

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
S/S Catanna Avenue, 320' E of c/line of	*	ZONING COMMISSIONER
Jeanne Avenue		
(1954 Catanna Avenue)	*	OF
1 st Council District		
13 th Election District	*	BALTIMORE COUNTY
Lawrence Leroy McConkey, Sr., <i>Legal Owner</i>	*	
Gilbert M. France, et al, <i>Contract Purchasers</i>		
<i>Petitioners</i>	*	Case No. 2010-0252-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Lawrence L. McConkey, Sr., and the contract purchasers, Joseph France and his brother, Gilbert M. France, builders t/a G&T Professional, LLC. The Petitioners are requesting a special hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the construction of a new dwelling on existing lots of record and a confirmation that density is not affected. In addition, variance relief is requested from Sections 1B02.3.C.1 and 300.1, to permit a proposed dwelling to have a front yard setback of 30 feet in lieu of the required 40 feet, side yard setbacks of 10 feet and a combination of 20 feet in lieu of the required 15 feet and 40 feet, respectively, a lot width of 60 feet in lieu of the minimum 100 feet, and an area of 6,600 square feet in lieu of the minimum 20,000 square feet; and to permit an open projection (porch) to have a front yard setback of 25 feet in lieu of the minimum required 30 feet. The subject property and requested relief are more particularly described on the amended redlined site plan¹ submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

¹ Petitioners amended the site plan at the onset of the hearing, without objection, to respond to the Zoning Advisory Committee (ZAC) comment received from Dennis Wertz, on behalf of the Office of Planning, dated April 21, 2010. The redlined amendments provide detail of the 4' x 8' front porch, off-street parking location and clarification that the proposed improvements will not be positioned any closer to Catanna Avenue than the adjacent dwelling at 1952 Catanna Avenue (Lots 25, 26 and 27).

Appearing at the requisite public hearing in support of the requests were Lawrence McConkey, property owner, and Gilbert and Joseph France, the contract purchasers. Appearing as a concerned adjacent property owner was Edward W. Schilling, Jr., who has resided with his family at 1952 Catanna Avenue since November 1990. There were no other interested persons present.

Testimony and evidence offered revealed that the property, which is the subject of this variance request, consists of three (3) unimproved lots of record, identified as Lots 22, 23, and 24 (Block G) on the Plat of Halethorpe Terrace as recorded in Baltimore County Plat Book 7, Folio 72. The lots are located at the southeast end of Catanna Avenue not far from Washington Boulevard in western Baltimore County. Each lot is 20' wide x 110' deep forming a rectangular-shaped parcel. The property contains a gross area of 6,600 square feet (0.1515 acres) - 60' wide x 110' deep in dimension. This subject property was part of the Comprehensive Zoning Map Process (CZMP) Issue 1-006 (1996) in which 167 acres, more or less, of the Halethorpe Terrace subdivision were rezoned from D.R.5.5 to D.R.2. The Office of Planning submitted the rezoning petition in an attempt to slow the creation of additional impervious surfaces. In this regard and in an effort to improve the flooding problem, the Department of Public Works, the Office of Community Conservation, the Office of Planning and the Halethorpe Terrace Community Association (Halethorpe Civic League) worked together to develop and implement a plan of action. Briefly, the storm water controls developed by the plan have now been constructed and completed. Mr. Dennis Wertz, the Community Planner for the First Councilmanic District, provided the undersigned with a status report on the Halethorpe community improvements received from Stephen Emm, of the Department of Public Works. Pertinent here are the following completed alterations:

1. Outfall Improvements below Halethorpe Avenue and storm drain improvements at Woodside Avenue
2. Roadway Improvements to Spring Avenue
3. Stream Improvements up to Catanna Avenue
4. Roadway Improvements to Woodside, Leola, Catanna, and Arline

5. Stream Improvements up to Washington Avenue
6. Roadway Improvements to Spencer Street and Northeast Avenue
7. Roadway Improvements to Washington Avenue

Mr. Wertz, through confirmation from Stephen Emm, stated that with these substantial improvements, there was no longer a danger in allowing in-fill development if they are not located within the floodplain. Lots 22 through 24 not located within a floodplain, the Office of Planning recommends that the undersized lot and associated variance request at this location be approved.

The Petitioners, believing they have a buildable lot, come before me seeking approval to develop the subject combined lots with a single-family dwelling. As shown on the site plan, the proposed structure will be a split-level type dwelling known as the Wexford, with dimensions of 40 feet wide and 26 feet deep. The dwelling will be set back 30 feet from the front property line, which is consistent with neighboring dwellings and provide an open 4' x 8' front porch. Variance relief is requested from the front and side yard setback requirements. Ten-foot setbacks will be maintained on both the east and west sides of the property; the sum of side yards will only be 20 feet. Relief is also requested because the three (3) lots, when combined, are undersized. Under the D.R.2 zoning classification², a minimum lot area of 20,000 square feet is required and, as noted above, the lot is only 60 feet wide and 6,600 square feet in area.

Testimony and evidence offered in support of the request was that without variance relief, the lot 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).

² See B.C.Z.R. Section 1B02.3.C (Chart) D.R.2 zoning classification requires a minimum lot area of 20,000 square feet, minimum lot width of 100 feet, a front yard depth of 40 feet, side yard setbacks of 15 feet with a minimum sum of side yard widths of 40 feet.

Edward Schilling stated that he and his wife, Theresa, as adjacent property owners, will be most affected. Their home, also a split-level dwelling, was built on a similar size lot (6,600 square foot) in 1990 prior to the D.R.2 zoning change. They believe that the Petitioners are trying to take advantage of the County's system and that the variances, if granted, would result in parking congestion and exacerbate the storm water run-off that flows from east to west onto their property. The France's, who have built many homes in this area, disagree, noting that they will provide a swale along the western portion of the subject property directing storm water runoff away from the Schilling's property and out into Catanna Avenue and into storm drains.

Prior to the infrastructure improvements discussed above allowing for in-fill development, there had been several similar zoning requests for this neighborhood. A brief history is appropriate and outlined as follows:

- A petition for variance was filed by Alex Kundrick in Case No. 99-64-A seeking similar relief to permit development of Lots 32 & 33 of Catanna Avenue with a single-family dwelling. Deputy Zoning Commissioner Timothy Kotroco granted relief on October 14, 1998 to allow that site to be developed.
- A second similar petition was filed in Case No. 00-381-A for property known as 1954 Catanna Avenue – Lots 22 – 24. Obviously, although not noted on the site plan submitted, this variance petition filed by Katherine E. Frost, involved the same property now before me. In that case, Mr. Hawkins appeared on behalf of the Halethorpe Civic League and voiced concerns regarding the lack of infrastructure in the area. Deputy Commissioner Timothy Kotroco considered that case and denied the petition for variance on May 5, 2000.

ORDER RECEIVED FOR FILING

Date

5-19-10

By

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- Next, a third petition was filed in Case No. 01-216-A for Lots 30 & 31 (1946 Catanna Avenue). In that case, Ms. Marguerite P. Pasky wanted to sell her two (2) lots (4,400 square feet) to L. Ray Rachuba to build a 20' x 40' two-story "spec" house on the property. Immediate neighbors, Mr. and Mrs. Readmond and Mr. Swann appeared in opposition. Mr. Hawkins also appeared and shared concerns of the neighbors that the area lacks sufficient infrastructure to permit this in-fill development. Zoning Commissioner Lawrence E. Schmidt considered that case and denied the petition for variance on February 6, 2001.

The Petitioners submitted photographic evidence (Exhibits 2A - 2E) noting homes built prior to the zoning changes in 1996 where homes routinely built on 60-foot wide lots. The Petitioners site plan and the zoning map further disclose that the pattern of development in the immediate neighborhood has taken place on undersized lots, which they say support their request (1921 Halethorpe Avenue, 4115 Old Washington Boulevard, 4119 Old Washington Boulevard, 2026 Northeast, etc.). Moreover, the uncontradicted evidence clearly establishes that there has never been a desire to combine or merge the several lots (Lots 22-24). 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).

I find special circumstances or conditions exist that are peculiar to the land which is the subject of the variance request. These lots were created many years before the D.R.2 Zoning Regulations were imposed to slow the creation of additional impervious surfaces until such time as adequate storm water and sediment controls could be completed to control storm water runoff. These improvements, now complete, these lots are impacted differently from lots in the area

created prior to the 1996 CZMP rezoning. As such, I find strict compliance with the County's Zoning Regulations will result in practical difficulty or unreasonable hardship. There is no land available to increase the area of any of the subject three (3) lots. I find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting this variance when looking at the overall neighborhood density of this Historical African-American Settlement. Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public, health, safety and general welfare. There have been other variance cases in the area in which homes have been permitted on undersized lots. Many are built on 40-foot wide lots. This new home will be built on a 60-foot wide lot. This will not adversely affect the pattern of development in this neighborhood.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions 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 19th day of May 2010 that the Petition for Special Hearing, filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm that overall density of the surrounding neighborhood will not be affected, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 300.1 of the B.C.Z.R. to permit a proposed dwelling to have a front yard setback of 30 feet in lieu of the required 40 feet, side yard setbacks of 10 feet and a combination of 20 feet in lieu of the required 15 feet and 40 feet, respectively, a lot width of 60 feet in lieu of the minimum 100 feet, and an area of 6,600 square feet in lieu of the minimum

ORDER RECEIVED FOR FILING

Date

5-19-10

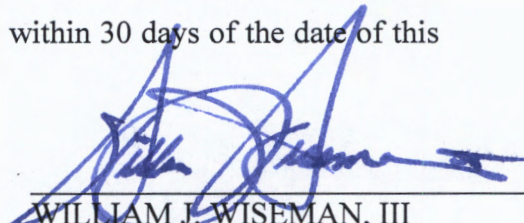
By

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20,000 square feet; and to permit an open projection (porch) to have a front yard setback of 25 feet in lieu of the allowed 30 feet, in accordance with Petitioners' Exhibit 1, be and is 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 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.
- 2) To insure storm water run-off will be conveyed to a suitable outfall without imposing an adverse impact on adjacent properties, I shall impose as a condition to receiving a Use and Occupancy Permit, that Petitioners shall construct a swale along the western side of the property near the proposed driveway location to direct run-off onto Catanna Avenue.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date

5-19-10

By





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 19, 2010

Lawrence L. McConkey, Sr.
5220 Dewitt Road
Baltimore, Maryland 21227

Gilbert M. France
2430 Zion Road
Halethorpe, Maryland 21227

Joseph France
245 3rd Avenue
Halethorpe, Maryland 21227

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
S/S Catanna Avenue, 320' E of c/line of Jeanne Avenue
(1954 Catanna Avenue)
1st Council District - 13th Election District
Lawrence Leroy McConkey, Sr., *Legal Owner*;
Gilbert M. France, et al, *Contract Purchasers - Petitioners*
Case No. 2010-0252-SPHA

Dear Messrs. McConkey, France and France:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Edward W. Schilling, 1952 Catanna Avenue, Baltimore, MD 21227
People's Counsel, Office of Planning, File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at CATANNA AVE LOTS 22, 23, 24
which is presently zoned D.R.2

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

to confirm that the overall density of the surrounding neighborhood will not be affected

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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:

Legal Owner(s):

GILBERT FRANCE + JOSEPH FRANCE
Name - Type or Print
Gilbert France + Joseph France
Signature
2430 ZION Rd 410-984-6553
Address Telephone No.
HALETHORPE Md 21227
City State Zip Code

LAWRENCE L McCONKEY
Name - Type or Print
Lawrence L. McConkey
Signature
LAWRENCE L McConkey
Name - Type or Print

4308 LEOLA AVE 410 501-3290
Address Telephone No.
HALETHORPE Md 21227
City State Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

GILBERT FRANCE
Name
2430 ZION Rd 410 984-6553
Address Telephone No.
HALETHORPE Md 21227
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2010-0252-SPHA

Reviewed By RDD Date 3/24/10

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 5-19-10

By SW



TAX. ACCOUNT # 13-1301130020
3-2000007947

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at CATANNA AUG LOTS 22, 23, 2
which is presently zoned D.R. 2

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)

Sections 1B02.3.C.1 and 300.1 – to permit a proposed dwelling to have a front yard setback of 30 feet in lieu of the required 40, side yard setbacks of 10 feet and a combination of 20 feet in lieu of the required 15 and 40, respectively, a lot width of 60 feet in lieu of the minimum 100, and an area of 6600 square feet in lieu of the minimum 20,000; and to permit an open projection (porch) to have a front yard setback of 25 feet in lieu of the allowed 30

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 discussed 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.

G.T. Professional LLC

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:

GILBERT FRANCE + JOSEPH FRANCE
Name - Type or Print

Gilbert France Joseph France
Signature

2430 ZION RD 410-984-6553
Address Telephone No.

HALETHURPS MD 21227
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

LAURENCE L MC CONKEY
Name - Type or Print

Laurence L. McConkey
Signature

Name - Type or Print

Signature

4308 LEDLA AVE 410 501 3290
Address Telephone No.

HALETHURPS MD 21227
City State Zip Code

Representative to be Contacted:

GILBERT FRANCE
Name

2430 ZION RD 410-984-6553
Address Telephone No.

HALETHURPS MD 21227
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2010-0252-SPHA

ORDER RECEIVED FOR FILING Reviewed By KTD

REV 9/15/98 Date 5-19-10

Date 3/24/10

Bv 100

Zoning description for Catanna Ave . lots 22,23,24

Beginning at a point on the south side of Catanna Ave. which is 30 feet wide at the distance of 320 feet east of the centerline of the nearest improved intersecting street Jeanne Ave. which is 40 feet wide. Being lots # 22-23-24 Block G in the subdivision of Halethorpe Terrace as recorded in Baltimore County Plat Book # 7/72 containing 6,600 sq feet Also known as Catanna Ave. lots 22-23-24 and located in the 13 Election district, 1 Councilmanic district.

Item #0252

**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: 2010-0252-SPHA

Petitioner: LAWRENCE L MCCONKEY

Address or Location: CATANNA AVE LOTS 22, 23, 24

PLEASE FORWARD ADVERTISING BILL TO:

Name: GILBERT FRANCE

Address: 2430 ZION Rd

HALETHORPE Md 21227

Telephone Number: 410-984-6553

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

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/ Obj	Rev/ Sub Obj				
201	906	0000							131

Total: 131

Rec
From: _____

For: _____

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: # 2010-0252-SPHA

Catanna Avenue

S/side of Catanna Avenue, 320 feet east of the centerline of Jeanne Avenue

13th Election District - 1st Councilmanic District

Legal Owner(s): Lawrence McConkey

Contract Purchaser: Gilbert France & Joseph France

Special Hearing: to confirm that the overall density of the surrounding neighborhood will not be affected. **Variance:** to permit a proposed dwelling to have a front yard setback of 25 feet in lieu of the required 40, side yard setbacks of 10 feet and a combination of 20 feet in lieu of the required 15 and 40, respectively, a lot width of 60 feet in lieu of the minimum 100, and an area of 6600 square feet in lieu of the minimum 20,000. To permit an open projection (porch) to have a front yard setback of 25 feet in lieu of the allowed 30.

Hearing: Tuesday, May 11, 2010 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 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/4/906 Apr. 27

238070

CERTIFICATE OF PUBLICATION

4/29/, 2010

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 4/27/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 4/27/10

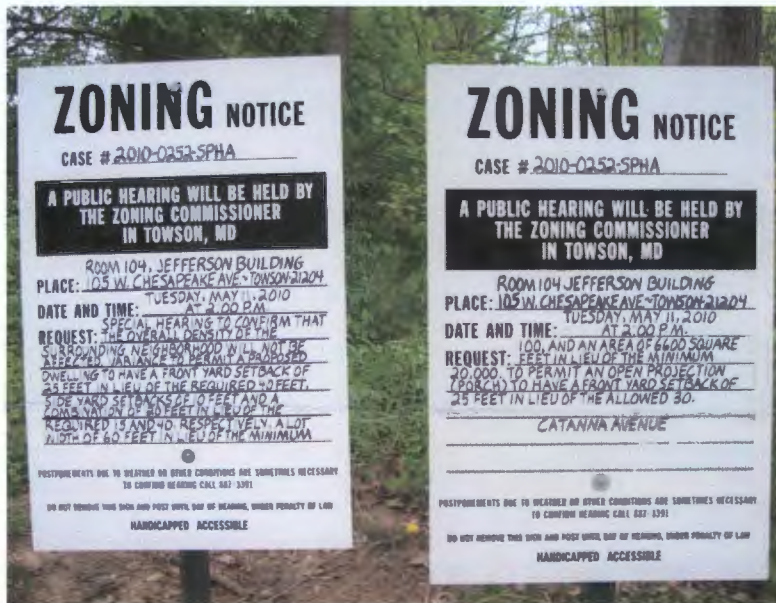
Case Number: 2010-0252-SPHA

Petitioner / Developer: GILBERT FRANCE~JOSEPH FRANCE

Date of Hearing (Closing): MAY 11, 2010

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:
CATANNA AVENUE (ON-SITE)

The sign(s) were posted on: APRIL 24, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 27, 2010 Issue - Jeffersonian

Please forward billing to:
Gilbert France
2430 Zion Road
Halethorpe, MD 21227

410-984-6553

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: 2010-0252-SPHA

Catanna Avenue

S/side of Catanna Avenue, 320 feet east of the centerline of Jeanne Avenue

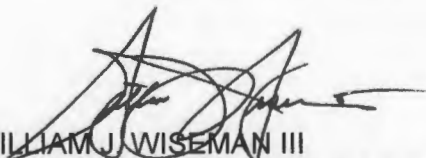
13th Election District – 1st Councilmanic District

Legal Owner: Lawrence McConkey

Contract Purchaser: Gilbert France & Joseph France

Special Hearing to confirm that the overall density of the surrounding neighborhood will not be affected. Variance to permit a proposed dwelling to have a front yard setback of 25 feet in lieu of the required 40, side yard setbacks of 10 feet and a combination of 20 feet in lieu of the required 15 and 40, respectively, a lot width of 60 feet in lieu of the minimum 100, and an area of 6600 square feet in lieu of the minimum 20,000. To permit an open projection (porch) to have a front yard setback of 25 feet in lieu of the allowed 30.

Hearing: Tuesday, May 11, 2010 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

April 16, 2010

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: 2010-0252-SPHA

Catanna Avenue

S/side of Catanna Avenue, 320 feet east of the centerline of Jeanne Avenue

13th Election District – 1st Councilmanic District

Legal Owner: Lawrence McConkey

Contract Purchaser: Gilbert France & Joseph France

Special Hearing to confirm that the overall density of the surrounding neighborhood will not be affected. Variance to permit a proposed dwelling to have a front yard setback of 25 feet in lieu of the required 40, side yard setbacks of 10 feet and a combination of 20 feet in lieu of the required 15 and 40, respectively, a lot width of 60 feet in lieu of the minimum 100, and an area of 6600 square feet in lieu of the minimum 20,000. To permit an open projection (porch) to have a front yard setback of 25 feet in lieu of the allowed 30.

Hearing: Tuesday, May 11, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

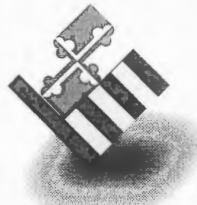
Handwritten signature of Timothy Kotroco in dark ink.

Timothy Kotroco
Director

TK:klm

C: Gilbert France/Joseph France, 2430 Zion Road, Halethorpe 21227
Lawrence McConkey, 4308 Leola Avenue, Halethorpe 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 26, 2010.**
- (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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

May 5, 2010

Lawrence L. McConkey
4308 Leola Ave.
Halethorpe, MD 21227

Dear: Lawrence L. McConkey

RE: Case Number 2010-0252-SPHA, Catanna Ave. Lots: 22, 23, 24

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 24, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Gilbert & Joseph France; 2430 Zion Rd.; Halethorpe, MD 21227

BW 5/11 2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 21, 2010

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

RECEIVED

SUBJECT: Catanna Avenue lots 22,23 and 24

Item Number: 10-252

Petitioner: Lawrence L. McConkey

Zoning: DR 2

Requested Action: Special Hearing

APR 23 2010

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning offers the following:

There is an inconsistency between the petition and the accompanying site plan. The petition requests a front yard setback of 25 feet while the site plan shows a house front setback of 30 feet and a porch front setback of 25 feet. It isn't clear what the porch will look like and how wide it will be. Additionally, it isn't clear how off-street parking will be accommodated. Revisions and clarification shall be provided with respect to the aforementioned. Nonetheless, the Office of Planning does not oppose the construction of a dwelling on the subject property.

In light of the narrow (30 foot) street right-of-way and a lot depth of 110 feet, the required 40 foot minimum front setback does not appear to be excessive for this particular lot. However, the Office of Planning does not have a strong objection to a lesser front setback provided it is clear that the proposed dwelling will not be located closer to Catanna Avenue than the adjacent dwelling located at 1952 Catanna Avenue (i.e., lots 25, 26 and 27 on the petitioner's plat). Details about the porch and the accommodation of off-street parking should be provided to the Zoning Commissioner at the public hearing.

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

Prepared by:

Division Chief:

AFK/LL: CM

BW 5/11
2pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 30 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: April 30, 2010
SUBJECT: Zoning Item # 10-252-SPHA
Address Catanna Avenue
(McComkey Property)

Zoning Advisory Committee Meeting of April 5, 2010.

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

Reviewer: JWL

Date: 4/30/10

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 19, 2010
Item Nos. 2010-251, 252, 253, 255,
256, 257, 258 and 260

DATE: April 8, 2010

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04192010 -NO COMMENTS.doc



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

April 19, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 19, 2010

Item Numbers: 0250 through ²⁵²0260

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



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: APRIL 12, 2010

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2010-0252-SPHA
CATANNA AVE.
COMKEY PROPERTY
SPECIAL HEARING -

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. 2010-0252-SPHA.

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 (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 410.545.0300 • www.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: March 20, 2003

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

SUBJECT: 2026 Northeast Ave

INFORMATION:

Item Number: 03-352 A

Petitioner: Clarence Bohn

Zoning: DR 2

Requested Action: Petition for Variance to permit the use of an undersized single family lot and associated variances

SUMMARY OF RECOMMENDATIONS:

The subject property was part of CZMP issue 1-006 (1996) in which 167± acres of the Halethorpe Terrace subdivision were rezoned from DR 5.5 to DR-2. ~~The Office of Planning submitted the rezoning petition in an attempt to have the zoning be more reflective of the actual land usage and to slow the creation of additional impervious surfaces.~~ *In this regard and*

The subject site is the location of a Historical African American Settlement that has endured tremendous flooding for nearly 100 years due to a lack of modern intervention. Due to the fact that this settlement is located at lower elevations than the adjoining communities, when newer subdivisions are developed (in a number of instances without adequate storm water or sediment controls) water run-off from them would flood the settlement.

In an effort to improve the flooding problem, the Department of Public Works, the Office of Community Conservation, the Office of Planning and the Halethorpe Terrace Community Association (Halethorpe Civic League) worked together to develop and implement a plan of action. *have since been* The storm water controls developed by the plan ~~are still under construction~~ *and completed.* and will in all probability not be completed for at least another year. The additional impervious surfaces associated with the undersized lot will further exacerbate current problems with flooding.

Furthermore, it was the intent of the County Council's rezoning to allow new in-fill development to occur in the Halethorpe Terrace subdivision at the DR-2 density.

*Mr. Dennis went on among Planning in the lot Community district
provided the undersigned with a*

The Office of Planning received a ~~status~~ report on the Halethorpe Community Improvements from Stephen Emm of the Department of Public Works in November of 2002. The following list was transmitted from Stephen Emm to the Office of Planning via email. *that he need*
Parkent leave on the following:

1. Outfall Improvements below Halethorpe Avenue - to be completed within next 12 months (storm drain improvements at Woodside Avenue)
2. Roadway Improvements to Spring Avenue - Not Completed; not scheduled within next 5 years
3. Stream Improvements up to Catana Avenue - Complete
4. Roadway Improvements to Woodside, Leola, Catana, Arline - Complete
5. Stream Improvements up to Washington Avenue - Complete
6. Roadway Improvements to Spencer Street, Northeast Avenue - to be completed Jan 2004.
7. Roadway Improvements to Washington Avenue - Not Complete - not scheduled within next 5 years

Substantial improvements in the community are complete. Items 1 and 6 are scheduled. Stephen Emm stated that the danger of allowing infill development is gone if not located within the floodplain.

Improvement are programmed for Northeast Avenue to be completed by January 2004.

The Office of Planning recommends that the undersized lot and associated variance requests at this location be approved subject to the completion of the roadway improvements for Northeast Avenut (outlined in Item 6, above) and subject to the recommendations for the undersized lot (see attached.)

The Office of Planning will continue to carefully monitor requests for undersized lots in the Halethorpe Community based on the proposed improvements.

Prepared by: _____

Section Chief: _____

Tyler Larkhan

AFK/LL:MAC:
Attachment

5/11/10

Bill,

I believe this letter is relevant to Catana Ave. If you need to consult with DPW, Steve Emm is the person to talk to.

Dennis Wertz

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
Cantanna Avenue; S/S Cantanna Avenue,	*	ZONING COMMISSIONER
320 E/S c/line Jeanne Avenue		
13 th Election & 1 st Councilmanic Districts	*	FOR
Legal Owner(s): Lawrence McComkey		
Contract Purchaser(s): Gilbert & Joseph France*		BALTIMORE COUNTY
Petitioner(s)	*	10-252-SPHA

* * * * *

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

APR 12 2010

~~~~~|

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>th</sup> day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to Gilbert France, 2430 Zion Road, Halethorpe, MD 21227, Representative for Petitioner(s).

*Peter Max Zimmerman*

---

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

IN RE: PETITION FOR VARIANCE  
S/S Catanna Avenue, 136' E of  
Jeanne Avenue  
(Lots 32 & 33 Catanna Avenue)  
13th Election District  
1st Councilmanic District  
  
Alex Kundrick  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 99-64-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Alex Kundrick. The Petitioner seeks relief from Sections 1B02.3.C.1, 303.1, and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side setbacks of 8.5 feet and 10 feet, in lieu of the minimum required 15 feet, and a sum of the side yards of 18.5 feet in lieu of the required 40 feet; to permit a rear yard setback of 31.6 feet in lieu of the required 40 feet; and to approve the subject property as an undersized lot, and any other variances deemed necessary, in order to develop the property with a single family dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Alex Kundrick, property owner, and his son, Robert Kundrick. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of two lots, identified as Lots 32 and 33 of the subdivision known as Halethorpe Terrace, which contain a combined area of 4,400 sq.ft. (0.10 acres), zoned D.R.2. The Petitioner has owned the subject property since 1992 and is desirous of developing same with a single family dwell-

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Date 10/14/98  
By [Signature]

ing. Testimony revealed that the property was zoned D.R.5.5 until December 1996 at which time it was rezoned to D.R.2. In addition, the Petitioner does not own additional property which abuts the two lots in question. Therefore, he cannot meet the required lot width or area regulations in order to develop the property as proposed. The Petitioner testified that he intends to build a house that will be compatible with other houses in the neighborhood. In fact, the Petitioner submitted elevation drawings of the proposed house to the Office of Planning who has reviewed and approved same as being compatible with other homes in the surrounding community. However, due to the site constraints associated with the subject property, the requested variances are necessary in order to proceed as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

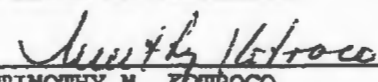
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10/14/98  
[Signature]

if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14<sup>th</sup> day of October, 1998 that the Petition for Variance seeking relief from Sections 1B02.3.C.1, 303.1, and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side setbacks of 8.5 feet and 10 feet, in lieu of the minimum required 15 feet, and a sum of the side yards of 18.5 feet in lieu of the required 40 feet; to permit a rear yard setback of 31.6 feet in lieu of the required 40 feet; and to approve the subject property as an undersized lot and any other variances deemed necessary, in order to develop the property with a single family dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

IN RE: PETITION FOR VARIANCE  
S/S Catanna Avenue, 317'  
E centerline of Jeanne Avenue  
13<sup>th</sup> Election District  
1<sup>st</sup> Councilmanic District  
(1954 Catanna Avenue)

Katherine E. Frost  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No.: 00-381-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the property, Katherine E. Frost. The Petitioner is requesting a variance from Section 1.B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for property she owns at 1954 Catanna Avenue located in the Halethorpe area of Baltimore County. The subject property is zoned D.R.2. The variance request is to allow a lot area of 6,600 sq. ft. in lieu of the minimum required 20,000 sq. ft. and to allow a minimum side yard of 10 ft. in lieu of the required 15 ft. and a sum of side yards of 20 ft. in lieu of the required 40 ft. and a lot width of 60 ft. in lieu of the required 100 ft.

Appearing at the hearing on behalf of the variance request was J. Scott Dallas, property line surveyor, who prepared the site plan of the property and Steven Knecht, the contract purchaser of the property. Appearing in opposition to the Petitioner's request was Donald Hawkins, the President of the Halethorpe Civic League.

Testimony and evidence indicated that the property which is the subject of this variance request consists of 6,600 sq. ft. of land located on Catanna Avenue in Halethorpe. The subject property is unimproved at this time. The property consists of three (3) 20 ft. wide lots, numbered at lots 22-24. The lots are shown on the Plat of Halethorpe Terrace, a subdivision which was created

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Date

5/5/00

By

J.R. Jamison

in 1923. The subject property was purchased in 1998 by Ms. Katherine E. Frost, apparently as a speculative purchase. She is now attempting to sell the property to Mr. Knecht who is desirous of constructing a home on the property for sale. He does not intend to live in the house itself. The subject property is zoned D.R.2 and falls short of the minimum requirements for the construction of a home thereon. Therefore, the variances are being requested.

Testimony from Mr. Hawkins, President of the Halethorpe Civic League, demonstrated that he and his association are in opposition to the construction of a house on this property. Mr. Hawkins testified concerning the problems with storm water runoff in the Halethorpe community and the flooding that commonly occurs during rain events. Mr. Hawkins also testified concerning the substantial improvements that are being proposed by Baltimore County and that have recently begun in order to alleviate this flooding problem. The County is proposing to install a regional storm water management facility, curbs and gutters, as well as storm drains throughout the Halethorpe community. Mr. Hawkins anticipated that this will take a couple of years to complete. Therefore, any additional construction in the Halethorpe community, according to Mr. Hawkins, would only exacerbate the flooding problems currently experienced by Mr. Hawkins and his neighbors. He, therefore, asked that the variance be denied until such time as these drainage improvements are completed. Once the improvements are made to the storm drain system, Mr. Hawkins indicated that he would not have opposition to the construction of a home on this property. However, at this time, he feels that the granting of a variance is not warranted.

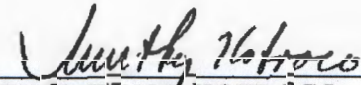
After considering the testimony and evidence offered by the Petitioner, as well as Mr. Hawkins on behalf of the Halethorpe Civic League, I find that the Petitioner's variance request should be denied. The construction of a home on this property at this time cannot be accomplished

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Date 5/5/00  
By J. R. G. [signature]

without adversely affecting the surrounding properties in the neighborhood. Therefore, the variance request must be denied.

THEREFORE, IT IS ORDERED this 5<sup>th</sup> day of May, 2000, by this Deputy Zoning Commissioner for Baltimore County, that Petitioner's Request for Variance from Section 1.B02.3.C.1 of the B.C.Z.R., to allow a lot area of 6,600 sq. ft. in lieu of the minimum required 20,000 sq. ft. and to allow a minimum side yard of 10 ft. in lieu of the required 15 ft. and a sum of side yards of 20 ft. in lieu of the required 40 ft. and a lot width of 60 ft. in lieu of the required 100 ft., be and is hereby DENIED.

IT IS FURTHER ORDERED that any party has the right to file an appeal within thirty (30) days of the date of this Order.

  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING  
Date 5/5/00  
By R. J. [signature]

IN RE: PETITION FOR VARIANCE  
S/S Catanna Avenue, 169' E of the c/l  
Jeanne Avenue (Lots 31 & 30 Halethorpe  
Terrace, 1946 Catanna Avenue)  
13<sup>th</sup> Election District  
1<sup>st</sup> Council District

Marguerite P. Pasky, Owner;  
L. Ray Rachuba, Contract Purchaser

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 01-216-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, Marguerite P. Pasky, and the Contract Purchaser, L. Ray Rachuba. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the subject property as an undersized lot, and to permit a front yard setback of 34 feet and a rear yard setback of 32 feet in lieu of the required 40 feet each, side yard setbacks of 10 feet each in lieu of the required 15 feet, and a sum of the side yards of 20 feet in lieu of the required 40 feet. The subject property and relief requested are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was L. Ray Rachuba, Contract Purchaser of the subject property. Appearing as Protestants in the matter were Donald S. Hawkins, President of the Halethorpe Civic League, Inc., and John Swann, III, and Mr. & Mrs. Douglas Readmond, adjacent property owners.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the south side of Catanna Avenue, not far from Washington Boulevard in the community of Halethorpe Terrace. The property consists of two lots, known as Lots 30 and 31 of Halethorpe Terrace, which combined is approximately 40 feet wide and 110 feet deep. As is often the case with older subdivisions in Baltimore County, this subdivision was laid out before the adoption of the zoning regulations. Collectively, the property contains a gross area of 4,400 sq.ft.,

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Date

By

2/16/01  
L. Ray Rachuba

more or less, zoned D.R.2 and is presently unimproved. The Petitioner has contracted to sell the property to Mr. Rachuba who is desirous of developing the site with a 20' x 40' single family dwelling. As shown on the site plan, a two-story dwelling is proposed, which will feature an open porch to the rear of the dwelling and a deck at the front entrance. Mr. Rachuba indicated that the proposed dwelling is a "spec" house and that the property will be offered for sale upon its completion. Due to the overall size of the property and its narrow width, the proposed dwelling cannot meet current setback requirements under the D.R.2 regulations. Thus, the requested relief is necessary in order to proceed as proposed.

As noted above, Mr. & Mrs. Readmond and Mr. Swann appeared in opposition to the request. Mr. & Mrs. Readmond reside on the west side of the subject site at 1944 Catanna Avenue and Mr. Swann resides on the east side of the property at 1948 Catanna Avenue. Both of these immediate neighbors are opposed to the request. They believe that the proposed construction will cause undue crowding in this neighborhood. They are also concerned about potential water runoff from the site due to the creation of impervious surface. Also, objections regarding parking, congestion, and increased vehicular traffic were raised.

Mr. Hawkins, President of the Halethorpe Civic League, Inc. also appeared in opposition. He shared many of the concerns raised by the neighbors and indicated that the area at large lacks sufficient infrastructure to permit this in-fill development. However, he did acknowledge the recent completion of a storm water management pond, which apparently has been designed and constructed to alleviate flooding in the area.

Mr. Hawkins also indicated that there have been similar requests for this neighborhood in the recent past. In fact, one such case involved the adjacent property owned by Mr. & Mrs. Readmond. Specifically, in Case No. 99-64-A, a Petition for Variance was filed by then owner Alex Kundrick, seeking similar relief to permit development of Lots 32 & 33 of Catanna Avenue with a single family dwelling. Deputy Zoning Commissioner Timothy Kotroco granted relief on October 14, 1998 to allow that site to be developed. It is to be noted that development of the future Readmond home was granted, in part, because of conditions that existed in this neighborhood at

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Date 2/1/99

By Brockman

that time. Specifically, the subject lots were then obviously undeveloped and the dwelling on the other (west) side was situated a significant distance from the property line. That property contained four originally platted lots, which, collectively, are 160 feet wide by 110 feet deep. That is, the instant case is distinguished from the question presented under Case No. 99-64-A in that the nearest adjacent dwellings were located a significant distance from the property to be developed.

A second similar Petition was filed in Case No. 00-381-A for the property known as 1954 Catanna Avenue. Obviously this site is a short distance away from the subject property. In that case, Mr. Hawkins appeared on behalf of the Halethorpe Civic League and voiced identical concerns regarding the lack of infrastructure in the area. Deputy Commissioner Kotroco considered that case and denied the Petition for Variance on May 5, 2000.

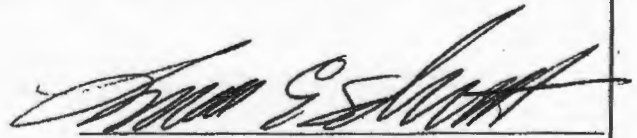
Therefore, there is one property in the immediate block for which similar variance relief was granted, and another for which relief was denied. It is also to be noted that the subject property and vicinity were down-zoned from D.R.5.5 to D.R.2 during the 1996 comprehensive zoning map process. According to a written comment received from the Office of Planning, the rezoning occurred in an effort to limit in-fill development, due to the area's history of flooding and lack of infrastructure.

Upon due consideration of the testimony and evidence presented, I am persuaded to deny the Petition for Variance. I recognize that such a decision does cause a hardship upon Ms. Pasky in that it renders the property undevelopable. However, there is no evidence in the record before me that the subject property is unique are required by Section 307 of the B.C.Z.R. and Cromwell v. Ward, 102 Md. App. 691 (1995). More importantly, by virtue of the existence of houses only 10 feet from the property line on both sides, I conclude that construction of a single family dwelling on the subject property would create an inappropriate crowding and overwhelm an already strained infrastructure. For these reasons, I find that the Petition for Variance should be denied.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of February, 2001 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the subject property as an undersized lot, and to permit a front yard setback of 34 feet and a rear yard setback of 32 feet in lieu of the required 40 feet each, side yard setbacks of 10 feet each in lieu of the required 15 feet, and a sum of the side yards of 20 feet in lieu of the required 40 feet, for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

The Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 2/16/01

By [Signature]

IN RE: PETITION FOR ADMIN. VARIANCE  
S/S of Catanna Avenue, 206 ft. E  
centerline of Jeanne Avenue  
13th Election District  
1st Councilmanic District  
(1948 Catanna Avenue)

John Swann, IV  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 05-364-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, John Swann, IV. The variance request is for property located at 1948 Catanna Avenue in the western area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a side yard setback of 10 ft. in lieu of the minimum required 15 ft., an existing rear yard setback of 30 ft. in lieu of the minimum required 40 ft., and a sum of side yard setbacks of 25 ft. in lieu of the minimum required 40 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 30, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts

Lots 28-30

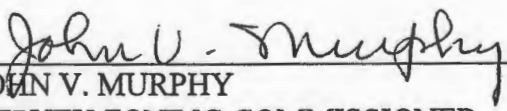
that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15 day of February, 2005, that a variance from 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a side yard setback of 10 ft. in lieu of the minimum required 15 ft., an existing rear yard setback of 30 ft. in lieu of the minimum required 40 ft., and a sum of side yard setbacks of 25 ft. in lieu of the minimum required 40 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit 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 Petitioner would be required to return, and be responsible for returning said property to its original condition;

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

JVM:raj

## CHECKLIST

| <u>Comment Received</u> | <u>Department</u>            | <u>Support/ Oppose</u> |
|-------------------------|------------------------------|------------------------|
| <u>✓ 4/8</u>            | DEVELOPMENT PLANS REVIEW     | <u>None</u>            |
| <u>✓ 4/30</u>           | DEPRM                        | <u>None</u>            |
| <u>✓ 4/19</u>           | FIRE DEPARTMENT              | <u>None</u>            |
| <u>✓ 4/21</u>           | PLANNING                     | <u>Comments</u>        |
| <u>4/12</u>             | STATE HIGHWAY ADMINISTRATION | <u>No objection</u>    |
| <u>          </u>       | TRAFFIC ENGINEERING          | <u>          </u>      |
| <u>          </u>       | ZONING VIOLATION             | <u>          </u>      |
| <hr/>                   |                              |                        |
| <u>✓ 4/27</u>           | NEWSPAPER ADVERTISEMENT      | <u>          </u>      |
| <u>✓ 4/12</u>           | PEOPLE'S COUNSEL APPEARANCE  | <u>          </u>      |
| <u>          </u>       | PRIOR ZONING                 | <u>          </u>      |
| <u>✓ 4/24</u>           | SIGN POSTING                 | <u>          </u>      |

Comments, if any: \_\_\_\_\_

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

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Account Identifier: District - 13 Account Number - 1301130020

**Owner Information**

Owner Name: MCCONKEY LAWRENCE LEROY,SR Use: RESIDENTIAL  
Principal Residence: NO  
Mailing Address: 4308 LEOLA AVE Deed Reference: 1) /16583/ 86  
BALTIMORE MD 21227-4519 2)

**Location & Structure Information**

Premises Address  
CATANNA AVE

Legal Description  
LT 22,23  
HALETHORPE TERRACE

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:        |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------|
| 108 | 12   | 144    |              |             |         | G     | 22  | 1               | Plat Ref: 7/ 72 |

Special Tax Areas  
Town  
Ad Valorem  
Tax Class

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 0000                    |               | 4,400.00 SF        | 04         |

| Stories | Basement | Type | Exterior |
|---------|----------|------|----------|
|         |          |      |          |

**Value Information**

|                    | Base Value | Value Phase-in Assessments |                     |                     |
|--------------------|------------|----------------------------|---------------------|---------------------|
|                    |            | As Of<br>01/01/2010        | As Of<br>07/01/2009 | As Of<br>07/01/2010 |
| Land               | 4,400      | 4,400                      |                     |                     |
| Improvements:      | 0          | 0                          |                     |                     |
| Total:             | 4,400      | 4,400                      | 4,400               | 4,400               |
| Preferential Land: | 0          | 0                          | 0                   | 0                   |

**Transfer Information**

|                              |                    |                 |
|------------------------------|--------------------|-----------------|
| Seller: WONNEMAN,STYLES AND  | Date: 06/28/2002   | Price: \$3,000  |
| Type: NOT ARMS-LENGTH        | Deed1: /16583/ 86  | Deed2:          |
| Seller: FROST KATHERINE E    | Date: 02/23/2001   | Price: \$20,000 |
| Type: UNIMPROVED ARMS-LENGTH | Deed1: /14997/ 525 | Deed2:          |
| Seller: MCCONKEY LAWRENCE L  | Date: 04/08/1998   | Price: \$25,000 |
| Type: NOT ARMS-LENGTH        | Deed1: /12777/ 277 | 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:

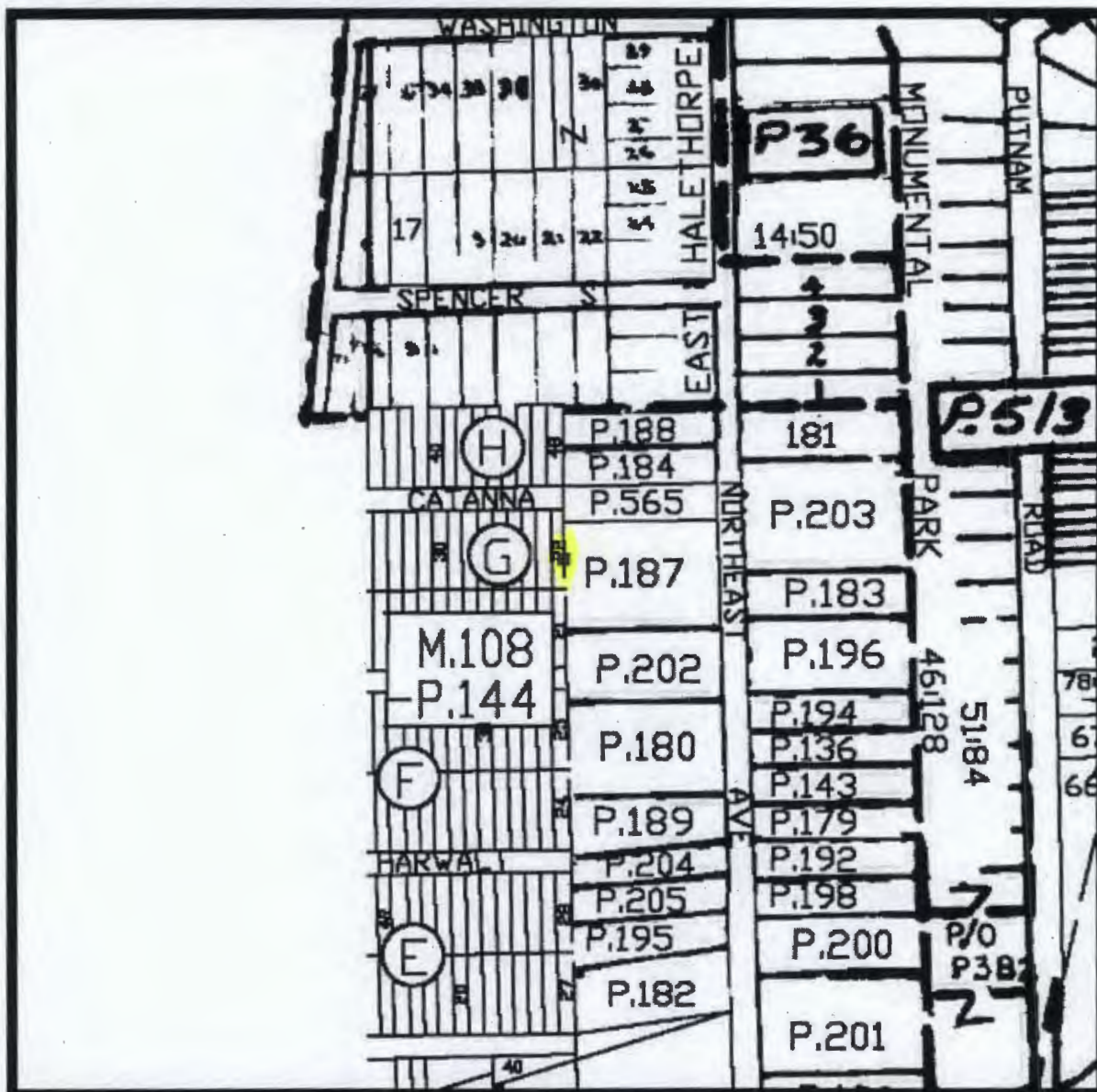
Special Tax Recapture:  
\* NONE \*



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

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**District - 13 Account Number - 1301130020**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning ©2009. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml)



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

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Account Identifier: District - 13 Account Number - 2000007947

Owner Information

Owner Name: MCCONKEY LAWRENCE LEROY, SR Use: RESIDENTIAL  
Principal Residence: NO  
Mailing Address: 4308 LEOLA AVE Deed Reference: 1) /16583/ 86  
BALTIMORE MD 21227-4519 2)

Location & Structure Information

Premises Address Legal Description  
CATANNA AVE .051 AC  
HALETHORPE TERRACE

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:        |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------|
| 108 | 12   | 144    |              |             |         | G     | 24  | 1               | Plat Ref: 7/ 72 |

Special Tax Areas Town  
Ad Valorem  
Tax Class

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 0000                    |               | 2,200.00 SF        | 04         |

| Stories | Basement | Type | Exterior |
|---------|----------|------|----------|
|         |          |      |          |

Value Information

|                    | Base Value | Value Phase-In Assessments |                     |                     |
|--------------------|------------|----------------------------|---------------------|---------------------|
|                    |            | As Of<br>01/01/2010        | As Of<br>07/01/2009 | As Of<br>07/01/2010 |
| Land               | 2,200      | 2,200                      |                     |                     |
| Improvements:      | 0          | 0                          |                     |                     |
| Total:             | 2,200      | 2,200                      | 2,200               | 2,200               |
| Preferential Land: | 0          | 0                          | 0                   | 0                   |

Transfer Information

|                              |                    |                 |
|------------------------------|--------------------|-----------------|
| Seller: WONNEMAN, STYLES AND | Date: 06/28/2002   | Price: \$3,000  |
| Type: NOT ARMS-LENGTH        | Deed1: /16583/ 86  | Deed2:          |
| Seller: FROST KATHERINE E    | Date: 02/23/2001   | Price: \$20,000 |
| Type: UNIMPROVED ARMS-LENGTH | Deed1: /14997/ 525 | Deed2:          |
| Seller: MCCONKEY LAWRENCE L  | Date: 04/08/1998   | Price: \$25,000 |
| Type: NOT ARMS-LENGTH        | Deed1: /12777/ 277 | 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  
lots  
-  
See  
2nd  
pg.



CASE NAME Catanna Ave.  
CASE NUMBER 2010-0252-SPHA  
DATE 5-11-10

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Catano Ave.  
CASE NUMBER 2910-0252-SPHA  
DATE 5-11-10

## CITIZEN'S SIGN-IN SHEET

[illegible]

Case No.: 2010-0252-SPHA

Lots 22, 23, 24 of  
Halethorpe Terrace

Exhibit Sheet

Petitioner/Developer

Protestant

|              |                                                          |  |
|--------------|----------------------------------------------------------|--|
| No. 1        | Site Plan                                                |  |
| No. 2<br>A-F | Property Assessment Sheets<br>AND PHOTOS OF IMPROVEMENTS |  |
| No. 3        | Zoning Map                                               |  |
| No. 4        |                                                          |  |
| No. 5        |                                                          |  |
| No. 6        |                                                          |  |
| 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 vw3.1e)

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**Account Identifier:** District - 13 **Account Number -** 2000007946

**Owner Information**

**Owner Name:** SCHILLING EDWARD W, JR  
 SCHILLING THERESA L  
**Use:** RESIDENTIAL  
**Principal Residence:** YES  
**Mailing Address:** 1952 CATANNA AV  
 BALTIMORE MD 21227  
**Deed Reference:** 1) / 8641/ 306  
 2)

**Location & Structure Information**

**Premises Address** 1952 CATANNA AVE  
**Legal Description** LTS 25-26-27 .152 A  
 HALETHORPE TERRACE

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:        |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------|
| 108 | 12   | 144    |              |             |         | G     | 25  | 1               | Plat Ref: 7/ 72 |

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

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1990                    | 1,140 SF      | 6,600.00 SF        | 04         |

| Stories | Basement | Type        | Exterior |
|---------|----------|-------------|----------|
| SPFOY   |          | SPLIT FOYER | SIDING   |

**Value Information**

|                    | Base Value | Value As Of 01/01/2010 | Phase-In Assessments As Of 07/01/2009 | Phase-In Assessments As Of 07/01/2010 |
|--------------------|------------|------------------------|---------------------------------------|---------------------------------------|
| Land               | 90,600     | 90,600                 |                                       |                                       |
| Improvements:      | 137,770    | 175,600                |                                       |                                       |
| <b>Total:</b>      | 228,370    | 266,200                | 228,370                               | 240,980                               |
| Preferential Land: | 0          | 0                      | 0                                     | 0                                     |

**Transfer Information**

|                                        |                           |                         |
|----------------------------------------|---------------------------|-------------------------|
| <b>Seller:</b> K V N CONSTRUCTI ON INC | <b>Date:</b> 11/05/1990   | <b>Price:</b> \$102,900 |
| <b>Type:</b> IMPROVED ARMS-LENGTH      | <b>Deed1:</b> / 8641/ 306 | <b>Deed2:</b>           |
| <b>Seller:</b>                         | <b>Date:</b>              | <b>Price:</b>           |
| <b>Type:</b>                           | <b>Deed1:</b>             | <b>Deed2:</b>           |
| <b>Seller:</b>                         | <b>Date:</b>              | <b>Price:</b>           |
| <b>Type:</b>                           | <b>Deed1:</b>             | <b>Deed2:</b>           |

**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 \*

PETITIONER' S

EXHIBIT NO. 2A



**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search** (2007 vw3.1e)

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**Account Identifier:** District - 13 Account Number - 1316000331

**Owner Information**

|                         |                                             |                             |                    |
|-------------------------|---------------------------------------------|-----------------------------|--------------------|
| <b>Owner Name:</b>      | CONLEY CHARLES L<br>CONLEY SUZANNE M        | <b>Use:</b>                 | RESIDENTIAL        |
| <b>Mailing Address:</b> | 1951 CATANNA AVE<br>BALTIMORE MD 21227-4507 | <b>Principal Residence:</b> | YES                |
|                         |                                             | <b>Deed Reference:</b>      | 1) /11910/ 3<br>2) |

**Location & Structure Information**

|                         |                                                       |
|-------------------------|-------------------------------------------------------|
| <b>Premises Address</b> | <b>Legal Description</b>                              |
| 1951 CATANNA AVE        | LT 44-45-46<br>1951 CATANNA AVE<br>HALETHORPE TERRACE |

|            |             |               |                     |                    |                |              |            |                        |                        |
|------------|-------------|---------------|---------------------|--------------------|----------------|--------------|------------|------------------------|------------------------|
| <b>Map</b> | <b>Grid</b> | <b>Parcel</b> | <b>Sub District</b> | <b>Subdivision</b> | <b>Section</b> | <b>Block</b> | <b>Lot</b> | <b>Assessment Area</b> | <b>Plat No:</b>        |
| 108        | 12          | 144           |                     |                    |                | H            | 44         | 1                      | <b>Plat Ref:</b> 7/ 72 |

**Special Tax Areas**

**Town**  
Ad Valorem  
**Tax Class**

|                                |                      |                           |                   |
|--------------------------------|----------------------|---------------------------|-------------------|
| <b>Primary Structure Built</b> | <b>Enclosed Area</b> | <b>Property Land Area</b> | <b>County Use</b> |
| 1991                           | 965 SF               | 6,600.00 SF               | 04                |
| <b>Stories</b>                 | <b>Basement</b>      | <b>Type</b>               | <b>Exterior</b>   |
| SPFOY                          |                      | SPLIT FOYER               | SIDING            |

**Value Information**

|                           | <b>Base Value</b> | <b>Value</b> | <b>Phase-in Assessments</b> |              |
|---------------------------|-------------------|--------------|-----------------------------|--------------|
|                           |                   | <b>As Of</b> | <b>As Of</b>                | <b>As Of</b> |
|                           |                   | 01/01/2010   | 07/01/2009                  | 07/01/2010   |
| <b>Land</b>               | 90,600            | 90,600       |                             |              |
| <b>Improvements:</b>      | 159,480           | 169,100      |                             |              |
| <b>Total:</b>             | 250,080           | 259,700      | 250,080                     | 253,286      |
| <b>Preferential Land:</b> | 0                 | 0            | 0                           | 0            |

**Transfer Information**

|                                        |                           |                         |
|----------------------------------------|---------------------------|-------------------------|
| <b>Seller:</b> MERO WILLIAM J          | <b>Date:</b> 10/22/1996   | <b>Price:</b> \$118,000 |
| <b>Type:</b> IMPROVED ARMS-LENGTH      | <b>Deed1:</b> /11910/ 3   | <b>Deed2:</b>           |
| <b>Seller:</b> MERO WILLIAM J          | <b>Date:</b> 05/02/1994   | <b>Price:</b> \$0       |
| <b>Type:</b> NOT ARMS-LENGTH           | <b>Deed1:</b> /10500/ 375 | <b>Deed2:</b>           |
| <b>Seller:</b> K V N CONSTRUCTI ON INC | <b>Date:</b> 04/08/1991   | <b>Price:</b> \$99,000  |
| <b>Type:</b> IMPROVED ARMS-LENGTH      | <b>Deed1:</b> / 8752/ 154 | <b>Deed2:</b>           |

**Exemption Information**

|                                   |              |            |            |
|-----------------------------------|--------------|------------|------------|
| <b>Partial Exempt Assessments</b> | <b>Class</b> | 07/01/2009 | 07/01/2010 |
| <b>County</b>                     | 000          | 0          | 0          |
| <b>State</b>                      | 000          | 0          | 0          |
| <b>Municipal</b>                  | 000          | 0          | 0          |

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
 \* NONE \*

KVN

PETITIONER'S

EXHIBIT NO. 2B





**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search** (2007 v03.1e)

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**Account Identifier:** District - 13 Account Number - 1310000300

**Owner Information**

**Owner Name:** HOMES FOR ARUNDEL INC **Use:** RESIDENTIAL  
**Mailing Address:** C/O THE FRENCH DEVELOPMENT CO **Principal Residence:** NO  
 429 N EUTAW ST STE 3N **Deed Reference:** 1) /27831/ 310  
 BALTIMORE MD 21201-1850 2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
 1944 CATANNA AVE LT 32,33  
 1944 CATANNA AVE  
 HALETHORPE TERRACE

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:        |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------|
| 108 | 12   | 144    |              |             | G       |       | 32  | 1               | Plat Ref: 7/ 72 |

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

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 2000                    | 976 SF        | 4,400.00 SF        | 04         |

| Stories | Basement | Type        | Exterior |
|---------|----------|-------------|----------|
| SPFOY   |          | SPLIT FOYER | SIDING   |

**Value Information**

|                    | Base Value     | Value As Of 01/01/2010 | Phase-in Assessments As Of 07/01/2009 | As Of 07/01/2010 |
|--------------------|----------------|------------------------|---------------------------------------|------------------|
| Land               | 61,600         | 55,600                 |                                       |                  |
| Improvements:      | 167,630        | 158,500                |                                       |                  |
| <b>Total:</b>      | <b>229,230</b> | <b>214,100</b>         | <b>229,230</b>                        | <b>214,100</b>   |
| Preferential Land: | 0              | 0                      | 0                                     | 0                |

**Transfer Information**

|                                                   |                           |                         |
|---------------------------------------------------|---------------------------|-------------------------|
| <b>Seller:</b> READMOND DOUGLAS J                 | <b>Date:</b> 03/24/2009   | <b>Price:</b> \$210,000 |
| <b>Type:</b> NOT ARMS-LENGTH                      | <b>Deed1:</b> /27831/ 310 | <b>Deed2:</b>           |
| <b>Seller:</b> PARADISE HOMES LLC                 | <b>Date:</b> 03/10/2000   | <b>Price:</b> \$126,143 |
| <b>Type:</b> NOT ARMS-LENGTH                      | <b>Deed1:</b> /14349/ 132 | <b>Deed2:</b>           |
| <b>Seller:</b> W CARD BUILDING AND REMODELING LLC | <b>Date:</b> 11/30/1999   | <b>Price:</b> \$30,000  |
| <b>Type:</b> IMPROVED ARMS-LENGTH                 | <b>Deed1:</b> /14176/ 183 | <b>Deed2:</b>           |

**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 \*

**PETITIONER' S**

**EXHIBIT NO.** 2C



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**Account Identifier:** District - 13 Account Number - 2000007947

### Owner Information

|                         |                                           |                             |                     |
|-------------------------|-------------------------------------------|-----------------------------|---------------------|
| <b>Owner Name:</b>      | MCCONKEY LAWRENCE LEROY,SR                | <b>Use:</b>                 | RESIDENTIAL         |
|                         |                                           | <b>Principal Residence:</b> | NO                  |
| <b>Mailing Address:</b> | 4308 LEOLA AVE<br>BALTIMORE MD 21227-4519 | <b>Deed Reference:</b>      | 1) /16583/ 86<br>2) |

### Location & Structure Information

**Premises Address**  
CATANNA AVE

**Legal Description**  
.051 AC  
HALETHORPE TERRACE

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:        |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------|
| 108 | 12   | 144    |              |             |         | G     | 24  | 1               | Plat Ref: 7/ 72 |

| Special Tax Areas | Town<br>Ad Valorem<br>Tax Class |
|-------------------|---------------------------------|
| 1                 | 1                               |
| 2                 | 2                               |
| 3                 | 3                               |
| 4                 | 4                               |
| 5                 | 5                               |
| 6                 | 6                               |
| 7                 | 7                               |
| 8                 | 8                               |
| 9                 | 9                               |
| 10                | 10                              |
| 11                | 11                              |
| 12                | 12                              |
| 13                | 13                              |
| 14                | 14                              |
| 15                | 15                              |
| 16                | 16                              |
| 17                | 17                              |
| 18                | 18                              |
| 19                | 19                              |
| 20                | 20                              |
| 21                | 21                              |
| 22                | 22                              |
| 23                | 23                              |
| 24                | 24                              |
| 25                | 25                              |
| 26                | 26                              |
| 27                | 27                              |
| 28                | 28                              |
| 29                | 29                              |
| 30                | 30                              |
| 31                | 31                              |
| 32                | 32                              |
| 33                | 33                              |
| 34                | 34                              |
| 35                | 35                              |
| 36                | 36                              |
| 37                | 37                              |
| 38                | 38                              |
| 39                | 39                              |
| 40                | 40                              |
| 41                | 41                              |
| 42                | 42                              |
| 43                | 43                              |
| 44                | 44                              |
| 45                | 45                              |
| 46                | 46                              |
| 47                | 47                              |
| 48                | 48                              |
| 49                | 49                              |
| 50                | 50                              |
| 51                | 51                              |
| 52                | 52                              |
| 53                | 53                              |
| 54                | 54                              |
| 55                | 55                              |
| 56                | 56                              |
| 57                | 57                              |
| 58                | 58                              |
| 59                | 59                              |
| 60                | 60                              |
| 61                | 61                              |
| 62                | 62                              |
| 63                | 63                              |
| 64                | 64                              |
| 65                | 65                              |
| 66                | 66                              |
| 67                | 67                              |
| 68                | 68                              |
| 69                | 69                              |
| 70                | 70                              |
| 71                | 71                              |
| 72                | 72                              |
| 73                | 73                              |
| 74                | 74                              |
| 75                | 75                              |
| 76                | 76                              |
| 77                | 77                              |
| 78                | 78                              |
| 79                | 79                              |
| 80                | 80                              |
| 81                | 81                              |
| 82                | 82                              |
| 83                | 83                              |
| 84                | 84                              |
| 85                | 85                              |
| 86                | 86                              |
| 87                | 87                              |
| 88                | 88                              |
| 89                | 89                              |
| 90                | 90                              |
| 91                | 91                              |
| 92                | 92                              |
| 93                | 93                              |
| 94                | 94                              |
| 95                | 95                              |
| 96                | 96                              |
| 97                | 97                              |
| 98                | 98                              |
| 99                | 99                              |
| 100               | 100                             |

|                                        |                      |                                          |                         |
|----------------------------------------|----------------------|------------------------------------------|-------------------------|
| <b>Primary Structure Built</b><br>0000 | <b>Enclosed Area</b> | <b>Property Land Area</b><br>2,200.00 SF | <b>County Use</b><br>04 |
|----------------------------------------|----------------------|------------------------------------------|-------------------------|

| Stories | Basement | Type | Exterior |
|---------|----------|------|----------|
|---------|----------|------|----------|

### Value Information

|                    | Base Value | Value      | Phase-in Assessments |            |
|--------------------|------------|------------|----------------------|------------|
|                    |            | As Of      | As Of                | As Of      |
|                    |            | 01/01/2010 | 07/01/2009           | 07/01/2010 |
| Land               | 2,200      | 2,200      |                      |            |
| Improvements:      | 0          | 0          |                      |            |
| Total:             | 2,200      | 2,200      | 2,200                | 2,200      |
| Preferential Land: | 0          | 0          | 0                    | 0          |

### Transfer Information

|                                     |                           |                        |
|-------------------------------------|---------------------------|------------------------|
| <b>Seller:</b> WONNEMAN,STYLES AND  | <b>Date:</b> 06/28/2002   | <b>Price:</b> \$3,000  |
| <b>Type:</b> NOT ARMS-LENGTH        | <b>Deed1:</b> /16583/ 86  | <b>Deed2:</b>          |
| <b>Seller:</b> FROST KATHERINE E    | <b>Date:</b> 02/23/2001   | <b>Price:</b> \$20,000 |
| <b>Type:</b> UNIMPROVED ARMS-LENGTH | <b>Deed1:</b> /14997/ 525 | <b>Deed2:</b>          |
| <b>Seller:</b> MCCONKEY LAWRENCE L  | <b>Date:</b> 04/08/1998   | <b>Price:</b> \$25,000 |
| <b>Type:</b> NOT ARMS-LENGTH        | <b>Deed1:</b> /12777/ 277 | <b>Deed2:</b>          |

|    |            |
|----|------------|
| 09 | 07/01/2010 |
|    | 0          |
|    | 0          |
|    | 0          |

**Special Tax Recapture:**  
\* NONE \*

**PETITIONER' S**

EXHIBIT NO.

3 2000007947 &C... 3/21/2010



**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search** (2007 vwr2.3d)

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**Account Identifier:** District - 13 Account Number - 1301130020

**Owner Information**

**Owner Name:** MCCONKEY LAWRENCE LEROY,SR **Use:** RESIDENTIAL  
**Mailing Address:** 4308 LEOLA AVE **Principal Residence:** NO  
 BALTIMORE MD 21227-4519 **Deed Reference:** 1) /16583/ 86  
 2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
 CATANNA AVE LT 22,23  
 HALETHORPE TERRACE

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:        |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------|
| 108 | 12   | 144    |              |             |         | G     | 22  | 1               | Plat Ref: 7/ 72 |

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

| Primary Structure Built | Enclosed Area   | Property Land Area | County Use      |
|-------------------------|-----------------|--------------------|-----------------|
| 0000                    |                 | 4,400.00 SF        | 04              |
| <b>Stories</b>          | <b>Basement</b> | <b>Type</b>        | <b>Exterior</b> |

**Value Information**

|                           | Base Value | Value      | Phase-In Assessments |            |
|---------------------------|------------|------------|----------------------|------------|
|                           |            | As Of      | As Of                | As Of      |
|                           |            | 01/01/2010 | 07/01/2009           | 07/01/2010 |
| <b>Land</b>               | 4,400      | 4,400      |                      |            |
| <b>Improvements:</b>      | 0          | 0          |                      |            |
| <b>Total:</b>             | 4,400      | 4,400      | 4,400                | 4,400      |
| <b>Preferential Land:</b> | 0          | 0          | 0                    | 0          |

**Transfer Information**

|                                     |                           |                        |
|-------------------------------------|---------------------------|------------------------|
| <b>Seller:</b> WONNEMAN,STYLES AND  | <b>Date:</b> 06/28/2002   | <b>Price:</b> \$3,000  |
| <b>Type:</b> NOT ARMS-LENGTH        | <b>Deed1:</b> /16583/ 86  | <b>Deed2:</b>          |
| <b>Seller:</b> FROST KATHERINE E    | <b>Date:</b> 02/23/2001   | <b>Price:</b> \$20,000 |
| <b>Type:</b> UNIMPROVED ARMS-LENGTH | <b>Deed1:</b> /14997/ 525 | <b>Deed2:</b>          |
| <b>Seller:</b> MCCONKEY LAWRENCE L  | <b>Date:</b> 04/08/1998   | <b>Price:</b> \$25,000 |
| <b>Type:</b> NOT ARMS-LENGTH        | <b>Deed1:</b> /12777/ 277 | <b>Deed2:</b>          |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2009 | 07/01/2010 |
|----------------------------|-------|------------|------------|
| <b>County</b>              | 000   | 0          | 0          |
| <b>State</b>               | 000   | 0          | 0          |
| <b>Municipal</b>           | 000   | 0          | 0          |

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
 \* NONE \*



**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search** (2007 vw3.1e)

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**Account Identifier:** District - 13 **Account Number -** 1318470010

**Owner Information**

**Owner Name:** GREENWALDT JOEL B **Use:** RESIDENTIAL  
**Principal Residence:** YES  
**Mailing Address:** 1953 CATANNA AVE **Deed Reference:** 1) /28816/ 374  
 HALETHORPE MD 21227-4507 2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
 1953 CATANNA AVE  
 LTS 47,48  
 1953 CATANNA AVE  
 HALETHORPE TERRACE

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:        |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------|
| 108 | 12   | 144    |              |             |         | H     | 47  | 1               | Plat Ref: 7/ 72 |

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

| Primary Structure Built | Enclosed Area   | Property Land Area         | County Use                |
|-------------------------|-----------------|----------------------------|---------------------------|
| 1990                    | 824 SF          | 4,400.00 SF                | 04                        |
| <b>Stories</b><br>SPFOY | <b>Basement</b> | <b>Type</b><br>SPLIT FOYER | <b>Exterior</b><br>SIDING |

**Value Information**

|                           | Base Value | Value      | Phase-In Assessments |            |
|---------------------------|------------|------------|----------------------|------------|
|                           |            | As Of      | As Of                | As Of      |
|                           |            | 01/01/2010 | 07/01/2009           | 07/01/2010 |
| <b>Land</b>               | 61,600     | 61,600     |                      |            |
| <b>Improvements:</b>      | 156,410    | 167,600    |                      |            |
| <b>Total:</b>             | 218,010    | 229,200    | 218,010              | 221,740    |
| <b>Preferential Land:</b> | 0          | 0          | 0                    | 0          |

**Transfer Information**

|                                   |                           |                         |
|-----------------------------------|---------------------------|-------------------------|
| <b>Seller:</b> GREENWALDT JOEL B  | <b>Date:</b> 09/27/2005   | <b>Price:</b> \$0       |
| <b>Type:</b> NOT ARMS-LENGTH      | <b>Deed1:</b> /28816/ 374 | <b>Deed2:</b>           |
| <b>Seller:</b> NICKLES LOUIS A    | <b>Date:</b> 10/22/2003   | <b>Price:</b> \$150,000 |
| <b>Type:</b> IMPROVED ARMS-LENGTH | <b>Deed1:</b> /19005/ 464 | <b>Deed2:</b>           |
| <b>Seller:</b> NICKLES LOUIS A    | <b>Date:</b> 02/09/2001   | <b>Price:</b> \$0       |
| <b>Type:</b> NOT ARMS-LENGTH      | <b>Deed1:</b> /14970/ 644 | <b>Deed2:</b>           |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2009 | 07/01/2010 |
|----------------------------|-------|------------|------------|
| <b>County</b>              | 000   | 0          | 0          |
| <b>State</b>               | 000   | 0          | 0          |
| <b>Municipal</b>           | 000   | 0          | 0          |

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
 \* NONE \*

**PETITIONER' S**

**EXHIBIT NO.**

2E











**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search** (2007 vw3.1e)

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**Account Identifier:** District - 13 Account Number - 1302470060

**Owner Information**

**Owner Name:** SWANN JOHN,3RD **Use:** RESIDENTIAL  
**Principal Residence:** YES  
**Mailing Address:** 1948 CATANNA AVE **Deed Reference:** 1) /13315/ 110  
 BALTIMORE MD 21227-4506 2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
 1948 CATANNA AVE LT 28-29  
 1948 CATANNA AVE  
 HALETHORPE TERRACE

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:        |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------|
| 108 | 12   | 144    |              |             |         | G     | 28  | 1               | Plat Ref: 7/ 72 |

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

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1989                    | 1,302 SF      | 4,400.00 SF        | 04         |

| Stories | Basement | Type        | Exterior |
|---------|----------|-------------|----------|
| SPFOY   |          | SPLIT FOYER | SIDING   |

**Value Information**

|                    | Base Value | Value      | Phase-In Assessments |            |
|--------------------|------------|------------|----------------------|------------|
|                    |            | As Of      | As Of                | As Of      |
|                    |            | 01/01/2010 | 07/01/2009           | 07/01/2010 |
| Land               | 61,600     | 61,600     |                      |            |
| Improvements:      | 203,990    | 216,500    |                      |            |
| Total:             | 265,590    | 278,100    | 265,590              | 269,760    |
| Preferential Land: | 0          | 0          | 0                    | 0          |

**Transfer Information**

|                                       |                           |                        |
|---------------------------------------|---------------------------|------------------------|
| <b>Seller:</b> SWANN JOHN,3RD         | <b>Date:</b> 11/23/1998   | <b>Price:</b> \$0      |
| <b>Type:</b> NOT ARMS-LENGTH          | <b>Deed1:</b> /13315/ 110 | <b>Deed2:</b>          |
| <b>Seller:</b> K V N CONSTRUCTION INC | <b>Date:</b> 07/21/1989   | <b>Price:</b> \$84,300 |
| <b>Type:</b> IMPROVED ARMS-LENGTH     | <b>Deed1:</b> / 8230/ 299 | <b>Deed2:</b>          |
| <b>Seller:</b>                        | <b>Date:</b>              | <b>Price:</b>          |
| <b>Type:</b>                          | <b>Deed1:</b>             | <b>Deed2:</b>          |

**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:**

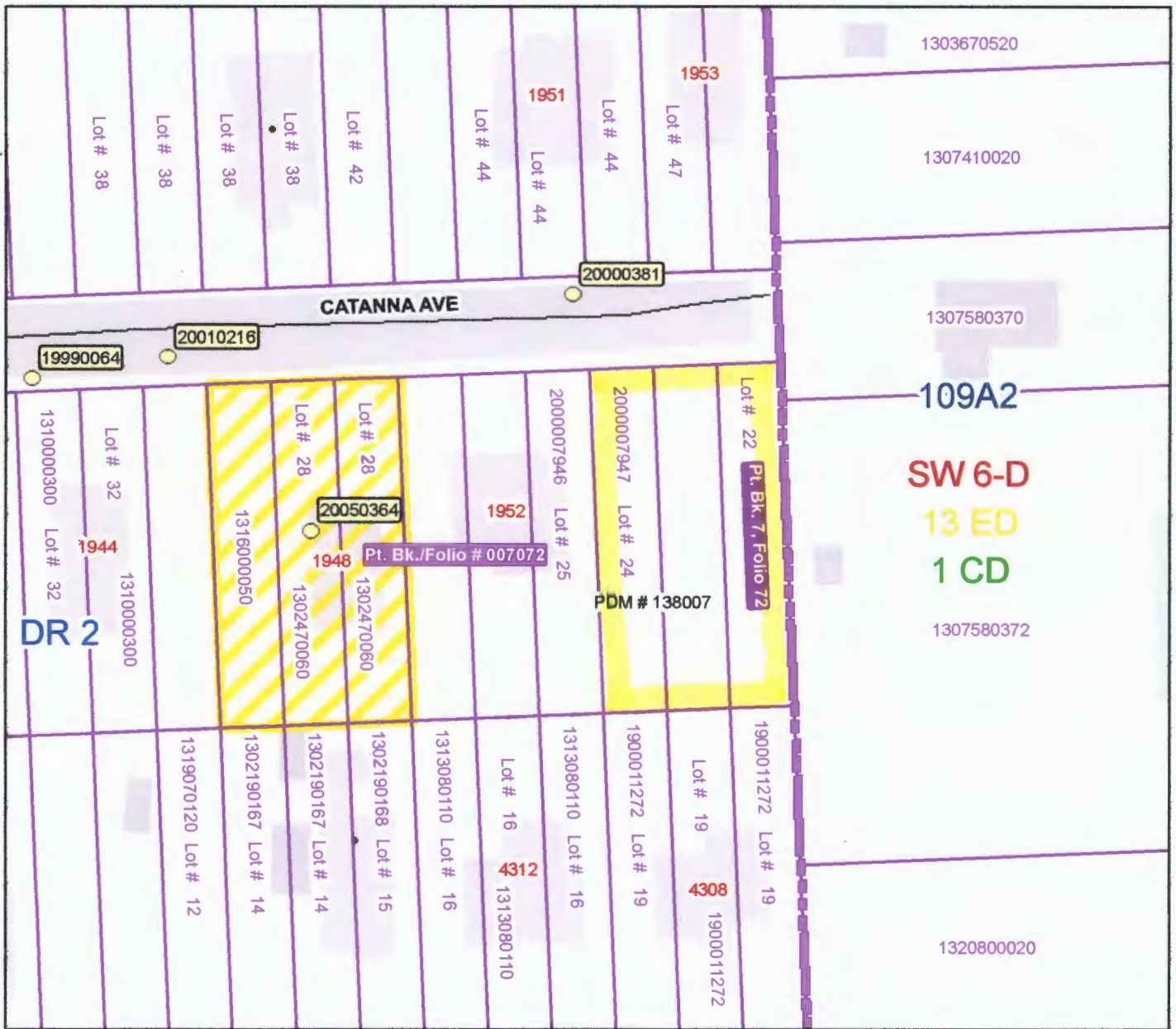
**Special Tax Recapture:**  
 \* NONE \*

KVN

PETITIONER'S

EXHIBIT NO. 2F

## Lots 22 to 24, Halethorpe Terrace



PETITIONER' S

EXHIBIT NO.

3



Publication Date: March 24, 2010  
Publication Agency: Department of Permits & Development Management  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 50 feet

Item #0252

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS CATANNA AVE <sup>LOTS</sup> 22, 23, 24, 25 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME HALETHORPE TERRACE

PLAT BOOK # 7 FOLIO # 72 LOT # 22, 23, 24 SECTION # .....

OWNER LAWRENCE LEROY MCCONKEY

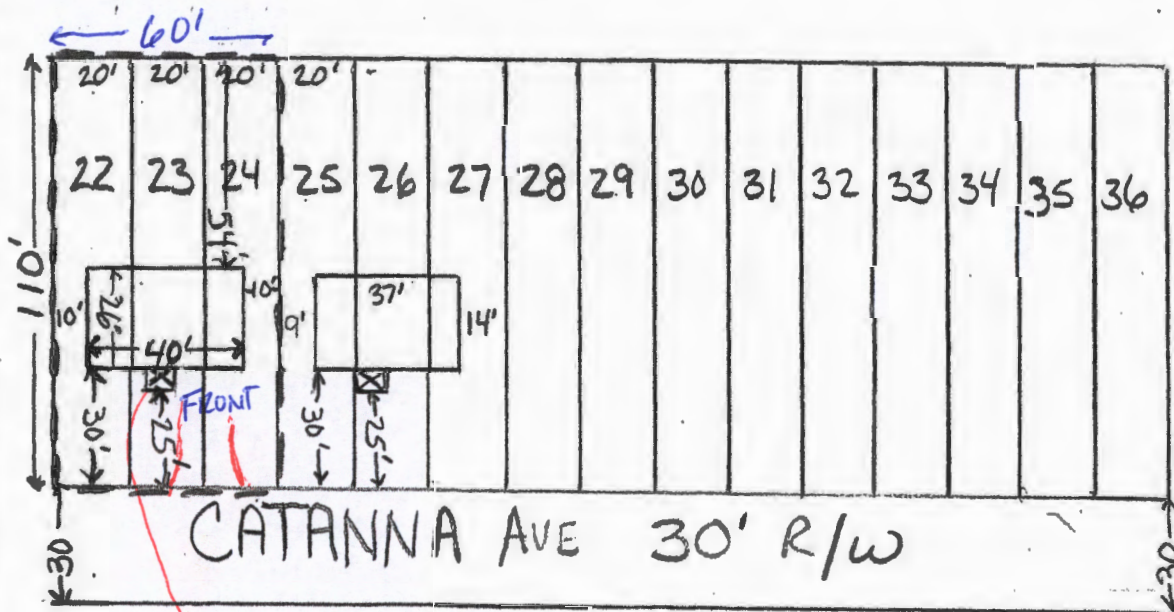
LOTS 22, 23, 24

PORCH FRONT SET BACK 25'

HOUSE FRONT SET BACK 30'

SIDE SET BACKS 10'

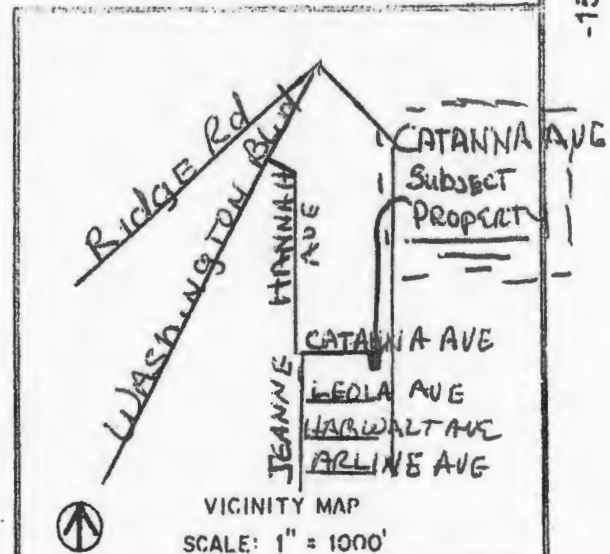
REAR SET BACK 54'



NORTH

PREPARED BY \_\_\_\_\_

SCALE OF DRAWING: 1" = 50



### LOCATION INFORMATION

ELECTION DISTRICT 13

COUNCILMANIC DISTRICT

1" = 200' SCALE MAP # 109A2

ZONING P.R. 2

LOT SIZE 1515 6600  
ACREAGE SQUARE FEET

|       |                                     |         |
|-------|-------------------------------------|---------|
|       | PUBLIC                              | PRIVATE |
| SEWER | <input checked="" type="checkbox"/> | 17      |

WATER ☒ ☐

CHESAPEAKE BAY  
CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/  
BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY  
REVIEWED BY: ITEM # CASE #

2010-0252-SPHA

**PETITIONER'S**

**EXHIBIT NO.**

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS CATANNA AVE <sup>LOTS</sup> 22, 23, 24 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME HALETHORPE TERRACE

PLAT BOOK # 7 FOLIO # 72 LOT # 22, 23, 24 SECTION #       

OWNER LAWRENCE LEROY MCCONKEY

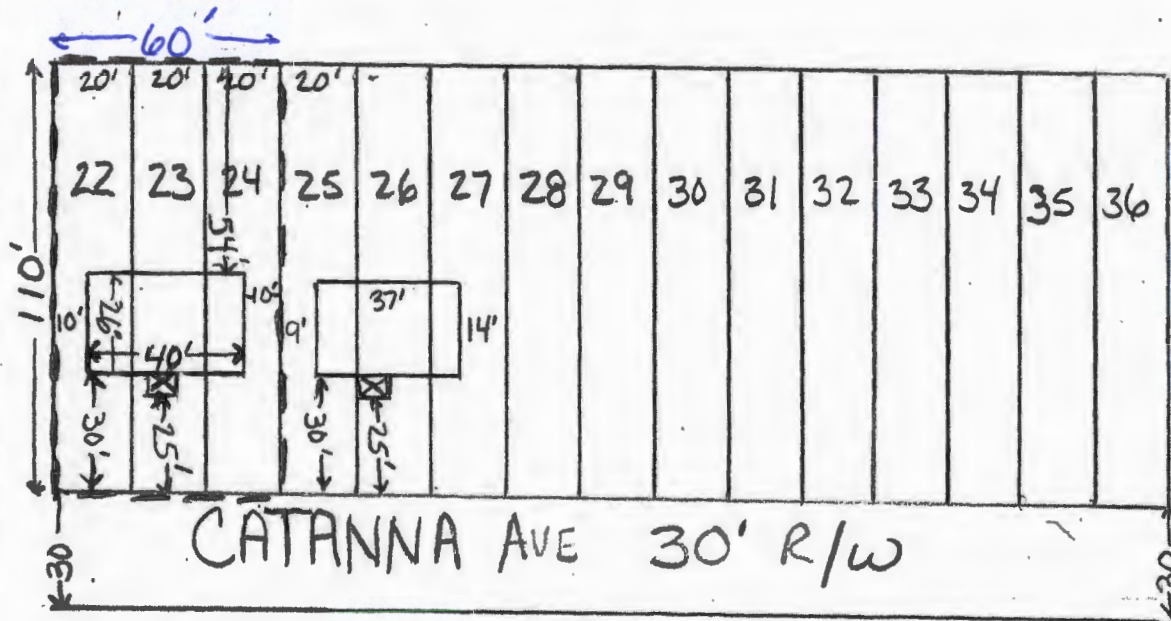
LOTS 22, 23, 24

PORCH FRONTSET BACK 25'

HOUSE FRONTSET BACK 30'

SIDE SET BACKS 10'

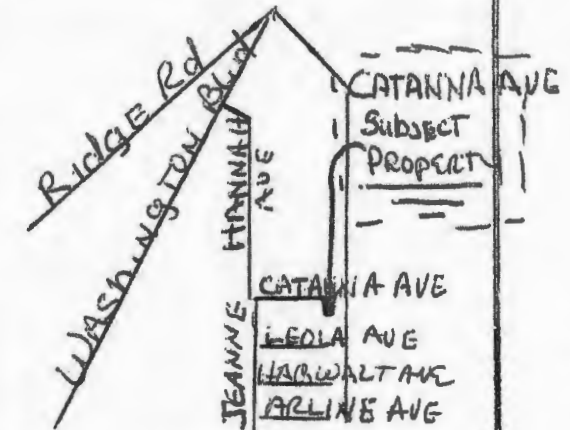
REAR SET BACK 54'



NORTH

PREPARED BY \_\_\_\_\_

SCALE OF DRAWING: 1" = 50'



VICINITY MAP  
SCALE: 1" = 1000'

## LOCATION INFORMATION

ELECTION DISTRICT 13

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 109A2

ZONING D.R. 2

LOT SIZE .1515 6600  
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE  
WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY  
REVIEWED BY [Signature] ITEM #        CASE # 2010-0252-SPHA