Jim Garland
Bulldog Insp.

410-887-3953

42 E-8

5/21/08

OBSERVED TG&W SURROUNDING ENTIRE
PROPERTY. VACANT. MONITOR FOR OCCUPA
P/O 6/23/08 RF



04/25/2008 12:34 pm

Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: SN0010861

Record ID	AS/400 Case	Assigned To	Assigned Date	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0052842		Ray Harmon	10/27/2008	Claudia Fischer	10/27/2008	Open - Emergency		42E8

Complaint Description: illegal conversion of dwelling - illegal rooming & boarding hosue

Facility: FA0224829 PDM 1323000610 204 CLYDE AVE HALETHORPE, MD, 21227	Owner : BANKS MARK G CLARKE STEPHANIE Y 204 CLYDE AVE HALETHORPE MD 21227	Complainant: per mike mohler Theresa Lowery 420-247-2325 folder made
---	---	---

Daily Activity Details - No Data

Violation Details - No Data

Comment Details - No Data

Mileage:

10/28/08

10/24/08 FACT FINDING INSPECTION FOR ILLEGAL ~~CONVERSION~~ CONVERSION OF DWELLING OR ILLEGAL ROOMING /BOARDING HOUSE. OBSERVED 7 ADULTS LEAVING RESIDENTS. TALK WITH ONE OF THE TENANTS, INFORMED ME OF 4 UNLAWFUL RELATED ADULTS LIVING AT RESIDENTS, TRASH NOT IN CONTAINER WITH TIGHT FITTING LIDS, PHOTOS TAKEN

10/28/08 ISSUED CORRECTION NOTICE, POSTED & MAILED INTERROGATORIES MAILED TO RESPONDENT

ROOMING HOUSE QUESTIONS FOR COMPLAINANT

Case Number: 52842 FA 0224829
Inspector's Name: RAY HARMON
Alleged Violation Address: 204 CLYDE AVE HALETHORPE, MD 21227
Return Questionnaire by: 11/28/08

Dear Theresa Lowery, the Baltimore County Department of Permits and Development Management needs your help to correct code violations at the address above, which relate to your complaint. To aid us in taking corrective action, we request that you write out answers to the following questions in the space provided and mail them in the self-addressed and stamped envelope enclosed for your convenience to:

Department of Permits and Development Management
111 W. Chesapeake Avenue, Rm. 213
Towson, Maryland 21204

We thank you in advance for your assistance in helping to correct this apparent Code violation.

1. Print your full name: Theresa Mary Lowery
2. Print your current address: 2517 Hammond Ferry Rd
3. Please provide your telephone number and/or e-mail address to assist us in communicating with you more efficiently. Due to our obligations under the Freedom of Information Act, this information may be available to anyone requesting it, including owner and occupants of the subject property. theresamarylowery@yahoo.com.
4. How long have you lived at this address?
over 49 years
5. If you believe the rooming/boarding house at the subject property ("Alleged violation address") is owner occupied, what is the basis of such belief?
Do not see the owner on the property — except when he was rehabbing the home with other workers.

6. How many people do you believe reside at this address and describe the basis of such understanding on your part including, if possible, the length of occupancy time for each resident? *Noted at least six*

To eight persons moving and coming and going

7. If you are aware that any residents of the subject property are related to the owner please state the source of such knowledge on you part.

N/A

8. For what period of time have you observed more than 2 unrelated individuals living at the subject property? *every time I leave home and drive up the street*

9. Do you know the names, sex and/or approximate ages of any of the residents of the subject property? Yes ☒ No ☐
If yes, please provide below any information known.

They are all, most young persons.

10. How often do you observe the resident of the subject property (i.e., at least daily, weekly, other)?

*At least twice and some times
three times a day -*

11. Do any residents drive a vehicle? Yes ☒ No ☐
If yes, provide the make, and State of origin and number of the license plate attached to the vehicle.

*1) white station wagon 133591?
2) grey small car 7CXA96 Toyota*

Signature: *[Signature]*

Date: *10/5/08*

Thank You for your assistance.

Ms. LOWRY

2517 HAMMONDS FERRY Rd

BALT MD. 21227

ILLEGAL ROOMING + BOARDING
HOUSE.

ILLEGAL CONVERSION OF DWELLING

RETURN TO INSPECTOR RAY HARMON

By 11/28/08

Mr. Banks.

1/8/08

CALLED REQUESTED

1/8/08 FOR CORRECTION

204 ~~Clyde~~

Clyde Ave

11/20/08

Dear Sir:

Please advise when any
legal action is going to
take place on this
property. Thank you

Sincerely,
11/11



DEVELOPMENT, LLC

FAX COVER

Date: 12/2/08

To: Ray Harmon

FAX Number: 410-887-2824

From: Mark Banks

Phone Number: 240-353-3487

Subject: 204 Clyde Ave

Number of Sheets 2

Find attached the document you requested.

Thanks you!

NOTICE - This communication may contain confidential and privileged information that is for the sole use of the intended recipient. Any viewing, copying or distribution of, or reliance on this message by unintended recipients is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

FA

3540 GRAIN HWY, #150, BOWIE, MARYLAND 20716
PHONE: 301.218.1820

**DEVELOPMENT, LLC**

November 19, 2008

Mr. Chris Caldwell
204 Clyde
Baltimore, MD 21227

RE: NOTICE OF BREACH OF LEASE (Addendum #1)

Dear Mr. Caldwell,

This letter is being sent to you as an addendum to the letter dated November 9, 2008 regarding the complaints regarding the number of residence occupying the property you reside at 204 Clyde Ave.

After hearing from Inspector Ray Harmon I was informed I had miss stated the code.

Please be advised to seas and dismiss this practice housing more then ~~three~~ two unrelated individuals may reside in that home. Any additional or repeated breaches of your lease can result in termination of your lease agreement without further warning or notice to you.

This is a serious matter and your urgent attention is required.

Sincerely,

Management

MB Development, LLC

CC: Ray Harmon, Baltimore County, Code Inspection

AMENDMENT TO PREVIOUS LETTER.

ID 4/3/9

FA 0224829

1 of 1



DEVELOPMENT, LLC

November 9, 2008

Mr. Chris Caldwell
204 Clyde
Baltimore, MD 21227

RE: NOTICE OF BREACH OF LEASE

Dear Mr. Caldwell,

This letter is being sent to inform you this office has received complaints regarding the number of residence occupying the property you reside at 204 Clyde Ave. It has been reported by way of the County Code Enforcement more then the allowed unrelated tenants are housed in the residence. Please be advised this housing arrangement is not acceptable and in conflict with the "subletting, insurance" section of your lease. The above referenced section prohibits "Tenants agree not to sublet or assign the agreement without the written consent of the Owner."

Please be advised to seas and dismiss this practice housing more then three unrelated individuals may reside in that home. Any additional or repeated breaches of your lease can result in termination of your lease agreement without further warning or notice to you.

This is a serious matter and your urgent attention is required.

Sincerely,

Management

MB Development, LLC

MARK BANKS

CELL 240-353-3487

CC: Ray Harmon, Baltimore County, Code Inspection

310-218-1821

FA 0224829

Soundex	Name	Hgt	Wgt	Race	Sex	DoB
Street	City	County	State	Zip	Priv.	
B520585275354	MARK GENERALD BANKS	6-00	164	1	M	050983
4417 ANNAPOLIS RD	HALETHORPE	BA	MD	21227	PRIV	
B520585275800	MARK GENERALD BANKS	6-00	220	1	M	101760
17013 FEDERAL HILL CT	BOWIE	PG	MD	20716	PRIV	
B520585288800	MARK GREGORY BANKS	5-09	135	2	M	101785
18926 MONTGOMERY VILLAGE AVE	MONTGOMERY VILLAGE	M	MD	20886	PRIV	
B520585288913	MARK GREGORY BANKS	5-10	170	1	M	113058
4819 EDMONSTON RD	HYATTSVILLE	PG	MD	20781	PRIV	

>>> INTERROGATION COMPLETE; MARK G BANKS

<<<

PAGING MODE: PAGE 1 OF 1 || PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

§ 409.4 Access to parking spaces.

Vehicular travelways in off-street parking facilities where the parking spaces are located in parking bays or parking lanes shall be divided into driveways, with no direct access to parking spaces, and aisles, providing direct access to adjoining parking spaces.

A.

Driveways shall be at least 12 feet in width for one-way movements and at least 20 feet in width for two-way movements.

B.

All parking spaces shall adjoin and have direct access to an aisle, except in the following cases:

1.

In cases where vehicles will be parked by an attendant, the Zoning Commissioner may approve a parking facility in which up to 50% of all parking spaces do not adjoin and have direct access to an aisle.

2.

In office buildings less than 5,000 square feet, the Zoning Commissioner may approve a plan in which spaces designated for employee use only do not have direct access to an aisle.

C.

The permitted parking angles and the minimum required widths of aisles shall be as specified below. Parking angles and aisle widths which vary from those specified below may be approved by the Zoning Commissioner for any parking facility based upon the written findings of the Director of Public Works that the design of the particular parking facility involved will provide for the safe and efficient circulation and maneuvering of vehicles.

	Parking Angle	One-Way Aisles (feet)	Two-Way Aisles (feet)
	90°	22	22
	75°	18	20
	60°	16	20
	45°	14	20
	30°	14	20
	0°	14	20

D.

Historic structures. For an existing structure within the Oella National Register District or the Ellicott Mills National Register District, the width of driveways and aisles with two-way movement in an interior private parking facility may be modified up to 25% of the minimum required width specified in Section 409.4.A and 409.4.C. Residential dwelling unit parking spaces that do not have access to aisles are permitted, and these spaces may count towards the number of spaces required under Section 409.6. Any parking spaces without direct access to a drive aisle and the space blocking access to that drive aisle shall be reserved for an individual unit.

[Bill No. 8-2004]

? 409.6 Required number of parking spaces.**A.**

General requirements. The standards set forth below shall apply in all zones unless otherwise noted. Where the required number of off-street parking spaces is not set forth for a particular type of use, the Director of the Department of Permits and Development Management shall determine the basis of the number of spaces to be provided. When the number of spaces calculated in accordance with this section results in a number containing a fraction, the required number of spaces shall be the next highest whole number.

[Bill Nos. 124-1993; 136-1996; 144-1997]

1.

Residential and lodging uses.

Boarding or rooming house — 1 per tenant bed plus
2 if owner resides on
property.

? 409.8 Design standards.

A.

Requirements for parking facilities in all zones. All off-street parking facilities shall be subject to the following requirements:

1.

Design, screening and landscaping. Design, screening and landscaping shall be provided in accordance with the Landscape Manual and all other manuals adopted pursuant to ? 32-4-404 of the Baltimore County Code.

[Bill No. 137-2004]

2.

Surface. A durable and dustless surface shall be provided and shall be properly drained so as not to create any undesirable conditions.

3.

Lighting. Any fixture used to illuminate any parking facility shall be so arranged as to reflect the light away from residential lots and public streets. Light standards shall be protected from vehicular traffic by curbing or landscaping.

4.

Distance to street line. No parking space in a surface parking facility for a nonresidential use shall be closer than 10 feet to the right-of-way line of a public street, excluding vehicle overhang, except that in the C.T. District of Towson such setback is not required if the parking facility is screened from the street in accordance with the Landscape Manual.

5.

Dead ends. All dead-end aisles shall be designed to provide sufficient backup area for the end parking spaces.

6.

All parking spaces must be striped. Striping shall be maintained so as to remain visible.

§ 409.12 Other requirements.

A.

The off-street parking requirements in Section 409 shall supersede any off-street parking requirements adopted pursuant to the authority of Section 504.

B.

If the requirements for parking space or loading space in Section 409 would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and after a public hearing, the procedure for which is set forth in Section 409.8.B.1 above.

§ 408B.1 Permit procedure; regulations.

Notwithstanding any provision in these regulations to the contrary, boarding- or rooming houses are permitted in D.R. Zones, subject to the provisions of this section.

A.

Upon application to the Department of Permits and Development Management (PDM), the Director may issue a use permit for a boarding- or rooming house under the following procedure:

1.

Upon application, the applicant shall provide the following information:

a.

The maximum number of tenants expected to live on the property.

b.

A site plan indicating the location and type of structure and the proximity of dwellings on adjacent lots.

c.

The location of the required off-street parking spaces.

d.

A floor plan indicating the number of bedrooms and bathrooms.

e.

Such other information as the Director may require.

2.

Notice and hearing.

a.

On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of 15 days following the filing of the application.

b.

Within the fifteen-day posting period, any interested person may file a formal request for a public hearing before the Zoning Commissioner in accordance with Section 500.7.

c.

If a formal request for a public hearing is not filed, the Director, without a public hearing, may grant a use permit for a boarding- or rooming house in a D.R. Zone if the proposed use meets the requirements of this section and Section 502.1. The use permit may be issued with such conditions or restrictions as determined appropriate by the Director to satisfy the provisions of this section and Section 502.1 and to ensure that the boarding- or rooming house will not be detrimental to the health, safety or general welfare of the surrounding community.

d.

If a formal request for a public hearing is filed, the Director shall schedule a date for the public hearing before the Zoning Commissioner, such hearing to be held not less than 21 days and not more than 90 days from the date of filing of the request for public hearing.

e.

Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

(1)

Findings following the public hearing.

(2)

The character of the surrounding community and the anticipated impact of the proposed use on that community.

(3)

The manner in which the requirements of this section and Section 502.1 and other applicable requirements are met and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the use will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of this section and Section 502.1 of these regulations.

f.

If a formal request for a public hearing is not filed and notwithstanding any provision herein to the contrary, the Director may, at his or her discretion, require a public hearing whereat the applicant shall be required to satisfy the burden of proof required for such use to be granted.

g.

Notwithstanding the provisions of Section 1B01.1B, the Director, or the Zoning Commissioner if a hearing is requested, or the County Board of Appeals, upon appeal, may modify Section 1B01.1.B.1.b as it pertains to such use in D.R. Zones.

B.

Boarding or rooming houses are permitted only in single-family detached dwellings.

C.

The applicant shall be required to keep and preserve accurate occupancy records, including the name, social security number and dates of occupancy of each tenant and shall make such records available to the Fire Department, Police Department, Department of Permits and Development Management and other appropriate governmental agencies.

D.

Off-street parking spaces shall be located in the side or rear only, unless otherwise approved by the Zoning Commissioner, and shall be landscaped in accordance with the Class A requirements of the Landscape Manual.

E.

After the effective date of Bill No. 124-93, a new boarding- or rooming house is not permitted next to an existing boarding- or rooming house unless permitted after a public hearing pursuant to Section 408.B.

F.

Upon approval of the initial use permit, the applicant, operator, owner or lessee of the property or premises at issue shall be required to renew the use permit annually, to be dated from the month of the initial approval. Such renewal shall not be subject to Section 408B.A.2 above.

G.

The Director may suspend, revoke or refuse to renew the use permit for the following reasons:

1.

The applicant has made any false or misleading statement in any application or other document required to be filed under this section.

2.

The applicant has failed to comply with the Livability Code; the applicable zoning regulations; or the noise, litter, fire, health or sanitation ordinances of Baltimore County.

3.

The applicant has failed to comply with the terms and conditions of the initial approval.

H.

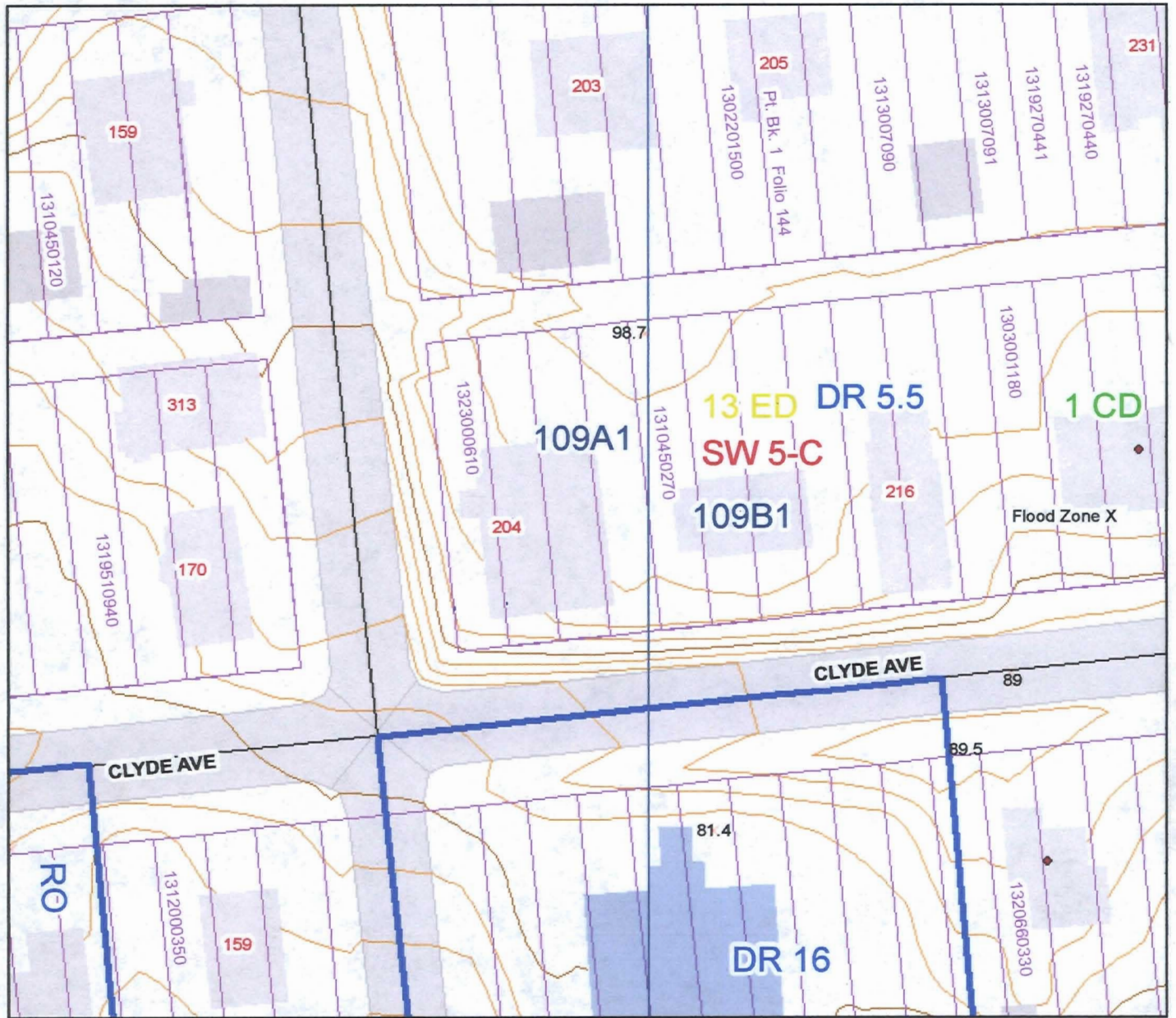
The applicant, as a condition precedent to the approval of the initial use permit, shall be required to permit the county to enter and inspect the premises upon twenty-four-hour notice to the applicant, operator, owner or lessee of the property or premises.

I.

Appeals from any decision or order of the Director or Zoning Commissioner may be taken to the Board of Appeals in accordance with § 32-3-401 of the Baltimore County Code.

[Bill No. 137-2004]

204 Clyde Avenue

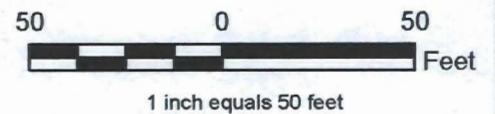


2009-0171-SPHA

DQ Map Notes



Publication Date: December 10, 2008
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



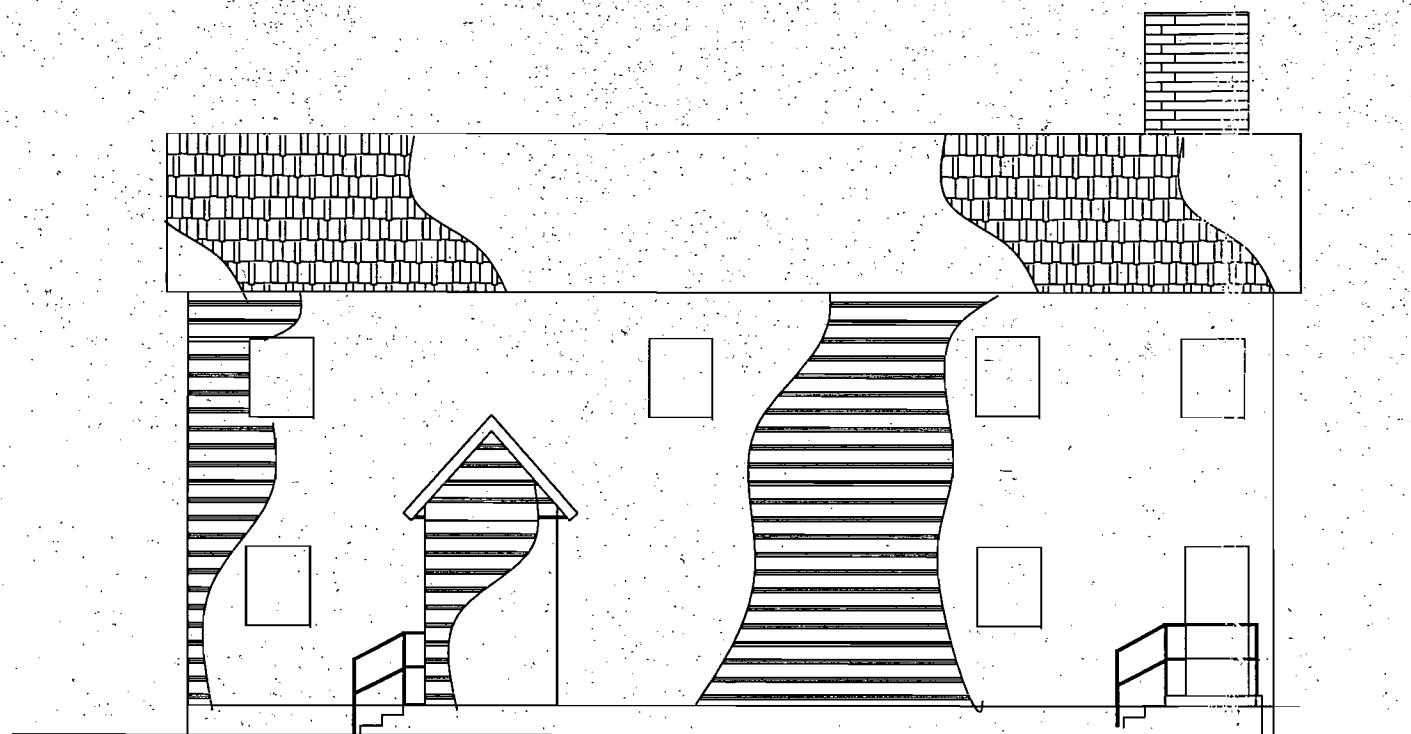
CASE NAME _____
CASE NUMBER 2009-0121-SPNA
DATE 2-18-09

[illegible]

CASE NAME _____
CASE NUMBER 2009-0171-SPNA
DATE 2-12-09

[illegible]

204 Clyde Ave.



GENERAL NOTES:

THE OWNER/BUILDER SHALL BE RESPONSIBLE FOR CORRECT SITING OF THE HOUSE ON THE PROPERTY AND FOR CONFORMATION FOR ALL REQUIREMENTS FOR SITING.

THE OWNER/BUILDER SHALL COORDINATE AND VERIFY ALL DIMENSIONS PRIOR TO STARTING CONSTRUCTION AND ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.

COORDINATE TELEPHONE, ALARM AND FIRE PROTECTION SYSTEM WITH TENANT.

FIRE PROTECTION / SPRINKLER ENGINEER DESIGN SHALL BE PERFORMED BY LICENCED FIRE PROTECTION ENGINEER IN ACCORDANCE WITH LOCAL ENGINEERS FOR COMPLIANCE WITH LOCAL CODES AND STANDARDS.

OWNER/BUILDER SHALL BE RESPONSIBLE FOR COORDINATING WITH LOCAL ENGINEERS FOR COMPLIANCE WITH LOCAL CODES AND STANDARDS.

ALL INTERIOR FINISHES SHALL BE SELECTED BY OWNER. BUILDER SHALL PROVIDE PRICING FOR STANDARD FINISHES AND FIXTURES.

ELECTRICAL, MECHANICAL AND PLUMBING CONTRACTOR SHALL COORDINATE WITH OWNER/TENANT.

CONTRACTOR SHALL HAVE COPIES OF ALL SPECIAL INSPECTION REPORTS, I.E. SOLID, CONCRETE, ERECTION, ECT. FOR USE BY ON SITE BUILDING INSPECTOR.

CONTRACTOR RESPONSIBLE FOR ALL PERMITTING REQUIREMENTS.

UNIT COST SHALL BE ESTABLISHED FOR STANDARD FIXTURES, FINISHES SHALL BE AGREED UPON PRIOR TO EXECUTION OF TRADE.

PROVIDE ALL NAILING & REQUIRED ROUGH HARD WARE CONNECTIONS PER CODE, LATEST EDITION.

WOOD FRAMING:

ALL WALL FRAMING SHALL BE SPACED @ 16" O.C.
PROVIDE 2"x4" DIAGONAL CUT-IN BRACING AT ALL EXTERIOR CORNERS
AT ALL CORNER POST SPIKE 2x4'S TOGETHER TO FORM 4"x4" CORNER POST, AND
AT ALL OPENINGS (DOORS, WINDOWS, AND OTHERS).
PROVIDE 2"x8" MIN. HEADER, 1/2"x4" CRIPPLE STUD ABOVE HEADER.
PROVIDE DBL. 2"x4" CRIPPLE STUD FRAMING @ EACH END OF FRAMED OPENING.

STRUCTURAL CRITERIA:

LOADS (PSF)	LIVE	DEAD	TOTAL
JOIST	40	10	20

DEFLECTION ON ALL FLOOR JOIST SHALL BE LIMITED TO 1/2"

ALL STRUCTURAL ELEMENTS ARE TO VARIFIED BY LOCAL STRUCTURAL ENGINEER

All Work shall be performed by qualified electricition in accordance with the National Electrical Code and any applicable addinances or requirements of the Jurisdiction having authority.

ROOF:
ROOF TRUSS SYSTEM SHALL BE DESIGNED BY LOCAL MANUFACTURE AND COMPLY WITH LATEST CODE.

ROOF DECKING SHALL BE 1/2" TONG AND GROVE NAILED IN ACCORDANCE WITH LOCAL CODE.

20 YR ASPHALT SHINGLES MIN.

STRUCTURAL CRITERIA)

LOADS (PSF)	LIVE	DEAD	TOTAL
ROOF TRUSSES	30	17	47
ROOF RAFTERS	30	10	40
ADD FOR GPDW AT VALTS	+5		
CEILING JOIST (NO LOADS)	10	10	20
CEILING JOIST (LIMITED STORAGE)	20	10	30

HVAC SHALL BE SUPPLY THE RESIDENCE WITH AMPLE SUPPLY OF HEATING AND COOLING TO MAINTAIN 65° TO 75° TEMPETURE THROUGHOUT THE CALANDAR YEAR.

200 AMP MIN. UPGRADE TO THE MAIN ELECTRICAL PANEL SHALL BE IN ACCORDANCE WITH LOCAL CODE.

General Notes

COVER SHEET

No.	Revision/Issue	Date

Firm Name and Address

MB Development, LLC
3540 Crain Hwy. #150
Bowie, Maryland 20716
Tel. 240.353.3487
FAX. 301.218.9815

Project Name and Address

204 Clyde Ave.
Baltimore, Maryland 21227

Project
51020-01

Date
09-AUG-07.

Notes
As Noted

Sheet

COVER

1 of 3

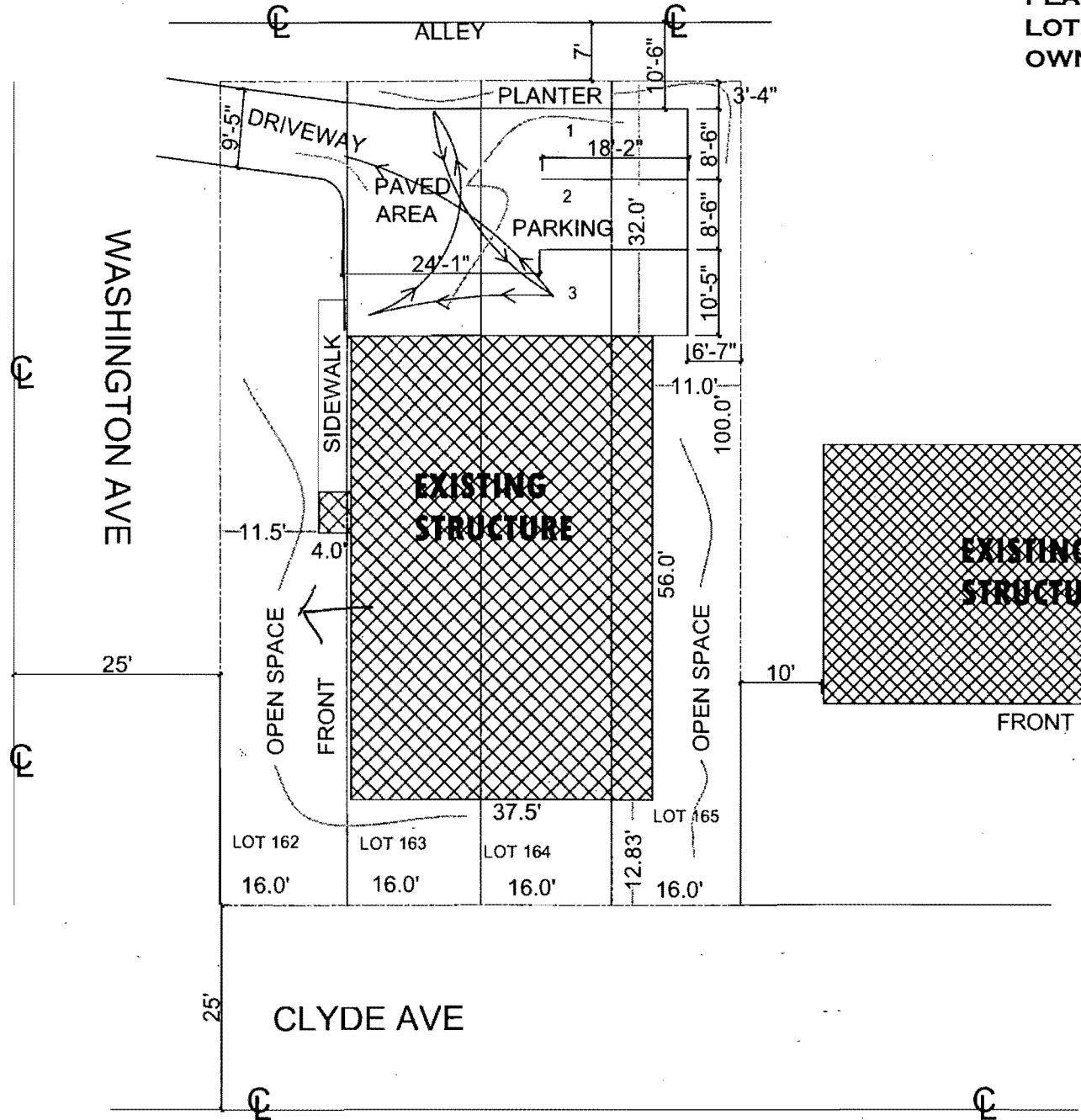
2009-0171-SPHA

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

LEGAL DESCRIPTION

PROPERTY ADDRESS: 204 CLYDE AVE
SUBDIVISION: JOSHUA
PLAT #: 1/144
LOTS: 162, 163, 164, 165
OWNER MARK & SHAROM BANKS

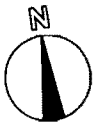
 CORRECTION NOTICE CASE #: 52842



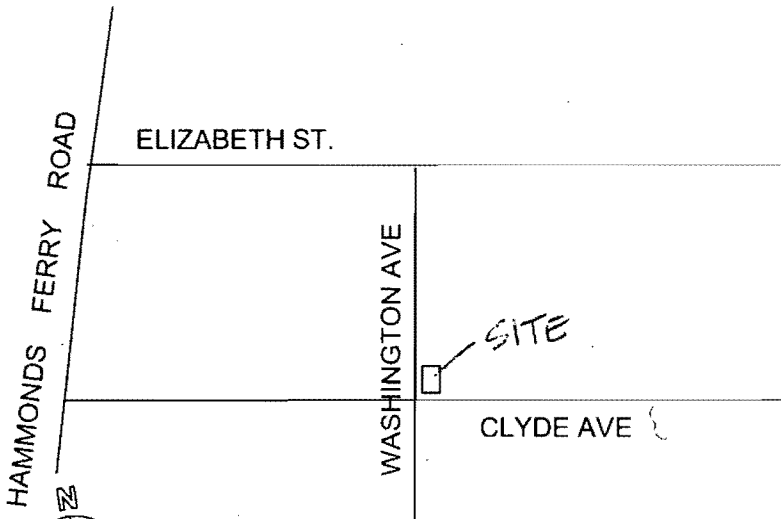
PLAT PLAN

PARKING DATA

USE: BOARDING HOUSE
BLDG.: 8 BEDS
1 SPACE FOR EACH BED
8 SPACES REQUIRED ; 3 SPACES PROVIDED
TYPICAL SPACE SIZE 8.5'X 18'
PAVING TYPE: ASPHALT



Scale: 1" = 20'



VICINITY MAP
SCALE 1" = 200'

LOCATION INFORMATION

13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
SCALE MAP# 109 A1
ZONING: DR 5.5
LOT SIZE: 6400.00 SF

SEWER: PUBLIC
WATER: PUBLIC

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD ZONE	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒

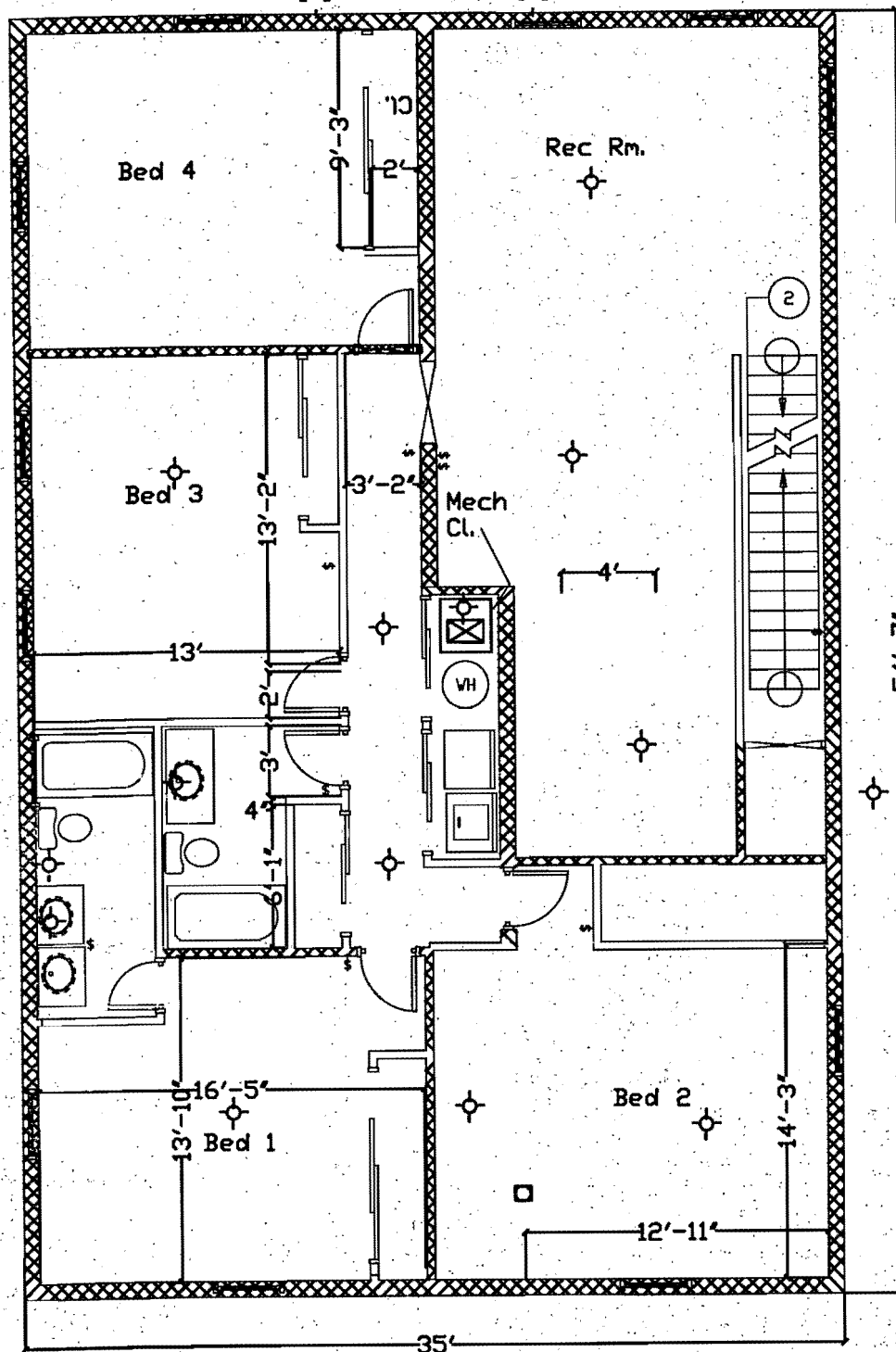
 PRIOR ZONING HEARING CORRECTION NOTICE # 52842

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

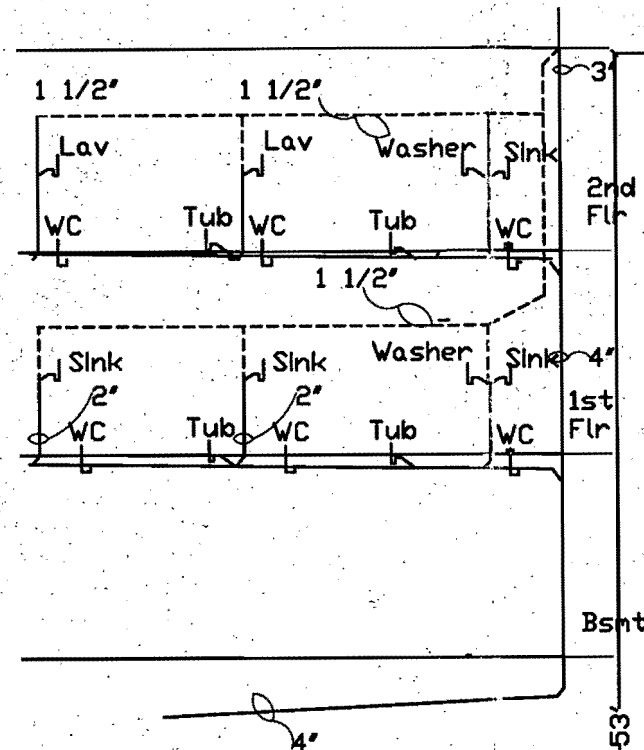
DATE: 11/25/08

A-TSUI 0171 2009-0171-SPHA



2ND FLOOR

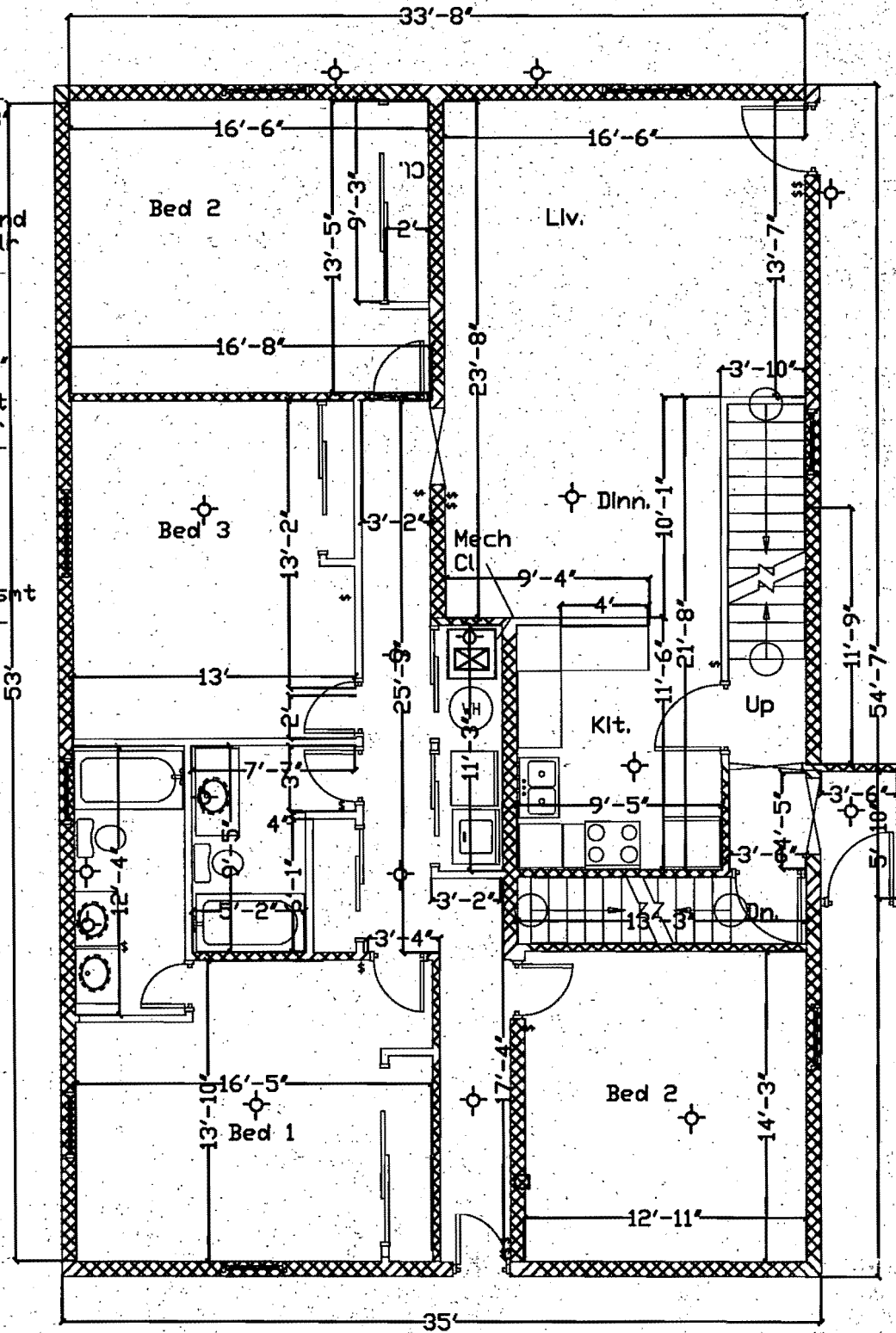
1/4" = 1'-0"



Sanitary Riser

ELECTRICAL SPECIFICATIONS

- ALL NECESSARY PERMITTING FEES SHALL BE INCLUDED.
- ALL WORK SHALL BE PERFORMED BY QUALIFIED ELECTRICIATION IN ACCORDANCE NATIONAL ELECTRICAL CODE AND ANY APPLIANCE ORDINANCE OR REQUIREMENTS OF THE JURISDICTION HAVING AUTHORITY.
- EQUIPMENT, FIXTURES AND DEVICES SHALL BE U.L. LISTED FOR THE TYPE OF APPLICATION USED. NEW WITH ALL ASSOCIATED LAMPS, FRAMES, HANGERS, PLATES, BOXES, ETC., FOR A COMPLETE INSTALLATION.
- ALL FEEDERS SHALL BE INSTALLED IN CONDUIT, SCHEDULE 80 PVC CONDUIT SHALL BE USED FOR UNDERGROUND FEEDER INSTALLATION WITH LOCAL CODE.
- BRANCH CIRCUIT WIRING SHALL BE THHN. WIRING SHALL BE INSTALLED IN EMT CONDUIT WHERE EXPOSED. MC CABLE MAY BE USED WHERE CONCEALED.
- LIGHTING FIXTURES SHALL BE COMPLETE WITH LAMPS.
- COORDINATE ALL WORK WITH OTHER TRADES. VERIFY MECHANICAL UNIT BREAKER, DISCONNECT AND MOPD REQUIREMENTS WITH THE MECHANICAL PRIOR TO PURCHASE OF EQUIPMENT.
- UL LISTED SERIES RATINGS MAY BE USED FOR MEETING THE AIC REQUIREMENTS LISTED ON THE PANEL SCHEDULES. VERIFY AVAILABLE FAULT CURRENT WITH



1ST FLOOR

1/4" = 1'-0"

FRAMING NOTES

- 1 Dbl header joist w/ continuous ledger or hanger at top of Stair case.
- 2 Dbl header joist w/ continuous kick plate to support the stair case.

General Notes

Floor Plan / Sanitary Riser

No. Revision/Issue Date

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204 Clyde Ave.
Baltimore, MD

0723-06
09-aUGy-07
As Noted
A-2
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