

IN RE: PETITION FOR VARIANCE

S side of Waldman Avenue; 387.5 feet
E of the c/l of Murray Avenue
15th Election District
7th Councilmanic District
(7315 Waldman Avenue)

William and Pasqualina Biggs
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2009-0335-A

* * * * *

IN RE: PETITION FOR VARIANCE

S side of Waldman Avenue; 437.5 feet
E of the c/l of Murray Road
15th Election District
7th Councilmanic District
(7317 Waldman Avenue)

William and Pasqualina Biggs
Petitioners

Amber and James Bertholdt
Contract Purchasers

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* CASE NO. 2009-0336-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner for consideration of Petitions for Variance filed by the legal property owners, William and Pasqualina Biggs. In each case number, Petitioner is requesting the following Variance relief:

Case No. 2009-0335-A: For the property located at 7315 Waldman Avenue, the Variance request is from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling with a lot width of 50 feet, front yard average setback of 20 feet, and side yard setback of 8 feet in lieu of the required 55 feet, 39.375 feet, and 10 feet, respectively.

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Case No. 2009-0336-A: For the property located at 7317 Waldman Avenue, the Variance request is from Section 1B02.3.C.1 of the B.C.Z.R. to permit a proposed dwelling with a lot width of 50 feet in lieu of the required 55 feet. Since the properties are owned by the same persons and are located adjacent to one another, the two cases were heard contemporaneously. The subject properties and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the property owners and in support of the variance requests was Bernadette Moskunas with Site Rite Surveying, Inc., the firm that prepared the site plan for the two properties. Also appearing in support of the requested relief were Amber and James Bertholdt, the contract purchasers for the 7317 Waldman Avenue property. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the two properties situated side-by-side at 7315 and 7317 Waldman Avenue, respectively, each consist of 10,000 square feet or 0.229 acre, more or less, zoned D.R.5.5. Each property measures approximately 50 feet wide by 200 feet deep. As shown on the vicinity map on the site plan, they are located on the south side of Waldman Avenue, north of Hughes Avenue and east of Murray Avenue and west of Lincoln Avenue in the Sparrows Point area of Baltimore County. The properties are also located east of the Sparrows Point Industrial Complex on a peninsula that is surrounded by Jones Creek. Both properties have access to public water and sewer services. The property at 7315 Waldman Avenue (Case No. 2009-0335-A) is improved with a one-story single-family dwelling and a garage located in the rear yard. The property at 7317 Waldman Avenue (Case No. 2009-0336-A) is currently unimproved.

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The legal property owners, William and Pasqualina Biggs, have owned the properties since 1983 and have resided at 7315 Waldman Avenue during that time. A copy of the SDAT Data Search printouts for each property and the Deed were collectively marked and accepted into evidence as Petitioner's Exhibit 2. The Deed delineates the two properties as separate lots. The improved property at 7315 Waldman Avenue is identified as Lot 129 and the unimproved property at 7317 Waldman Avenue is identified at Lot 130. The properties are part of the Chesapeake Terrace, Section "B" subdivision that was recorded on July 22, 1919. A copy of the record plat was marked and accepted into evidence as Petitioner's Exhibit 3 and shows the subject properties, Lot 129 and 130, respectively. Except for irregular-shaped lots due to the uneven configuration of the shoreline, virtually every lot in the subdivision has a standard 50 foot width.

At this juncture, the property owners, Mr. and Mrs. Biggs, desire to sell Lot 130 to Amber and James Bertholdt and both parties seek a variance from the 55 foot minimum width requirement in order to build a single-family residence on that property. In so doing, Mr. and Mrs. Biggs also seek variance relief for Lot 129, the site of their primary residence, in order to legitimize existing conditions on that property for minimum width, front yard, and side yard setback requirements. The location and general appearance of the properties is confirmed in the aerial photographs that were marked and accepted into evidence as Petitioner's Exhibits 4A and 4B, respectively. Mr. and Mrs. Bertholdt also submitted a document that was marked and accepted into evidence as Petitioner's Exhibit 5, with signatures from adjacent neighbors supporting their requested variance relief.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated July 23,

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[Signature]

2009 which indicates that Petitioners own sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the B.C.Z.R. However, there appear to be several existing undersized lots in the neighborhood. As such, the Planning Office does not oppose Petitioners' requests, but notes that if the requests are granted, several conditions should apply to the proposed dwelling, including: submit building elevations for review and approval prior to the issuance of any building permit; dwelling shall be compatible in size, building materials, color and architectural detail as that of the dwellings in the area; and provide landscaping along the public road. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated September 9, 2009 indicating that development of the properties must comply with the Chesapeake Bay Critical Area (CBCA) Regulations (Sections 33-2-101 through 33-2-1004, and other sections, of the Baltimore County Code). The properties are also within the Limited Development Area (LDA) of the CBCA and must meet all LDA requirements, including 15% afforestation and lot coverage limits of 31.25%. Mitigation is required for lot coverage between 25% to 31.25%.

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. Chiefly, the evidence indicates that the subject properties were platted and have been held intact as lots of record since 1919, well before the adoption 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 width and setback requirements. Although other properties in the area were improved with single-family dwellings over 70 years ago on 50 foot wide lots and are "grandfathered," the property at 7317 Waldman Avenue is unimproved and, although identical to

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other nearby properties in almost every respect, is subject to the 55 foot minimum width. Hence, in my view, the imposition of current zoning on the properties disproportionably impacts the subject lots as compared to other properties in the zoning district.

Finally, I find these variance requests can be granted in strict harmony with the spirit and intent of Section 307 of the B.C.Z.R. The variances for 7315 Waldman Avenue will legitimize existing conditions, while the variance for 7317 Waldman Avenue will provide for infill development where there is availability of existing services such as water and sewer services. Moreover, the proposed dwelling will meet all front, side, and rear setback requirements and will be situated on the lot consistent with other homes in the community. The only deficiency in this instance is lot width, which is just 5 feet shy of the required 55 feet. In my view, the relief will not result in any detriment to the public health, safety and general welfare of the surrounding locale.

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

THEREFORE, IT IS ORDERED this 9th day of September, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance relief requests for the properties set forth as follows:

Case No. 2009-00335-A: For the property located at 7315 Waldman Avenue, the Variance requests from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling with a lot width of 50 feet, front yard average setback of 20 feet, and side yard setback of 8 feet in lieu of the required 55 feet, 39.375 feet and 10 feet, respectively, be and are hereby GRANTED; and

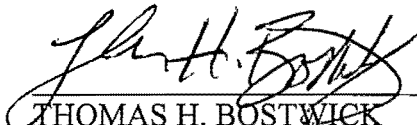
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9.9.09
[Signature]

Case No. 2009-0336-A: For the property located at 7317 Waldman Avenue, the Variance request from Section 1B02.3.C.1 of the B.C.Z.R. to permit a proposed dwelling with a lot width of 50 feet in lieu of the required 55 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

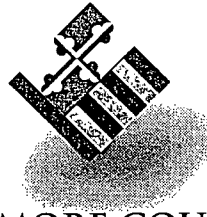
1. Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners shall submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permit. The proposed dwelling at 7317 Waldman Avenue shall be compatible in size, exterior building materials, color and architectural details as that of the existing dwellings in the area.
3. Petitioners shall provide landscaping along the public road as directed by the Office of Planning.

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

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9.9.09
[Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 9, 2009

WILLIAM AND PASQUлина BIGGS
7315 WALDMAN AVENUE
BALTIMORE MD 21219

Re: Petition for Variance
Case Nos. 2009-0335-A and 2009-0336-A
Property: 7315 Waldman Avenue and 7317 Waldman Avenue

Dear Mr. and Mrs. Biggs:

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 "John H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101,
Towson MD 21286
Amber and James Bertholdt, 1457 Sussex Road, Baltimore MD 21221



TAX. ACCOUNT 507830720

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 7317 Waldman Avenue
which is presently zoned DR 5-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1003.36.1. (DC&R)

To permit a proposed dwelling with a lot width of 50-feet in lieu of the required 55-feet.

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

see attached

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):

William Briggs

Name - Type or Print

Signature

Pasquella Briggs

Name - Type or Print

Signature

7315 Waldman Avenue

Address

City

Baltimore

MD

21219-2030

State

Zip Code

Representative to be Contacted:

Site Rite Surveying Inc.

Name

200 E. Joppa Road, Room 101

Address

Towson, MD 21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING *1 Hour*

UNAVAILABLE FOR HEARING

D.T.

Date *6/25/09*

Case No. *2009-0336-A*

REV 9/15/98

Reviewed By *mb*

REASONS FOR VARIANCE REQUEST
#7315 WALDMAN AVENUE
#7317 WALDMAN AVENUE

- **THESE ARE RECORDED LOTS SHOWN ON A PLAT ENTITLED "CHESAPEAKE TERRACE" SECTION B, PLAT BOOK NO. 5 FOLIO 36, DATED SEPTEMBER 27, 1919. OBVIOUSLY AN OLDER PLATTED SUBDIVISION WELL BEFORE THE ADOPTION OF ANY ZONING REGULATIONS (1945). STRICT COMPLIANCE WITH THE B.C.Z.R. WOULD CREATE A HARDSHIP (DENIAL OF A REASONABLE AND SUFFICIENT USE OF THE PROPERTY).**
- **THE RELIEF REQUESTED WILL NOT RESULT IN ANY DETRIMENT TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THE SURROUNDING NEIGHBORHOOD; THUS, KEEPING WITH THE SPIRIT AND INTENT OF SECTION 307. THE PROPOSED DEVELOPMENT WILL NOT INCREASE THE RESIDENTIAL DENSITY AND WILL BE COMPATIBLE WITH THE PATTERN OF DEVELOPMENT.**
- **EACH LOT HAS SUFFICIENT AREA TO SUPPORT THE INDIVIDUAL DWELLINGS (EXISTING AND PROPOSED). PER THE TITLE DEED THERE ARE TWO (2) PARCELS OF GROUND WITH INDIVIDUAL TAX ACCOUNT NUMBERS. THE OWNERS PURCHASED THE PROPERTY IN 1983 AND THE EXISTING DWELLING (#7315 WALDMAN AVENUE) HAS SINCE BEEN THE PRINCIPAL RESIDENCE.**

ZONING DESCRIPTION #7317 WALDMAN AVENUE

BEGINNING AT A POINT ON THE SOUTH SIDE OF WALDMAN AVENUE WHICH IS 30 FEET WIDE AT THE DISTANCE OF 437.5 FEET EAST OF THE CENTERLINE OF MURRAY AVENUE WHICH IS 25 FEET WIDE. BEING LOT NO. 130, SECTION B, IN THE SUBDIVISION OF "CHESAPEAKE TERRACE" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. 5, FOLIO NO. 36, CONTAINING 10,000 SQ. FT., MORE OR LESS. ALSO KNOWN AS #7317 WALDMAN AVENUE AND LOCATED IN THE 15TH ELECTION DISTRICT, 7TH COUNCILMANIC DISTRICT.



MICHAEL V. MOSKUNAS
REG. NO. 21175

SITE RITE SURVEYING, INC.
200 E. JOPPA ROAD
SHELL BUILDING, ROOM 101
TOWSON, MD 21286

2009-0336-A

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

No. **35583**

Date: **6/25/09**

PAID RECEIPT

BUSINESS ACTUAL TIME DED
6/24/2009 6/25/2009 10:22:30 5

REC: MSD6 WALTON KENT KRE
>> RECEIPT # 644266 6/25/2009 06:11

DE: 5 528 ZONE VERIFICATION

NO: 035583

Recpt Tot 165.00

\$130.00 100 1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				65.00

Total: **65.00**

Rec

From: **SITE RITE**

For: **2009-0331-A**

7317 WALDMAN AVE

D. THOMPSON

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: # 2009-0336-A

7317 Waldman Avenue
S/side of Waldman Avenue,
437.5 feet east of center-
line of Murray Road.

15th Election District
7th Councilmanic District
Legal Owner(s): William &
Pasqualina Biggs

Variance: to permit a pro-
posed dwelling with a lot
width of 50 feet in lieu of
the required 55 feet.

Hearing: Tuesday, Sep-
tember 8, 2009 at 10:00
a.m. In Room 104, Jeffer-
son Building, 105 West
Chesapeake Avenue,
Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

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

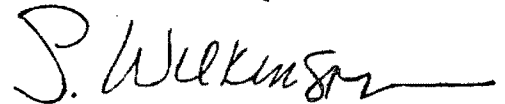
JT 8/662 Aug. 25 209147

CERTIFICATE OF PUBLICATION

8/27/, 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 8/25/, 2009.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2009-0336-A

Petitioner/Developer SITE RITE
SURVEYING INC

Date Of Hearing/Closing: 9/8/09

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 7317 WALDMAN AVENUE

This sign(s) were posted on August 24, 2009

Month, Day, Year

Sincerely,

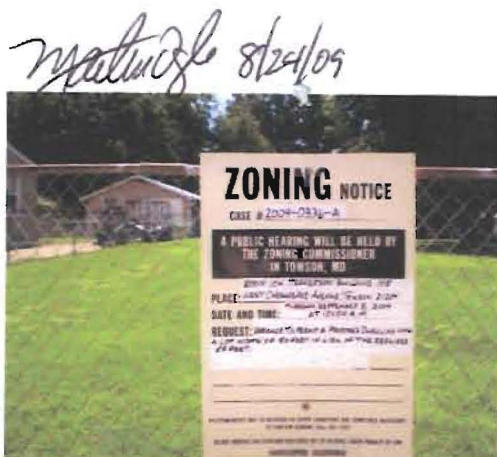
Martin Ogle 8/24/09
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411



08/24/2009

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/neighbors 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.

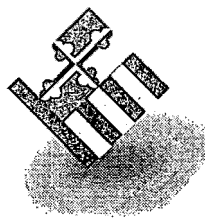
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0336-A
Petitioner: Wm. and Pasaulina Biggs
Address or Location: # 7317 Waldman Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amber Bertholdt
Address: 1457 Sussex Road
Baltimore, MD 21221
Telephone Number: 410 961-5377



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY MUKOTROCO, Director
July 30, 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: 2009-0336-A

7317 Waldman Avenue

S/side of Waldman Avenue, 437.5 feet east of centerline of Murray Road

15th Election District – 7th Councilmanic District

Legal Owners: William & Pasqualina Biggs

Variance to permit a proposed dwelling with a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Tuesday, September 8, 2009 at 10:00 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. Biggs, 7315 Waldman Avenue, Baltimore 21219
Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 24, 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, August 25, 2009 Issue - Jeffersonian

Please forward billing to:
Amber Bertholdt
1457 Sussex Road
Baltimore, MD 21221

410-961-5377

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: 2009-0336-A

7317 Waldman Avenue
S/side of Waldman Avenue, 437.5 feet east of centerline of Murray Road
15th Election District – 7th Councilmanic District
Legal Owners: William & Pasqualina Biggs

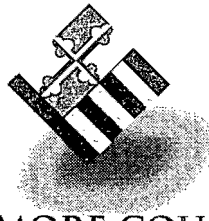
Variance to permit a proposed dwelling with a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Tuesday, September 8, 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.



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

September 3, 2009

William & Pasgulina Biggs
7315 Waldman Ave.
Baltimore, MD 21219

Dear: William & Pasgulina Biggs

RE: Case Number 2009-0336-A, 7315 Waldman 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 25, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Site Rite Surveying Inc.; 200 E. Joppa Rd. Rm. 101; Towson, MD 21286

TB 9/8
10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 09 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 9, 2009
SUBJECT: Zoning Item # 09-336-A
Address 7317 Waldman Avenue
(Biggs Property)

Zoning Advisory Committee Meeting of July 6, 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:

This property is within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area and must meet all LDA requirements, including 15% afforestation and lot coverage limits of 31.25%. Mitigation is required for lot coverage between 25% - 31.25%.

Reviewer: Regina Esslinger

Date: August 3, 2009

TB
9/8
10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 23, 2009

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 9-335 and ~~9-336~~ Variance**

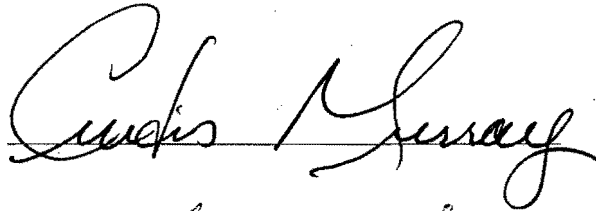
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing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

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

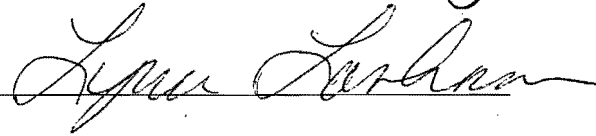
1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the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

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

Prepared By:



Division Chief:



CM/LL

RECEIVED

JUL 27 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 13, 2009
Item Nos. 2009-335, 336, 337, 338,
339, 341, 342 and 343

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-07132009-NO COMMENTS



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

State Highway
Administration

Beverley K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: July 10, 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 - 0336-A
7317 WALDMAN AVE
BIGGS 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. 2009-0336-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

From: Debra Wiley
To: Livingston, Jeffrey
Date: 9/4/2009 11:52 AM
Subject: Comment(s) Needed for Tom's Hearing Tuesday, 9/8

Hi Jeff,

In receipt of case files for next week, it appears that Tom's cases scheduled on Tuesday, 9/8 at 9 AM & 10 AM are both in the CBCA and we need a comment from your department. I have provided case descriptions for your convenience below:

CASE NUMBER: 2009-0335--A

7315 Waldman Avenue

Location: South side of Waldman Avenue; 387.5 feet East of the c/l of Murray Avenue.

15th Election District, 7th Councilmanic District

Legal Owner: William and Pasqualina Biggs

VARIANCE To permit an existing dwelling with a lot width of 50 feet, front yard average setback of 20 feet, side yard setback of 8 feet in lieu of the required 55 feet, 39.375 feet and 10 feet, respectively.

Hearing: Tuesday, 9/8/2009 at 9:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

CASE NUMBER: 2009-0336--A

7317 Waldman Avenue

Location: South side of Waldman Avenue; 437.5 feet East of the c/l of Murray Road.

15th Election District, 7th Councilmanic District

Legal Owner: William and Pasqualina Biggs

VARIANCE To permit a proposed dwelling with a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Tuesday, 9/8/2009 at 10:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

Thanks and have a great weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

RE: PETITION FOR VARIANCE * BEFORE THE
7317 Waldman Avenue; S/S Waldman *
Avenue, 437.5' E of c/line of Murray Avenue* ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts
Legal Owner(s): William & Pasqualina Biggs * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-336-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 Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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.

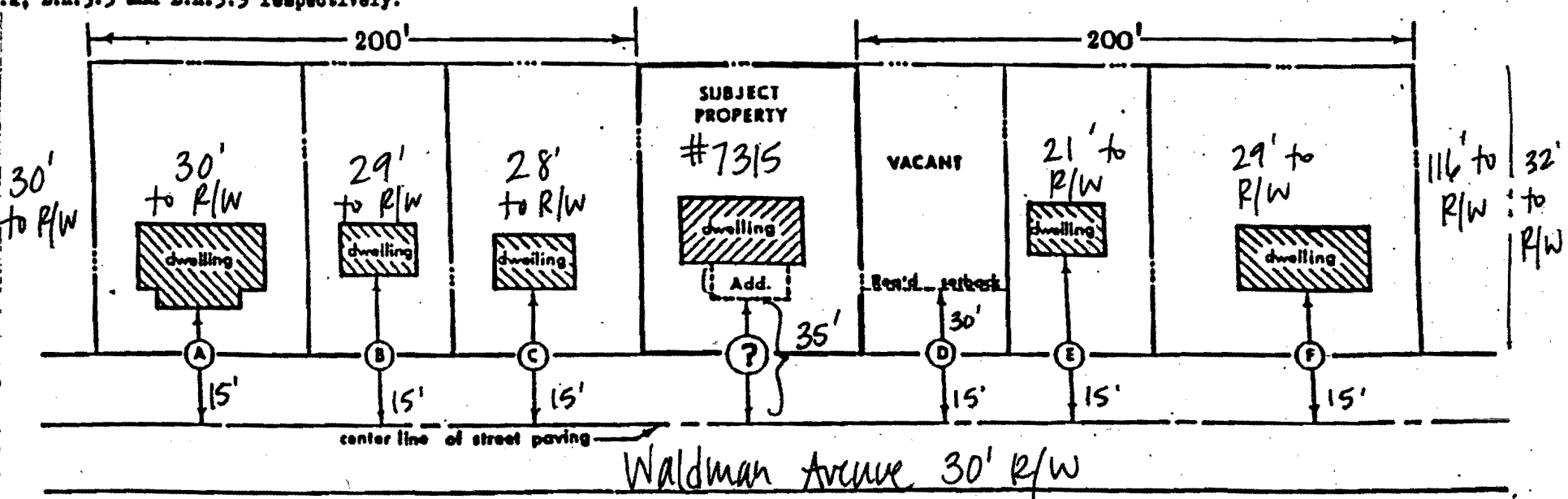
	45	FT.
A	45	FT.
B	44	FT.
C	43	FT.
D	36	FT.
E	44	FT.
F	131	FT.

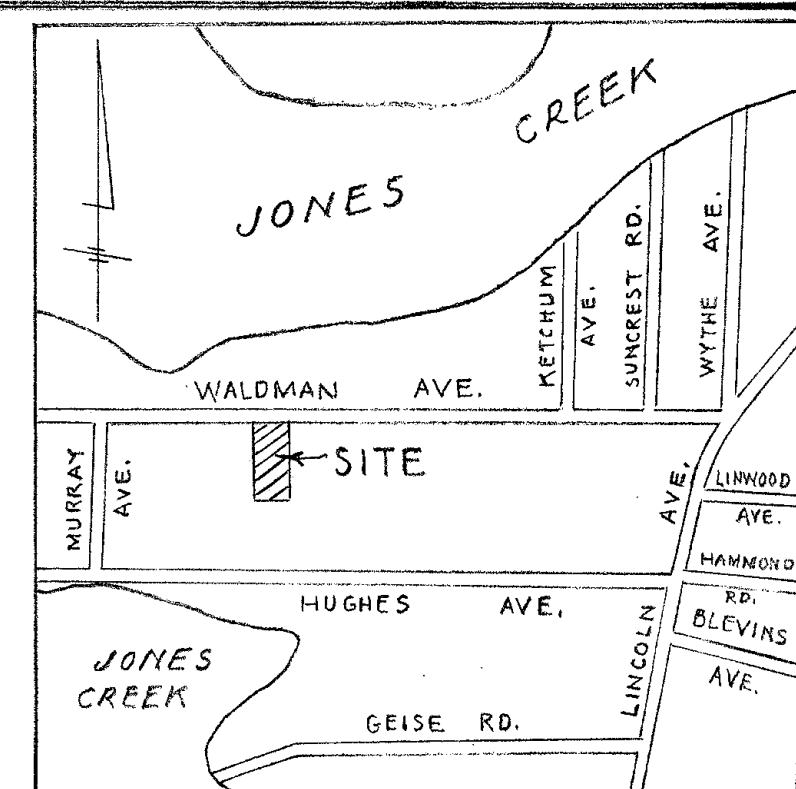
Wm. Biggs
 applicant's name
7315 Waldman Avenue
 building address
JUNE 25, 2009
 date

TOTAL (435) ÷ (8) = 54.3'

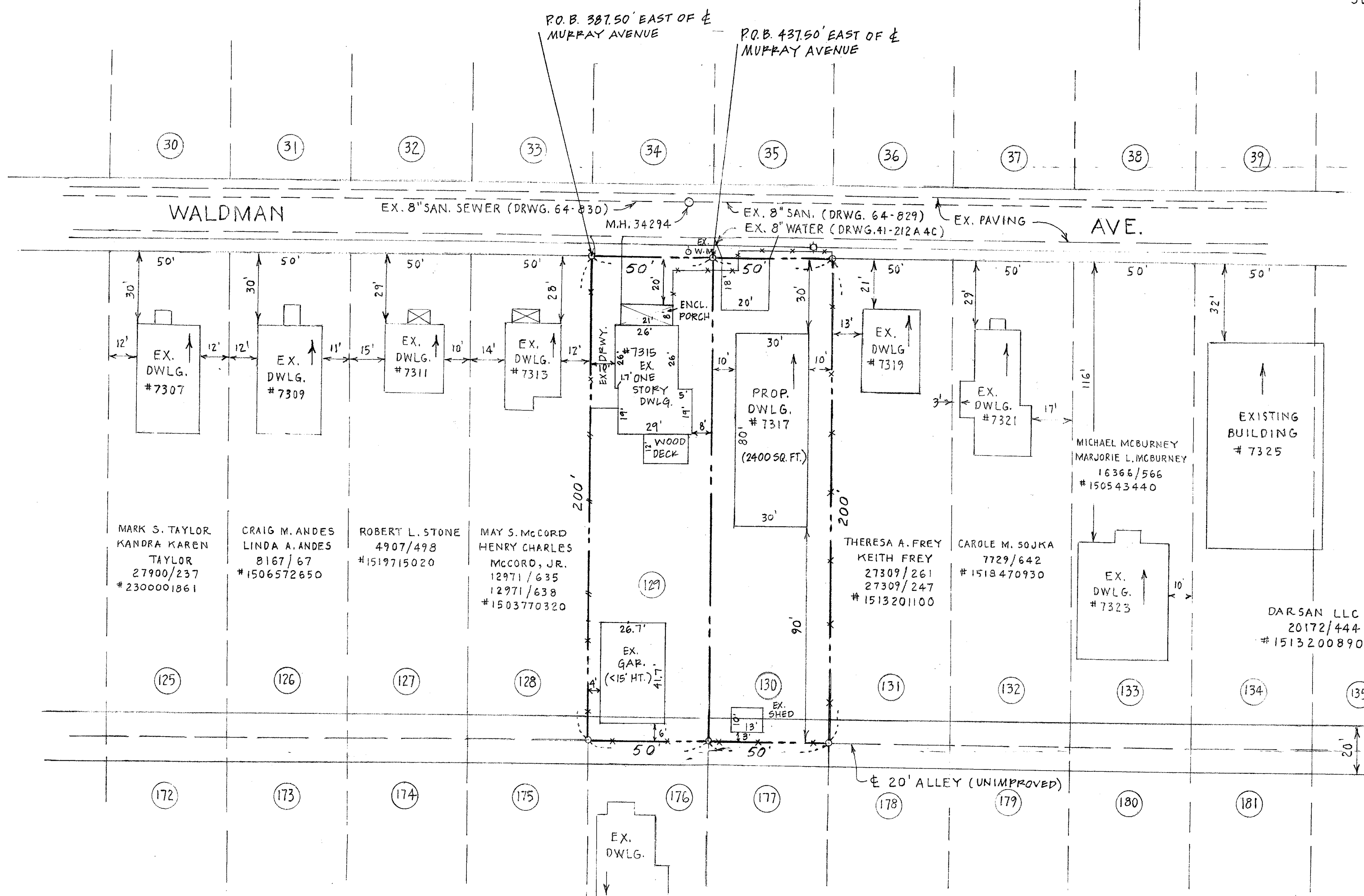
* of dwellings REQUIRED FRONT SETBACK (averaged)

NORMAL REQUIRED SETBACKS
 D.R.2 - 65 ft.
 D.R.3.5- 55 ft.
 D.R.5.5- 50 ft.





VICINITY MAP
SCALE: 1" = 500'



GENERAL NOTES - #7315 WALDMAN AVENUE

1. EXISTING ZONING: D.R.5.5. (111 B3)
2. LOT AREA: 10,000 S.F. / 0.229 Ac +/-
3. PUBLIC WATER AND SEWER SERVICE THIS PROPERTY
4. EXISTING USE: SINGLE FAMILY DWELLING TO REMAIN
PROPOSED USE: SINGLE FAMILY DWELLING
5. PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
6. PROPERTY IS NOT LOCATED IN AN HISTORIC DISTRICT
7. PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL NO. 2400100555F ZONE: "X"
8. NO PRIOR ZONING HEARING
9. LOT OF RECORD SINCE JULY 1919

GENERAL NOTES - #7317 WALDMAN AVENUE

10. EXISTING ZONING: D.R.5.5. (111 B3)
11. LOT AREA: 10,000 S.F. / 0.229 Ac +/-
12. PUBLIC WATER AND SEWER SERVICE THIS PROPERTY
13. EXISTING USE: VACANT
PROPOSED USE: SINGLE FAMILY DWELLING
14. PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
15. PROPERTY IS NOT LOCATED IN AN HISTORIC DISTRICT
16. PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL NO. 2400100555F ZONE: "X"
17. NO PRIOR ZONING HEARING
18. LOT OF RECORD SINCE JULY 1919

OWNER INFO: WILLIAM and PASQUILINA BIGGS (Lisa Russell (410) 688-9497)
7315 WALDMAN AVENUE
BALTIMORE MD 21219-2030
TAX MAP: 111 GRID: 16 PARCEL: 128
TAX ACCT. NOS. 1508006530 and 1507830720
DEED REF.: 6494 / 722

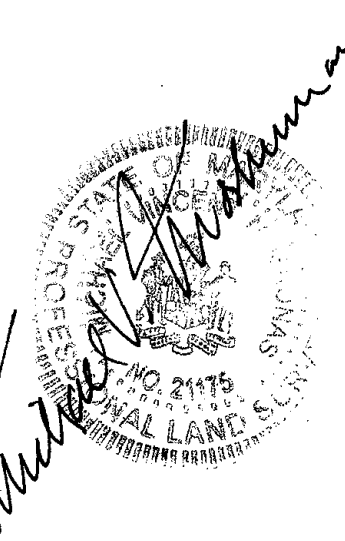
CONTRACT PURCHASER: AMBER BERTHOLDT (410) 961-5377
1457 SUSSEX ROAD
BALTIMORE MD 21221

PLAN TO ACCOMPANY PETITION FOR VARIANCE

#7315 WALDMAN AVENUE
LOT 129 SECTION B
"CHESAPEAKE TERRACE" 5/36
ELECTION DISTRICT: 15 C7
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 0'
JUNE 25, 2009
JOB NO. 9797

PLAN TO ACCOMPANY PETITION FOR VARIANCE

#7317 WALDMAN AVENUE
LOT 130 SECTION B
"CHESAPEAKE TERRACE" 5/36
ELECTION DISTRICT: 15 C7
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 0'
JUNE 25, 2009
JOB NO. 9797



site rite SURVEYING, INC.
200 E. JOPPA ROAD RM. 101
TOWSON, MARYLAND 21286
PHONE: 410-828-9060
FAX: 410-828-9066