

IN RE: **PETITION FOR VARIANCE**
N/S Clarendon Avenue, 185' W of
Ivanhoe Place
(108 Clarendon Avenue)

3rd Election District
2nd Council District

Elizabeth A. Sinofsky, *Owner*
Signature Homes, Inc., *Contract Purchaser*
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2010-0049-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, Elizabeth A. Sinofsky, and the contract purchaser, Signature Homes, Inc. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 8 feet and a lot width of 40 feet in lieu of the required 10 feet and 55 feet, respectively, and a lot area of 4,760 square feet in lieu of the required 6,000 square feet for a single-family dwelling. The subject property and requested relief are more particularly described on the amended site plan submitted at the hearing, which was accepted into evidence and marked as Petitioners' Exhibit 1.¹

Appearing at the requisite public hearing in support of the request were David Drutz with Signature Homes, Inc. and David Billingsley of Central Drafting & Design, Inc., the consultant who prepared the site plan and is assisting the Petitioners in the permitting process. Appearing as an interested citizen was Andrew Mogol with Mid-Atlantic Homes, owner of the adjacent

¹ The amended site plan was prepared by Central Drafting and Design, Inc. and was submitted in response to a Zoning Advisory Committee (ZAC) comment received from the Office of Planning. This new site plan evidences the elimination of a parking pad from the front yard replacing it with a longer driveway that will be located on the west side of the proposed home between 108 Clarendon Road and 110 Clarendon Road.

COPIES RECEIVED FOR FILING

Date 11-10-09

BY 103

property, at 106 Clarendon Avenue, who is in the process of renovating the 1-½ story home that was built in 1936. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject lot of record is located on the north side of Clarendon Avenue just west of Reisterstown Road not far from the Maryland National Guard Armory in Pikesville. The lot is identified as Lot 183 on Maryland Department of Assessments and Taxation Map 78 and the Plat of Subdivision of Ralston, an older subdivision platted and recorded in the Land Records in 1897, thus prior to the zoning regulations in Baltimore County. As is often the case with older subdivisions, the lots are undersized and do not meet current area and width requirements. In this regard, the subject unimproved lot contains a gross area of 4,760 square feet (0.109 acres) and is 40' wide x 119' deep and zoned D.R.5.5. Those regulations require a minimum area of 6,000 square feet and a minimum width of 55 feet. Thus, the subject lot is undersized by today's development standards and does not meet the current width requirements.

Variance relief is requested as set forth above to allow the development of the subject property with a two-story, single-family dwelling, 24' wide x 40' deep. The proposed house will be centered on the lot 8 feet from the east and west property lines and meet front and rear yard setbacks. In this regard, Petitioners' Exhibits 3 and 5 are photographs and an aerial view map that provide graphically the pattern of development in the area. This shows that the surrounding community was built on 40-foot wide lots, which is also confirmed by the Office of Planning in its ZAC comment. There is no physical evidence that the subject property was used or consolidated with any other lot to invoke the doctrine of merger as described in *Friends of the Ridge v. Baltimore Gas & Electric Co.* 352 Md. 645 (1999) and *Remes v. Montgomery Co.* 387 Md. 52 (2005).

CHARGE RECEIVED FOR FILING
Date 11-10-05
BY [Signature]

Testimony offered in support of the request was that without variance relief Lot 183 could not be developed. Obviously, strict compliance with the regulations would create a hardship as the zoning regulations result in a denial of a reasonable and sufficient use of the property. *See, Belvoire Farms v. North* 355 Md. 259 (1999). Moreover, based on the testimony and evidence presented, the Petitioners are entitled to their variances as they have met the requirements of Section 304 of the B.C.Z.R. (*See, Mueller v. People's Counsel for Baltimore County* 177 Md. App. 43 (2007)). In my view, the relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale and therefore would meet the spirit and intent of Section 307 for relief to be granted. The proposed dwelling will be situated on the lot consistent with other homes in this community. Building elevations will be submitted to the Office of Planning for approval prior to the issuance of a building permit.

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.

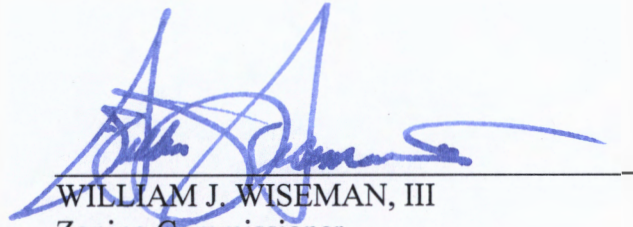
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of November, 2009 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of 4,760 square feet, a lot width of 40 feet and side yard setbacks of 8 feet in lieu of the required 6,000 square feet, 55 feet, and 10 feet, respectively, and to approve the subject property as an undersized lot, in accordance with Petitioners' Exhibit 1, be and are hereby GRANTED, subject to the following restrictions:

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 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.

UNEN RECEIVED FOR FILING
Date 11-10-09
By [signature]

2. The Petitioners shall submit to the Office of Planning for review and approval, prior to the issuance of any building permit, architectural elevation drawings to determine that they are compatible with the design of the dwellings in the neighborhood.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

WHEN RECEIVED FOR FILING
Date 11-10-09
By BW



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 108 CLARENDON AVENUE
which is presently zoned D.R. 5.5

Deed Reference: 23169 / 1687 Tax Account # 0303004751

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)

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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:

SIGNATURE HOMES, INC.

Name - Type or Print

Signature

2157 GREENSPRING DR. (410) 428-7333

Address

TIMONIUM

MD.

Telephone No.

21093

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

ELIZABETH A. SINOFSKY

Name - Type or Print

Signature

Name - Type or Print

Signature

4720 ASHFORTH WAY

Address

Telephone No.

OWINGS MILLS MD. 21117

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARMWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

Case No. 2010-0049-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by Jen

Date 9.14.09

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 11-10-09

By aw

A variance from Section 1B02.3.C.1; BCZR, to permit sideyard setbacks of 8 feet in lieu of the required 10 feet, a lot width of 40 feet in lieu of the required 55 feet and a lot area of 4,760 square feet in lieu of the required 6000 square for a single family dwelling.

ZONING DESCRIPTION

108 CLARENDON AVENUE

Beginning at a point on the north side of Clarendon Avenue (50 feet wide) distant 185 feet westerly from it's intersection with the center of Ivanhoe Place (50 feet wide) thence being all of Lot 183 as shown on the plat entitled Ralston, recorded among the Baltimore County plat records in Plat Book 1 Folio 275.

Containing 4,760 square feet or 0.109 acre of land, more or less.

Being known as 108 Clarendon Avenue. Located in the 3rd Election District, 2nd Councilmanic District of Baltimore County, Md.

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

No. 43313
Date: 9-14-99

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
				Obj	Sub Obj				

Total: 43313

Rec From: _____
For: _____

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2010-0049-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 10/23/09

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 108 CLAREDON ROAD

This sign(s) were posted on October 8, 2009
Month, Day, Year

Sincerely,

Martin Ogle 10/8/09
Signature of Sign Poster and Date
Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

Martin Ogle 10/8/09



CERTIFICATE OF POSTING

RE: Case No 2010-0049-A

Petitioner/Developer DAVE
BILLINGSLEY

NEW HEARING DATE

Date Of Hearing/Closing: 11/4/09

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 108 CLAREDON RD

This sign(s) were posted on October 18, 2009
Month, Day, Year

Sincerely,

Martin Ogle 10/18/09
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

Martin Ogle 10/18/09



TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 15, 2009 Issue - Jeffersonian

Please forward billing to:
Signature Homes, Inc.
2157 Greenspring Drive
Timonium, MD 21093

410-428-7333

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: 2010-0049-A

108 Clarendon Road
N/side of Clarendon Road, 185 feet +/- west of Ivanhoe Place
3rd Election District - 2nd Councilmanic District
Legal Owners: Elizabeth Sinofsky
Contract Purchaser: Signature Homes, Inc.

Variance: to permit sideyard setbacks of 8 feet in lieu of the required 10 feet, a lot width of 40 feet in lieu of the required 55 feet and a lot area of 4,760 square feet in lieu of the required 6,000 square feet for a single family dwelling.

Hearing: Thursday, October 1, 2009 at 11:00 a.m. in Room 106, County Office Building,
111 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 8, 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: 2010-0049-A

108 Clarendon Road

N/side of Clarendon Road, 185 feet +/- west of Ivanhoe Place

3rd Election District – 2nd Councilmanic District

Legal Owners: Elizabeth Sinofsky

Contract Purchaser: Signature Homes, Inc.

Variance to permit sideyard setbacks of 8 feet in lieu of the required 10 feet, a lot width of 40 feet in lieu of the required 55 feet and a lot area of 4,760 square feet in lieu of the required 6,000 square feet for a single family dwelling.

Hearing: Thursday, October 1, 2009 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Billingsley, 601 Charwood Ct., Edgewood 21040
Signature Homes, Inc., 2157 Greenspring Drive, Timonium 21093
Elizabeth Sinofsky, 4720 Ashforth Way, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY SEPTEMBER 16, 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
Wednesday, October 21, 2009 Issue – Daily Record

Please forward billing to:
Signature Homes, Inc.
2157 Greenspring Drive
Timonium, MD 21093

410-428-7333

NOTICE OF ZONING HEARING

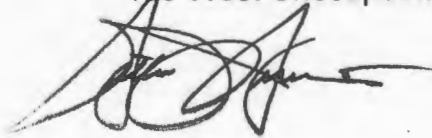
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0049-A

108 Clarendon Road
N/side of Clarendon Road, 185 feet +/- west of Ivanhoe Place
3rd Election District – 2nd Councilmanic District
Legal Owners: Elizabeth Sinofsky
Contract Purchaser: Signature Homes, Inc.

Variance to permit sideyard setbacks of 8 feet in lieu of the required 10 feet, a lot width of 40 feet in lieu of the required 55 feet and a lot area of 4,760 square feet in lieu of the required 6,000 square feet for a single family dwelling.

Hearing: Wednesday, November 4, 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: 0049
Petitioner: ELIZABETH SINDFSKY
Address or Location: 108 CLARENDON AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: SIGNATURE HOMES, INC
Address: 2157 GREENSPRING DR
TIMONIUM, MD. 21093

Telephone Number: (410) 428-7333



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 24, 2009

Elizabeth Sinofsky
4720 Ashforth Way
Owings Mill, MD 21117

Dear: Elizabeth Sinofsky

RE: Case Number 2010-0049-A; 108 Clarendon Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 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
David Billingsley; 601 Charwood Ct.; Edgewood, MD 21040
Signature Homes, INC; 2157 Greenspring Dr.; Timonium, MD 21093

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Kristen Matthews, DPDM
File

DATE: September 28, 2009

FROM: William J. Wiseman, III
Zoning Commissioner

SUBJECT: **Petition for Variance**
N/S Clarendon Road, 185' W Ivanhoe Place
(108 Clarendon Road)
Elizabeth Sinofsky, Legal Owner; Signature Homes, Inc., Contract Purchaser
Case No. 2010-0049-A

The above-referenced file was received by our office on Friday, September 25, 2009 and hand-written on the case file was the date of Thursday, October 1, 2009, at 11:00 AM, Room 106. In reviewing the file, it appeared that the notice and posting was absent and after a telephone call placed to both you and LaShenda, we contacted David Billingsley for this missing information. Unfortunately, he knew nothing about the scheduled hearing and consequently, no posting was completed. Therefore, this file is now being returned to your office.

Following the posting and advertising of the property, this case can be scheduled before either Tom or myself.

P.S. I also believe that B.C.Z.R. Section 304 is applicable and an easier burden for Petitioner than B.C.Z.R. Section 307.

WJW:dlw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 27, 2009

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

RECEIVED

SUBJECT: 108 Clarendon Road

INFORMATION:

AUG 31 2009

Item Number: 10-049

ZONING COMMISSIONER

Petitioner: Elizabeth Sinofsky

Zoning: DR 5.5

Requested Action: Variance

Signature Homes Inc. is the contract purchaser of an undersized lot owned by Elizabeth Sinofsky, former owner of the adjacent dwelling at 106 Clarendon Road.

The petitioner requests a variance for a lot width of 40 feet in lieu of 55 feet and an area of 4760 square feet in lieu of 6000 square feet and side yards of 8 feet in lieu of 10 feet.

This request is also subject to Section 304 Use of Undersized single-family lots. Architectural elevation drawings are required in order for the Office of Planning to review the appropriateness of the design of the new single-family dwelling.

SUMMARY OF RECOMMENDATIONS:

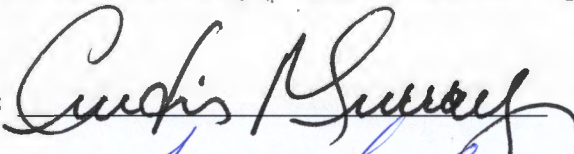
If the Zoning Commissioner determines that the variance should be granted, the Office of Planning should review and approve architectural elevation drawings to determine that they are compatible with the design of the dwellings in the neighborhood.

The parking pad in the front yard is out of character with the neighborhood and should be removed.

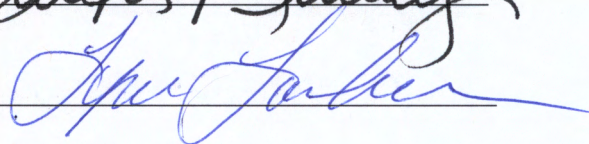
Replace it with a long driveway to the side similar to the driveways for 106 Clarendon and 110 Clarendon Avenue.

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

Prepared by:



Division Chief:
AFK/LL: CM



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 September 7, 2009
Item Nos. 10-007, 048, 049, 050,
051, 052, 054 and 055

DATE: August 31, 2009

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09072009 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 27, 2009

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

SUBJECT: 108 Clarendon Road

INFORMATION:

Item Number: 10-049

Petitioner: Elizabeth Sinofsky

Zoning: DR 5.5

Requested Action: Variance

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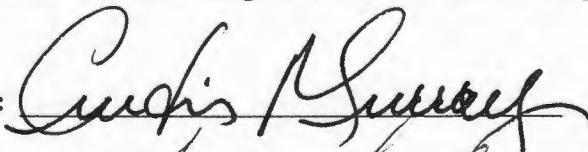
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The parking pad in the front yard is out of character with the neighborhood and should be removed.

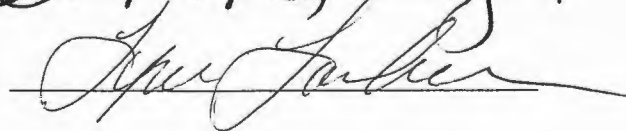
Replace it with a long driveway to the side similar to the driveways for 106 Clarendon and 110 Clarendon Avenue.

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

Prepared by:



Division Chief:
AFK/LL: CM





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: AUGUST 27, 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. 2010-0049-A
108 CLAREDON AVE
SINOSET PROPERTY
ADMIN. 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. 2010-0049-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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0900 • www.marylandroads.com

RE: PETITION FOR VARIANCE * BEFORE THE
108 Clarendon Avenue; N/s Clarendon Avenue *
185' W of Ivanhoe Place * ZONING COMMISSIONER
3rd Election & 2nd Councilmanic Districts *
Legal Owner(s): Elizabeth Sinofsky * FOR
Contract Purchaser(s): Signature Homes, Inc *
Petitioner(s) * BALTIMORE COUNTY
* 10-049-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

AUG 27 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of August, 2009, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Matthews, Kristen
Date: 10/30/2009 9:20 AM
Subject: Case No. 2010-0049-A - Nov. 4th - Signature Homes, Inc. - (Sinofsky)

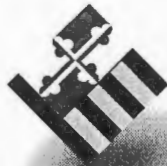
Hi Kristen,

When we spoke the other day about the above, you indicated that for this particular case, we did not use the Jeffersonian and, in fact, another company was used. Bill would like proof for the file just in case Pete or someone else has any problems with this missing info. Is there any way you can get this info. before the hearing ?

Also, Bill wanted to know was it just this case that we weren't using the Jeffersonian or no longer using them at all ?

Thanks.

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 10, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

David Billingsley
Central Drafting & Design, Inc.
601 Charwood Court
Edgewood, Maryland 21040

RE: PETITION FOR VARIANCE

N/S Clarendon Avenue, 185' W of Ivanhoe Place
(108 Clarendon Avenue)
3rd Election District - 2nd Council District
Elizabeth A. Sinofsky, *Owner*; Signature Homes, Inc., *Contract Purchaser - Petitioners*
Case No. 2010-0049-A

Dear Mr. Billingsley:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Elizabeth A. Sinofsky, 4720 Ashforth Way, Owings Mills, MD 21117
David Drutz, Signature Homes, Inc., 1099 North Rolling Road, Baltimore, MD 21228
Andrew Mogol, 106 Clarendon Avenue, Pikesville, MD 21208
People's Counsel; Office of Planning; File

CASE NAME 108 CLARENDON RD
CASE NUMBER 2060-0649A
DATE 11/4/09

[illegible]

CASE NAME 108 CLARENDON RD
CASE NUMBER 2010-0049A
DATE 11/4/09

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Andrew Mogol	106 Clarendon Ave 106 Clax	Pikesville MD 21208	asmogol@gmail.com
Mogol Mid Atlantic Homes Remodel Properties P.O. Box 32821 Pikesville 21282			



19960101

19860454

19890085

078A1

078B1

19930417

3 ED

DR 5.5
NW 7-F
2 CD

078A2

078B2

19830205

19970274

19680279

19660181

0319072451

Case No.: 2010-0049-A 108 CLARENDON AVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED SITE PLAN	
No. 2	A - SDAT - real Property Data - B - DEED OF RECORD — C - SDAT - real Property Data - D - DEED OF RECORD E - SUBDIVISION PLAT	Subject Property - 108 Clarendon Rd. " " " " 106 Clarendon RD " " "
No. 3	Photo's	
No. 4	House Elevations	
No. 5	Aerial View of Neighborhood	
No. 6 A-B	Photo's of Parking Pads in front of neighbouring dwelling	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1)

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

Account Identifier: District - 03 **Account Number** - 0303004751

Owner Information

Owner Name: SINOFSKY ELIZABETH A **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 4720 ASHFORTH WAY **Deed Reference:** 1) /23169/ 687
OWINGS MILLS MD 21117-6225 2)

Location & Structure Information

Premises Address **Legal Description**
CLARENDON AVE RALSTON

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
78	8	448					183	2	Plat Ref: 1/ 275

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		4,760.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2008	07/01/2009
Land	50,920	50,920		
Improvements:	0	0		
Total:	50,920	50,920	50,920	50,920
Preferential Land:	0	0	0	0

Transfer Information

Seller: OWINGS EUGENE D	Date: 01/04/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /23169/ 687	Deed2:
Seller: CARTWRIGHT DAVID E	Date: 01/18/1970	Price: \$15,500
Type: IMPROVED ARMS-LENGTH	Deed1: / 5064/ 111	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 *

PETITIONER'S

EXHIBIT NO.

2a

Jeffrey A. Charlow, Attorney at Law
File No. 05-10-8
Tax ID # 03-03-004750

0023169 687

This Deed, made this 10th day of October, 2005, by and between Eugene D. Owings, father, party of the first part, Grantor; and Elizabeth A. Sinofsky, daughter, party of the second part, Grantee.

- *Witnesseth* -

That for and in consideration of the sum of No And 00/100 Dollars (\$.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Elizabeth A. Sinofsky, as sole owner, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

See Attached Exhibit A

BEING the fee simple property which, by Deed dated January 8, 1970, and recorded in the Land Records of the County of Baltimore, Maryland, was granted and conveyed by David E. Cartwright unto Eugene D. Owings and Naomi S. Owings. Said Naomi S. Owings departed this life on or about January 15, 2000 vesting sole ownership unto Eugene D. Owings.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Elizabeth A. Sinofsky, as sole owner, in fee simple.

And the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

As Witness the hand and seal of said Grantor, the day and year first above written.

PETITIONER'S

EXHIBIT NO.

26



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1)

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

Account Identifier: District - 03 Account Number - 0303004750

Owner Information

Owner Name: KOTARA RAFAL **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 106 CLARENDON AVE **Deed Reference:** 1) /26205/ 225
 BALTIMORE MD 21208-4810 2)

Location & Structure Information

Premises Address
 106 CLARENDON AVE

Legal Description

106 CLARENDON AVE
 RALSTON

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
78	8	448					184	2	Plat Ref: 1/ 275

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1936	1,104 SF	4,760.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of	Phase-in Assessments As Of	Value As Of
		01/01/2008	07/01/2008	07/01/2009
Land	47,000	89,500		
Improvements:	76,580	123,880		
Total:	123,580	213,380	153,513	183,446
Preferential Land:	0	0	0	0

Transfer Information

Seller: SINOFKY ELIZABETH A	Date: 09/25/2007	Price: \$200,000
Type: NOT ARMS-LENGTH	Deed1: /26205/ 225	Deed2:
Seller: OWINGS EUGENE D	Date: 01/04/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /23169/ 687	Deed2:
Seller: CARTWRIGHT DAVID E	Date: 01/08/1970	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5064/ 111	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 *

PETITIONER' S

EXHIBIT NO.

20

AFTER RECORDING, PLEASE RETURN TO:
Lawrence S. London, Attorney at Law
10 W. Sudbrook Lane
Baltimore, MD 21208
(410) 486-5456
File No. 07-3231

112

DEED

THIS DEED, made this 17 day of **September, 2007**, by and between **Elizabeth A. Sinofsky**, Grantor, party of the first part; and **Rafal Kotara**, Grantee, party of the second part.

WITNESSETH, that in consideration of the sum of **Two Hundred Thousand Dollars 00/100 (\$200,000.00)**, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Grantee, his Personal Representatives, heirs, successors and assigns in fee simple all that lot of ground situate in the County of Baltimore, State of Maryland, and described as follows, that is to say:

106 Clarendon Avenue—Baltimore, MD 21208
District Account 03-0303004750

BEING KNOWN AND DESIGNATED as Lots Nos. 183 and 184, as shown on the Plat of Ralston, recorded in Plat Book J.W.S. No. 1, folio 275, and being situate on the northwest side of Clarendon Avenue: said lots each being about 40 feet in width and extending northwesterly for even depth of about 119 feet. The improvements thereon being known as No. 106 Clarendon Avenue.

SAVING AND EXCEPTING LOT 183, which is retained by seller.

BEING that property which, by Deed dated October 10, 2005, and recorded among the Land Records of the County of Baltimore, State of Maryland, in Liber No. SM 23169, folio 687, was granted and conveyed by Eugene D. Owings unto Elizabeth A. Sinofsky, the Grantor herein.

BY THE EXECUTION OF THIS DEED, the party of the first part hereby certify under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any Mortgage or Deed of Trust outstanding, is as hereinbefore set forth.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Grantee, his Personal Representatives, heirs, successors and assigns, in fee simple.

PETITIONER'S

EXHIBIT NO.

20

3a
SITE



3b
#106



PETITIONER'S
EXHIBIT NO. 3a-3b

3c
#110





Address **72 Clarendon Ave**

Address is approximate

Save trees. Go green!

Download Google Maps on your phone at google.com/gmm



© 2009 Google

PETITIONER' S

EXHIBIT NO. 6a



OPPOSITE
Address **108 Clarendon Ave**
Baltimore, MD 21208

Save trees. Go green!

Download Google Maps on your
phone at google.com/gmm



PETITIONER'S

EXHIBIT NO.

6b



Address **184 Clarendon Ave**

Address is approximate

Save trees. Go green!

Download Google Maps on your
phone at google.com/gmm



PETITIONER'S

EXHIBIT NO. 60

106 Clarendon



**Map prepared by:
Baltimore County Office of Planning
401 Bosley Avenue
Towson, MD
21204**



0 35 70 140

Feet

AERIAL MAP FOR CLARENDON AVE - 0303004751



Coordinate System:
Maryland State Plane: NAD83/91 Horizontal Datum
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 2005
Scale of Date Capture: 1" = 100'

Date of Aerial Photography: March 2005

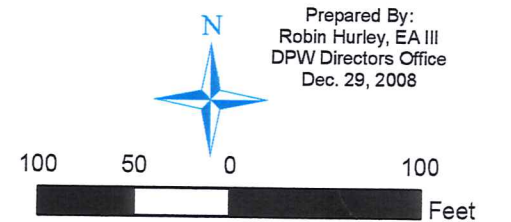
The utility (sanitary sewer and/or storm drain) location information shown is not guaranteed correct and should only be used as a reference. Locations of appurtenances should be verified using construction drawings, which are available in room 206 of the Baltimore County Office Building, or, through actual field investigations.



Baltimore County, MD
Department of Public Works
GIS Services

For internal use only.
The cadastral information on this plot was compiled by a
PETITIONER'S

EXHIBIT NO. 5



Prepared By:
Robin Hurley, EA III
DPW Directors Office
Dec. 29, 2008

OPT 2'-0" Extension

OPT FULL TURNED GABLE

24
D2

CATHEDRAL DP
LOUVER & 9"
HEADPIECES W/
KEYSTONES ABOVE
WINDOW

TRUSS EXPOSED

12
D1

2ND FLR

9" HEADPIECE W/
KEYSTONE

22
D2

18
D2

17
D2

18
D2

8" MIN

1ST FLR

7'-4 1/2"

2ND FLR

FRONT ELEVATION

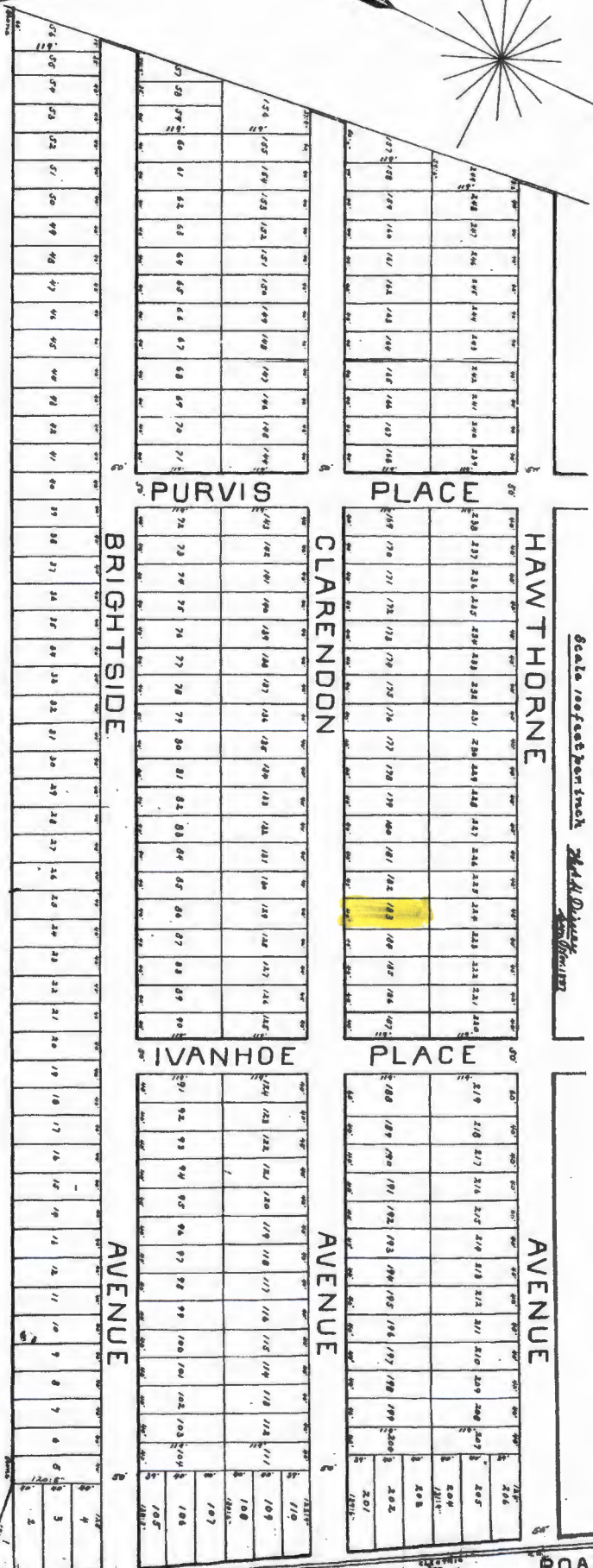
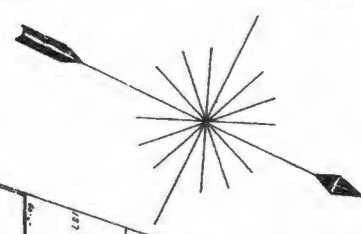
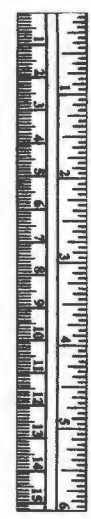
SCALE: 1/4" = 1'-0"

PETITIONER'S

EXHIBIT NO.

4

SUBBROOK
STATION
WEST MARYLAND R.R.



PLAT

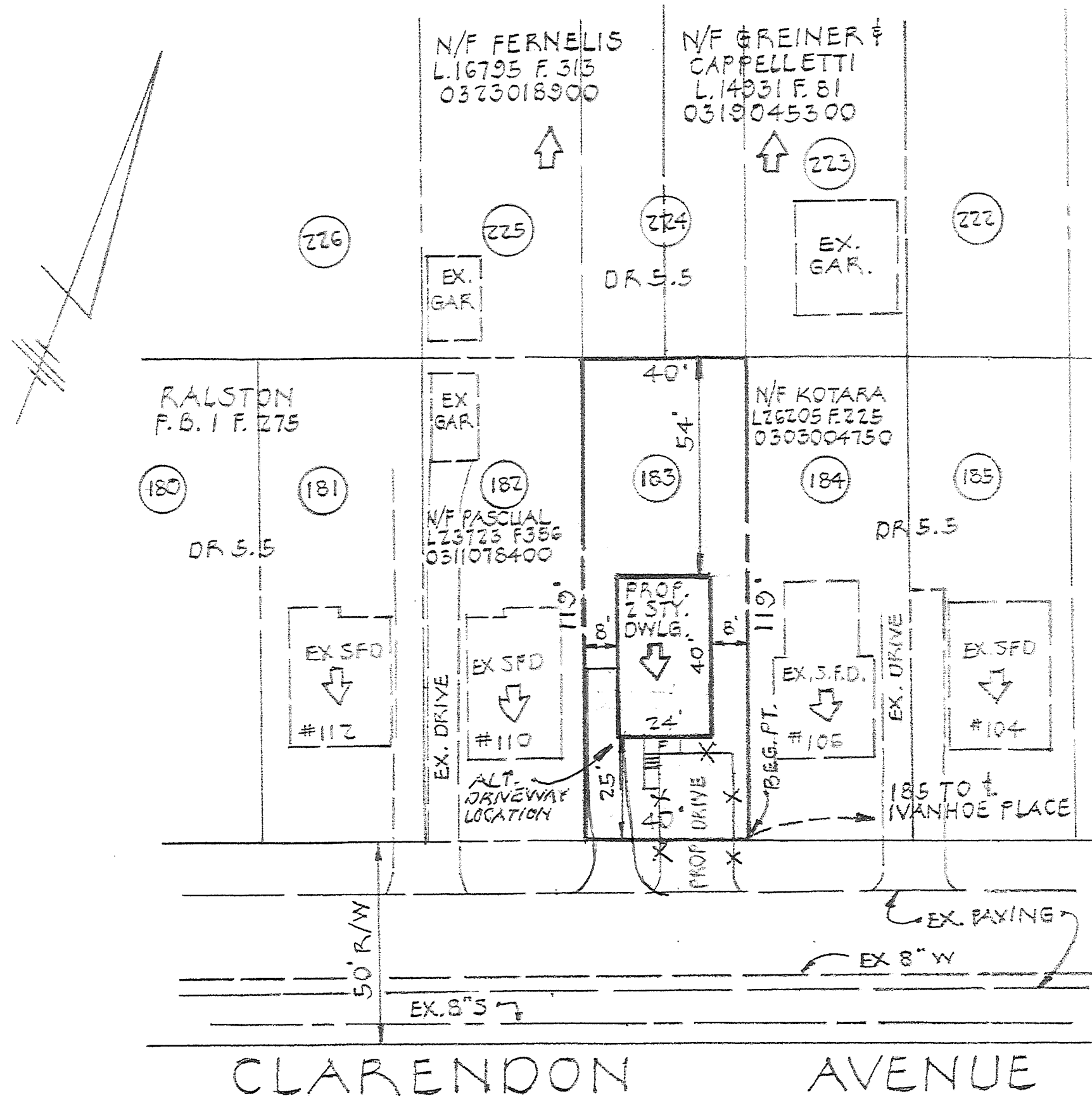
Scale: 100 feet per inch
M.H. Dwyer
Surveyor

PETITIONER'S

EXHIBIT NO. 28

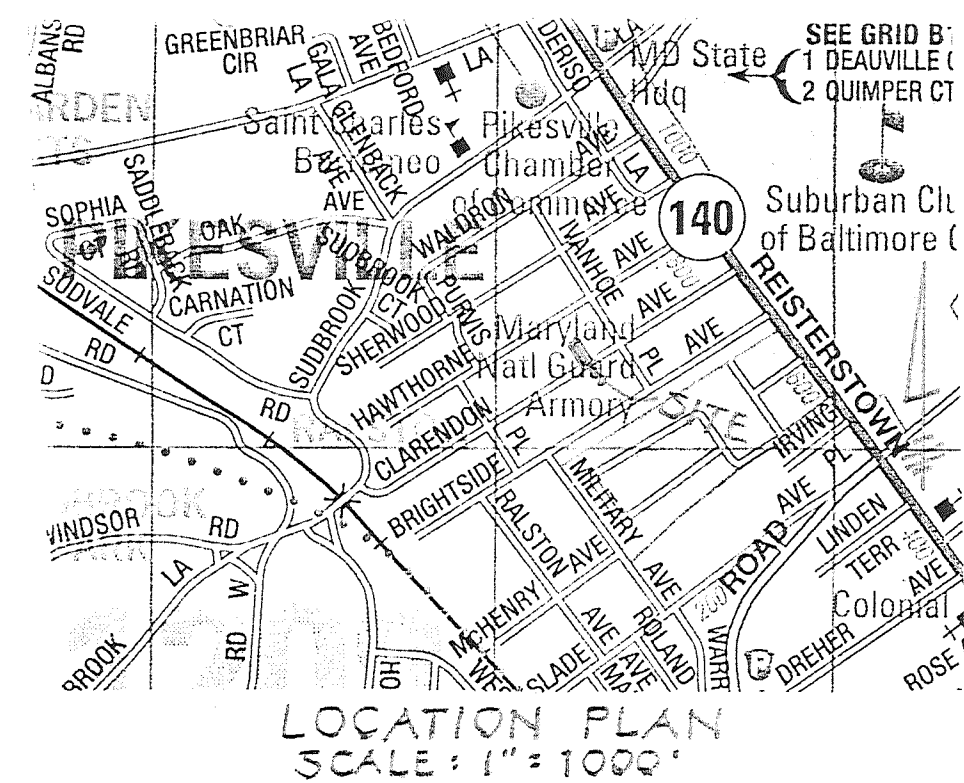
Filed November 18th 1897.
Test: James M. Bacon
Clerk.

REISTERSTOWN TURNPIKE ROAD



CENTRAL DRAFTING & DESIGN, INC.
 601 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719

OWNER
 ELIZABETH A. SINOFKY
 4720 ASHFORTH WAY
 OWINGS MILLS, MD. 21117
 DEED REF.: L.23169 F.687
 PROPERTY ACCT. NO. 0303004751



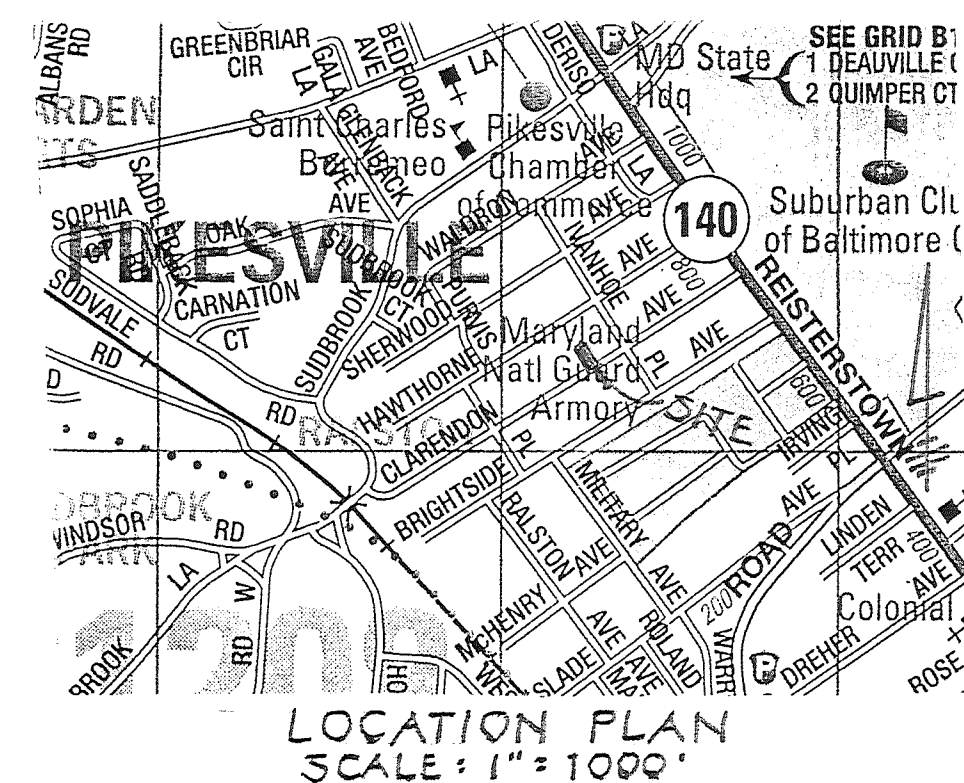
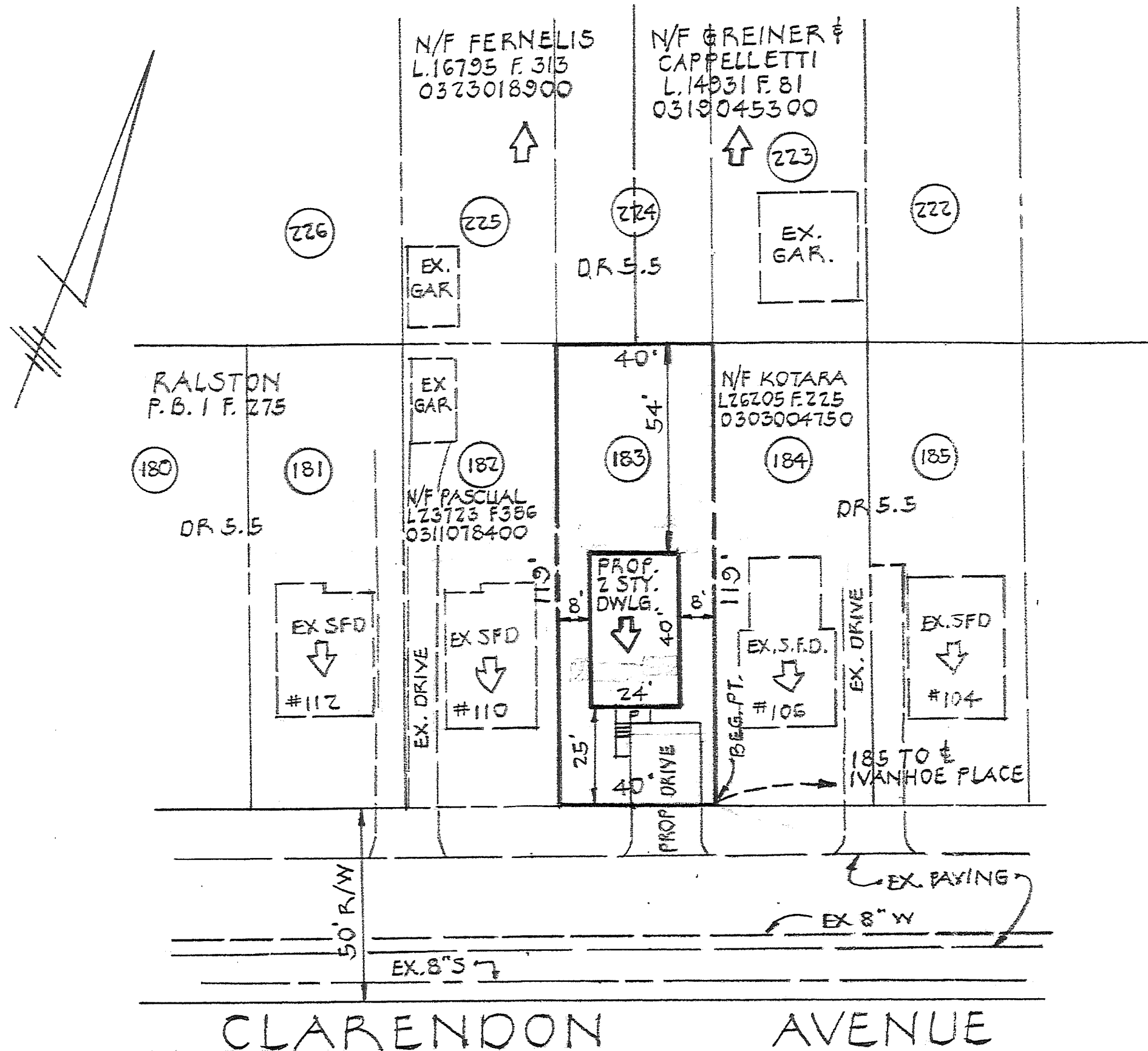
NOTES

1. ZONING.....DR 5.5 (MAP NO. 078B2)
2. LOT AREA = 4,760 SQUARE FEET = 0.109 ACRE +/-
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN
4. SITE IS NOT LOCATED IN THE CBCA OR 100 YEAR FLOOD ZONE
5. PUBLIC WATER AND SEWER IS EXISTING
6. NO HISTORIC STRUCTURES OR SITES, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST
7. THE OWNER OF THE SUBJECT PROPERTY OWNED CONTIGUOUS PROPERTY LOCATED AT 106 CLARENDON AVENUE (LOT 184) UNTIL SEPTEMBER 17, 2007

PETITIONER'S

EXHIBIT NO. 1

**PLAT TO ACCOMPANY PETITION
 FOR VARIANCES**
108 CLARENDON AVENUE
LOT 183 RALSTON P.B.1 F.275
ELECTION DISTRICT 3C2
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET DECEMBER 15, 2008



NOTES

1. ZONING.....DR 5.5 (MAP NO. 078B2)
2. LOT AREA = 4,760 SQUARE FEET = 0.109 ACRE +/-
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN
4. SITE IS NOT LOCATED IN THE CBCA OR 100 YEAR FLOOD ZONE
5. PUBLIC WATER AND SEWER IS EXISTING
6. NO HISTORIC STRUCTURES OR SITES, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST
7. THE OWNER OF THE SUBJECT PROPERTY OWNED CONTIGUOUS PROPERTY LOCATED AT 106 CLARENDON AVENUE (LOT 184) UNTIL SEPTEMBER 17, 2007

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
ELIZABETH A. SINOFSKY
4720 ASHFORTH WAY
OWINGS MILLS, MD. 21117
DEED REF.: L.23169 F.687
PROPERTY ACCT. NO. 0303004751

PLAT TO ACCOMPANY PETITION
FOR VARIANCES
108 CLARENDON AVENUE
LOT 183 RALSTON P.B. 1 F. 275
ELECTION DISTRICT 3C2
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET DECEMBER 15, 2008