

IN RE: PETITION FOR VARIANCE

N side of Pennsylvania Avenue, 140 feet W
of c/l of Factory Avenue (AKA Railroad Avenue
9th Election District
5th Councilmanic District
(441 A Pennsylvania Avenue)

NHS Baltimore, LLC
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2009-0180-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Sunny Luisa Cooper, Senior Project Manager, on behalf of the legal owner of the subject property, NHS Baltimore, LLC. Petitioner is requesting variance relief as follows:

- From Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the constuction of a dwelling on a lot with an area of 10,809 square feet that does not abut on a right-of-way at least 30 feet over which the public has an easement of travel, in lieu of the required 20,000 square feet; and
- From Section 1B02.3.C.1 to permit a rear yard setback of 35 feet in lieu of the 50 feet required in a D.R.10.5 Zone.

The subject property and requested relief are more fully depicted on the site plan which was prepared by H. Malmud & Associates, Inc. and marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests was Sunny Luisa Cooper, Senior Project Manager for Petitioner NHS Baltimore, LLC. Also appearing in support of the relief was Raymond Heil, Redevelopment Project Manager with the Baltimore

~~COPIES RESERVED FOR FILE~~
3.30.09


County Office of Community Conservation. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is irregular-shaped and contains approximately 0.248 acre, more or less, or 10,809 square feet, zoned D.R.10.5. The property is located approximately 100 feet north of Pennsylvania Avenue, west of Factory Avenue and on the east side of York Road, in the Historic East Towson area of Baltimore County. The property is currently unimproved, but has access to public sewer and water services and access from Pennsylvania Avenue via a private road that runs north from Pennsylvania Avenue along the eastern property line of the subject property.

Further evidence revealed that Petitioner is a non-profit organization that purchases distressed properties and renovates and rehabilitates the structures or constructs new homes on unimproved properties such as the subject property in order to give lower income families affordable opportunities at home ownership. Eligible families are normally at 80% or below the median family income for the State. Petitioner is familiar with the Towson area and is involved in several other projects in East Towson. In the instant matter, Petitioner acquired the subject property in 2007. As shown on the site plan as well as the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 3, the property is unusual in that it is situated in an area of East Towson where considerable residential and commercial development has taken place near and around the property. The record plat marked and accepted into evidence as Petitioner's Exhibit 2 indicates the subject property has been held intact as a lot of record since November 5, 1928 as part of the "Subdivision of the Estate of Albert Wilson;" however, it has remained unimproved for the past 80 years. One issue that has perhaps hampered the property's

~~NOT FOR RECORD~~

3-30-09



development is that it does not have direct frontal access from Pennsylvania Avenue. Access is by way of the existing private road that is 25 feet wide.

At this juncture, Petitioner, in partnership with the County's Office of Community Conservation, desires to improve the property with a two-story single-family dwelling. In order to do so, Petitioner is in need of variance relief to permit the construction of a dwelling on an undersized lot that does not have access to a right-of-way at least 30 feet wide over which the public has an easement of travel, and to permit the rear yard setback to be 35 feet rather than the minimum of 50 feet. Contained within the case file were elevation and floor plan drawings for the proposed dwelling. These were marked and accepted into evidence as Petitioner's Exhibit 4. The drawings illustrate an attractive two-story home with basement approximately 34 feet wide by 26 feet deep, with a wrap around porch along the front (north) and side (east) of the proposed dwelling. The home would have a living room, dining room, and kitchen on the first floor, with a bedroom and full bathroom on the main floor. On the second floor would be the master bedroom and master bathroom, with two additional bedrooms and a full bathroom. The basement would be unfinished with a laundry and utility area.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning dated February 6, 2009 indicates that they have been working with Petitioner on an acceptable set of elevation drawings for the past several months. Despite the meetings, before the Office of Planning can grant final approval for this variance request Petitioner must submit a final rendition of the building elevation drawings. Petitioner must also have a letter of approval from the Community Association or Design Review Panel.

~~NOT FOR PUBLIC RELEASE~~

3-30-09



Considering of all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. Although the right-of-way upon which the subject property has access is a private road and is approximately 25 feet wide rather than the required 30 feet, it appears to me there are compelling circumstances for this situation that justify granting the variance relief. First, this lot was platted in 1928, far before the adoption of the Zoning Regulations. Moreover, in reviewing the record plat, it shows the subject right-of-way has been in existence as a 25 foot wide road since that time. To require the subject property as an undersized lot to comply with the requirement of a 30 foot width over which the public has an easement of travel would disproportionately impact the property as compared with others in the zoning district. I also find that the need for the rear setback variance of 35 feet rather than the required 50 feet is driven by the irregular shape of the lot, which pinches inward, and the orientation of the proposed dwelling, which is desired to be in keeping with the existing homes in the immediate area. As such, based on the above circumstances, I find that the property is unique in a zoning sense.

I further find that Petitioner would suffer undue prejudice and unreasonable hardship if the requested zoning relief were not granted. Petitioner would not be able to utilize the property for a permitted use, which also serves the public good of providing opportunities for affordable housing to lower income families. Finally, I find these variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

~~COPIES DESTROYED FOR FILING~~

3-30-09

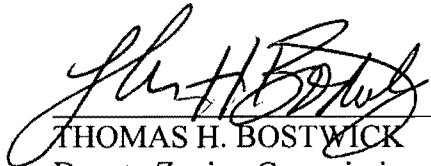
THEREFORE, IT IS ORDERED this 30th day of March, 2009 by this Deputy Zoning Commissioner, that Petitioner's requests for Variance relief as follows:

- From Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the construction of a dwelling on a lot with an area of 10,809 square feet that does not abut on a right-of-way at least 30 feet over which the public has an easement of travel, in lieu of the required 20,000 square feet; and
- From Section 1B02.3.C.1 to permit a rear yard setback of 35 feet in lieu of the 50 feet required in a D.R.10.5 Zone

be and are hereby GRANTED. The relief granted herein shall be subject to the following:

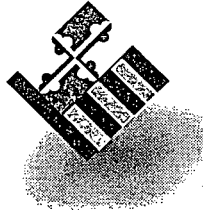
1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner must submit a final rendition of the building elevation drawings to the Office of Planning for review and approval prior to building permit issuance.
3. Petitioner must also have a letter of approval from the Community Association or Design Review Panel.

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

RECEIVED FOR FILE
3-30-09
PM



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 30, 2009

SUNNY LUISA COOPER, SENIOR PROJECT MANAGER
NHS BALTIMORE, LLC
819 PARK AVENUE
BALTIMORE MD 21201

Re: Petition for Variance
Case No. 2009-0180-A
Property: 441 A Pennsylvania Avenue

Dear Ms. Cooper:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Raymond Heil, Redevelopment Project Manager, Baltimore County Office of Community Conservation



ACCOUNT # 01902851400

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 441A PENNSYLVANIA AVE.
which is presently zoned DR10.5

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)

SEC. 102.4

SEC. 102.3.6.1

To permit the construction of a dwelling on a lot with an area of 10,809 square feet that does not abut on a right-of-way at least 30-feet wide over which the public has an easement of travel and with a 35-foot rear setback in lieu of the required 20,000 square feet and 50-feet, respectively.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) TO PERMIT CONSTRUCTION OF A SINGLE FAMILY DWELLING ON A LOT 10,809 S.F. IN AREA, IN LIEU OF 20,000 S.F. REQUIRED, WHERE ACCESS IS ON A DRIVE 25' WIDE OVER WHICH THERE IS NOT PUBLIC EASEMENT OF TRAVEL. RELIEF REQUESTED DUE TO PRACTICAL DIFFICULTY ARISING FROM THE SIZE AND LOCATION OF THE LOT, WHICH WAS CREATED IN 1928. RELIEF FROM 50' REAR SETBACK SPECIFIED FOR DR10.5 NEEDED TO LOCATE THE PROPOSED DWELLING TO BE COMPATIBLE WITH OTHER EXISTING AND PROPOSED HOUSES ON ADJOINING LOTS.

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

N/A

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

N/A S BALTIMORE, LLC

Signature

Name - Type or Print

Signature

819 PARK AVE.

(410) 327-1200 X111

Address

Telephone No.

BALTIMORE

MD

21201

City

State

Zip Code

Representative to be Contacted:

SUNNY LUISA COOPER, SR. PROJECT MGR

Name

(410) 542-1199 (h)

N/A S OF BALTIMORE, 819 PARK AVE

Address

Telephone No.

BALTIMORE, MD

City

State

21201

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2009-0180-A

REV 9/15/98

Reviewed By

D.T.

Date 12/22/08

ZONING DESCRIPTION
#441A PENNSYLVANIA AVENUE
BALTIMORE COUNTY, MARYLAND

TO GET TO THE POINT OF BEGINNING START AT CENTER OF FACTORY AVENUE, A.K.A. RAILROAD AVENUE AND PENNSYLVANIA AVENUE, 30 FEET WIDE, AND BIND NORTHWESTERLY ON CENTER OF PENNSYLVANIA AVENUE 140 FEET+/- TO THE CENTER OF THE 25 FOOT ROAD SHOWN ON PLAT 9, FOLIO 19, THENCE LEAVING PENNSYLVANIA AVENUE BINDING NORTHEASTERLY 121.5 FEET ON THE CENTER OF SAID ROAD TO THE POINT OF BEGINNING OF #441A PENNSYLVANIA AVE, THENCE BINDING ON THE OUTLINE THEREOF FIVE (5) FOLLOWING COURSES AND DISTANCES, AS NOW SURVEYED:

- (1) NORTH 78 DEGREES 55' 36" WEST 86.53 FEET;
- (2) NORTH 11 DEGREES 22' 10" EAST 144.16 FEET,
- (3) SOUTH 29 DEGREES 55' 19" EAST 41.20 FEET
- (4) NORTH 70 DEGREES 28' 57" EAST 62.20 FEET AND
- (5) SOUTH 09 DEGREES 00' 24" WEST 144.81 FEET TO THE PLACE OF BEGINNING.

CONTAINING 10,809 SQUARE FEET OR 0.248 OF AN ACRE OF LAND, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.

THIS PROPERTY IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY, AND/OR COVENANTS OF RECORD AND LAW.

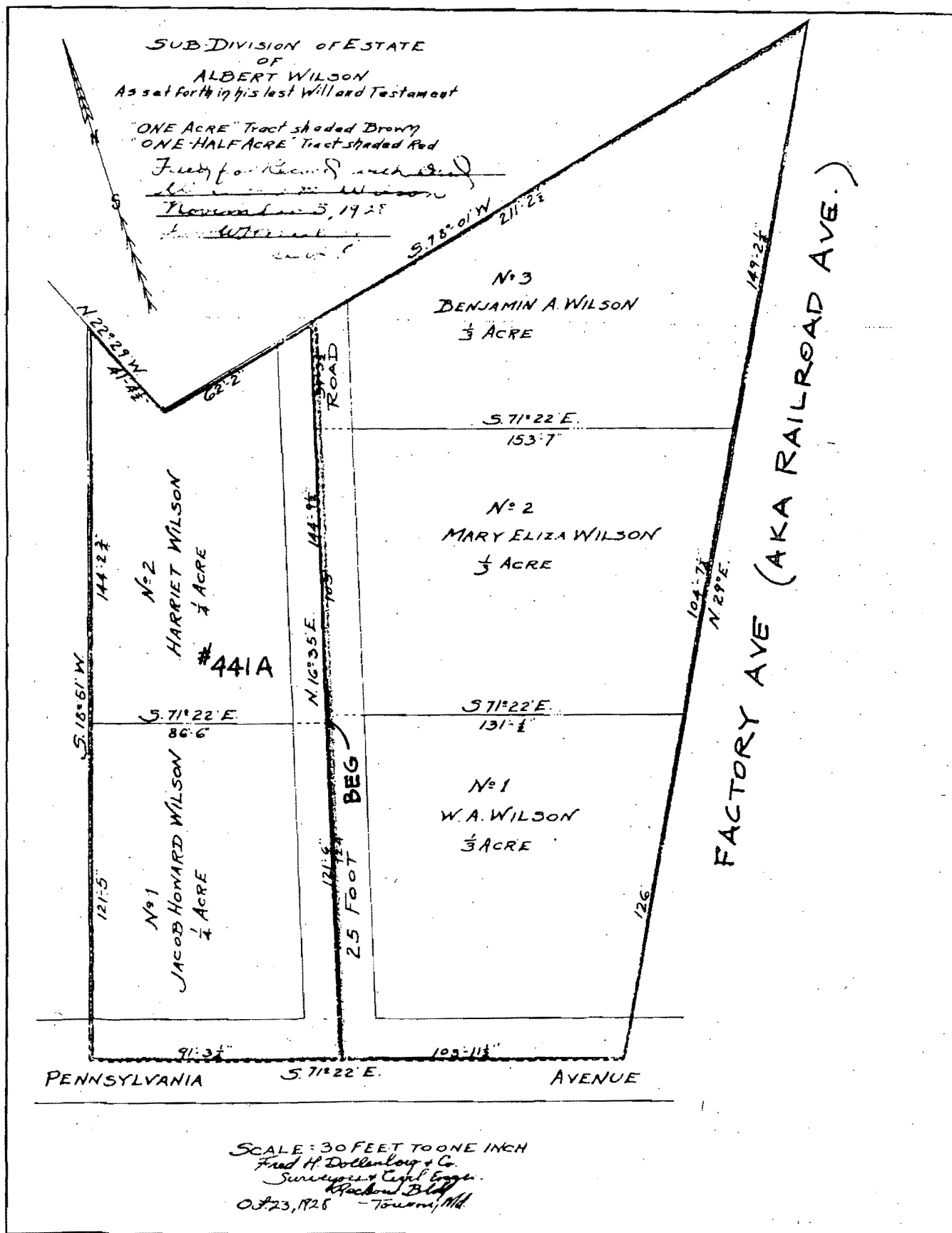


HERBERT MALMUD
REGISTERED LAND SURVEYOR
MARYLAND # 7558
DECEMBER 18, 2008

file: Zoning Petition 441A Pennsylvania Ave

2009-0180-A

FROM LMC L.M. No 9-19



SCALE: 30 FEET TO ONE INCH
 Fred H. Dollenberg & Co.
 Surveyors & Civil Eng'rs.
 Jackson, Blad.
 Oct 23, 1928 - Town of Md.

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: # 2009-0180-A

441A Pennsylvania Avenue

N/side of Pennsylvania Avenue, 140 feet w/of centerline of Factory Avenue

9th Election District — 5th Councilmanic District

Legal Owner(s): NHS of Baltimore, Inc.

Variance: to permit the construction of a dwelling on a lot with an area of 10,809 square feet that does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel and with a 35-foot rear setback in lieu of the required 20,000 square feet and 50 feet, respectively.

Hearing: Wednesday, March 4, 2009 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 2/7/09 Feb: 17

194434

CERTIFICATE OF PUBLICATION

2/20/2009

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 1/17/2009.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

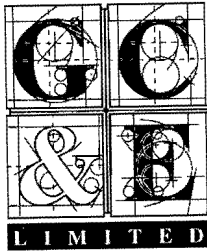
☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#2009-0180-A

OWNER/DEVELOPER:
NHS of Baltimore, Inc.

DATE OF HEARING: March 4, 2009

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN 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

(see page 2 for full size photo)

LOCATION:

441 A Pennsylvania Avenue

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: February 12, 2009

ZONING NOTICE

CASE # :2009-0180-A

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

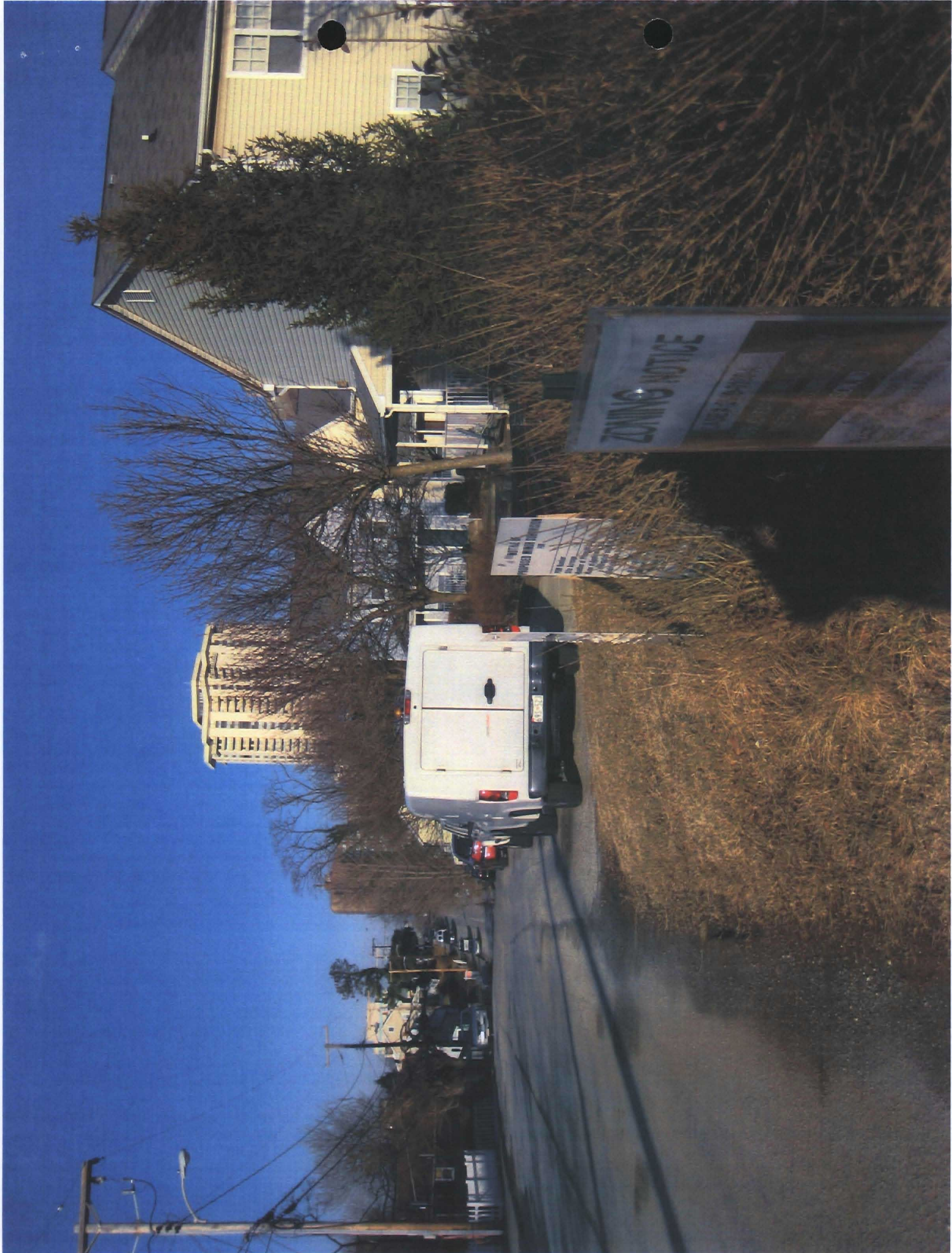
**Room 104, Jefferson Building,
PLACE: 105 W. Chesapeake Avenue, Towson, MD
TIME &
DATE : Wednesday, March 4, 2009 at 10:00 a.m.**

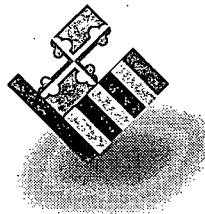
Variance: to permit the construction of a dwelling on a lot with an area of 10,809 square feet that does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel and with a 35 foot rear setback in lieu of the required 20,000 square feet and 50 feet, respectively .

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

GC CONSULTING & ASSOCIATES
INC.







BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 29, 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: 2009-0180-A

441 A Pennsylvania Avenue

N/side of Pennsylvania Avenue, 140 feet w/of centerline of Factory Avenue

9th Election District – 5th Councilmanic District

Legal Owners: NHS of Baltimore, Inc.

Variance to permit the construction of a dwelling on a lot with an area of 10,809 square feet that does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel and with a 35 foot rear setback in lieu of the required 20,000 square feet and 50 feet, respectively.

Hearing: Wednesday, March 4, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204.

Handwritten signature of Timothy Kotroco in black ink.
Timothy Kotroco
Director

TK:klm

C: NHS Baltimore, LLC, Sunny Luisa Cooper, 819 Park Avenue, Baltimore 21201

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 17, 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 17, 2009 Issue - Jeffersonian

Please forward billing to:
Sunny Cooper
NHS of Baltimore, Inc.
819 Park Avenue
Baltimore, MD 21201

410-327-1200 ext. 111

NOTICE OF ZONING HEARING

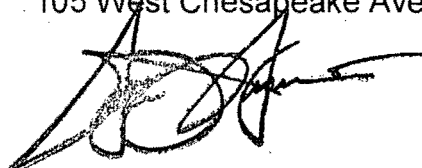
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0180-A

441 A Pennsylvania Avenue
N/side of Pennsylvania Avenue, 140 feet w/of centerline of Factory Avenue
9th Election District – 5th Councilmanic District
Legal Owners: NHS of Baltimore, Inc.

Variance to permit the construction of a dwelling on a lot with an area of 10,809 square feet that does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel and with a 35 foot rear setback in lieu of the required 20,000 square feet and 50 feet, respectively.

Hearing: Wednesday, March 4, 2009 at 10:00 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: 2009-0180-A

Petitioner: NHS BALTIMORE, LLC

Address or Location: 441A PENNSYLVANIA AVE.

PLEASE FORWARD ADVERTISING BILL TO:

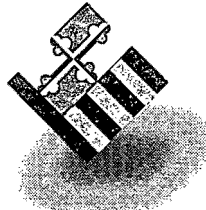
Name: Sunny Cooper

Address: NHS of Baltimore, Inc

819 Park Avenue

Baltimore, MD 21201

Telephone Number: 410 327-1200 ex 111



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 26, 2009

Sunny Luisa Cooper:
NHS Baltimore, LLC
819 Park Ave.
Baltimore, MD 21201

Dear: Sunny Luisa Cooper

RE: Case Number 2009-0180-A, 441A Pennsylvania 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 22, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

TB 3/4
10 am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 6, 2009

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

SUBJECT: 441A Pennsylvania Avenue

INFORMATION:

Item Number: 9-180

Petitioner: NHS Baltimore, LLC

Zoning: DR 10.5

Requested Action: Variance

RECEIVED

FEB 13 2009

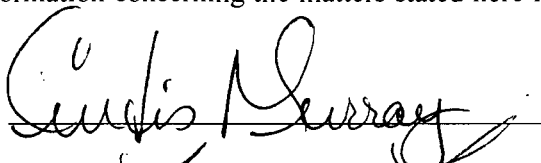
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has been working with the petitioner on an acceptable set of elevations drawings for the past several months. Despite the meetings, before the Office of Planning can grant final approval for this variance request the petitioner must submit a final rendition of the building elevation drawings. The applicant must also have a letter of approval from the Community Association or Design Review Panel.

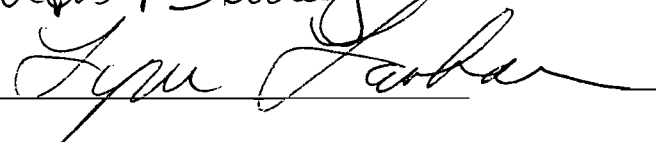
For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



TB 3/4

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR 02 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: 3/2/09
SUBJECT: Zoning Item # 09-180-A
Address 441 A Pennsylvania Avenue
(NHS of Baltimore, Inc.)

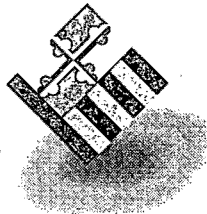
Zoning Advisory Committee Meeting of January 12, 2009

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

Additional Comments:

Reviewer: JWL

Date: 3/2/09



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

January 19, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 12, 2009

Item Numbers 0175, 0176, 0177, 0178, 0179, ~~0180~~, 0181, 0182

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: January 13, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For January 19, 2009
Item Nos. 2009-0175, 0176, 0177, 0180,
0181, and 0182.

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

DAK:CEN:lrk
cc: File
ZAC-011309-NO COMMENTS



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pederson, Administrator

Maryland Department of Transportation

Date: Jan. 15, 2009

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

RE: Baltimore County
Item No 2009-0180A
441A PENNSYLVANIA AVE
NHS OF BALTIMORE, INC.
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. 2009-0180A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR VARIANCE * BEFORE THE
441A Pennsylvania Ave, N/S Pennsylvania *
Avenue, 140' W of c/line Factory Avenue * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts *
Legal Owner(s): NHS of Baltimore, Inc * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-180-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

JAN 20 2009

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

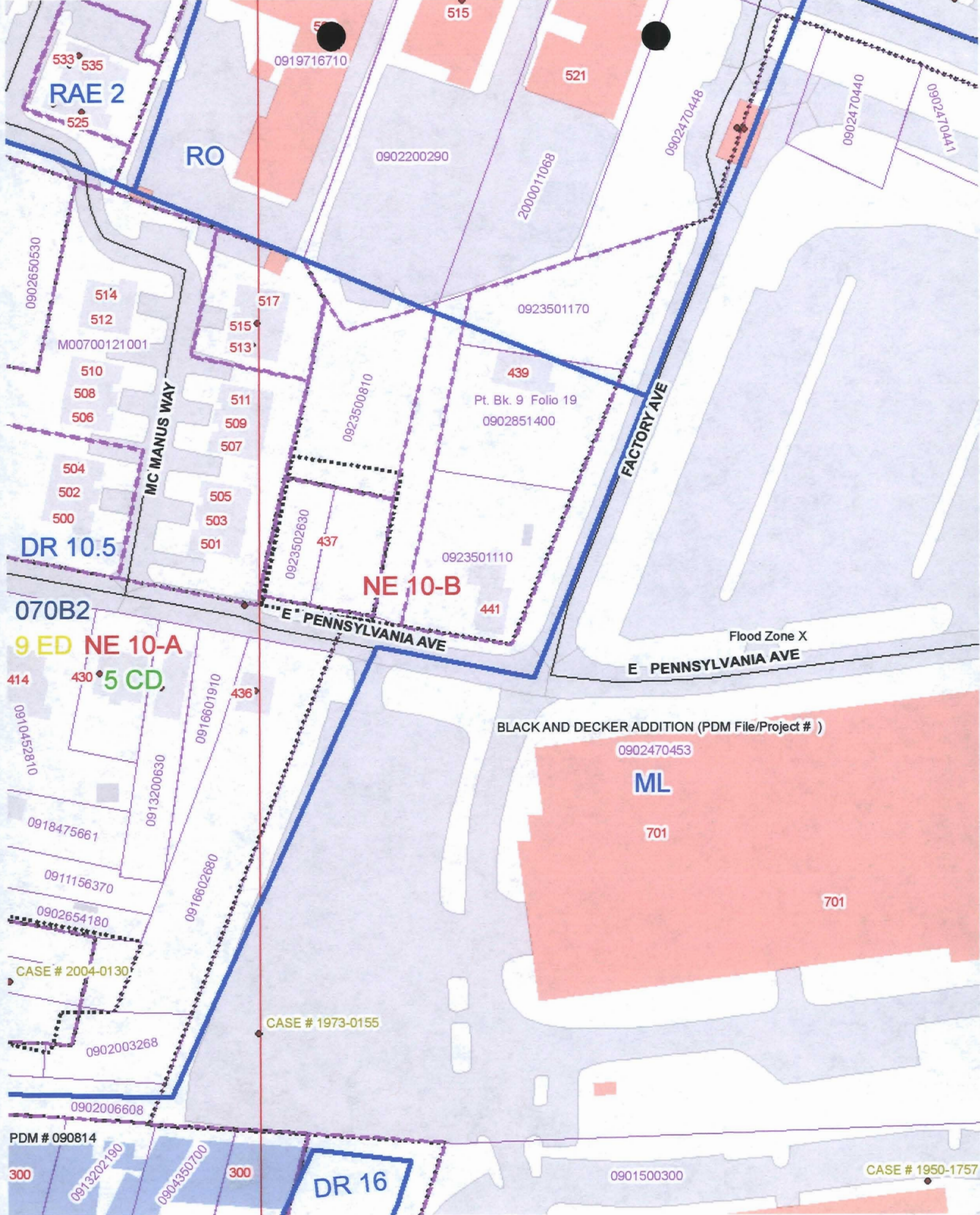
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

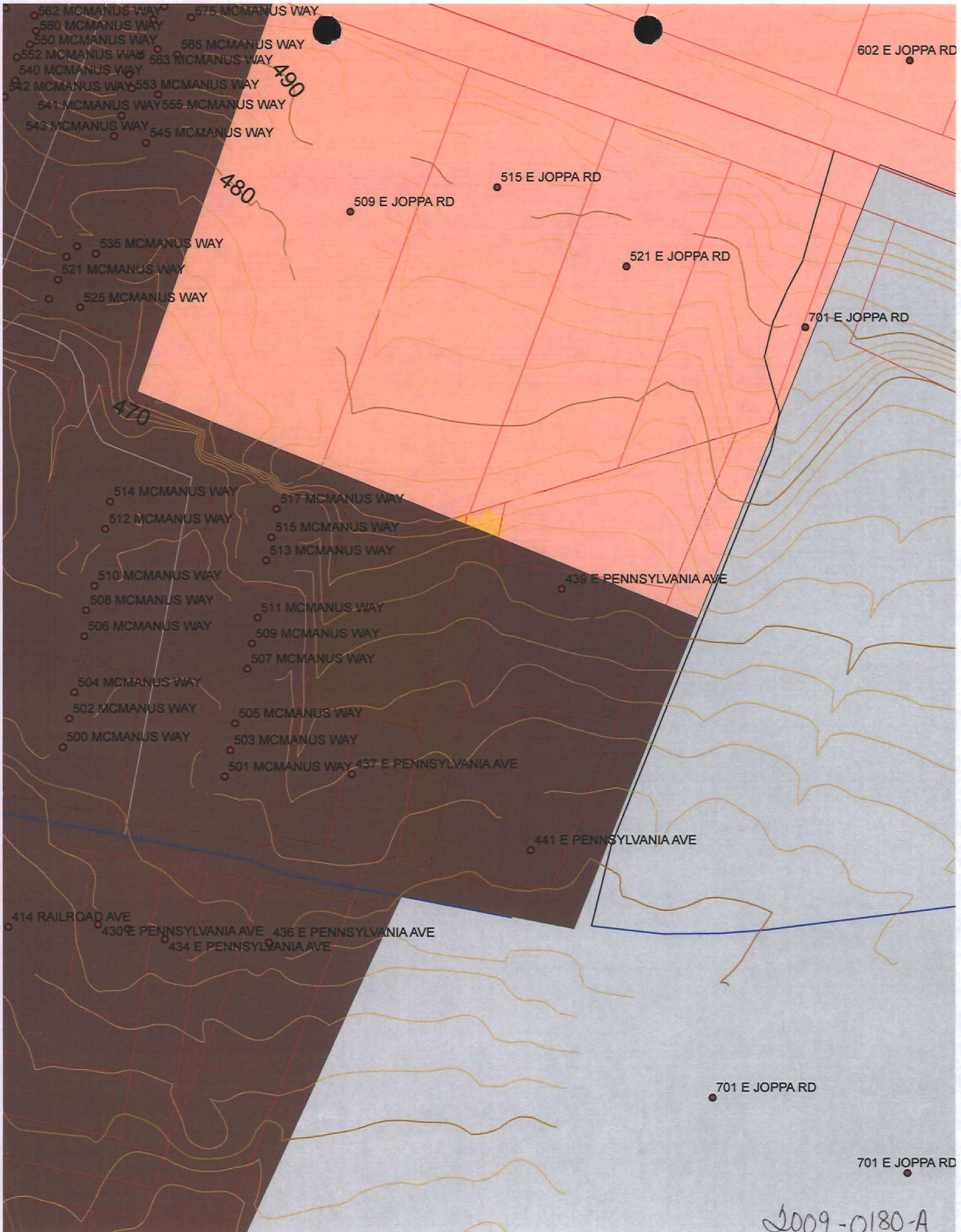
I HEREBY CERTIFY that on this 20th day of January, 2009, a copy of the foregoing Entry of Appearance was mailed to Sunny Cooper, Project Manager, NHS of Baltimore, 819 Park Avenue, Baltimore, MD 21201, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



2009-0180-A



2009-0180-A

PLEASE PRINT CLEARLY

CASE NAME _____

CASE NUMBER 2009-0180-A

DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.: 2009-0180-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Record Plat	
No. 3	Aerial Photo	
No. 4	Elevation Drawings	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

GENERAL NOTES

- OWNER/PETITIONER: NHS OF BALTIMORE LLC
819 PARK AVENUE, BALTIMORE, MD 21201
 - RECORDING REFERENCE: LOT 2, HARRIET WILSON 1/4 ACRE, PLAT BOOK 9/19 WILSON ESTATE
 - TAX ACCOUNT No. #0902851400
 - TAX MAP 70, GRID 9, PARCEL 69
 - ELECTION DISTRICT: 9 COUNCILMAN'S DISTRICT: 5
 - TOTAL AREA OF PROPERTY: 0.248 ACRES +/-, 10,809 SF +/- TO CENTER OF 25 FT PRIVATE ROAD.
 - EXISTING SITE CONDITION: VACANT LOT.
- ENVIRONMENTAL
- THERE ARE NO CRITICAL AREA, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS WITHIN THE LIMITS OF CONSTRUCTION SHOWN ON THIS PLAN. TO THE BEST OF MY KNOWLEDGE.
 - THERE ARE NO CRITICAL EXISTING SLOPES OF 25% OR GREATER.
 - THERE ARE NO EXISTING WELLS, SEPTIC SYSTEM OR ABANDONED UNDERGROUND TANKS ON SITE. TO THE BEST OF MY KNOWLEDGE.
 - NO FOREST ON SITE.
 - NO WETLANDS EXIST WITHIN A 25' OF THE SITE.
 - NO STREAMS EXIST WITHIN A 100' OF THE SITE. THE SITE IS NOT WITHIN A 100 YEAR FLOODPLAIN.
 - PUBLIC WATER AND SEWER SERVE THIS SITE.
- ZONING
- ZONING HISTORY - NONE.
 - EXISTING USE: VACANT; PROPOSED USE: RESIDENTIAL, ONE SINGLE FAMILY DWELLING.
 - DWELLING UNIT SHOWN ON THIS PLAN IS FOR SALE.
 - PROPOSED HOUSE TO HAVE TWO (2) PARKING SPACES ON PARKING PAD SHOWN.
 - THIS PROPERTY AS SHOWN HAS BEEN HELD INTACT SINCE NOV. 5, 1928 (DATE OF RECORD PLAT 9/19). NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS NOT BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY TO SUPPORT ANY OTHER OFF-SITE DWELLING.
 - THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY, COVENANTS AND/OR RECORDS OF LAW.
 - THIS PLAN WAS PREPARED WITHOUT BENEFIT OF A TITLE EXAMINATION OR ABSTRACT.
 - FRONT OF PROPOSED DWELLING SYMBOL: -|>
 - MAX. ALLOWED HEIGHT OF PROPOSED HOUSE (50 FEET).

THE PROPERTY IS NOT IN A FLOOD ZONE, SEE FLOOD INSURANCE RATE MAP COMMUNITY PANEL 240010 0265B.

PETITION REQUESTED FOR ZONING VARIANCES:

A VARIANCE FROM BCZR 102.4 TO PERMIT CONSTRUCTION OF A SINGLE FAMILY DWELLING ON A LOT OF 10,809 S.F. AREA IN LIEU OF 20,000 S.F. REQUIRED, WHERE ACCESS IS ON A DRIVE OF 25 FEET WIDE OVER WHICH THERE IS NOT A PUBLIC EASEMENT OF TRAVEL; RELIEF REQUESTED DUE TO PRACTICAL DIFFICULTY ARISING FROM THE SIZE AND LOCATION OF THE LOT, WHICH WAS CREATED IN 1928. RELIEF FROM REAR SETBACK SPECIFIED FOR D.R. 10.5 ZONE TO LOCATE THE PROPOSED DWELLING TO BE COMPATIBLE WITH THE OTHER EXISTING AND PROPOSED HOUSES ON ADJOINING LOTS, AND A VARIANCE FROM 1B02.3.C.1 TO PERMIT A REAR YARD SETBACK OF 35 FEET IN LIEU OF THE 50 FEET REQUIRED IN A D.R. 10.5 ZONE.

BUILDING SETBACK LINE (BSL) REQUIREMENTS
PER "D.R. 10.5" ZONING REGULATIONS

(Standards for Small Lot or Tract)

Min. Front : 10ft
Min. Side : 10ft (from E or Road)
Min. Rear : 50ft
Min. Lot Width : 20ft
Minimum Size Lot : 3,000 sf (0.0689 ac.±)
Note : Max. Allowed Building Height : 50ft

ZONING VARIANCES GRANTED TO #435 & #437 PENNSYLVANIA AVE
CASE #05-387-A FOR REAR SETBACKS OF 27 FEET IN LIEU OF 50 FEET; SIDEYARDS
ZONING VARIANCES GRANTED TO #435 & #437 PENNSYLVANIA AVE
CASE #05-387-A FOR REAR SETBACKS OF 27 FEET IN LIEU OF 50 FEET; SIDEYARDS
OF 6 FEET IN LIEU OF 10 FEET; TO ALLOW ZERO PARKING ON SITE FOR EACH LOT &
TO ALLOW DECKS ON LOTS WITH REAR SETBACK OF 20 FEET IN LIEU OF 37.5 FEET.

MACMANUS WAY (PRIVATE ROAD)

PENNSYLVANIA 40' R/W - 25' +/- PAVING AVENUE

ADDRESSES AND OWNERS OF ADJACENT PROPERTIES			
ADDRESS	OWNER	DEED	TAX #
#501	DONALD JONES,	10523/314	2200018616
#503	DAVID SCOTIDAS	19139/733	2200018617
#505	DANIELA E. TROIA	18948/575	2200018618
#507	L. M. AMIRALTY	15313/664	2200018616
#509			2200018620
#511	T. A. KALTENBACHER	16688/523	2200018621
#513	DANIEL W. ZELLERS	10758/135	2200020364
#515	SUNHEE KIM	19775/707	2200020365

ADDRESSES AND OWNERS OF ADJACENT PROPERTIES			
ADDRESS	OWNER	DEED	TAX #
#439	HERMINA SAUNDERS	11837/253	ACCT#0923500810
#441B	N.H.S. OF BALTO INC.	26776/73	ACCT#0923501170
#441	MICHAEL-ANITA MILLER	6177/564	ACCT#0923501110
#435 & #437	BRAIN CHAN	21167/344	ACCT#0923502630

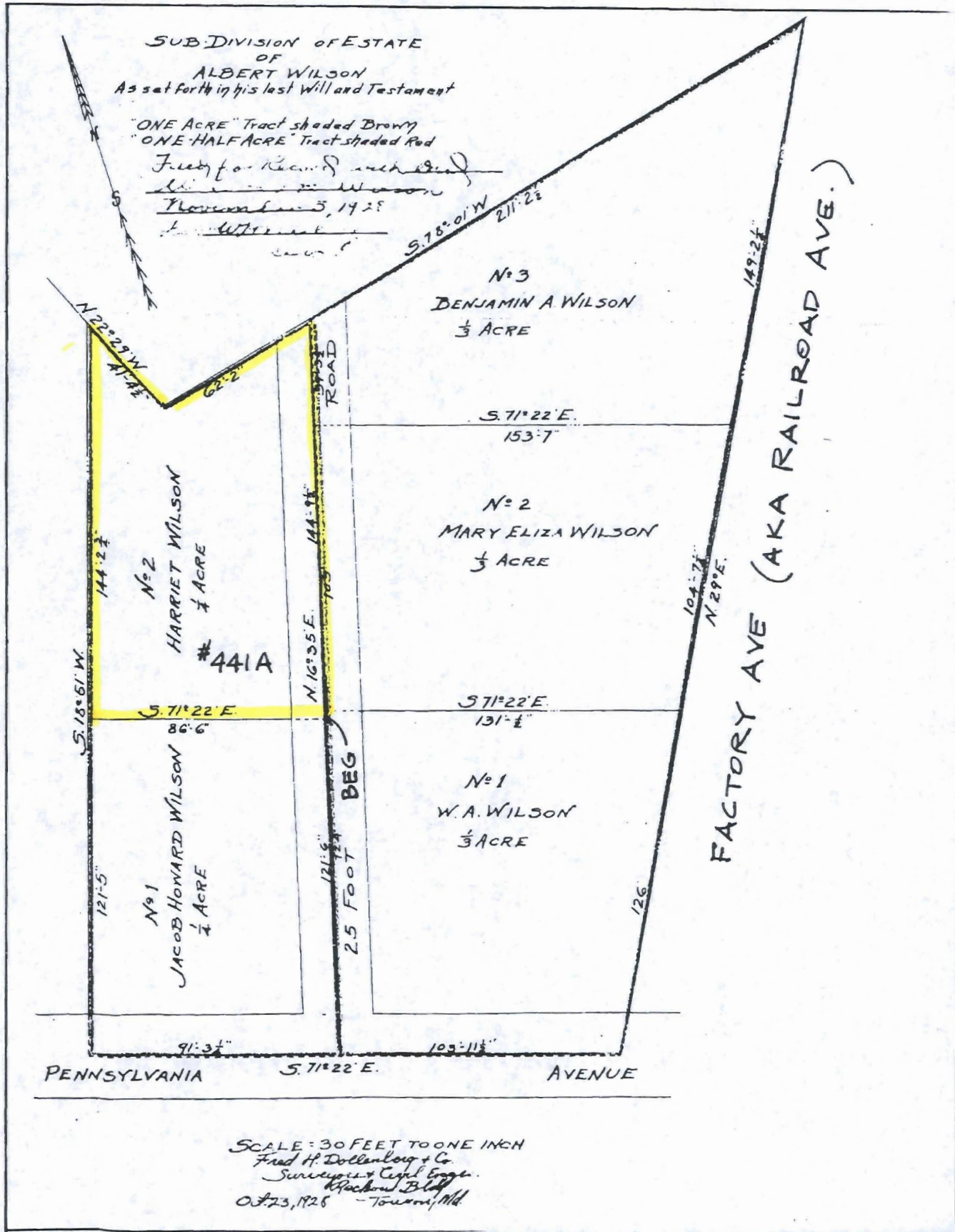
PLAT TO ACCOMPANY A PETITION
FOR ZONING VARIANCES
441A PENNSYLVANIA AVENUE
9TH ELECTION DISTRICT
COUNCILMANIC DISTRICT NO. 5
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30'
DECEMBER 17, 2008

Prepared by:
H. Malmud & Associates, Inc.
12018 Ridge Valley Drive
Owings Mills, Maryland 21117
Telephone 410 308-0442

PETITIONERS

EXHIBIT NO. 2

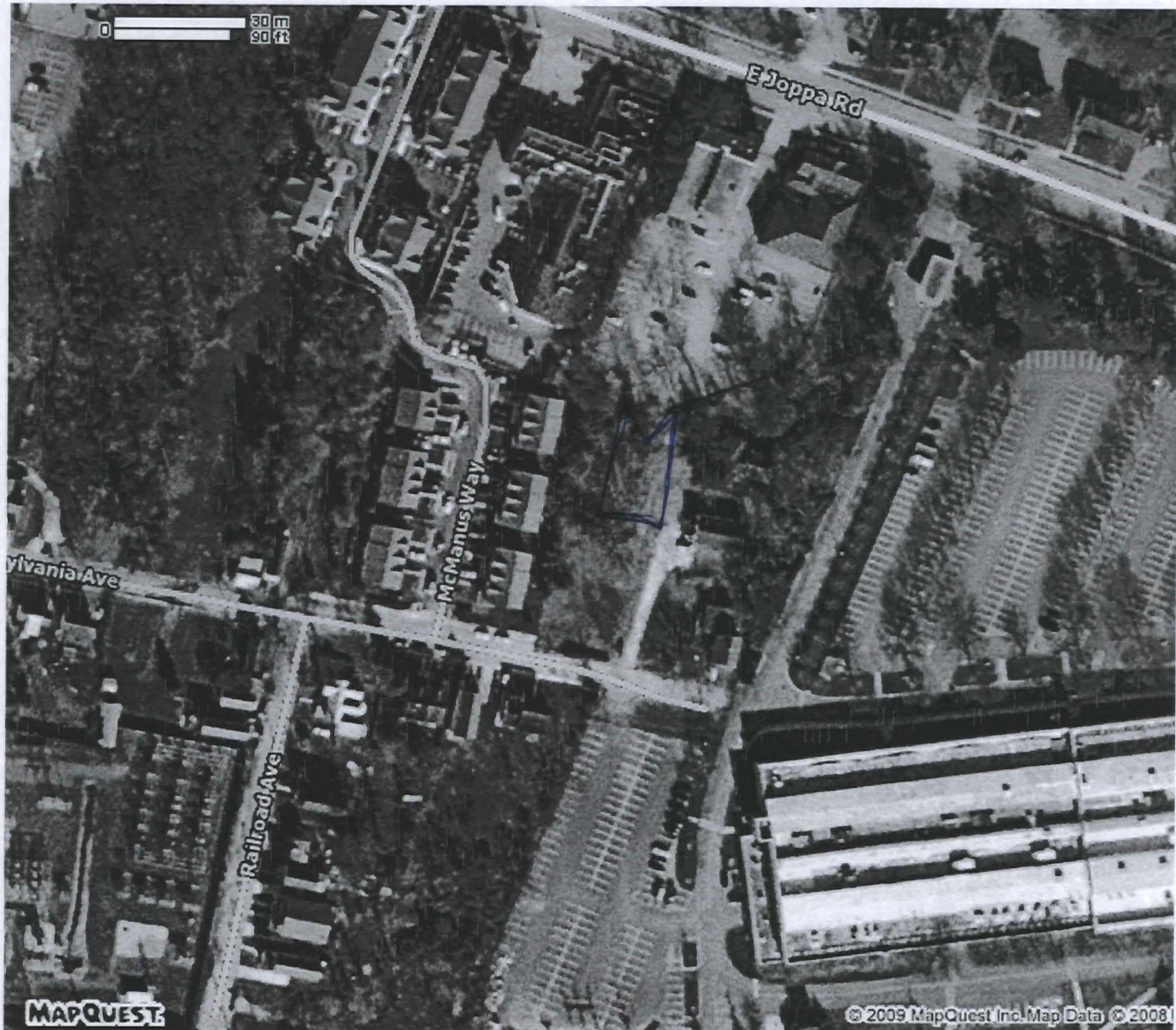
FROM LMC L.M. No 9-19



MAPQUEST

Sorry! When printing directly from the browser your directions or map may not print correctly. For best results, try clicking the Printer-Friendly button.

★ 441a E Pennsylvania Ave
Towson, MD 21286-5409



All rights reserved. Use subject to License/Copyright Map Legend
Directions and maps are informational only. We make no warranties on the accuracy of their content, road conditions or route usability or expeditiousness. You assume all risk of use. MapQuest and its suppliers shall not be liable to you for any loss or delay resulting from your use of MapQuest. Your use of MapQuest means you agree to our [Terms of Use](#)

PETITIONER' S

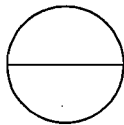
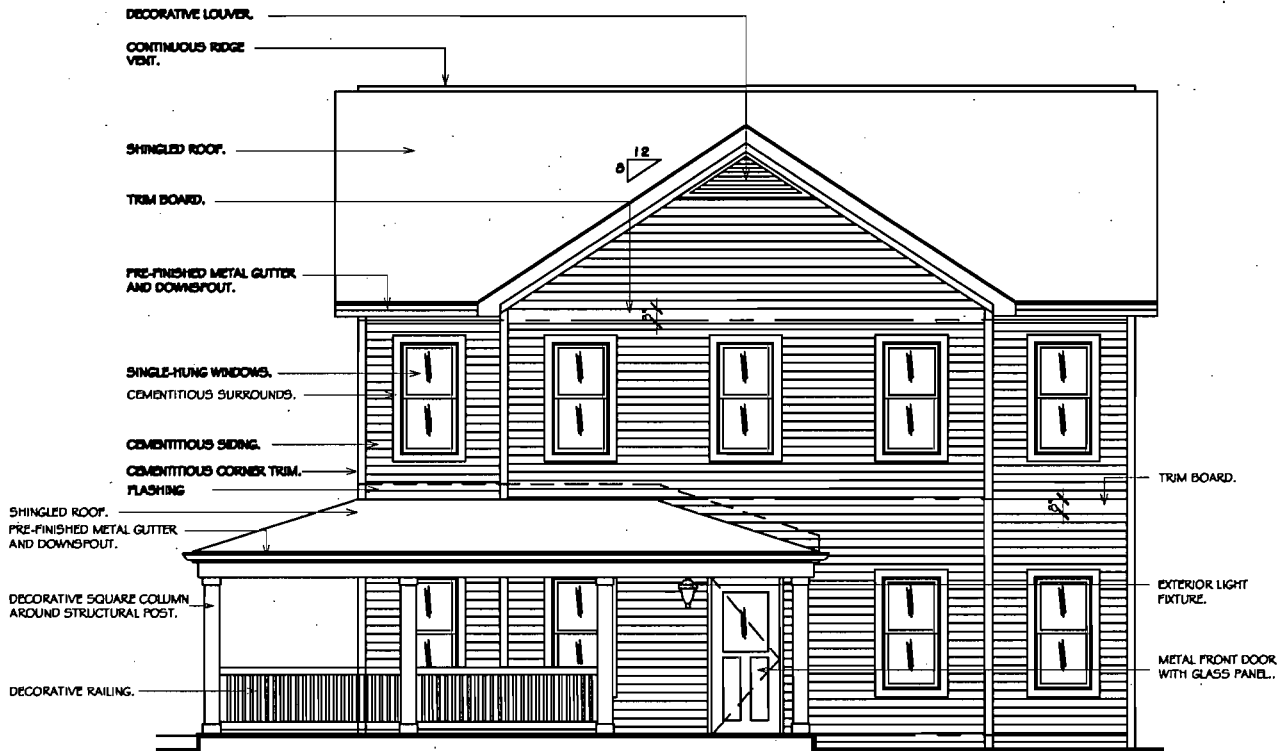
EXHIBIT NO.

3

PETITIONER'S

EXHIBIT NO.

4



EAST ELEVATION

Scale: 1/8" = 1'-0"

GRAPHIC SCALE- 1/8" = 1'-0"



E. TOWSON LEED HOUSING- RUTH HALL PROPERTY
437A E. Pennsylvania Avenue Towson, Baltimore County
Maryland, 21286



Harris-Kupfer Architects, Inc.
1909 Eutaw Place
Baltimore, MD 21217
410.523.9255 phone
410.523.9811 fax

DATE: 12.19.08

2009-0180-A