

IN RE: **PETITION FOR VARIANCE**
W/S Beach Avenue, 470' N of c/line of
Rockaway Beach Avenue
(2405 Beach Avenue)
15th Election District
5th Council District

Samuel W. House, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 2009-0334-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Samuel W. House, and his wife, Eva A. House. The Petitioners request variance relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new dwelling with a minimum sum of side yard widths of 22 feet in lieu of the required 25 feet, and to permit the replacement of an existing dwelling with a larger area pursuant to Section 305 of the B.C.Z.R.¹ The subject property and requested relief are more particularly described on the amended site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Patrick M. O'Keefe, a consultant assisting the property owner through the permitting process, and Charles Jones, of Freestate General Contractors, the Petitioners' builder. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the property under consideration is a

¹ The subject property has 50 feet of width on Beach Avenue, is 152 feet deep, and has 50 feet of frontage at the rip rap bulkhead on Sue Creek. The Zoning Commissioner's Policy Manual (Z.C.P.M.) Sections 400.1A and 400.2A provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, waterfront lots refer to the front of the structure as facing the water. In this case, it is noted that the Zoning Review Office and the Petitioner have the front of the home facing Sue Creek and the rear facing Beach Avenue.

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Date 9-2-09
By [Signature]

rectangular shaped waterfront parcel identified as Lot 21 in the subdivision of Turkey Point Farm located on the Sue Creek on the west side of Beach Avenue in the Rockaway Beach area of eastern Baltimore County. The property contains a gross area of 7,257 square feet, zoned D.R.3.5 and improved with a small (23' wide x 40' deep) one-story dwelling featuring a detached garage and wooden pier. As is often the case with older subdivisions, Turkey Point Farm was laid out many years ago, well prior to the adoption of any zoning regulations in Baltimore County. Thus, many of the lots in the neighborhood are undersized and do not meet current area and width requirements. In this regard, the subject property is approximately 50 feet wide and 150 feet deep and as previously noted contains a gross area of 7,257 feet. See the subdivision plat recorded in 1915 received as Petitioners' Exhibit 4 illustrating 72 similar sized lots of record. Current D.R.3.5 regulations require a *minimum area of 10,000 square feet, and a minimum width of 70 feet.* Thus the subject lot, while vested, is undersized by today's development standards.

Testimony indicated that the Petitioners have owned the subject property since 2008 and had used it as their home. As shown on the site plan, the Houses' are desirous of removing the existing dwelling built in 1939 and propose to construct a new one-story dwelling 28' wide x 51'-9" deep with a front open deck and in the process realigning or squaring up its orientation on the lot. See Petitioners' Exhibit 1 highlighting the location of the proposed structure. The dwelling is to be centered on the lot consistent with other homes in the area and will have the same side yard setbacks as the existing home so as to provide setback distances consistent with other homes on adjacent properties. The building elevations will be submitted to the Office of Planning for review and approval prior to the Petitioners being granted a building permit. The Office of Planning will determine the compatibility of size, exterior building materials, color and

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Date 9-2-09
By lsc

architectural detail. I will leave it to that office to determine that the proposed home is consistent with the existing dwellings in the area. In support of the request, the Houses' have neighbors who have no objections and support the proposal. In essence, the new home will be 5' wider and 11' longer than the existing structure with a front porch. In view of the narrow configuration and size of the lot, compliance with the regulations is not practical or possible. Additionally, the property is located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) which requires that the proposed development must comply with these regulations and, in particular, the impervious surfaces which are limited to 25% of the property. Thus, variance relief is requested in order to comply with the spirit and intent of these regulations.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioners have satisfied the requirements of Sections 305 and 307 of the B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). In considering the issue presented, there are two Sections of the B.C.Z.R. that are relevant. The first is Section 305, entitled "Replacement of Destroyed or Damaged Dwellings." That Section provides that in the event of a complete or partial loss by fire, a dwelling that does not comply with the height or area requirements of the zone in which it is located can be restored, provided that the area or height deficiencies of the dwelling before the fire are not increased in any respect. Secondly, the language set out in Section 104.2 of the B.C.Z.R. is applicable. Section 104 of the B.C.Z.R. governs nonconforming uses. A nonconforming use is a use that is illegal under the current regulations, however is "grandfathered" and therefore may remain.

In this case, the subject property and original dwelling do not comply with the zoning requirements for the D.R.3.5 zone. The lot itself is undersized and the original house had insufficient setbacks. Nonetheless, the Petitioners are eligible to reconstruct a dwelling on the lot, given the collective language of Sections 305 and 104.2 of the B.C.Z.R. The new dwelling

ORDER RECEIVED FOR FILING
Date 9-2-09
By 103

will essentially occupy the same footprint as the old structure. The language in Section 305 of the B.C.Z.R. specifically exempts the new dwelling from strict compliance with height and area regulations. Moreover, the language in Section 104.2 of the B.C.Z.R. allows a nonconforming use to continue. The variance in this case is driven by the configuration and size of the lot. Moreover, this property is served by public water and public sewer, which has been made available in the area. Strict compliance with the regulations would cause a practical difficulty upon the Petitioners in that a reasonable use of the land would not be permitted. Finally, the neighbors are not opposed to the proposal. Thus, I find that relief can be granted without detrimental impact to the adjacent properties. In this regard, it is noted that many other houses in the community are built on similarly sized lots. However, in granting the relief, the Petitioners are reminded that they need to comply with the CBCA regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM).

Pursuant to the advertisement, posting of the property and public hearing on this Petition 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 2nd day of September 2009 that the Petition for Variance seeking relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new dwelling with a minimum sum of side yard widths of 22 feet in lieu of the required 25 feet, and to permit the replacement of an existing dwelling with a larger area pursuant to Section 305 of the B.C.Z.R, in accordance with Petitioners' Exhibit 1, be and the same is hereby GRANTED; subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the thirty (30) day appeal period

ORDER RECEIVED FOR FILING

Date 9-2-09

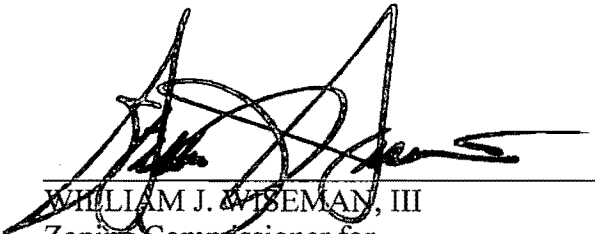
By [Signature]

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 Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to insure compatibility with the neighborhood.

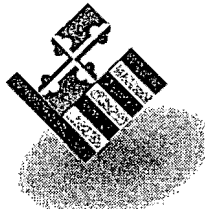
Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).

WJW:dlw



WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING
Date 9-2-09
BY [signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 2, 2009

Samuel W. House
Eva House
2407 Beach Avenue
Baltimore, MD 21221

RE: PETITION FOR VARIANCE

W/S Beach Avenue, 470' N of c/line of Rockaway Beach Avenue
(2405 Beach Avenue)
15th Election District - 5th Council District
Samuel W. House, et ux – *Petitioners*
Case No. 2009-0334-A

Dear Mr. and Mrs. House:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp or seal.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Patrick O'Keefe, 523 Penny Lane, Cockeysville, MD 21030
Charles Jones, 500 Vogts Lane, Baltimore, MD 21221
People's Counsel; DEPRM; Development Plans Review; File



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2405 Beach Avenue
which is presently zoned DR 3.5

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) 1 B02.3.C.1 TO PERMIT A PROPOSED NEW DWELLING WITH A MINIMUM SUM OF SIDE YARD WIDTHS OF 22 FEET IN LIEU OF THE REQUIRED 25 FEET, AND TO PERMIT A REPLACEMENT OF AN EXISTING DWELLING WITH A LARGER AREA PURSUANT TO SECTION 305 OF BCZR.

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

The property has been a lot of record for over 94 years. Due to the age of the existing structure 1939, it would impractical to renovate. Due to the width of the property (50 feet wide) which is typical of the neighborhood, building a house that meets today's Zoning Regulations would be impractical. Strict compliance would be unreasonable and would prevent the use of the property for a permitted purpose. The hardship is not the result of the applicants own action. Relief would be in strict harmony with the spirit and intent of the Zoning Regulations.

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:

Samuel House

Name - Type or Print

Signature

2407 Beach Avenue 774-217-1090

Address Baltimore Maryland 21221 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):

Samuel House

Name - Type or Print

Signature

Eva House

Name - Type or Print

Signature

2407 Beach Avenue 774-217-1090

Address Baltimore Maryland 21221 Telephone No.

City State Zip Code

Representative to be Contacted:

Buck Jones

Name

500 Vogts Lane 410-574-9337

Address Baltimore Maryland 21221 Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No.

2009-0334-A

UNAVAILABLE FOR HEARING

Reviewed By A-TSUI Date 6/24/09

Date 9-2-09

By [Signature]

ZONING DESCRIPTION FOR 2405 BEACH AVENUE

Beginning at a point on the West side of Beach Avenue which is 40' (right-of-way) wide at the distance of 470 feet North of the centerline of the nearest improved intersecting street, Rockaway Beach Avenue which is 40' (right-of-way) wide. *Being Lot # 21 in the subdivision of Turkey Point Farm as recorded in Baltimore County Plat Book # 4, Folio # 171, containing 7,131 sf. or .16 acres. Also known as 2405 Beach Avenue and located in the 15th Election District, 5 Councilmanic Distric.

2009-0334-A

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

No. **39819**

Date: **6/24/09**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 6/24/2009 6/24/2009 11:22:58 1

0001 WALKIN JRIC THR
 RECEIPT # 421801 6/24/2009 OFLN

5 528 ZORING VERIFICATION
 NO. 039819

Recpt tot 465.00
 465.00 OK 4.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65 -

Total: **\$ 65 -**

Rec From: **BUCK JONES**

For: **2405 BEACH AVE**

2007 - 0334 - A

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: # 2009-0334-A

2405 Beach Avenue

W/side of Beach Avenue, 470 feet north of the centerline of Rockaway Beach Avenue

15th Election District — 5th Councilmanic District

Legal Owner(s): Samuel & Eva House

Variance: to permit a proposed new dwelling with a minimum sum of side yard widths of 22 feet in lieu of the required 25 feet, and to permit a replacement of an existing dwelling with a larger area pursuant to section 305 of the BCZR.

Hearing: Monday, August 31, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

8/16/09 Aug. 13

207951

CERTIFICATE OF PUBLICATION

8/13/2009

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 8/13/2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 08/18/09

Case Number: 2009-0334-A

Petitioner / Developer: MR. & MRS. HOUSE~BUCK JONES of
FREE-STATE GENERAL CONTRACTORS

Date of Hearing (Closing): AUGUST 31, 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:
2405 BEACH AVENUE

The sign(s) were posted on: AUGUST 15, 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)

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/neighbor 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: 2009-0334-A

Petitioner: SAM HOUSE

Address or Location: 2405 BEACH AVE. 21221

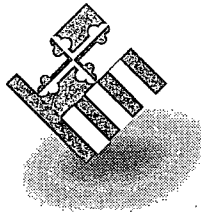
PLEASE FORWARD ADVERTISING BILL TO:

Name: BUCK JONES

Address: 500 VOGTS LANE

BALT. MD. 21221

Telephone Number: 410-574-9337



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
July 28, 2009
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: 2009-0334-A

2405 Beach Avenue

W/side of Beach Avenue, 470 feet north of the centerline of Rockaway Beach Avenue

15th Election District – 5th Councilmanic District

Legal Owners: Samuel & Eva House

Variance to permit a proposed new dwelling with a minimum sum of side yard widths of 22 feet in lieu of the required 25 feet, and to permit a replacement of an existing dwelling with a larger area pursuant to section 305 of the BCZR.

Hearing: Monday, August 31, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. House, 2407 Beach Avenue, Baltimore 21221
Buck Jones, 500 Vogts Lane, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 15, 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
Thursday, August 13, 2009 Issue - Jeffersonian

Please forward billing to:
Buck Jones
500 Vogts Lane
Baltimore, MD 21221

410-574-9337

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: 2009-0334-A

2405 Beach Avenue

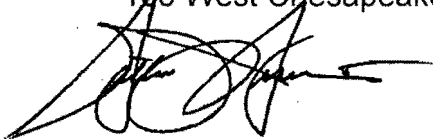
W/side of Beach Avenue, 470 feet north of the centerline of Rockaway Beach Avenue

15th Election District – 5th Councilmanic District

Legal Owners: Samuel & Eva House

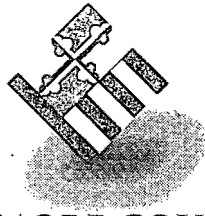
Variance to permit a proposed new dwelling with a minimum sum of side yard widths of 22 feet in lieu of the required 25 feet, and to permit a replacement of an existing dwelling with a larger area pursuant to section 305 of the BCZR.

Hearing: Monday, August 31, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

August 24, 2009

Samuel & Eva House
2407 Beach Ave.
Baltimore, MD 21221

Dear: Samuel & Eva House

RE: Case Number 2009-0334-A, 2405 Beach Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 24, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Buck Jones; 500 Vogts Ln.; Baltimore, MD 21221

BW 8-31 9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 14 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: July 13, 2009
SUBJECT: Zoning Item # 09-334-A
Address 2405 Beach Avenue
(House Property)

Zoning Advisory Committee Meeting of June 29, 2009

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 25% + 500 square feet (2,282 square feet). In addition, the 15% afforestation requirement must be met; this equates to 2 trees. All other LDA and BMA regulations will apply to development on this property.

Reviewer: Adriene Stiffler

Date: July 7, 2009

BW

8-31
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 9, 2009

RECEIVED

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

JUL 16 2009

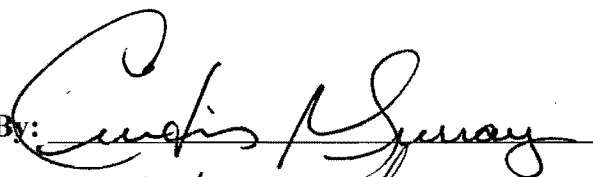
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-334- Variance**

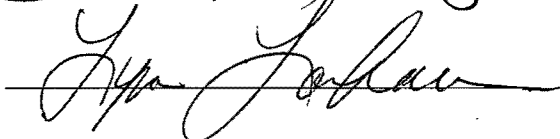
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 6, 2009
Item Nos. 2009-329, 330, 331, 333
and 334

DATE: July 14, 2009

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

DAK:CEN:cab
cc: File
ZAC-07062009-NO COMMENTS



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

State Highway
Administration

Beverly K. Swain-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JULY 6, 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. 2009-0834-A
2405 BEACH AVE.
HOUSE 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. 2009-0834-A.

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

Very truly yours,

For [^] Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

CASE NAME 2009-0334-A
CASE NUMBER House
DATE 8/31

[illegible]

RE: PETITION FOR VARIANCE * BEFORE THE
2405 Beach Avenue; W/S Beach Avenue, * ZONING COMMISSIONER
470' N of c/line of Rockaway Beach Avenue*
15th Election & 5th Councilmanic Districts *
Legal Owner(s): Samuel & Eva House * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-334-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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
JUL 09 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 9th day of July, 2009, a copy of the foregoing Entry of Appearance was mailed to Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

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

Account Identifier: District - 15 Account Number - 1508652572

Owner Information

Owner Name: HOUSE SAMUEL W HOUSE EVA A
HOUSE SAMUEL W, JR
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 2405 BEACH AVE
BALTIMORE MD 21221-1807
Deed Reference: 1) /28337/ 443
2)

Location & Structure Information

Premises Address **Legal Description**
2405 BEACH AVE
WATERFRONT
2405 BEACH AVE
TURKEY POINT FARM

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
98	15	211					21	3	Plat Ref: 4/ 171

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	630 SF	7,131.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2008	07/01/2009
Land	159,500	199,500		
Improvements:	29,610	38,760		
Total:	189,110	238,260	189,110	205,493
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
HOUSE SAMUEL W	06/30/2009	\$0
Type: NOT ARMS-LENGTH	Deed1: /28337/ 443	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

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

Tax Exempt: NO
Exempt Class:

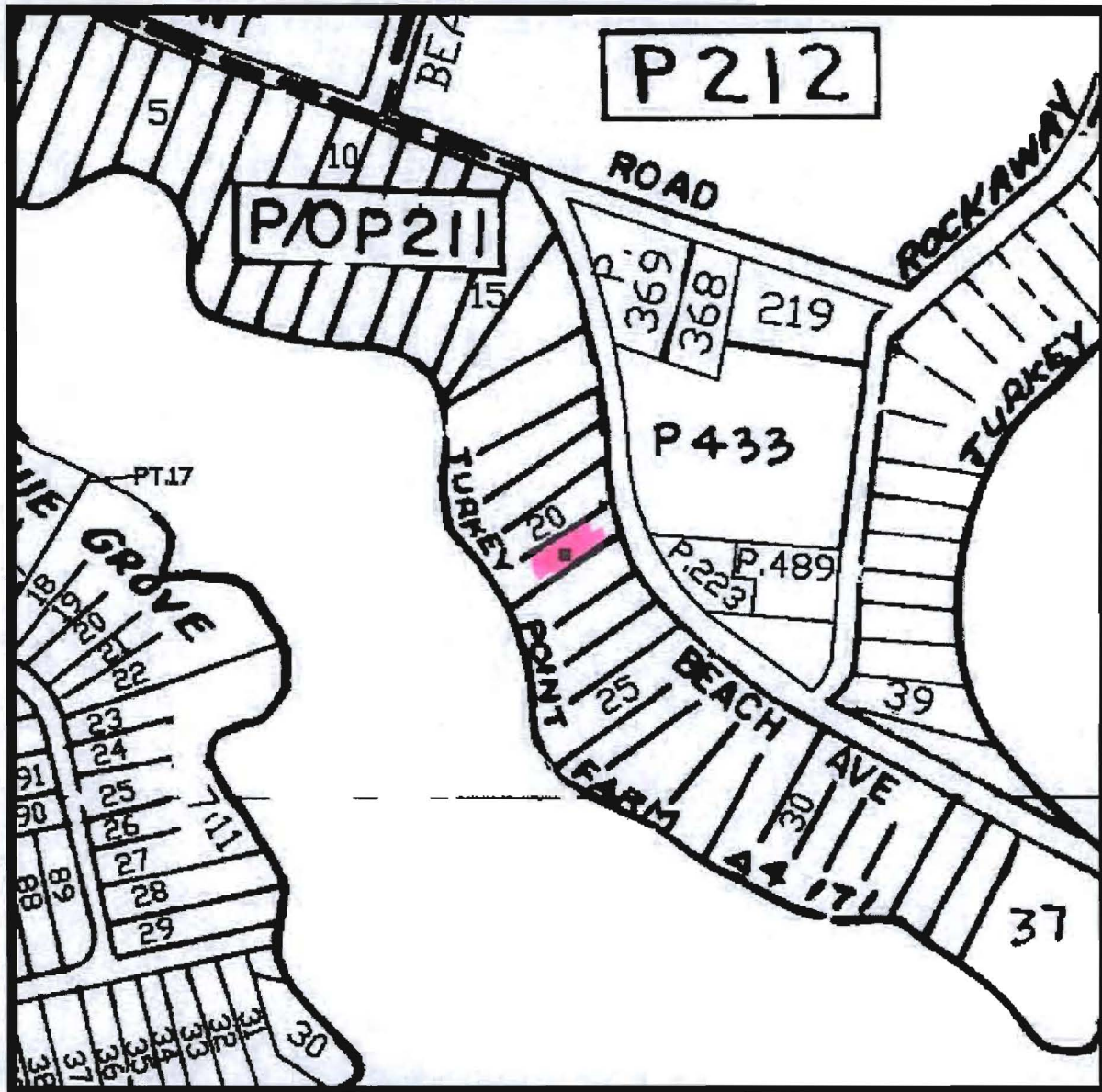
Special Tax Recapture:
* NONE *



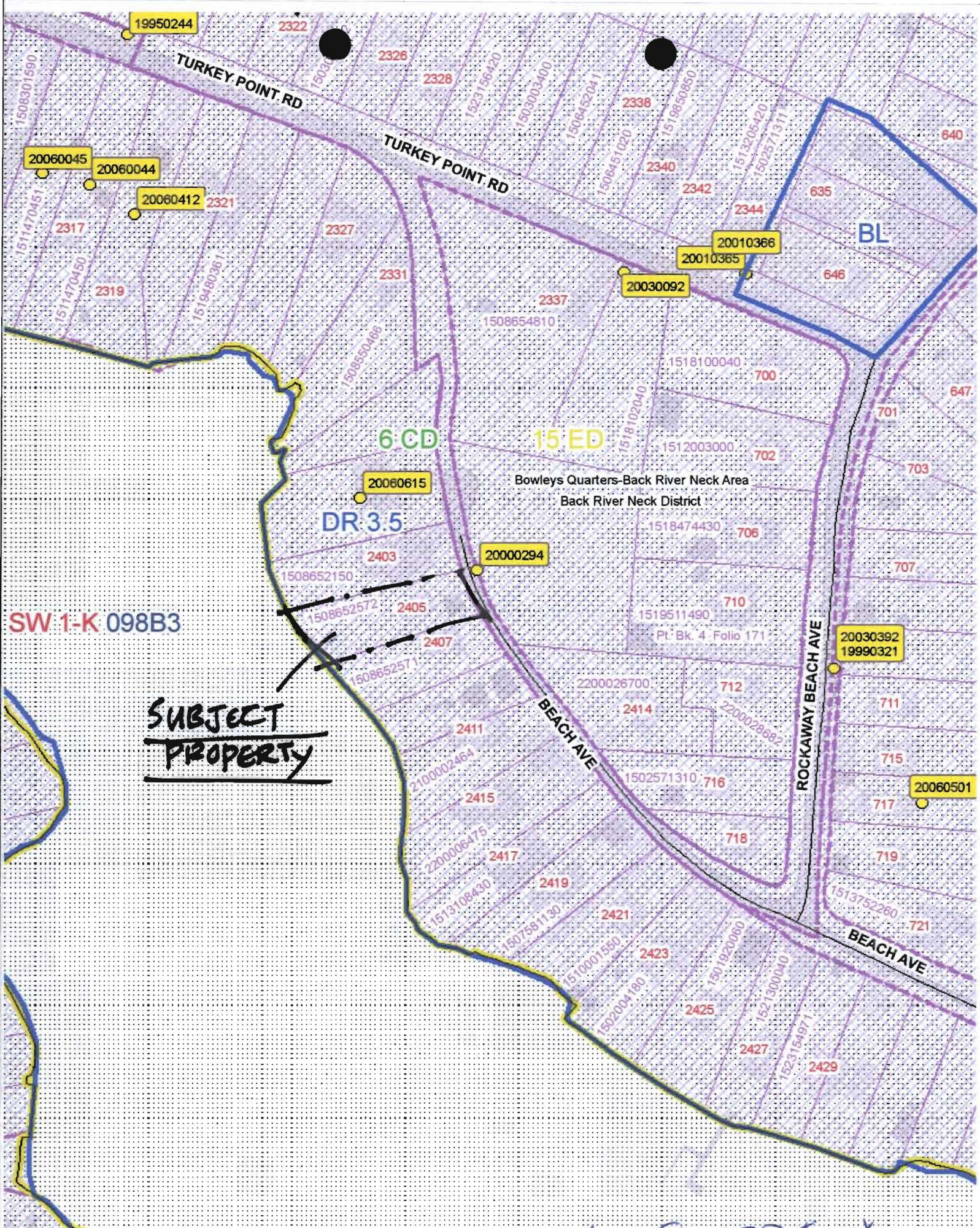
**Maryland Department of Assessments
and Taxation
BALTIMORE COUNTY
Real Property Data Search**

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

District - 15 Account Number - 1508652572



Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department
of Planning web site at www.mdp.state.md.us/webcom/index.html



2009-0334-A

UNDERSIZED LOT

Case No.: 2009-0334-A 2405 BEACH AVE

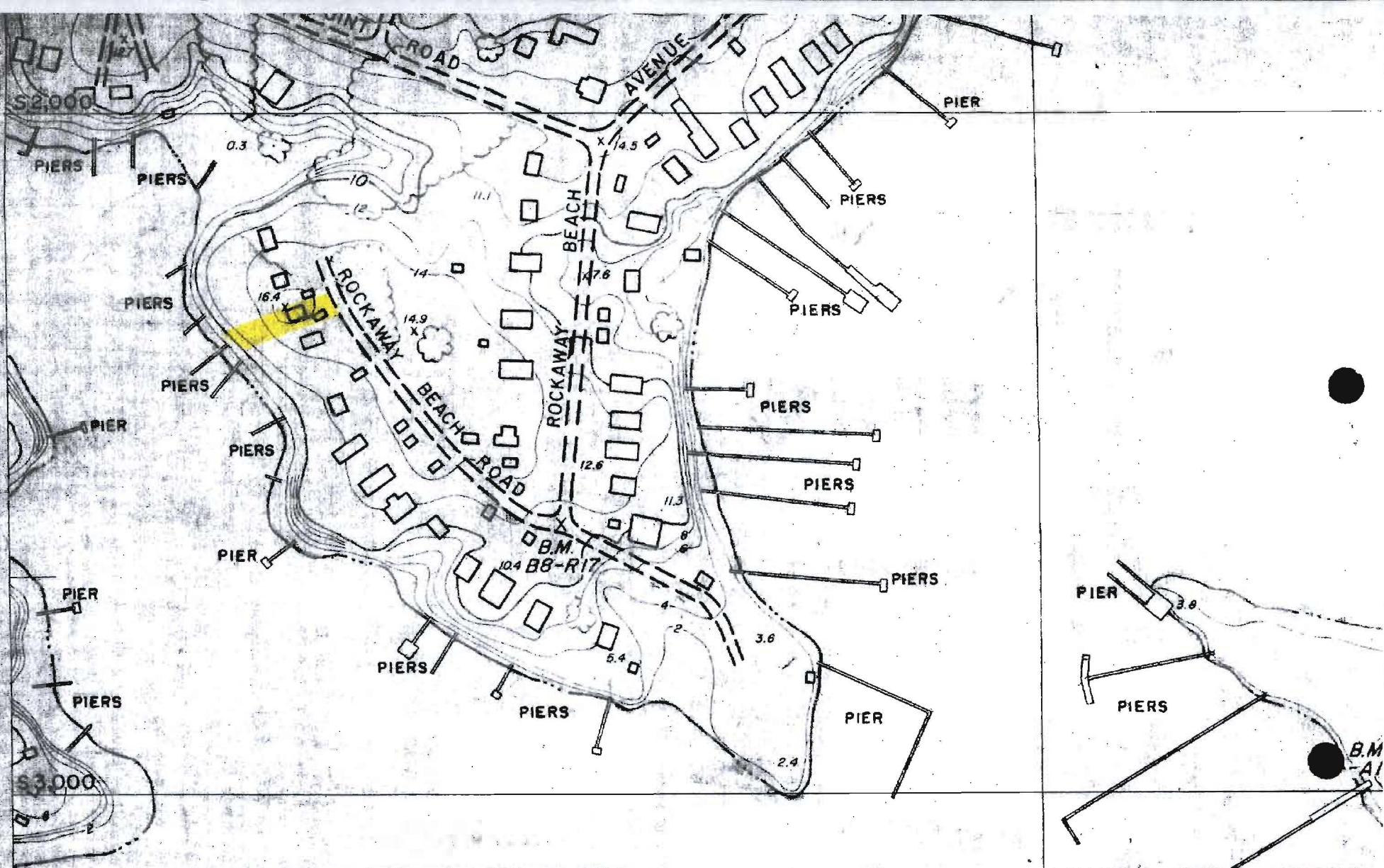
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED SITE PLAN	
No. 2	ZONING MAP	
No. 3	ELEVATION OF PROPERTY 16.4' above TIDE	
No. 4	Subdivision Plat	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

(SHEET S.E. 1-K)

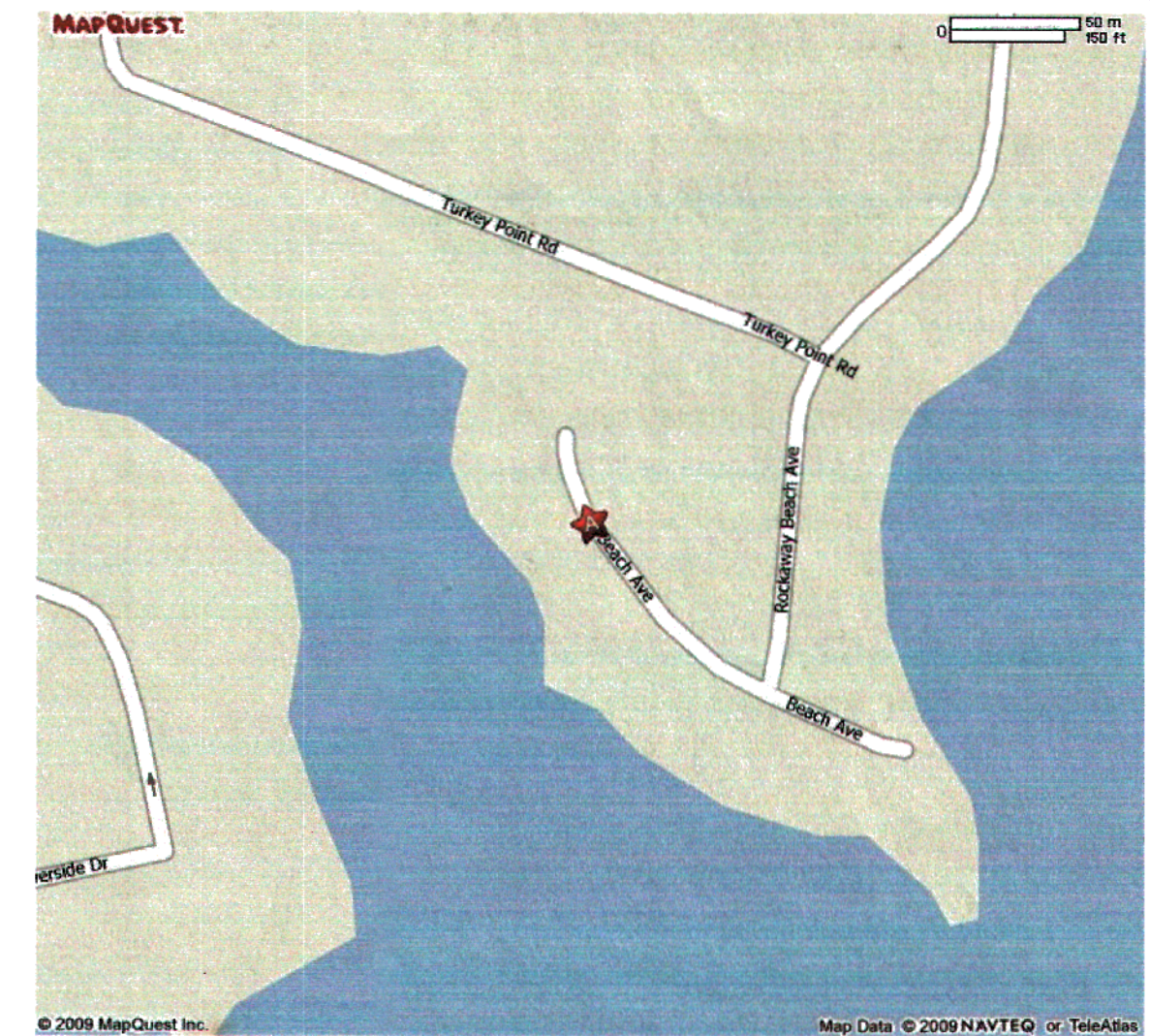


REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	TURKEY POINT	S. E. 1-K
PETITIONER'S				
EXHIBIT NO.	3	DATE OF PHOTOGRAPHY DEC. 1954		
Photography Compiled By Photogrammetric Methods RAMS AERIAL SURVEY CORP. LANSING MICH.				

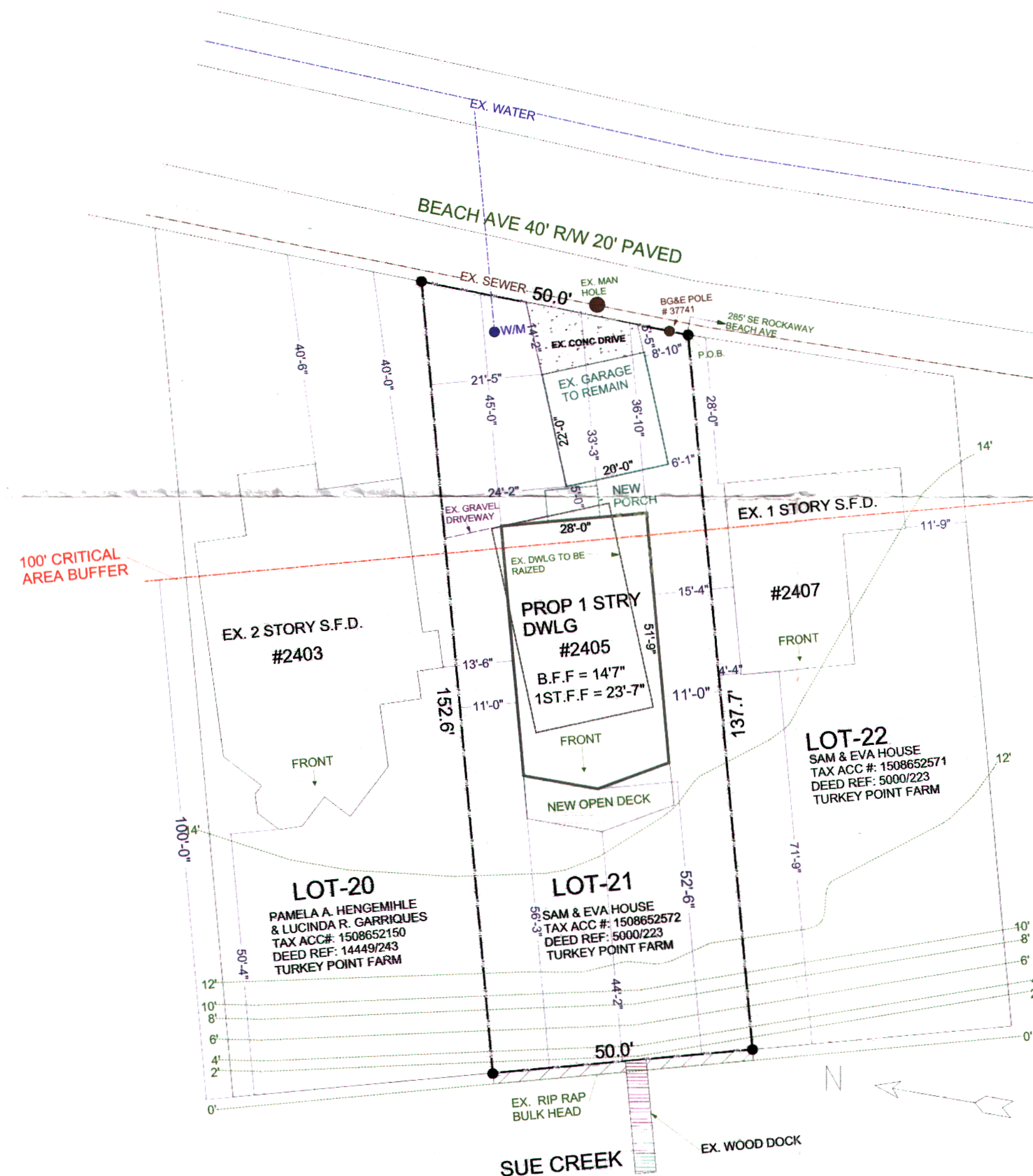
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

☐ SPECIAL HEARING

SAMUEL & EVA HOUSE
2405 BEACH AVE.
BALTIMORE MD 21221
TAX ID #1508652572
NEAREST INT. 275' NW ROCKAWAY BEACH AVE.
SUB DIV. TURKEY POINT FARM
DEED REF: 5000/223
PLAT REF: 4/171



ADC MAP # 38-C13



LOCATION INFORMATION

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6
1"=200' SCALE MAP #ADC 45-E2
ZONING DR 3.5
LOT SIZE 0.16 ACRES 7,134 7,257.5[±] SQUARE FEET

	PUBLIC	PRIVATE	YES	NO
SEWER	☒	☐		
WATER	☒	☐		
CHESAPEAKE BAY CRITICAL AREA			☒	☐
100 YEAR FLOOD PLAIN			☒	☐
HISTORIC PROPERTY/ BUILDING				☒
PRIOR ZONING HEARING				☒

REVIEWED BY ZONING OFFICE USE ONLY ITEM # CASE#

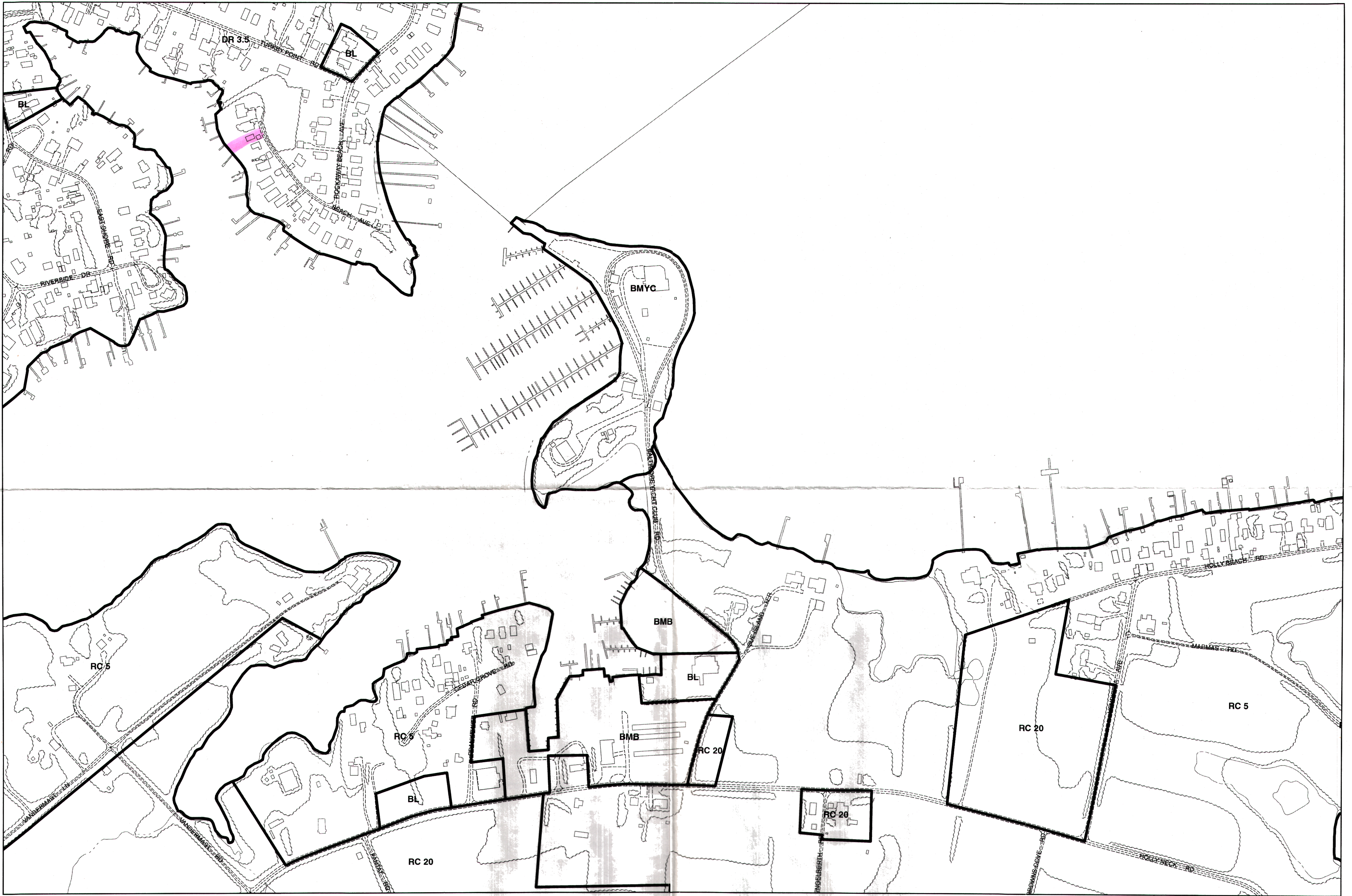
FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1"=20'
DATE 06-03-09

HOUSE SITE PLAN
SITE PLAN

DRAWN BY
JESSE NANTZ
PAGE # 1

PETITIONER'S
EXHIBIT NO. 1



Plan Sheet: 098B3

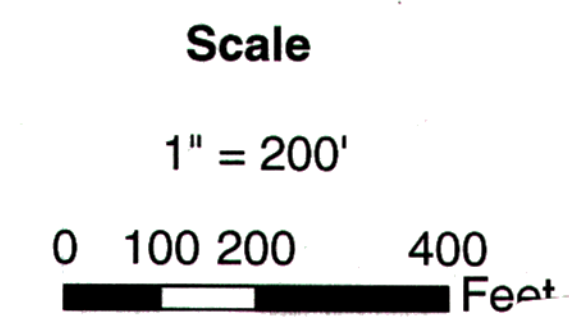
Note: The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- Buildings
- Streams
- Vegetation
- Zoning
- Roads
- Rail Lines

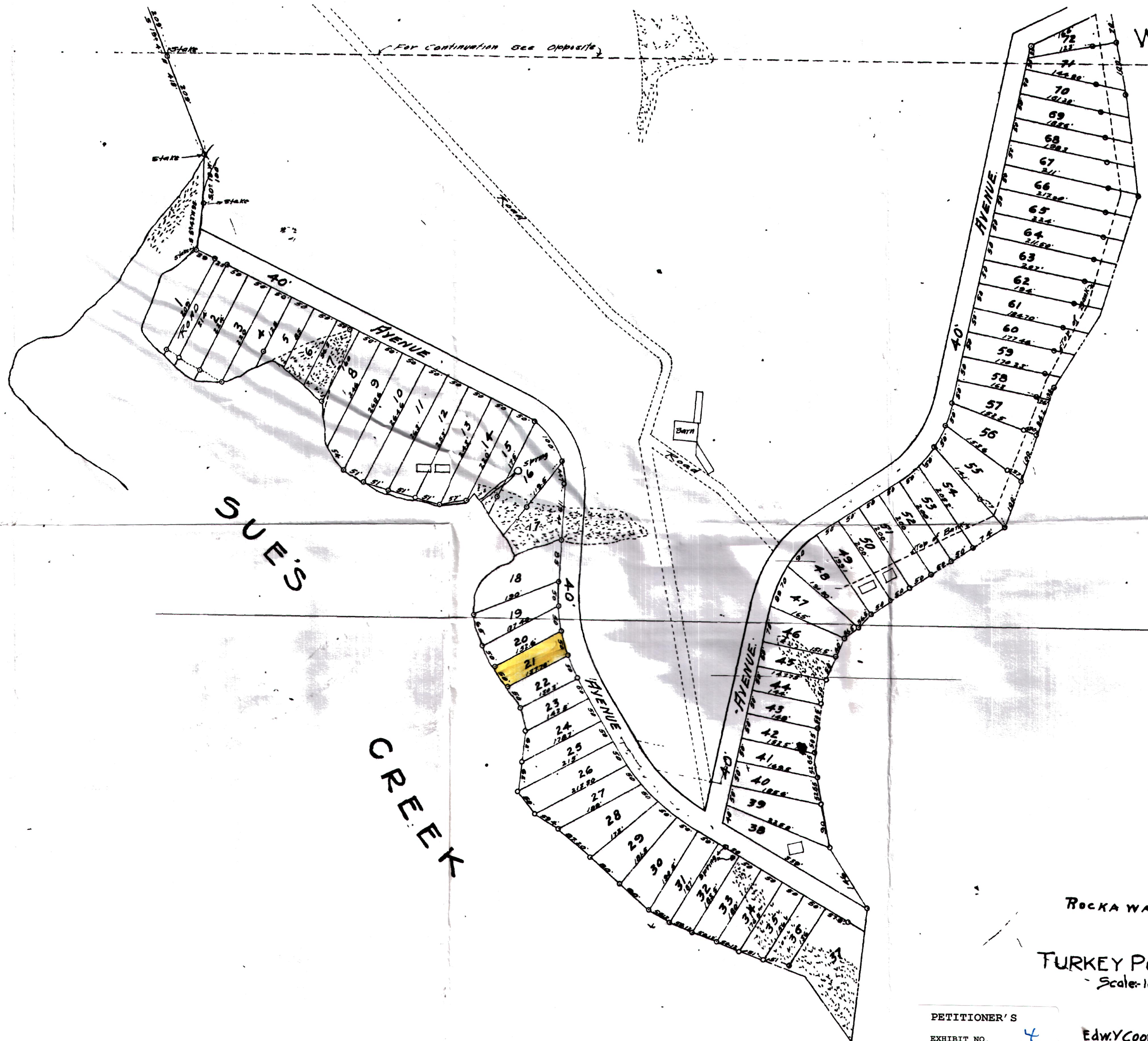
Baltimore County
Office of Planning and Zoning
Official Zoning Map

097C2	098A2	098B2	098C2
097C3	098A3	098B3	098C3
104C1	105A1	105B1	105C1



PETITIONER'S
EXHIBIT NO. 2

Data Sources:
 Planimetric Data - Baltimore County
 OIT/GIS Services Unit
 1:2400, from 1995/96 photography
 Baltimore County Office of Planning



Plat accompanying Deed
from
James Young & wife
to
Rockaway Beach Realty Co
Filed Sept. 9, 1915
Test: Wm. R. Cole, Clerk.

ROCKAWAY BEACH
TURKEY POINT FARM
Scale: 100'-1"

PETITIONER'S
EXHIBIT NO. 4

Edw. Y. Coonan & Co
Surveyors & Civil Engrs.
231 Court Street, N.Y.C.