

IN RE: **PETITION FOR VARIANCE**
W/S New Avenue, 293' S of c/line
Bond Avenue
(308 New Avenue)
4th Election District
3rd Council District

Edie E. Beard
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

ZONING COMMISSIONER

Case No. 2010-0010-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 owner of the subject property, Edie E. Beard. The Petitioner requests a variance from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 13 feet (south side) and a sum of side yards of 23 feet in lieu of the required 15 feet and 25 feet, respectively for a proposed dwelling. The subject property and requested relief are more fully described on the site plan submitted which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was the owner of the property, Edie Beard, and her builder, Nina C. Catagnus and Charles C. Catalfano, with Clayton Homes, who are assisting the Petitioner through the permitting process. There were no Protestants. William Johnson, a neighbor residing at 53 Bond Avenue (across from Petitioner's property) appeared in support of the proposal. There were no other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the west side of New Avenue just south of Bond Avenue in Reisterstown. The property is also known as Lot 14 in the subdivision of Jacob W. Wolf, an older subdivision which was recorded in the Land Records of Baltimore County prior to 1945 prior to the effective date of the zoning regulations. As is the case with older subdivisions, many of the lots do not meet current area and/or width requirements. In this regard, the subject

ORDER RECEIVED FOR FILING
Date 10-8-09
BV 103

property is approximately 51'-6" wide and 220 feet deep and contains a gross area of 11,269 square feet, zoned D.R.3.5. While those regulations require a minimum area of 10,000 square feet, a *minimum width of 70 feet* is required. Thus, the subject lot is undersized by today's development standards. For an appreciation of the property's past history, see prior zoning Cases 07-025-SPHA and 08-393-A.

Variance relief is requested as set forth above to allow the development of the subject property with a one-story, single-family dwelling 27'-6" wide x 60' deep. Testimony revealed that the subject property has been in the Beard family since 1950. The Petitioner, daughter of John O. Beard (now deceased), took title to the property in 2006 and now wishes to develop it with a new single-family dwelling in which she will reside. The proposed dwelling will be consistent with other homes in the area as demonstrated by the building elevations submitted and reviewed as well as photographs of the area. The new home will be centered on the lot with the same side yard setbacks as other homes in the area consistent with adjacent properties.¹ The building elevations have been submitted to the Office of Planning for review and approval and will be amended prior to the granting of a building permit to include a double window and shutters on the street front facade. The Office of Planning supports the requested relief as indicated in its Zoning Advisory Committee (ZAC) comment dated September 30, 2009. In view of the narrow configuration and size of the lot, compliance with the regulations is not practical or possible. 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 Section 307 of the

¹ See other cases in the immediate neighborhood involving variance relief for side yard setbacks in Case Nos.: 1977-0208 (8' side yard), 1979-0249 (side yard variance), 1989-0496 (side yard variance), and 1995-0166 (side yard of 13 ½ feet).

B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). 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 Petitioner 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.

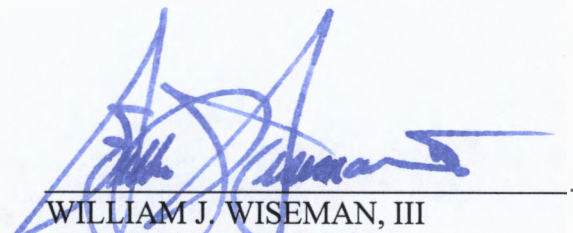
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of October 2009 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 13 feet and a sum of side yards of 23 feet in lieu of the required 15 and 25 feet, respectively, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED.

- The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her 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.

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 8, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

Edie E. Beard
14 Middle Grove Court E
Westminster, Maryland 21157

RE: PETITION FOR VARIANCE
W/S New Avenue, 293' S c/line Bond Road
(308 New Avenue)
4th Election District - 3rd Council District
Edie E. Beard - Petitioner
Case No. 2010-0010-A

Dear Ms. Beard:

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.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Nina C. Catagnus & Charles C. Catalano, Clayton Homes, 87 North Kinzer Road,
Kinzers, PA 17535
William Johnson, 53 Bond Avenue, Reisterstown, MD 21136
People's Counsel; Office of Planning; File

1B02.3.C.1 to permit a side yard setback of 13 ft. and a sum of side yards of 23 ft. in lieu of the required 15 ft. and 25 ft., respectively for a proposed dwelling.

Request for Variance: The proposed dwelling will not meet the current side setbacks . The current setbacks are 15 feet and 10 feet, for a dwelling of 26 X45. The proposed dwelling to be constructed will be 28 ft by 60ft, needing one setback to be changed to 13ft.

ZONING DESCRIPTION

Zoning Description For 308 NEW Avenue

BEGINNING for the same at a point on the west side of New Avenue (Wolf Avenue) said point being 293 feet more or less southerly from the center line of Bond Avenue and continuing along the west side of New Avenue south 6 degrees 38 minutes 39 seconds west 52.00 feet to a point on the west side of New Avenue and thence continuing for a line of division north 89 degrees 48 minutes 39 seconds west 216.00 feet thence continuing north 00 degrees 12 minutes 39 seconds east 51.60 feet thence south 89 degrees 48 minutes 39 seconds east 220.87 feet to the place of beginning.

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

No. **39295**

Date: **7/19/09**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
7/19/2009 7/19/2009 09:52:25 5

REG 0503 WALKIN RENT INC
RECEIPT N 415437 7/09/2009 OFLN
Dept 5 520 ZONING VERIFICATION
CR NO. 039295

Recpt Tot \$65.00
\$65.00 CR \$1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	006	000		6150				\$65.00

Total: **\$65.00**

Rec From: **RENT INC**
For: **Zoning Verification**

**CASHIER'S
VALIDATION**

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

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: #2010-0010-A

308 New Avenue

W/side of New Avenue, 293 feet south of the centerline of Bond Avenue

4th Election District — 3rd Councilmanic District

Legal Owner(s): Edlie Beard

Variance: to permit a side yard setback of 13 feet and a sum of side yards of 23 feet in lieu of the required 15 feet and 25 feet, respectively for a proposed dwelling.

Hearing: Wednesday, September 30, 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.

JT 9/758 Sept. 15

213644

CERTIFICATE OF PUBLICATION

9/15, 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 9/15, 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

Date: 9-13-09

RE: Case Number: 2010-0010-A

Petitioner/Developer: Edie Beard

Date of Hearing/Closing: 9/30/09 9AM

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 308 New Ave

The signs(s) were posted on 9-13-09
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2010-0010-A

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

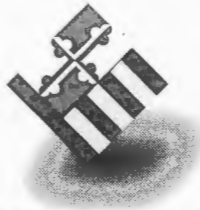
JEFFERSON BUILDING 200104
PLACE: 105 W CHESAPEAKE AVE. TOWSON, MD 21204

DATE AND TIME: SEPT. 30, 2009 9 AM

REQUEST: VARIANCE TO PERMIT A SIDE-
YARD SETBACK OF 13 FEET AND A SUM OF

SIDEYARDS OF 23 FEET IN LIEU OF THE
REQUIRED 9' AND 25' RESPECTIVELY FOR
A PROPOSED DWELLING

NOTES: DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 867-3297
UNTIL DAY OF HEARING, UNDER PENALTY OF FINE
IF POSSIBLE



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 7, 2009

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: 2010-0010-A

308 New Avenue

W/side of New Avenue, 293 feet south of the centerline of Bond Avenue

4th Election District – 3rd Councilmanic District

Legal Owner: Edie Beard

Variance to permit a side yard setback of 13 feet and a sum of side yards of 23 feet in lieu of the required 15 feet and 25 feet, respectively for a proposed dwelling.

Hearing: Wednesday, September 30, 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: Edie Beard, 14 Middle Grove Court, E, Westminster 21157

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 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
Tuesday, September 15, 2009 Issue - Jeffersonian

Please forward billing to:
Edie Beard
14 Middle Grove Ct., E
Westminster, MD 21157

443-416-8801

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: 2010-0010-A

308 New Avenue

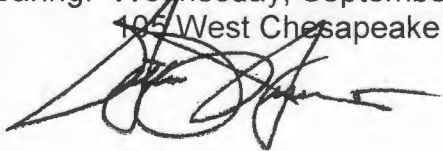
W/side of New Avenue, 293 feet south of the centerline of Bond Avenue

4th Election District – 3rd Councilmanic District

Legal Owner: Edie Beard

Variance to permit a side yard setback of 13 feet and a sum of side yards of 23 feet in lieu of the required 15 feet and 25 feet, respectively for a proposed dwelling.

Hearing: Wednesday, September 30, 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.

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: 2010-0010-A

Petitioner: Edie E Beard

Address or Location: 308 New Ave Reisterstown MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edie E Beard

Address: 14 Middle Grove Ct E

Westminster MD 21157

Telephone Number: 443-416-8801



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 24, 2009

Edie E. Beard
14 Middle Grove Ct. E
Westminster, MD 21157

Dear: Edie E. Beard

RE: Case Number 2010-0010-A, 308 New Ave.

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

BW
9-30-09

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 # 10-010-A
Address 14 New Avenue
(Beard Property)

Zoning Advisory Committee Meeting of July 20, 2009

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

Reviewer: JWL

Date: 9/9/09

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 30, 2009

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

RECEIVED

SUBJECT: 308 New Avenue – Amended Comment

SEP 30 2009

INFORMATION:

ZONING COMMISSIONER

Item Number: 10-010

Petitioner: Edie Beard

Zoning: DR 3.5

Requested Action: Variance

The petitioner requests a variance from Section 1B02.3.C.1 of the BCZR to permit a side yard setback of 13 feet and a sum of side yards of 23 feet in lieu of the required 15 feet and 25 feet, respectively for a proposed dwelling.

SUMMARY OF RECOMMENDATIONS:

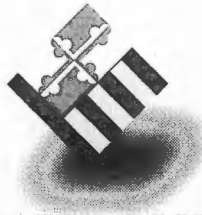
The applicant has submitted building elevations and photographs of the neighborhood to illustrate compatibility of the proposed structure in terms of architecture and building placement on the lot with other single-family homes in the neighborhood.

The structure has been designed with a width of 27'-6". This minimal increase in size from the originally planned dwelling is insignificant. The Office of Planning supports the requested relief subject to the addition of a double window and shutters on the street front facade.

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

Prepared by: _____

Division Chief: _____
AFK/LL: CM



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 24, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 20.2009

ItemNumbers:0001,0002,0003,0004,0005,0007,0008,0009,0010,0013,0014,0016,0017,0019

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 27, 2009
Item Nos. 2010-001, 003, 004, 005, 006,
007, 008, 009, 010, 011, 013, 016, 017,
018 and 019

DATE: July 27, 2009

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

DAK:CEN:кта
cc: File
ZAC-072709-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 30, 2009

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

SUBJECT: 308 New Avenue – **Amended Comment**

INFORMATION:

Item Number: 10-010

Petitioner: Edie Beard

Zoning: DR 3.5

Requested Action: **Variance**

The petitioner requests a variance from Section 1B02.3.C.1 of the BCZR to permit a side yard setback of 13 feet and a sum of side yards of 23 feet in lieu of the required 15 feet and 25 feet, respectively for a proposed dwelling.

SUMMARY OF RECOMMENDATIONS:

The applicant has submitted building elevations and photographs of the neighborhood to illustrate compatibility of the proposed structure in terms of architecture and building placement on the lot with other single-family homes in the neighborhood.

The structure has been designed with a width of 27'-6". This minimal increase in size from the originally planned dwelling is insignificant. The Office of Planning supports the requested relief subject to the addition of a double window and shutters on the street front facade.

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

Prepared by: _____

Division Chief:
AFK/LL: CM



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

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

Maryland Department of Transportation

Date: July 23, 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 2010-0010-A
11 NEW AVENUE
BEARD 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. 2010-0010-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,

A handwritten signature in black ink that reads "Michael P. Bailey". The signature is written in a cursive style.

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

CASE NAME Beard, Edie
CASE NUMBER 2010-0010-A
DATE 9-30-09

[illegible]

From: "Catagnus, Nina" <Nina.Catagnus@ClaytonHomes.com>
To: dwiley@baltimorecountymd.gov
Date: 10/2/2009 11:07 AM
Subject: RE: Edie Beard - Case No. 2010-0010-A - 14 New Avenue

Hi Debra,

Charles last name is **Catalfano** and he is my service manager.

If you have any further questions, please feel free to call or email.

Thanks,
Nina Catagnus
Clayton Homes
87 N. Kinzer Rd.
Kinzers, PA 17535
717-442-1001

From: Debra Wiley [dwiley@baltimorecountymd.gov]
Sent: Friday, October 02, 2009 11:00 AM
To: Catagnus, Nina
Subject: Edie Beard - Case No. 2010-0010-A - 14 New Avenue

Good Morning,

In reviewing the above-referenced case file, a gentleman from Clayton Homes appeared at the September 30th hearing. Unfortunately, we are unable to decipher his handwriting on the Petitioner's Sign-In Sheet and can only make out his first name, which is Charles. His last name begins with a C. We were wondering if you could help us out.

Thanking you in advance for your cooperation and have a great day!

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

Confidentiality Notice

This message and the accompanying documents may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this e-mail is not the intended recipient, you are hereby notified that you are strictly prohibited from reading, disseminating, distributing, or copying this communication. If you have received this e-mail in error, please notify the sender immediately and destroy the original transmission. Thank you.

RE: PETITION FOR VARIANCE * BEFORE THE
14 New Avenue; W/S New Avenue, * ZONING COMMISSIONER
293' S of c/line Bond Avenue * FOR
4th Election & 3rd Councilmanic District * BALTIMORE COUNTY
Legal Owner(s): Edie Beard *
Petitioner(s) * 2010-010-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.

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

JUL 28 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July, 2009, a copy of the foregoing Entry of Appearance was mailed to Edie Beard, 14 Middle Grove Court, Apt. E, Westminster, MD 21157, 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 vw1.1d)

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

Account Identifier: District - 04 Account Number - 0402020900

Owner Information

Owner Name: BEARD EDIE E Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 14 MIDDLE GROVE CT E Deed Reference: 1) /24886/ 47
 WESTMINSTER MD 21157-5322 2)

Location & Structure Information

Premises Address Legal Description
 NEW AVE .26AC PT LTS 14,15
 REISTERSTOWN 21136 NEW AVE
 JACOB W WOLFE PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	MS
48	17	519					2	1	Plat Ref:	7/ 79

Special Tax Areas Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		11,269.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2009	07/01/2010
Land	85,350	85,350		
Improvements:	0	0		
Total:	85,350	85,350	85,350	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: BEARD JOHN O	Date: 12/07/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /24886/ 47	Deed2:
Seller: BEARD JOHN E	Date: 10/06/1980	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6213/ 564	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
 Exempt Class:

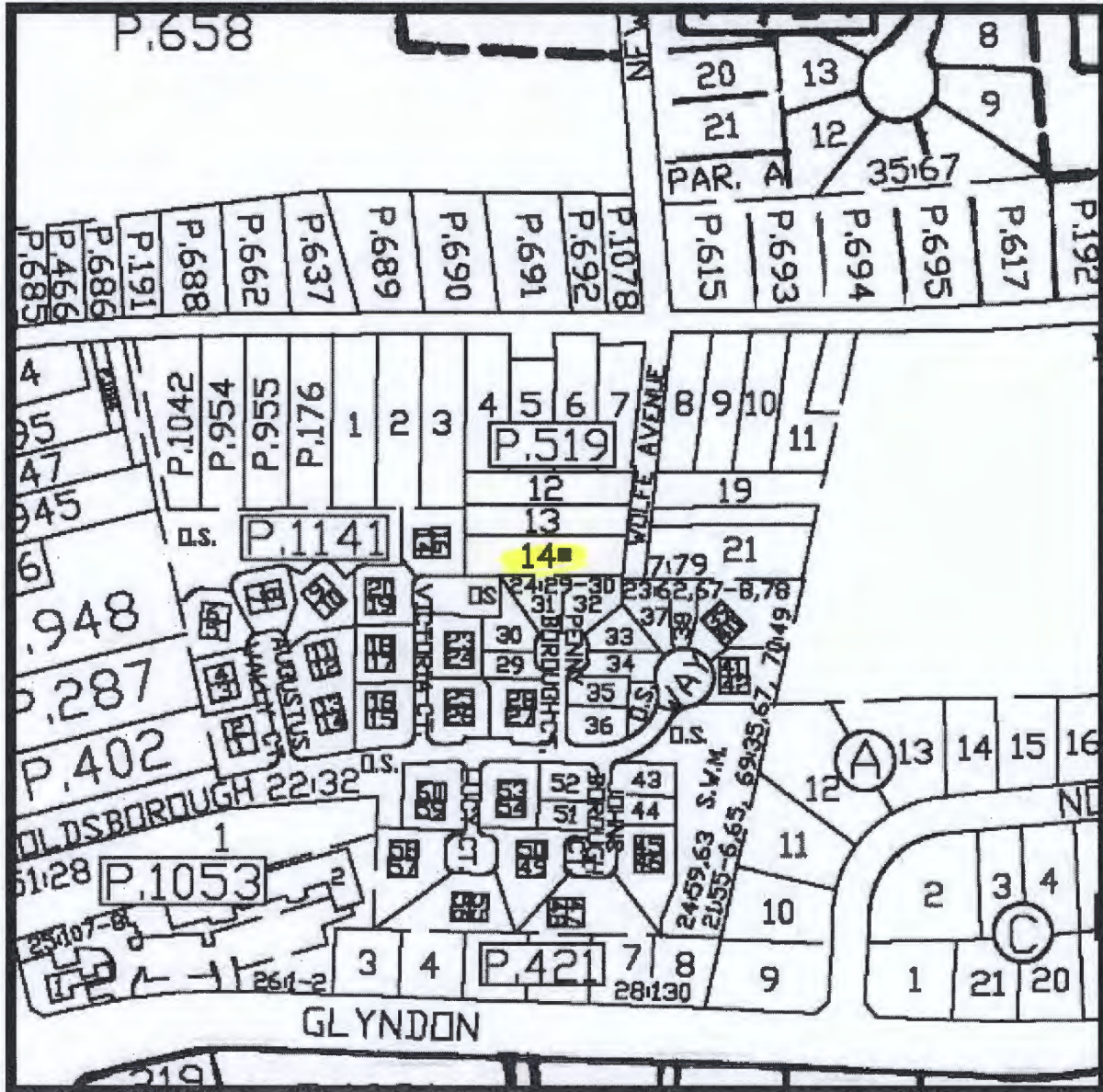
Special Tax Recapture:
 * NONE *



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

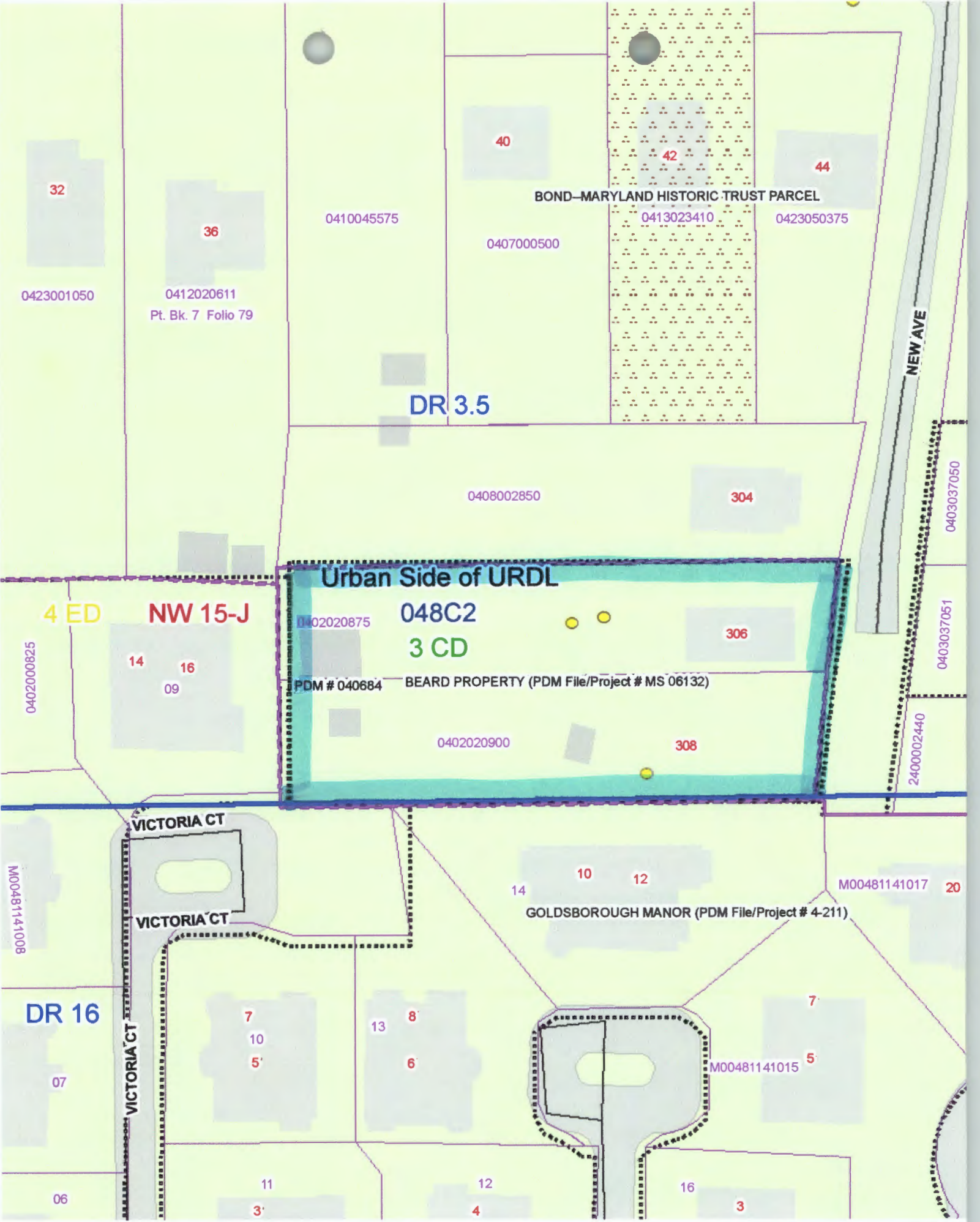
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District - 04 Account Number - 0402020900



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





32

36

0410045575

40

42

44

BOND-MARYLAND HISTORIC TRUST PARCEL

0413023410

0423050375

0407000500

0423001050

0412020611
Pt. Bk. 7 Folio 79

DR 3.5

0408002850

304

Urban Side of URDL

4 ED

NW 15-J

0402020875

048C2

3 CD

306

14

16

09

PDM # 040684 BEARD PROPERTY (PDM File/Project # MS 06132)

0402020900

308

VICTORIA CT

VICTORIA CT

14

10

12

M00481141017

20

GOLDSBOROUGH MANOR (PDM File/Project # 4-211)

DR 16

7

10

5'

13

8'

6'

7'

5'

M00481141015

07

11

3'

12

4

16

3

06

NEW AVE

0403037050

0403037051

2400002440

0402000825

M00481141008

IN RE: PETITIONS FOR VARIANCE

W/S New Avenue, 247' & 293' S c/line of
Bond Avenue
(306 & 308 New Avenue)
4th Election District
3rd Council District

Mary A. Beard & Edie E. Beard
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case Nos. 08-392-A & 08-393-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by Mary A. Beard, and her sister, Edie E. Beard, for two (2) adjacent properties known as 306 and 308 New 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. 08-392-A (306 New Avenue), the Petitioner, Mary A. Beard, as originally filed, requests variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 45 feet for proposed Lot 1, in lieu of the required 70 feet. In Case No. 08-393-A (308 New Avenue), Petitioner, Edie E. Beard, requests similar relief. Specifically, relief is requested from B.C.Z.R. Section 1B02.3.C.1 to permit a lot width of 51 feet for proposed Lot 2, in lieu of the minimum required lot width of 70 feet. At the outset of the hearing, however, Petitioners amended their petitions asking to include the approval of the subject properties as undersized lots, pursuant to Section 304 of the B.C.Z.R. The subject properties and requested relief are more particularly described on the site plan 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 Mary A. and Edie E. Beard, property owners, Joseph L. Larson, a principal with Spellman, Larson &

Case No.: 2010-0010-A 309 NEW AVE.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site PLAN	
No. 2	Bldg Elevation (taken to Office of Planning)	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

GENERAL NOTES

1. THERE ARE NO ARCHEOLOGICAL SITES, CRITICAL AREAS, HAZARDOUS MATERIAL SITES, ENDANGERED SPECIES HABITATS OR HISTORIC BUILDINGS ON THE SUBJECT SITE.
2. THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON OR ADJACENT TO THE SUBJECT SITE.
3. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SUBJECT SITE.
4. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
5. THE SITE DOES NOT LIE WITHIN A FLOOD PLAIN.
6. HOUSE DOWNSPOUTS ARE TO DISCHARGE INTO PERVIOUS AREAS OR INTO DRY WELLS WHERE FEASIBLE.
7. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING BODY OF WATER, WATERCOURSE, WETLAND, STORMDRAIN OR ADJACENT PROPERTY.
8. LOCAL OPEN SPACE IS NOT REQUIRED IN ACCORDANCE WITH BULNO 110-99.
9. AREAS BETWEEN THE SIGHT LINE AND THE CURBLINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.
10. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30% OF CLEARED AREAS AND RUNOFF CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS OR INTO DRYWELLS WHERE FEASIBLE.
11. THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100 FT OF THE SUBJECT PROPERTY OTHER THAN AS SHOWN HEREON.
12. THE SUBJECT PROPERTY HAS BEEN HELD INTACT SINCE 1926. THE DEVELOPERS SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN HAS EVER UTILIZED OR RECORDED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.
13. THERE ARE NO RARE OR THREATENED SPECIES HABITAT
14. THE SUBJECT SITE RESIDES IN SOIL DESIGNATION GcB2, GLENDEL.
15. THE EXISTING SEPTIC SYSTEM WILL BE PUMPED AND BACKFILLED BY A LICENSED SEWAGE DISPOSAL CONTRACTOR. WHEN PUBLIC SEWER IS CONNECTED TO 306 NEW AVE.
16. THE SUBJECT SITE IS NOT IN ANY FAILED BASIC SERVICE OR MORATORIUM AREA.
17. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.
18. THE PROPOSED DRIVEWAY IS TO CONFORM TO STANDARD PLATE R-14.
19. THE SUBJECT PROPERTY WILL NOT REQUIRE STORMWATER MANAGEMENT REFER TO DEPT MEMO OF 10-17-07
20. THERE WILL BE NO OVERALL GRADING FOR THE SUBJECT SITE. GRADING WILL ONLY BE FOR THE CONSTRUCTION OF THE DWELLING.
21. THE EXISTING DWELLING @ 306 NEW AVENUE WILL BE RAZED AFTER THE APPROVAL OF THIS PLAT. WHEN A NEW DWELLING IS CONSTRUCTED IT WILL BE CONNECTED TO PUBLIC SEWER. (REFER TO NOTE NO. 19)
22. #308 NEW AVENUE HAS DIRECT ACCESS TO THE 30' R/W AS SHOWN ON PLAT BOOK 7 FOLIO 70 AS DOES #306 & #304 NEW AVE.
23. ANY NEW CONSTRUCTION ON LOT NO. 1 WILL COMPLY WITH ALL ZONING REGULATIONS AND POLICIES.

SOILS LIMITATION CHART

SYMBOL	DESIGN	W/ BASEMENT	W/O BASEMENT	PARKING & STREETS
GcB2	GLENDEL	SLIGHT	SLIGHT	MODERATE

ZONING CASES NO. 08-392A & 08-393A

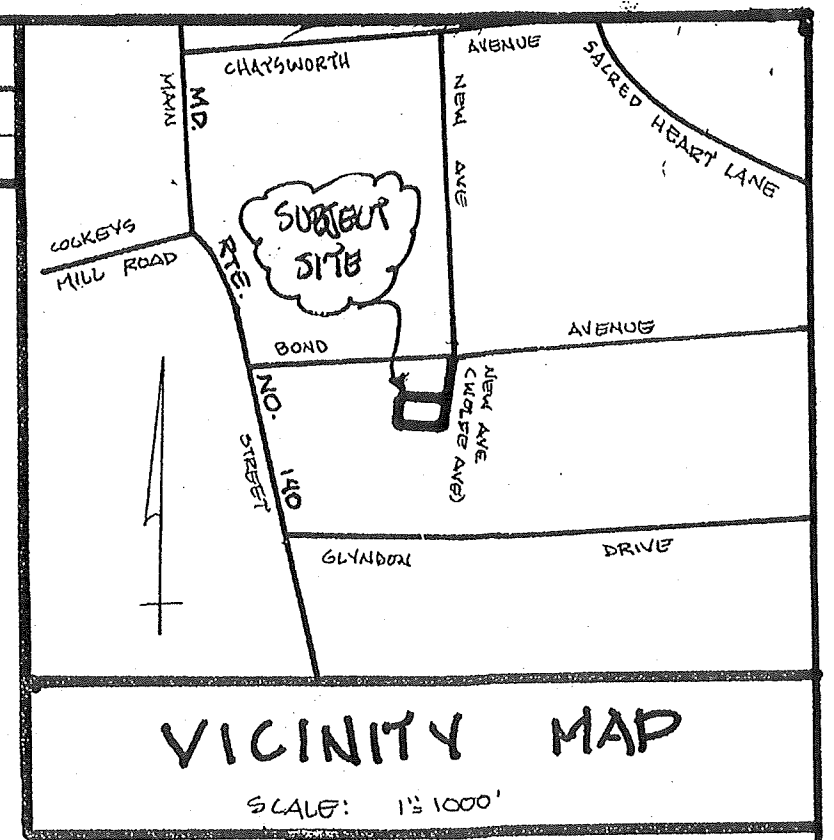
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of April 2008, that the Petition for Variance filed in Case No. 08-392-A, seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed buildable lot with a width of 45 feet in lieu of the minimum required 70 feet, and approval of the subject property (Lot 1) as an underzoned lot, pursuant to Section 304 of the B.C.Z.R., for a proposed dwelling to be known as 306 New 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. 08-393-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed buildable lot with a width of 51 feet, in lieu of the minimum required 70 feet, and approval of the subject property (Lot 2) as an underzoned lot, pursuant to Section 304 of the B.C.Z.R., for a proposed dwelling to be known as 308 New Avenue, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED subject to the following conditions:

1. ADVISORY: This Order allows lot widths of 45 and 51 feet respectively for the creation of proposed Lots 1 and 2 but does not address the proposed rezoning. The Petitioners' rezoning proposal to create the proposed Lots 1 and 2 must be submitted to the Development Review Committee for consideration and completion.
2. Prior to the issuance of any permits, the Petitioner(s) shall submit building elevation drawings of the proposed dwelling(s) to the Office of Planning for review and approval to ensure that the proposed house is compatible with existing homes in the area. Said elevations and architectural details shall include the detached garage, if any, and show parking on the side or the rear of the lot.
3. The Petitioner(s) may apply for her building permit and be granted same upon receipt of this Order, however, 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.

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

CHERRY E. SMITH
13788-608
TAX NO. 0412020611
#76 BOND AVE.



SITE DATA

MASTER WATER PLAN DESIGNATION: W-1
MASTER SEWER PLAN DESIGNATION: S-1

TAXMAP GRID PARCEL	48 17 519
EXIST USE	1 SINGLE FAM. DWLG.
PROPOSED USE	2 SINGLE FAM. DWLGs.
EXIST ZONING	DR 3.5
ZONING MAP	048C2
COUNCILMANIC DISTRICT	3RD
CENSUS TRACT	404 501
WATERSHED	GWYNNS FALLS
SUBSEWER SHED	67
REGIONAL PLANNING DIST	306
SCHOOL DISTRICTS	GLYNDON E.S. FRANKLIN M.S. FRANKLIN H.S.

PROPERTY IDENTIFICATION

LOT 1 - (LOT 13 - PG 7 FOLIO 70)	
SITE AREA	0.23 AC.
TAX ACCOUNT NO.	0402020875
DEED REFERENCE	6182-28
LOT 2 - (LOT 14 - PG 7 FOLIO 70)	
SITE AREA	0.26 AC.
TAX ACCOUNT NO.	0402020900
DEED REFERENCE	6213-564

DENSITY CALCULATIONS

IN COMPLIANCE WITH THE BCZR FOR DR 3.5 ZONES THE 2 LOTS AS SHOWN HEREON MEET THE LOT AREA REGS.

SPECIAL NOTE

THE PURPOSE OF THIS MINOR SUBDIVISION IS TO SEPERATE LOTS NO. 13 & 14 WHICH WERE MERGED BY THE CONSTRUCTION OF AN ACCESSORY STRUCTURE ON LOT 14 TO SUPPORT THE PRINCIPAL STRUCTURE ON LOT 13. REFER TO ZONING ORDER AS SHOWN HEREON. CASE NO. 07-025 SPHA

RECEIVED

JAN 13 2009

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

OWNER INFORMATION

JOHN OLIVER BEARD
306 NEW AVENUE
KEISTERSTOWN, MD. 21136
PHONE: (410)-444-5808

NO.	DATE	REVISIONS	DESCRIPTION
1	7-17-07	REV. PER AGENCY COMMENTS	
2	3-20-07	REV. PER DPB COMMENTS	
3	9-4-07	REV. PER AGENCY COMMENTS	
4	10-23-07	REV. PER PLANNING COMMENTS	
5	5-2-08	REV. PER ZONING ORDER	

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 408, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

MINOR SUBDIVISION PLAN

306 NEW AVENUE

BEARD PROPERTY

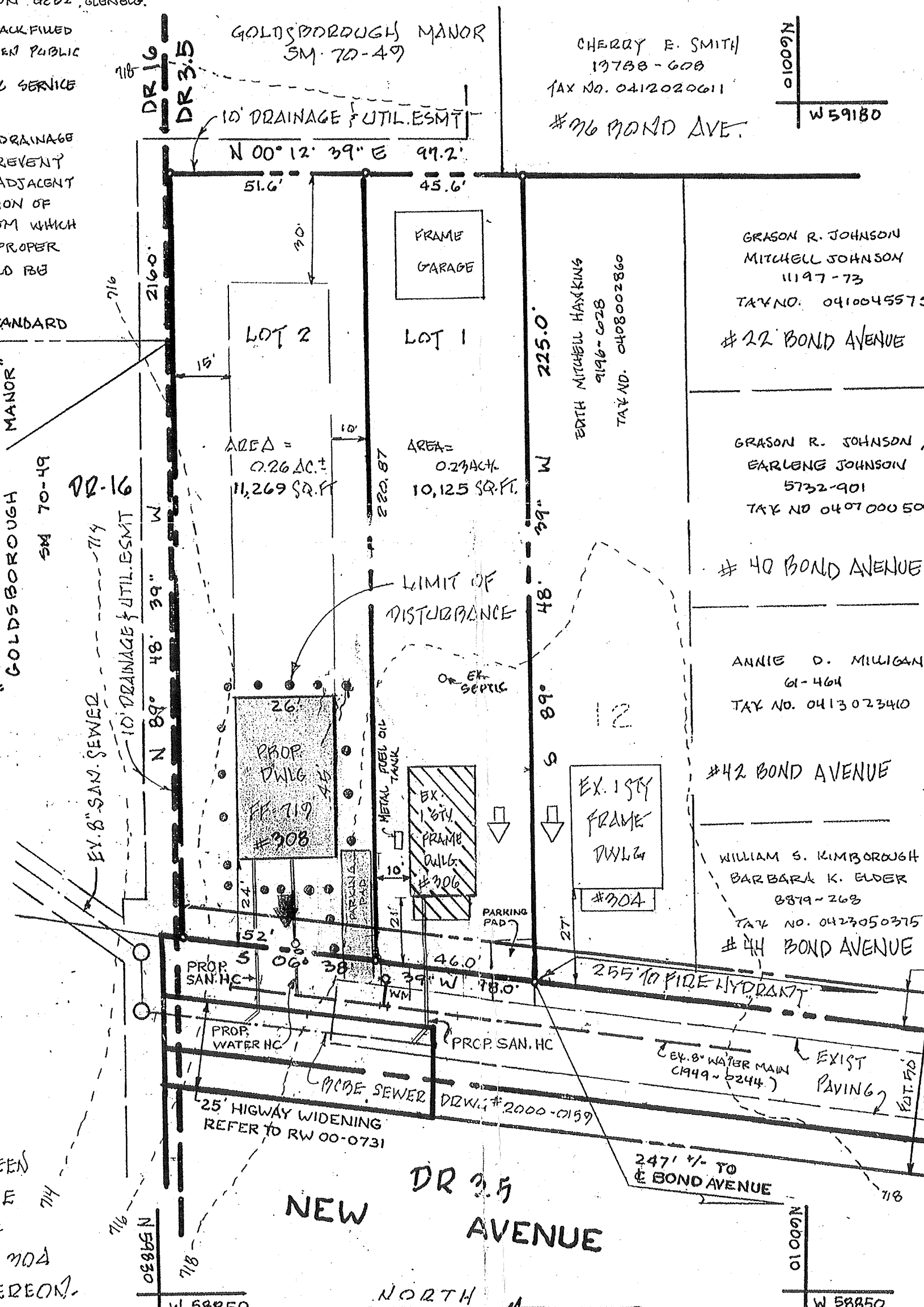
MINOR SUBDIVISION PROJECT NO. 06-132M

LOTS 13 & 14
JACOB WOLFE PLAT
T-79

4th ELECTION DISTRICT BALTIMORE CO. MD.

SCALE 1"=30' DES. BY: J.T.B. SHT. OF

DATE: OCT 27 2006 DRN. BY: J.T.B.



FRONT YARD SETBACK

#308 NEW AVE

THE FRONT YARD SETBACK HAS BEEN SET PER SECTION 303.1 OF THE BCZR USING THE AVERAGE OF OF THE ADJACENT LOTS OF @ 304 & 306 NEW AVE. AS SHOWN HEREON.

LIMIT OF DISTURBANCE

2900 SQ. FT. PDM# 04-684

BALTIMORE COUNTY MINOR SUBDIVISION
PROJECT NO. 06-132M

DEVELOPMENT REGULATIONS

- ☒ EXEMPT FROM ARTICLE 32, TITLE 4, SUBTITLE 2
- ☐ RATHANDE EXEMPT FROM SECTION 32-4-211 THROUGH 32-4-217 AND SECTIONS 32-4-226 AND 32-4-227.

PDM CERTIFICATION

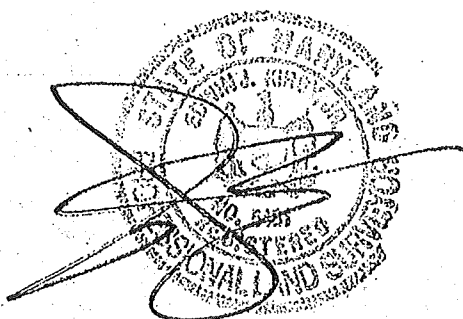
- ☒ APPROVED
- ☐ DISAPPROVED

J. R. Lewis DATE 9/26/08

APPROVED DEPRM

BY: Thomas E. Johnson DATE 10/13/08

CERTIFICATION



I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE MINOR SUBDIVISION COMMENTS DATED MARCH 7, 2007 AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAT PURSUANT TO THE COMMENTS AND APPLICABLE ZONING ORDERS.

ZONING HISTORY - CASE NO. 07-025 SPHA

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 7th day of September, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm that lot #13 was not merged with lot #14 and the current owner of lot #13 does not own sufficient adjoining property to allow the property owner to conform to the current zoning requirements and to confirm that the accompanying petition for a variance, if granted, will render lot #13 a buildable lot for zoning purposes is hereby DENIED; and

IT IS FURTHER ORDERED, that the Variance request is to permit a lot width of 44 feet in lieu of the required 70 feet and to permit a front yard setback of 19 feet in lieu of the required 30 feet and to permit a side yard setback of 7 feet in lieu of the required 15 feet and a sum of side yard widths of 17 feet in lieu of the required 25 feet are hereby DENIED without prejudice or a determination of the variance case on the merits. The Petitioner may apply for the requested variances along with others needed during the rezoning process.

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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

205121 2010-0010

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

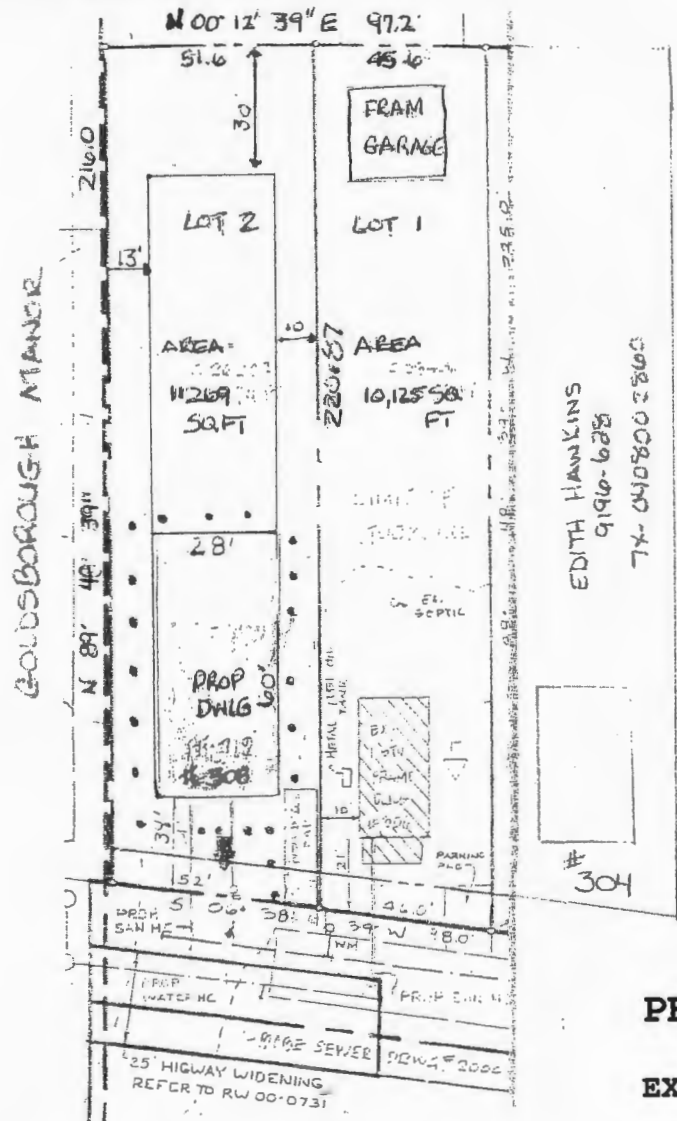
PROPERTY ADDRESS 308 NEW AVENUE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Jacob Wolf

PLAT BOOK # 7 FOLIO # 79 LOT # 14 SECTION #

OWNER Edie E. Beard



Grason Johnson
Mitchelle Johnson
11197-73
2410045575
22 Bond Ave.

Grason Johnson 3rd
Earlene Johnson
5732-901
0407000500
40 Bond Ave.

Annie Milligan
61-1164
0413023110
42 Bond Ave.

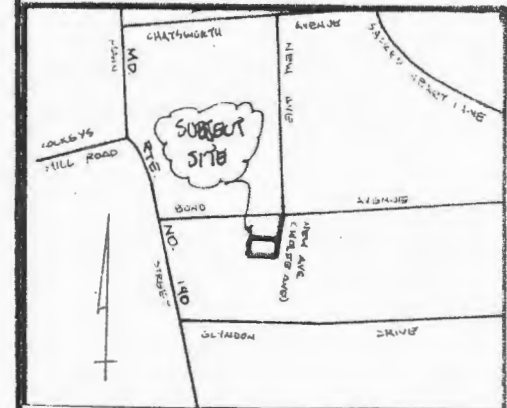
William Kimborough
Barbara Elder
8879-268
0423050375
44 Bond Ave.

EDITH HAWKINS
9190-6288
7X-0408002860

PETITIONER'S

EXHIBIT NO. 1

SCALE OF DRAWING: 1" = 20'



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # 04802

ZONING DR-3.5

LOT SIZE 0.25 ACREAGE 11269 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

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

PRIOR ZONING HEARING

08-393-A

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PREPARED BY

EDIE E BEARD

BK

0010-A

2010-2

