IN RE: **PETITIONS FOR VARIANCE**	*	BEFORE THE
N/S Daisy Avenue, 250' & 300' W c/line of Pansy Avenue	*	ZONING COMMISSIONER
(2730 & 2732 Daisy Avenue)	*	OF
13th Election District		
1st Council District	*	BALTIMORE COUNTY
Margaret Mary Hanes, et al	*	**Case Nos. 2009-0187-A &**
Petitioners		**2009-0188-A**

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the legal owners of the subject properties, Margaret May Hanes, and her son, Charles Henry Hanes, III, for two (2) adjacent properties known as 2730 and 2732 Daisy Avenue. Since the properties are owned by related family members and are located adjacent to one another, the two cases were heard contemporaneously. In Case No. 2009-0187-A (2730 Daisy Avenue), the Petitioners request variance relief from Sections 1B02.3C.1, 303.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling with a lot width of 50 feet in lieu of the minimum required 55 feet; to permit a side yard set back of 8 feet in lieu of the required 10 feet, and to permit a front yard set back of 12 feet in lieu of the 24 foot set back required by front averaging. In Case No. 2009-0188-A (2732 Daisy Avenue), Petitioners request similar relief. Specifically, relief is requested from B.C.Z.R. Sections 1B02.C.1 and 304 to permit a proposed dwelling with a lot width of 50 feet in lieu of the minimum required width of 55 feet and to permit a proposed side set back of 7 feet in lieu of the required 10 feet. The subject properties and requested relief are more particularly described on the amended site plan(s) submitted in each case, which were accepted into evidence and respectively marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Margaret Hanes, and her son, Charles Hanes, property owners, and Cynthia K. Baxter, Professional Land Surveyor, with Carol Land Services, Inc. (CLSI), the engineering firm that prepared the site plan(s) for the properties. There were no Protestants or other interested persons present; however, it is to be noted that Dennis Wertz, from the Office of Planning, appeared and participated at the hearing.

Testimony and evidence offered revealed that the subject adjacent properties are each comprised of two (2) lots, 25' wide x 125' deep – 2730 *Daisy Avenue* (Lots 355 and 356) and 2732 *Daisy Avenue* (Lots 357 and 358) – forming rectangular-shaped parcels. The properties are located on the north side of Daisy Avenue, just west of Pansy Avenue, in the western area of the County known as Halethorpe. Each property contains a gross area of 0.143 acres and located within the subdivision of English Consul Estates, an older subdivision platted and recorded in the Land Records prior to 1945, thus prior to the first amended set of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots are undersized and do not meet current area and width requirements.

As noted, each of the subject lots contain an area of 6,250 square feet, are zoned D.R.5.5 and are 50 feet wide. Testimony indicated that Margaret Hanes's late husband, Charles H. Hanes, Sr., acquired the properties in the late 1940's, over sixty (60) years ago. They lived, and she still resides at 2730 Daisy Avenue in the two-story family home built in 1915. The adjacent parcel, which is identified as Lots 357 and 358 of English Consul Estate, was previously used as a side yard when Charles Hanes, III was growing up and is unimproved. The Petitioners propose to sell or develop that parcel with a single-family dwelling, for which variance relief is sought. Relief is requested in companion Case No. 2009-0187-A to legitimize the existing improvements that have existed thereon since 1915. As shown on the site plan, the existing house with its

enclosed front porch is located 12'-6" from the public right-of-way of Daisy Avenue and 8'-5" from the eastern property line adjoining Lot 357. Due to the fact that the subject properties have been owned in common ownership and now require variance relief in order to proceed, the Petitioners are not entitled to relief under Section 304 of the B.C.Z.R. That Section permits the owner of an undersized lot to build a single-family detached dwelling thereon without a public hearing if three (3) conditions are met. One of the conditions requires that the applicant not own any adjacent land. Further, the Zoning Commissioner's Policy Manual provides that such consideration be applied to ownership that occurred prior to six (6) years of the application. That is, relief is not afforded under Section 304 in that this lot and the adjacent property were under common ownership within the past six (6) years.

In any event, the Petitioners are entitled to relief under Section 307 of the B.C.Z.R. The Petitioners propose to develop the property (2732 Daisy Avenue) with a single-family dwelling. As shown on the site plan, a 29' x 40' dwelling envelope is proposed with a 13-foot side yard setback (west side) and 7-foot side yard (east side) will be provided. A common use driveway will run between the lots to the rear of the lots where sufficient parking is provided. No other variances are needed in that the proposed dwelling will meet front and rear yard setback requirements. Additionally, the lot is sufficiently sized from an area standpoint. Thus, variance relief is needed only as to the lot width and east side set back requirements. In this regard, Ms. Baxter indicated that many of the houses in this community are set out on 50-foot wide lots. Thus, she contends that the proposed development is consistent with the neighborhood. Moreover, the adjacent 25-foot wide Lot 359 owned by David Brown is vacant and unimproved. While he is not inclined to sell this lot to the Petitioners, it cannot be developed as the adjacent Lot 360 is improved with a large detached garage. Building elevation drawings of the proposed

dwelling will be submitted to the Office of Planning for review and approval to assure compatibility and consistency with the surrounding locale.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. The most compelling factor in this case is that the subject lots were laid out and platted well prior to the adoption of zoning regulations in Baltimore County. As noted on the aerial photograph (*See* Petitioners' Exhibit 2), many of the houses in the community were built on double lots. Mr. Wertz confirms that the proposal "would not be inconsistent with the development pattern along this road. Approximately one-half of the single-family dwellings on Daisy Avenue (between Tulip Avenue and Annapolis Road) are constructed on two (2) 25-foot wide platted lots".[1] Thus, it appears that the relief requested is appropriate and consistent with the neighborhood. Testimony offered in support of the requests was that without variance relief, the lot (2732 Daisy Avenue), which has been taxed separately since the 1950's, could not be developed. Obviously, strict compliance with the regulations would create a hardship as the zoning regulations result in a denial of a reasonable and sufficient use of the property. *See Belvoir Farms v. North* 355 Md. 259 (1997). Moreover, I find that the proposed development will not result in any increase in density and that the uncontradicted evidence clearly establishes that there has never been a desire to combine or merge the several parcels (Lots 355-356 – Tax Account No. 1308001540 with Lots 357-358 – Tax Account No. 1308001541).

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of March 2009, that the Petition for Variance filed in Case No. 2009-0187-

[1] *See* Orders issued by this Commission on similar facts granting relief in this community: 89-216-SPHA (10 Clyde Avenue, 87-369-A (Baltimore Avenue), 87-83-A (Baltimore Avenue), 07-054-SPHA (Halethorpe Terrace), 08-141-SPHA & 08-142-SPHA (Clyde Avenue & Hammonds Ferry Road).

A, seeking relief from Sections 1B02.3C.1, 303.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling on a lot with a width of 50 feet in lieu of the minimum required 55 feet; to permit a side yard set back of 8 feet (east side) in lieu of the required 10 feet, and to permit a front yard set back of 12 feet in lieu of the required average of 24 foot, for the existing dwelling known as 2730 Daisy Avenue, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, and

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 2009-0188-A, seeking relief from Sections 1B02.C.1 and 304 of the B.C.Z.R. to permit a proposed dwelling, to be known as 2732 Daisy Avenue, with a lot width of 50 feet in lieu of the minimum required 55 feet and to permit a proposed side set back of 7 feet (east side) in lieu of the minimum required 10 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; subject to the following conditions:

1. The Petitioner(s) are hereby made aware that proceeding at this time is at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2. Prior to the issuance of any permits, the Petitioner(s) or owner(s) of Lots 357 and 358, to be known as 2732 Daisy Avenue, shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to ensure that the proposed house is compatible with existing homes in the area.

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

WJW:dlw

WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 24, 2009

Cynthia K. Baxter, Professional Land Surveyor
CLSI
439 East Main Street
Westminster, Maryland 21157

IN RE: **PETITIONS FOR VARIANCE**
N/S Daisy Avenue, 300' W c/line of Pansy Avenue
(2730 & 2732 Daisy Avenue)
13th Election District - 1st Council District
Margaret Mary Hanes, et al – Petitioners
Case Nos. 2009-0187-A & 2009-0188-A

Dear Ms. Baxter:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Margaret May Hanes, 2730 Daisy Avenue, Halethorpe, MD 21227
Charles Henry Hanes, III, 4295 Poole Road, Finksburg, MD 21048
People's Counsel; Dennis Wertz, Office of Planning; File

TAX. ACCOUNT 1308001540

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2730 Daisy Avenue

which is presently zoned DR 5.5

lots 355 & 356

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) 1B02.C.1 (small lot table)

Sections 1B02.C.1; 303.1; 304

To permit a lot minimum lot width of 50 feet in lieu of the required 55 feet, to permit a side yard set back of 8 feet in lieu of the required 10 feet and to permit a front yard set back of 12 feet in lieu of the 24 feet set back required by front averaging.

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

existing house right side setback is 8'.5', front setback is 12'.6'
Hanes own four platted lots of 25' width by 2 tax acc't numbers; wants to sell two 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:

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):

Margaret May Hanes
Name - Type or Print

Margaret May Hanes
Signature

Charles Henry Hanes III
Name - Type or Print

Charles Henry Hanes III
Signature

4295 Poole Road 410-795-7083
Address — Telephone No.

Finksburg MD 21048
City — State — Zip Code

Representative to be Contacted:

CLSI · Cynthia Baxter
Name

439 E Main St. 410-848-1790
Address — Telephone No.

Westminster MD 21157
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 1/9/09

Case No. 2009-0187-A

~~ORDER RECEIVED FOR FILING~~
~~Date~~ 3-24-09
~~By~~ DW

REV 9/15/98

ZONING DESCRIPTION FOR # 2730 DAISY AVENUE BALTIMORE, MARYLAND 21227
LOTS 355 & 356

Beginning at a point on the North side of Daisy Avenue (40 feet wide) approximately 300 feet West of the centerline of Pansy Avenue (40 feet wide). Being lot numbers 355 and 356, Part of Section B in the subdivision of English Consul Estate as recorded in Baltimore County Plat Book # W.P.C. 3, Folio # 109, containing 6,250 square feet. Also known as #2730 Daisy Avenue and located in the 13th Election District, 1st Councilmanic District.

R:/JOB/2008/2008130/DESCRIPTIONS/DESCLOTS355-356.doc

2009-0187-A

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

No. 31825

Date: 1/9/09

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.00
							Total	65.00

Rec From: Charles Howes

For: 7730 Daisy Ave
2009-0187-A

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

MAIN RECEIPT
BUSINESS ACTUAL TIME
1/12/2009 1/09/2009 11:18:24
REC SUB WALKIN JOIC JOE
RECEIPT # 000921 1/09/2009
5 520 ZONING VERIFICATION
CR NO. 031325
Recpt Tot $65.00
$65.00 CR $.00 CH
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #2009-0187-A
2730 Daisy Avenue
N/side of Daisy Avenue, 300 feet west of centerline of Pansy Avenue
13th Election District — 1st Councilmanic District
Legal Owner(s): Margaret & Charles Hanes, III
Variance: to permit a lot minimum width of 50 feet in lieu of the required 55 feet, and to permit a side yard setback of 8 feet in lieu of the required 10 feet and to permit a front yard setback of 12 feet in lieu of the 24 feet setback required by front averaging.

Hearing: Wednesday, March 18, 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 3/634 Mar. 3 195772

CERTIFICATE OF PUBLICATION

3/5/, 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 3/3/, 2009.

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

S. Wilkinson

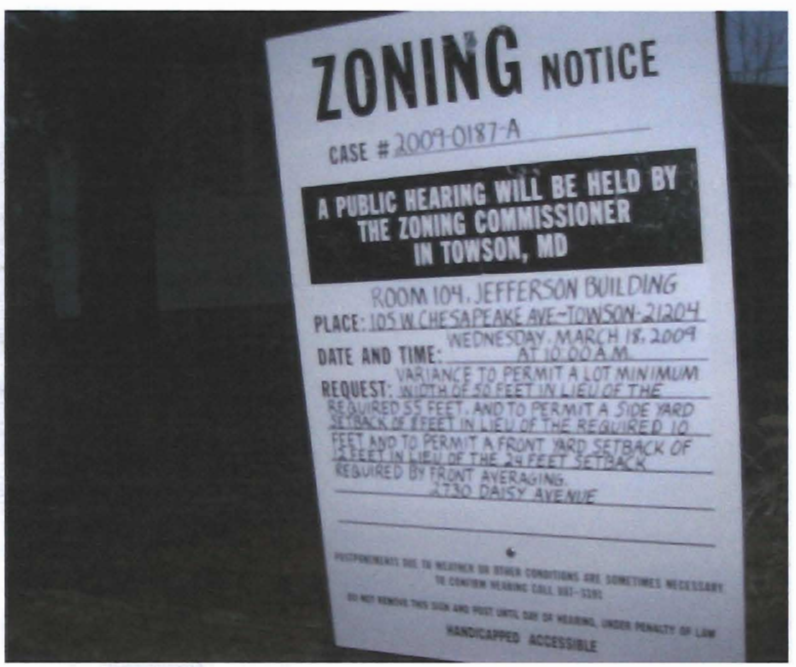
LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS
DATE: 03/03/09
Case Number: 2009-0187-A
Petitioner / Developer: MR. & MRS. HANES~ CYNTHIA BAXTER, CLSI
Date of Hearing (Closing): MARCH 18, 2009

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
2730 DAISY AVENUE

The sign(s) were posted on: MARCH 1, 2009



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

February 19, 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: 2009-0187-A
2730 Daisy Avenue
N/side of Daisy Avenue, 300 feet west of centerline of Pansy Avenue
13th Election District – 1st Councilmanic District
Legal Owners: Margaret & Charles Hanes, III

Variance to permit a lot minimum width of 50 feet in lieu of the required 55 feet, and to permit a side yard setback of 8 feet in lieu of the required 10 feet and to permit a front yard setback of 12 feet in lieu of the 24 feet setback required by front averaging.

Hearing: Wednesday, March 18, 2009 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Hanes, 4295 Poole Road, Finksburg 21048
Cynthia Baxter, CLSI, 439 E. Main Street, Westminster 21157

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 3, 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, March 3, 2009 Issue - Jeffersonian

Please forward billing to:
Charles Hanes, III
4295 Poole Road
Finksburg, MD 21048

410-795-7083

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: 2009-0187-A
2730 Daisy Avenue
N/side of Daisy Avenue, 300 feet west of centerline of Pansy Avenue
13th Election District – 1st Councilmanic District
Legal Owners: Margaret & Charles Hanes, III

Variance to permit a lot minimum width of 50 feet in lieu of the required 55 feet, and to permit a side yard setback of 8 feet in lieu of the required 10 feet and to permit a front yard setback of 12 feet in lieu of the 24 feet setback required by front averaging.

Hearing: Wednesday, March 18, 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: 2009-0187-A

Petitioner: Charles Hanes III

Address or Location: 2730 Daisy Avenue Baltimore MD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Charles Hanes III

Address: 4295 Poole Road
Finksburg MD 21048

Telephone Number: 410.795.7083

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

March 11, 2009

Margaret & Charles Hanes
4295 Poole Rd.
Finksburg, Md 21048

Dear: Margaret & Charles Hanes

RE: Case Number 2009-0187-A, 2730 Daisy Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 9, 2009. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
CLWI: Cynthia Baxter; 439 E. Main St.; Westminster, MD 21157

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 26, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For January 26, 2009
Item Nos. 2009-0035, 0128, 0183, 0184,
0186, 0187, 0188, and 0189

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

DAK:CEN:lrk
cc: File
ZAC-012609 -NO COMMENTS

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

January 26,2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 19, 2009

Item Numbers 0035,0128,0183, 0184,0185,0186,0187,0188,0189

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

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

SHA State Highway Administration

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: JAN. 22, 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 2009-187-A
2730 DAISY AVENUE
HANES PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0187-A

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

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BLS 3/18
10 + 11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 27, 2009

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

SUBJECT: 2730 and 2732 Daisy Avenue

INFORMATION:

Item Number: 9-187 and 9-188

Petitioner: Margaret May Hanes

Zoning: DR 5.5

Requested Action: **Variance**

RECEIVED
MAR 04 2009
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum lot width requirement for the DR5.5 zone and therefore the petitioner's proposal doesn't meet the standards stated in Section 304.1.C of the BCZR. However, the construction of a new dwelling at 2732 Daisy Avenue would not be inconsistent with the development pattern along this road. Approximately one-half of the single-family dwellings on Daisy Avenue (between Tulip Ave and Annapolis Road) are constructed on two 25-foot wide platted lots.

Daisy Avenue is a minor arterial road with no lanes for on-street parking. The lack of on street parking in combination with the proposed 10-foot wide shared driveway and the proposed number and configuration of off-street parking spaces will likely create a parking problem for the two proposed dwellings.

The Planning Office would consider supporting a revised plat provided that:

- Two lots of equal width and size are shown
- A single-wide driveway is provided on each lot
- At least 2 or more off-street parking spaces shall be located in the side or rear yard of each lot and no parking pads or required parking spaces shall be located in the front yards
- Any garages that are erected must be detached garages that are located in the rear yard

If the Zoning Commissioner permits the construction of a new dwelling at 2732 Daisy Avenue, the applicant for a building permit should be required to comply with Section 304 (Use of Undersized Single-Family Lots) of the BCZR. The Planning Office prior to the issuance of a building permit should approve building elevations in order to ensure that the new dwelling is

compatible with the existing dwellings in the vicinity. The building permit applicant should be required to provide photographs of adjacent and nearby dwellings to the Planning Office from which a finding can be made on compliance with Section 304.

There is a possible alternative for constructing a new dwelling on this property that should be explored. There is a vacant 25-foot wide platted lot to the east of the petitioner's four platted lots. The lot is identified as lot 359 on the petitioner's plat. It is owned by Mr. David D. Brown, Sr. If the petitioner were able to acquire lot 359, she could reconfigure five platted lots into two lots that meet the minimum lot width requirements and the existing driveway could be utilized for 2730 Daisy Avenue.

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

Prepared by: Curtis Murray

Division Chief: Lynn Lanham
AFK/LL: CM

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 # 09-187-A
Address 2730 Daisy Avenue
(Hanes Property)

Zoning Advisory Committee Meeting of January 19, 2009

_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: JWL Date: 1/30/09

RE: PETITION FOR VARIANCE 2730 Daisy Avenue; N/S Daisy Avenue, 300' W c/line of Pansy Avenue 13th Election & 1st Councilmanic Districts Legal Owner(s): Margaret & Charles Hanes Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 09-187-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

RECEIVED
FEB 02 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of February, 2009, a copy of the foregoing Entry of Appearance was mailed to CLSI, Cynthia Baxter, 439 East Main Street, Westminster, Maryland 21157, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME Hanes
CASE NUMBER 2009-0187-A + 2009-0188-A
DATE 3-18-09

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Cynthia Baxter	439 E Main St	Westminster MD 21157	
Charles Hanes	4295 Poole Rd	Finksburg MD 21048	
Margaret Hanes	2730 Daisy Ave	Balt md. 21227	


ARBUTUS AVE
DAISY AVE
PANSY AVE
PDM # 130104
PDM # 130213
SW 5-B
109B1
Flood Zone X
1-CD
13 ED
DR 5.5
355
356
357
358
CASE # 1981-0004
CASE # 1949-1535
ENGLISH CONSUL CHURCH
Pt. Bk. 3 Folio 109
Pt. Bk. 38 Folio 160
Pt. Bk. 3 Folio 10
2720
2721
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1319510100
130200861
1310450140
0450370
1303001590
1323501860
1900005152
1313201990
1303370220
1800013601
1700000933
1319511000
1304350000
1310450130
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1318470310
1312590200
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1302850071
1302850070
1319510300
1305610010
1305610011
1319070600
1305190130
1319070601
1319072410
1313855080

2009-0187-A

See Attached

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 —In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

A	33	FT.
B	22	FT.
C	18	FT.
D	26	FT.
E	12.6	FT.
F	25	FT.
TOTAL	( )	
G	29	
H	28	
	193.6	

(8) = 24'

* of dwellings

REQUIRED FRONT SETBACK (averaged)

Margaret Hanes & Charles Hanes III
applicant's name

2730 Daisy Av.
building address

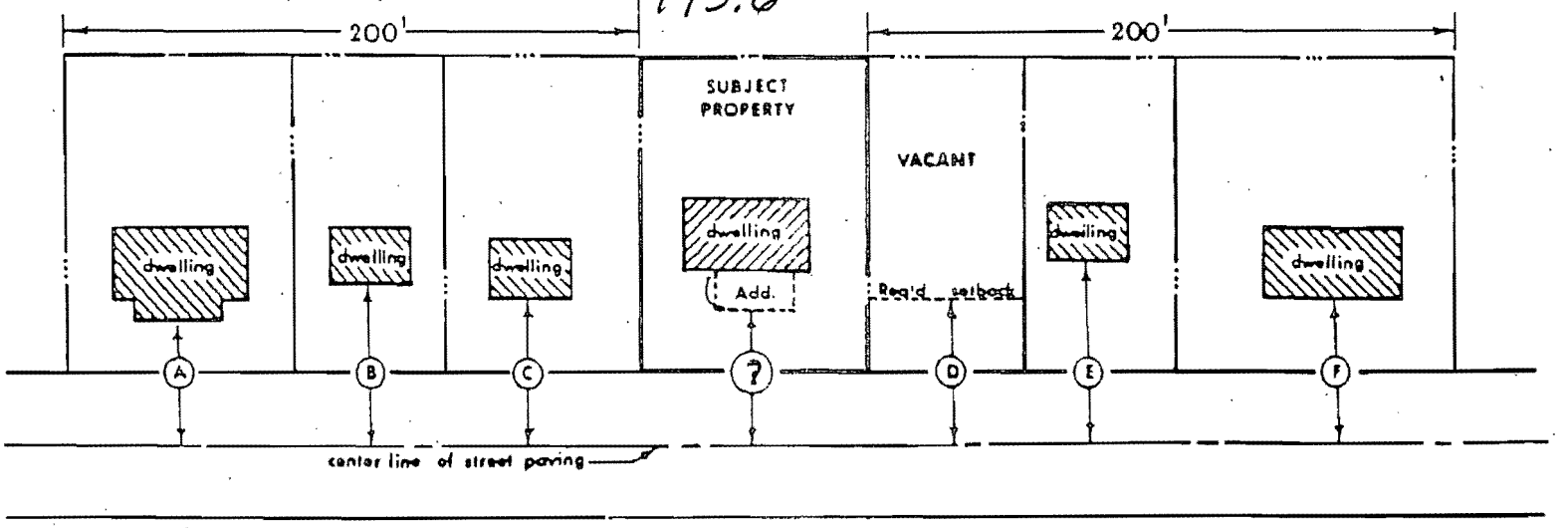
1/8/09
date

NORMAL REQUIRED SETBACKS

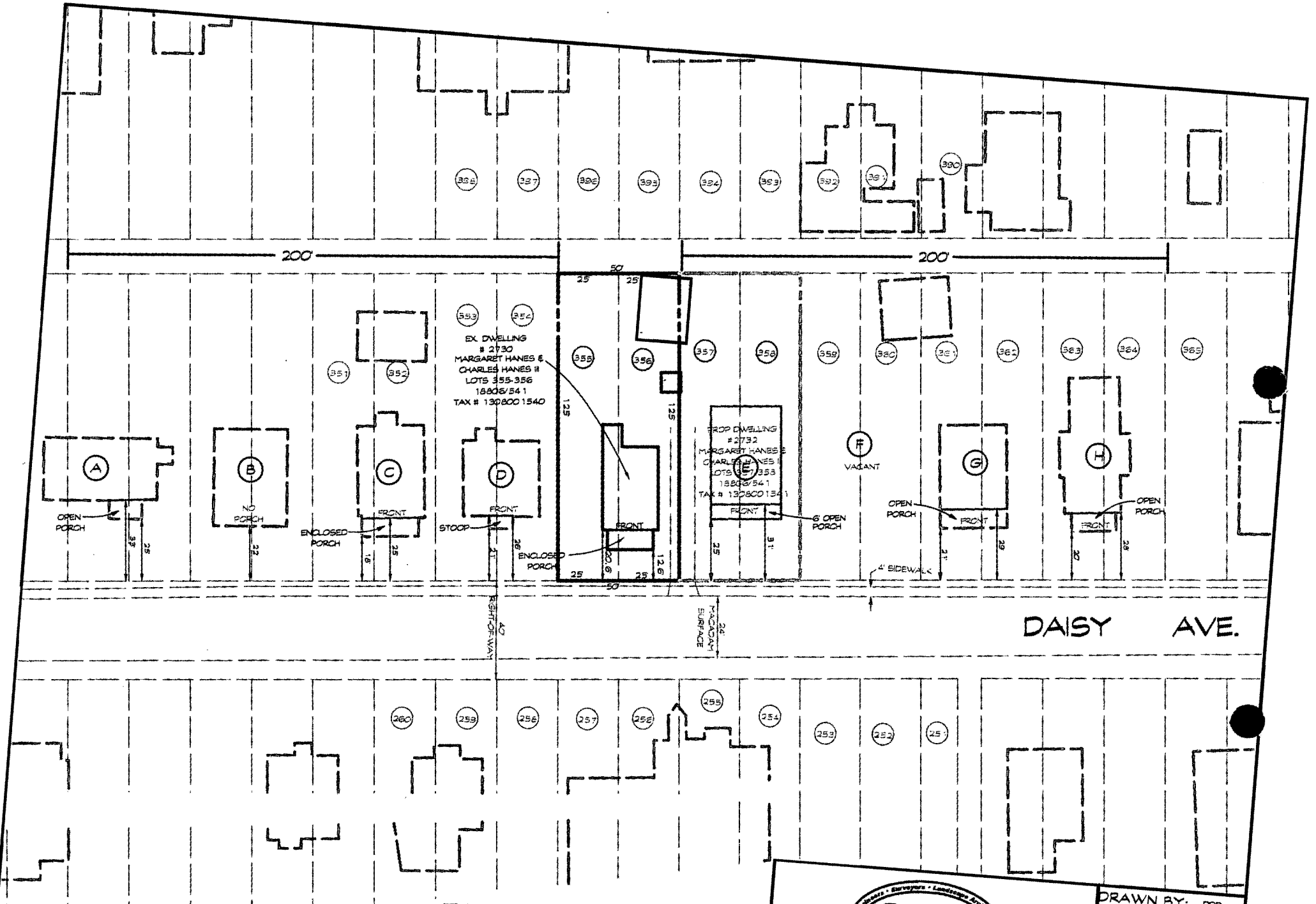
D.R.2 - 65 ft.

D.R.3.5- 55 ft.

D.R.5.5- 50 ft.



2009-0187-A



FRONT YARD DEPTH
#2730 DAISY AVENUE

CLSI
Engineers • Surveyors • Landscape Architects • Land Planning & Environmental Consultants
www.clsi-civileng.com

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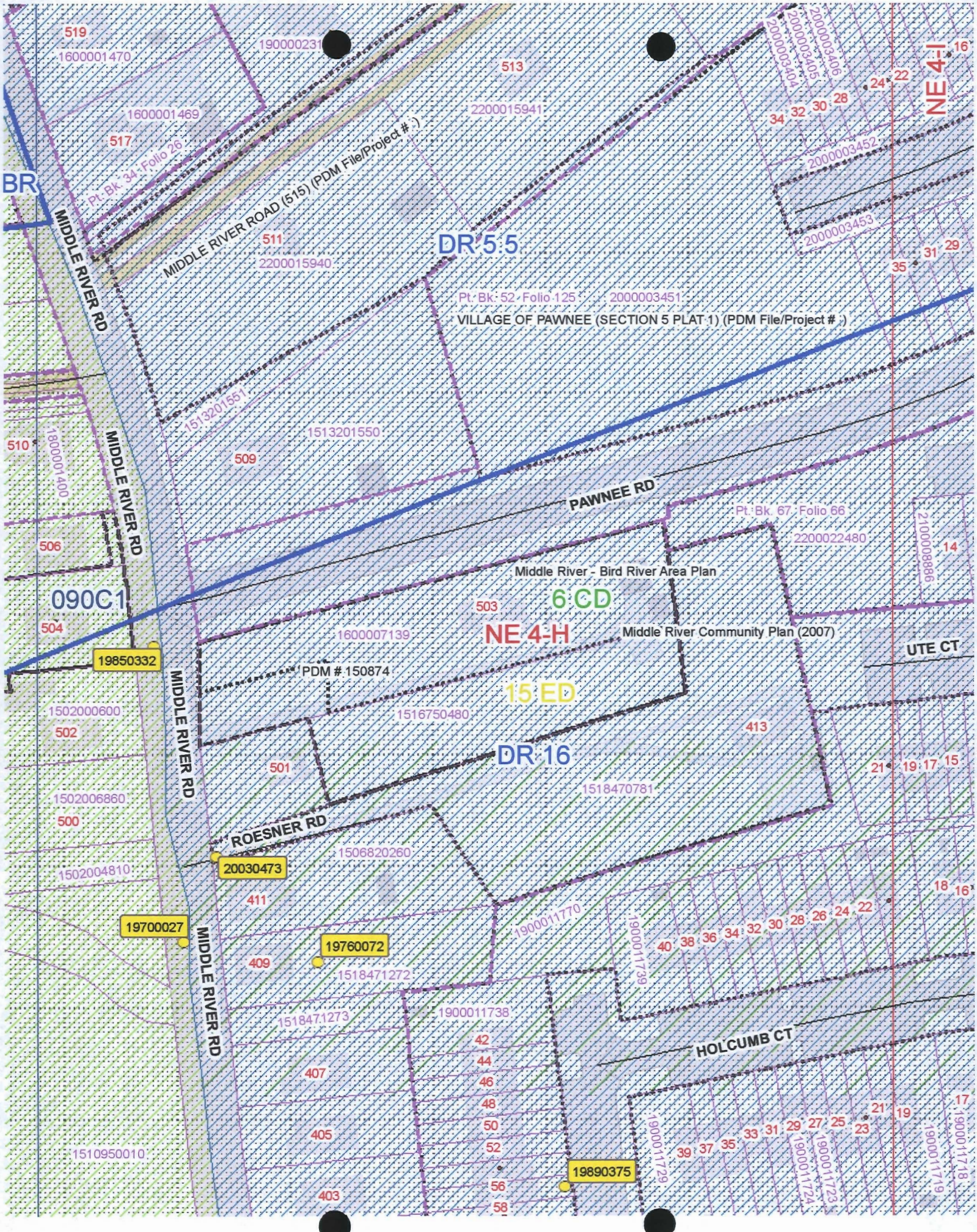
8445 Progress Drive, Suite BB
Frederick, MD 21701-4879
(301) 662-1799
FAX (301) 662-8004

WESTMINSTER OFFICE:
439 East Main Street
Westminster, MD 21157-5539
(410) 848-1790
FAX (410) 848-1791

DRAWN BY:	DDD
DESIGN BY:	DDD
REVIEW BY:	CKB
DATE:	1/7/09
SCALE:	1" = 50'
JOB NO:	2008130
SHEET:	1" = 50'


BR
MIDDLE RIVER RD
MIDDLE RIVER ROAD (515) (PDM File/Project #)
Pt. Bk. 34 Folio 26
DR 5.5
Pt. Bk. 52 Folio 125
2000003451
VILLAGE OF PAWNEE (SECTION 5 PLAT 1) (PDM File/Project #)
PAWNEE RD
Pt. Bk. 67 Folio 66
2200022480
Middle River - Bird River Area Plan
6 CD
NE 4-H
Middle River Community Plan (2007)
UTE CT
090C1
19850332
PDM # 150874
15 ED
DR 16
ROESNER RD
20030473
19700027
19760072
HOLCUMB CT
19890375
NE 4-I


519
1600001470
190000231
513
2200015941
2000003404
2000003405
2000003406
16
NE 4-H
22
24
28
30
32
34
1600001469
517
Pt. Bk. 34 Folio 26
MIDDLE RIVER ROAD (515) (PDM File/Project #)
2000003452
BR
MIDDLE RIVER RD
511
2200015940
DR 5.5
2000003453
31
29
35
Pt. Bk. 52 Folio 125
2000003451
VILLAGE OF PAWNEE (SECTION 5 PLAT 1) (PDM File/Project #)
1513201551
1513201550
510
1800001400
509
PAWNEE RD
Pt. Bk. 67 Folio 66
2200022480
2100008886
14
506
Middle River - Bird River Area Plan
090C1
503
6 CD
504
1600007139
NE 4-H
Middle River Community Plan (2007)
UTE CT
19850332
PDM # 150874
15 ED
1502000600
1516750480
413
502
DR 16
501
21
19
17
15
1518470781
1502006860
500
ROESNER RD
1506820260
20030473
1502004810
411
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16
19700027
1900011770
1900011739
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24
22
19760072
409
1518471272
1518471273
1900011738
42
HOLCUMB CT
44
407
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1900011729
1900011724
1900011723
1900011719
1900011718
52
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37
35
1510950010
19890375
56
403
58

Case No.: 2009-0187-A 2730 DAISY AVENUE

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Amended Site PLAN	
No. 2	Aerial View of Neighborhood	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S

EXHIBIT NO. 2