

IN RE: **PETITION FOR VARIANCE**
NW Corner of Hamilton Avenue &
Langdon Lane
(5420 Hamilton Avenue)

14th Election District
6th Council District

William George Sullivan, Jr.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2010-0112-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, William G. Sullivan, Jr. The Petitioner requests a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard average setback of 25 feet in lieu of the required 29 feet (average of No. 5418 & No. 5500 Hamilton Avenue), and from B.C.Z.R. Section 1B02.3.C.1 to permit a rear yard setback of 28 feet on Lot 1 in lieu of the required 30 feet. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were William George Sullivan, Jr., property owner, and Bruce E. Doak, with Gerhold, Cross & Etzel, Ltd., the engineering firm that prepared the site plan and assisting the Petitioner through the minor subdivision process for the "Sullivan Property" (Permits and Development Management File No. 09041M). There were no Protestants or other interested persons in attendance at the hearing and there were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies.

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Date 1-13-10

BY [signature]

Testimony and evidence offered revealed that the subject property is a rectangularly shaped corner lot just west of the John F. Kennedy Memorial Highway (Interstate 95) and south of Radecke Avenue in Rosedale that abuts on Langdon Lane and Hamilton Avenue. The property contains a gross area of 0.524 acres, more or less (22,821 square feet)¹, zoned D.R.5.5 and presently improved with two (2) single-family dwellings. The Petitioner, whose family has owned the property for many years, proposes a minor subdivision creating two (2) separate lots. Lot 1 will be 8,166 square feet and be known as 5420 Hamilton Avenue. The present one-story home on this lot was built in 1935 and was the home of the Petitioner's aunt, prior to her death, and fronts on Langdon Lane. It is positioned 10 feet north of the Hamilton Avenue right-of-way and 60 feet west of Langdon Lane. See photographs submitted as Petitioner's Exhibit 2. This existing home is no longer structurally sound and will be razed by the Petitioner. Initially, Mr. Sullivan had planned to build a replacement home facing on Langdon Lane. In this regard, none of the neighbors had an objection to the proposal in that they viewed the development as an improvement to the property. The Office of Planning, however, wanted the house rotated or oriented to face Hamilton Avenue so as to be more consistent with the other houses along the street. Mr. Sullivan prefers the Langdon Lane frontage as the Office of Planning's choice causes front and rear yard problems and would, of course, require the variance relief as set forth above. Ultimately, the Petitioner agreed to compromise. If not for the Office of Planning's request to rotate the orientation of the replacement dwelling, no variances would be necessary or required as it would meet all B.C.Z.R. requirements. As illustrated on the site plan, the new home will be set back 25 feet from the right-of-way line of Hamilton Avenue if it is widened. This will result in a substantial improvement over the existing uninhabitable dwelling to be razed. Lot 2 will be

¹ Potential highway widening on Langdon Lane and Hamilton Avenue as shown on the site plan will reduce the lot size by 8,599 square feet for a net area of 0.327 acres (14,222 square feet). B.C.Z.R. Section 1B02.C.1 requires a minimum net lot area of 6,000 square feet per dwelling unit.

known as 7904 Langdon Lane and contains 6,056 square feet in area and meets all B.C.Z.R. area requirements.

It is to be noted that Section 1B02.3.C of the B.C.Z.R. provides for a minimum front yard depth of 25 feet in a D.R.5.5 zone. However, on this side of Hamilton Avenue, the house on the immediate adjacent lot (5418) is further from the road (33 feet) than the proposed dwelling. Thus, an "average" front setback of 25 feet is required for development on the subject lot, pursuant to Section 303.1 of the B.C.Z.R. Moreover, due to the Office of Planning's choice of orientation and the contemplated highway widening, the proposed dwelling cannot meet rear yard setback requirements. Thus, the requested variance relief is necessary.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the variance. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioner and prevent his use of the property for a permitted purpose. Moreover, testimony and evidence demonstrates that this is one of the larger lots in this community and that many of the homes in the immediate vicinity are setback a similar distance from Hamilton Avenue as that proposed here. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the proposal appears compatible with the pattern of development in the area. Thus, I find that the relief requested is appropriate in this instance and will not be detrimental to adjacent properties or the surrounding locale.

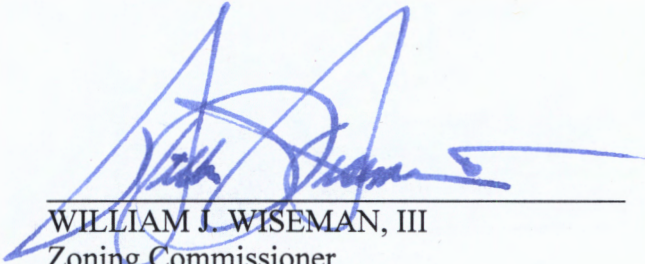
Pursuant to the advertisement, posting of the property, public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 13th day of January 2010, that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a

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Date 1-13-10
By [signature]

proposed replacement dwelling on the subject property with a rear yard setback of 28 feet on Lot 1 in lieu of the required 30 feet, and a front yard setback of 25 feet in lieu of the average required front yard setback of 29 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date

1-13-10

By

103



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 13, 2010

William George Sullivan, Jr.
203 Helena Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE

NW Corner of Hamilton Avenue & Langdon Lane
(5420 Hamilton Avenue)
14th Election District - 6th Council District
William George Sullivan, Jr. – Petitioner
Case No. 2010-0112-A

Dear Mr. Sullivan:

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Boulevard,
Towson, MD 21286
People's Counsel; Office of Planning; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 5420 Hamilton Avenue
which is presently zoned D.R. 5.5

Deed Reference: 14926 / 436 Tax Account # 1420045478

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)

303.1 BCZR

To permit a front yard average setback of 25 feet in lieu of the required 29 feet (average of #5418 & #5500 Hamilton Avenue)

To PERMIT A REAR YARD SETBACK OF 28 FEET ON LOT 1 IN LIEU OF THE REQUIRED 30 FEET PER SECTION 1802.3.C.1 BCZR

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

This existing lot of record is small and applying the full front setback would not allow for a house of adequate size to be built.

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 George Sullivan, Jr.

Name - Type or Print _____

Signature *W. Sullivan, Jr.* _____

Name - Type or Print _____

Signature _____

203 Helena Road 443-250-8057
Address Telephone No.

Baltimore MD 21221
City State Zip Code

Representative to be Contacted:

Bruce E. Doak Gerhold Cross & Etzel

Name 320 E. Towsontown Blvd. 410-823-4470

Address Telephone No.
Towson MD 21286

City State Zip Code

Case No. 2010-0112-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

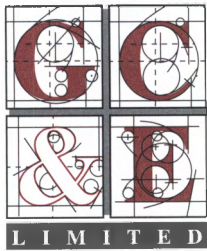
REV 8/20/07

UNDER RECEIVED FOR FILING

Date 1-13-10

By [Signature]

Reviewed by [Signature] Date 9.30.09



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

September 25, 2009

Zoning Description 5420 Hamilton Avenue

All that piece or parcel of land situate, lying and being in the Fourteenth Election District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point in the intersection of Hamilton Avenue and Langdon Avenue, thence running in Langdon Avenue, (1) North 10 degrees 39 minutes 06 Seconds East 203.11 feet, thence leaving Langdon Avenue and running thence (2) North 58 degrees 50 minutes 54 seconds West 113.60 feet, (3) South 15 degrees 52 minutes 06 seconds West 131.64 feet, (4) South 37 degrees 20 minutes 06 seconds West 45.98 feet to a point in Hamilton Avenue, thence running in Hamilton Avenue (5) South 52 degrees 23 minutes 24 seconds East 155.97 feet to the point of beginning.

Containing 22,821 sq. ft. or 0.52 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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 - 0112 - A

Petitioner: WILLIAM G. SULLIVAN, JR.

Address or Location: 5420 HAMILTON AVE.

PLEASE FORWARD ADVERTISING BILL TO

Name: WILLIAM SULLIVAN, JR.

Address: 203 HELENA ROAD
BALTIMORE MD. 21221

Telephone Number: 443 - 250 - 8057

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

No. 123

Date: 12/1/11

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/ Obj	Rev/ Sub Obj				
251	100			112					50.00

Total: 50.00

Rec From: WILLIAMSON, JAMES

For: 0412-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 2010-0112-A

5420 Hamilton Avenue

N/West corner of Hamilton Avenue and Langdon Lane

14th Election District — 6th Councilmanic District

Legal Owner(s): William George Sullivan, Jr.

Variance: to permit a front yard setback of 25 feet in lieu of the required 29 feet (average of #5418 & 5500 Hamilton Avenue); to permit a rear yard setback of 28 feet on lot 1 in lieu of the required 30 feet.

Hearing: Monday, December 21, 2009 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

12/043 December 3

223058

CERTIFICATE OF PUBLICATION

12/31, 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 12/31, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

**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: # 2010-0112-A
5420 Hamilton Avenue
N/west corner of Hamilton
Avenue and Langdon Lane
14th Election District
6th Councilmanic District
Legal Owner(s): William
George Sullivan, Jr.
Variance: to permit a front
yard setback of 25 feet in
lieu of the required 29 feet
(average of #5418 & #5500
Hamilton Avenue); to per-
mit a rear yard setback of
28 feet on lot 1 in lieu of
the required 30 feet.
**Hearing: Wednesday, De-
cember 2, 2009 at 2:00
p.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/11/823 Nov. 17 221585

CERTIFICATE OF PUBLICATION

11/19/, 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 11/17/, 2009.

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

S. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE #2010-0112-A

OWNER/DEVELOPER:
William George Sullivan, Jr.

DATE OF HEARING: 12/21/09

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:

5420 Hamilton Avenue

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD

SUITE 100

320 EAST TOWSONTOWN BLVD

TOWSON, MARYLAND 21286

410-823-4470 PHONE

410-823-4473 FAX

POSTED ON: 12/04/09

ZONING NOTICE

CASE # : 2010-0112-A

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

PLACE: Room 104 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD
DATE : 10:00 am Monday December 21, 2009

Variance: to permit a front yard setback of 25 feet in lieu of the required 29 feet (average of #5418 & #5500 Hamilton Avenue); to permit a rear yard setback of 28 feet on Lot 1 in lieu of the required 30 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.

CALL 410-887-3351 THE DAY BEFORE THE SCHEDULED HEARING DATE.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 24, 2009

NEW 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: 2010-0112-A

5420 Hamilton Avenue
N/west corner of Hamilton Avenue and Langdon Lane
14th Election District – 6th Councilmanic District
Legal Owners: William George Sullivan, Jr.

Variance to permit a front yard setback of 25 feet in lieu of the required 29 feet (average of #5418 & #5500 Hamilton Avenue); to permit a rear yard setback of 28 feet on lot 1 in lieu of the required 30 feet.

Hearing: Monday, December 21, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. Sullivan, 203 Helena Road, Baltimore 21221
Bruce Doak, 320 E. Towsontown Blvd., Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 5, 2009**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 3, 2009 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-4587

NOTICE OF ZONING HEARING

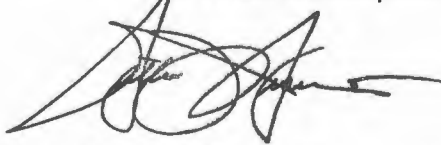
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0112-A

5420 Hamilton Avenue
N/west corner of Hamilton Avenue and Langdon Lane
14th Election District – 6th Councilmanic District
Legal Owners: William George Sullivan, Jr.

Variance to permit a front yard setback of 25 feet in lieu of the required 29 feet (average of #5418 & #5500 Hamilton Avenue); to permit a rear yard setback of 28 feet on lot 1 in lieu of the required 30 feet.

Hearing: Monday, December 21, 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
November 4, 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: 2010-0112-A

5420 Hamilton Avenue
N/west corner of Hamilton Avenue and Langdon Lane
14th Election District – 6th Councilmanic District
Legal Owners: William George Sullivan, Jr.

Variance to permit a front yard setback of 25 feet in lieu of the required 29 feet (average of #5418 & #5500 Hamilton Avenue); to permit a rear yard setback of 28 feet on lot 1 in lieu of the required 30 feet.

Hearing: Wednesday, December 2, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Mr. Sullivan, 203 Helena Road, Baltimore 21221
Bruce Doak, 320 E. Towsontown Blvd., Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 17, 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, November 17, 2009 Issue - Jeffersonian

Please forward billing to:
William Sullivan, Jr.
203 Helena Road
Baltimore, MD 21221

443-250-8057

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: 2010-0112-A

5420 Hamilton Avenue
N/west corner of Hamilton Avenue and Langdon Lane
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Hearing: Wednesday, December 2, 2009 at 2:00 p.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

December 15, 2009

William George Sullivan, Jr.
203 Helena Rd.
Baltimore, MD 21221

Dear: William George Sullivan, Jr.

RE: Case Number 2010-0112-A, 5420 Hamilton Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 30, 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
Bruce Doak: Gerhold Cross & Etzel; 320 E. Towsontown Blvd.; Towson, MD 21286

BW 12/21
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 21, 2009

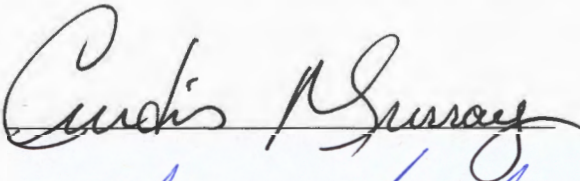
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-112- Variance**

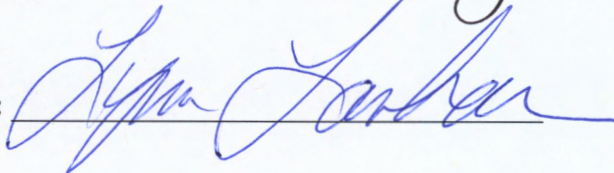
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL



RECEIVED

OCT 26 2009

ZONING COMMISSIONER

RECEIVED

NOV 04 2009

ZONING COMMISSIONER



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 4, 2009

SUBJECT: Zoning Item # 10-112-A
Address 5420 Hamilton Avenue
(Sullivan Property)

Zoning Advisory Committee Meeting of October 12, 2009

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

Reviewer: JWL

Date: 11/4/09

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 13, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For October 26, 2009
Item Nos. 10-112, 114, 117, 118,
119, 120 and 121

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-10262009 -NO COMMENTS.doc



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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 12, 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. 2010-0112-A
5420 HAMILTON AVE.
SULLIVAN PROPERTY
VARIABLE -

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. 2010-0112-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (m Bailey@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 410.545.0300 • www.sha.maryland.gov

RE: PETITION FOR VARIANCE * BEFORE THE
5420 Hamilton Avenue; NW corner of *
Hamilton Avenue & Langdon Lane * ZONING COMMISSIONER
14th Election & 6th Councilmanic Districts *
Legal Owner(s): William G. Sullivan, Jr. * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-112-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

OCT 22 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 22nd day of October, 2009, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3d)

(2007 vw6.3d)

Go Back
View Map
New Search

Account Identifier: District - 14 Account Number - 1420045478

Owner Information

Owner Name:	SULLIVAN WILLIAM GEORGE,JR	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	203 HELENA RD BALTIMORE MD 21221-3007	Deed Reference:	1) /14926/ 436 2)

Location & Structure Information

Premises Address

5420 HAMILTON AVE

Legal Description

5420 HAMILTON AVE NES
NW COR LANGDON LANE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	15	538						3	Plat Ref:

Town	
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1935	1,104 SF	25,460.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	75,240	75,240		
Improvements:	48,370	43,860		
Total:	123,610	119,100	119,100	119,100
Preferential Land:	0	0	0	0

Transfer Information

Seller: SULLIVAN MARGARET C	Date: 01/18/2001	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14926/ 436	Deed2:
Seller: TIRSCHMAN KATIE	Date: 09/24/1974	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5479/ 276	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 *

2.206

Case No.: 5420 HAMILTON AVE 2010-0112-A

Exhibit Sheet

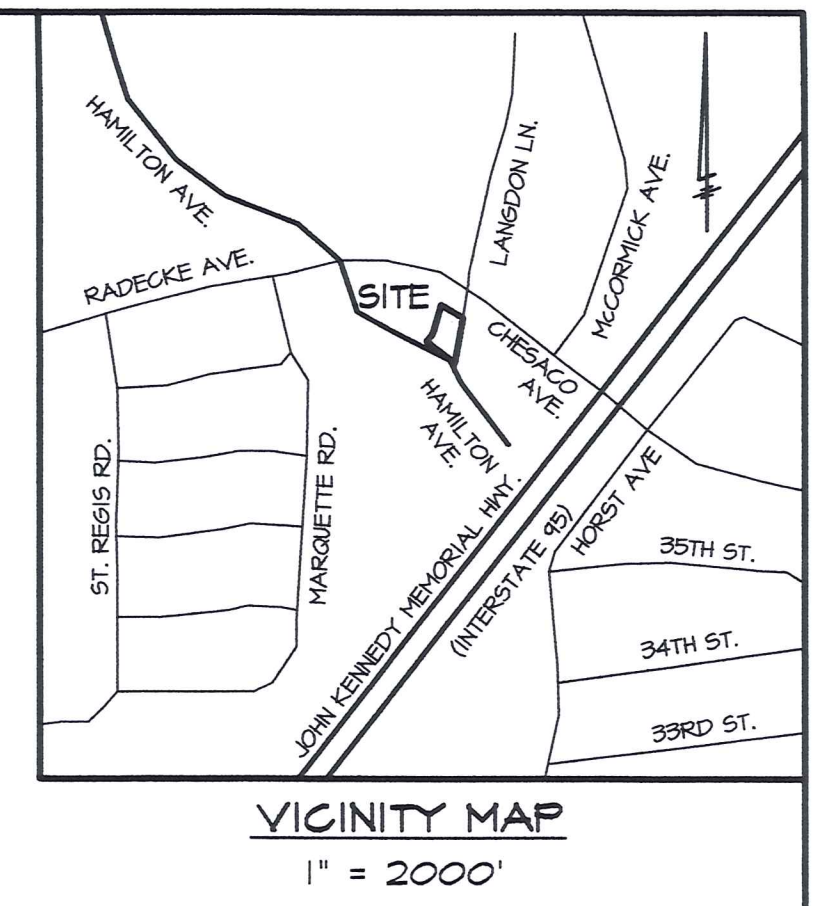
Petitioner/Developer

Protestant

No. 1	Site Plan	/
No. 2	Photographs	
No. 3		✓
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



BALTIMORE COUNTY ZONING REGULATIONS	
D.R. 5.5 DEVELOPMENT STANDARDS	
MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	6,000
MINIMUM LOT WIDTH (feet)	35
MINIMUM FRONT YARD DEPTH (feet)	25
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	10
MINIMUM REAR YARD DEPTH (feet)	30



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 084B2.
3. SOILS OVER THE ENTIRE SITE ARE SUB2 PER BALTIMORE COUNTY SOIL SURVEY MAP NO. 40.
4. CENSUS TRACT: 4410.00 REGIONAL PLANNING DISTRICT: 320 WATERSHED: BACK RIVER SUBWATERSHED: GOLDEN RING M.S.; OVERLEA H.S. SCHOOL DISTRICT: MCCORMICK E.S.; GOLDEN RING M.S.; OVERLEA H.S. A.D.C. MAP & GRID: 36 ES.
5. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
7. THERE ARE NO ZONING LINES WITHIN 150' OF THE SUBJECT PROPERTY.
8. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
9. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
10. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
11. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 501 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
12. AVERAGE DAILY TRIPS (2 Lots) x 12.4 = 24.8
13. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
14. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
15. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED INTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
16. BALTIMORE COUNTY HAS NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT-OF-WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TELEVISION.
17. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE FEBRUARY 13, 1963. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
18. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER SERVICE.
19. THE PROPOSED DRIVEWAY ENTRANCE SHALL CONFORM TO STANDARD DETAIL PLATE R-15.
20. THERE WILL BE TWO PARKING SPACES PROVIDED FOR EACH DWELLING ON THIS MINOR SUBDIVISION.
21. THE GROSS SITE AREA IS LESS THAN 40,000 SQ. FT., THEREFORE IT IS EXEMPT FROM BALTIMORE COUNTY FOREST CONSERVATION REGULATIONS.
22. THE EXISTING DWELLING IS TO BE RAZED PRIOR TO THE SALE OF ANY LOTS.
23. THE EXISTING WATER AND SEWER HOUSE CONNECTIONS WILL BE UTILIZED FOR LOT 1.

DENSITY CALCULATIONS	
GROSS AREA	0.524 Ac. ± (22,821 S.F.)
HIGHWAY WIDENING	0.147 Ac. ± (6,544 S.F.)
NET AREA	0.327 Ac. ± (14,222 S.F.)
LOTS PERMITTED	1 LOT PER 6,000 S.F. = 22,821 S.F. = 3 Lots
LOTS PROPOSED	2

OWNER/DEVELOPER	
WILLIAM GEORGE SULLIVAN, JR.	203 HELENA ROAD
BALTIMORE, MARYLAND 21221	443-250-8057

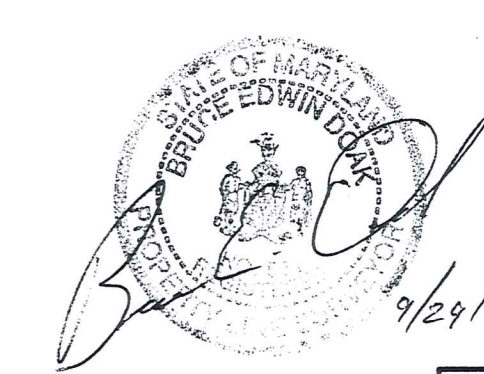
VARIANCE REQUESTED

TO PERMIT A FRONT AVERAGE SETBACK OF 25 FEET IN LIEU OF THE REQUIRED 29 FEET (AVERAGE OF #5418 & #5500 HAMILTON AVENUE) PER SECTION 303.1 B.C.Z.R.

TO PERMIT A REAR YARD SETBACK OF 28 FEET ON LOT 1 IN LIEU OF THE REQUIRED 30 FEET PER SECTION 1802.3.C.1 B.C.Z.R.

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAT TO ACCOMPANY A PETITION
FOR A ZONING HEARING
SULLIVAN PROPERTY
MINOR SUBDIVISION #09041M
5420 HAMILTON AVENUE
Deed Ref: S.M. No. 14926 folio 436
Tax Account No.: 14-20-045478
Zoned: D.R. 5.5; GIS Tile 084B2
Tax Map 89; Grid 15; Parcel 538
14th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=20'

Date: September 24, 2009

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED: R.T.D.	DRAWN: C.J.S.	CHECKED: S.A.L.	FILE: X:\V\HamiltonHomes\zoning\plat.pro

LEGEND	
WATER METER	
PROPOSED DWELLING	
EXISTING BUILDING	
EXISTING PAVING	
PROPOSED PAVING	
PROPERTY LINE	
WATER LINE	
SEWER LINE	
GAS LINE	
CONTOURS	



PETITIONER'S

EXHIBIT NO.

2











ZONING NOTICE

CASE # : 2010-0112-A

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

PLACE: Room 104 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD
DATE : 10:00 am Monday December 21, 2009

Variance: to permit a front yard setback of 25 feet in lieu of the required 28 feet (average of #5418 & #5500 Hamilton Avenue); to permit a rear yard setback of 28 feet on Lot 1 in lieu of the required 30 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFORM HEARING. CALL 410-885-5511 ONE DAY BEFORE THE SCHEDULED HEARING DATE.



















MARYLAND COORDINATE SYSTEM
NAD83(1981)

ZONING MAP

GIS TILE: 089B2

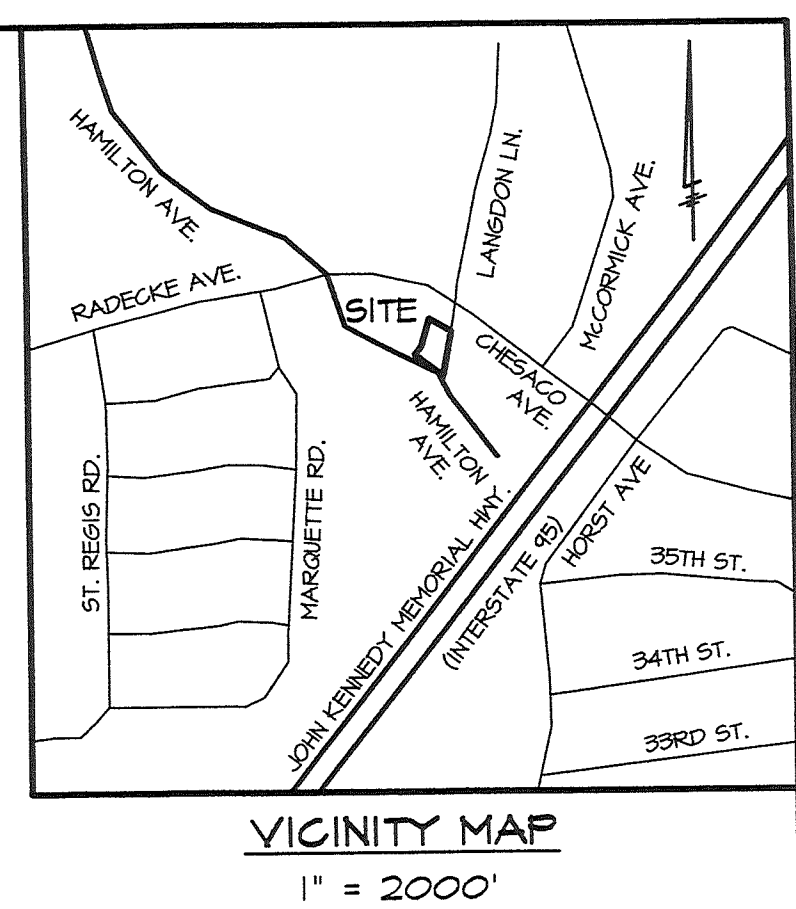
SCALE: 1" = 200'



BALTIMORE COUNTY ZONING REGULATIONS

D.R. 5.5 DEVELOPMENT STANDARDS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	6,000
MINIMUM LOT WIDTH (feet)	55
MINIMUM FRONT YARD DEPTH (feet)	25
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	10
MINIMUM REAR YARD DEPTH (feet)	30



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DENSITY CALCULATIONS		OWNER/DEVELOPER	
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HIGHWAY WIDENING	0.191 Ac. ± (8,549 S.F.)	203 HELENA ROAD	
NET AREA	0.327 Ac. ± (14,222 S.F.)	BALTIMORE, MARYLAND 21221	
LOTS PERMITTED	1 LOT PER 6,000 S.F. @ 22,821 S.F. = 3 Lots	443-250-8057	
LOTS PROPOSED	2		

VARIANCE REQUESTED

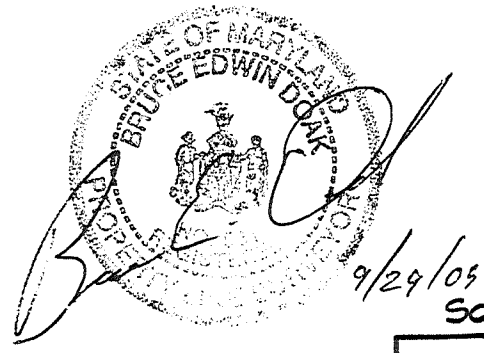
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REVISION	DATE	COMPUTED: R.T.D.	DRAWN: C.J.S.	CHECKED: S	PETITIONER'S