

IN RE: PETITION FOR SPECIAL HEARING & *
VARIANCE - N/W Side Longview Drive,
630' W c/line of Devere Avenue *
(144 Longview Drive) *
1st Election District *
1st Council District *

Ferdinand D. Maisel, et ux
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2010-0262-A

* * * * *

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 owners of the subject property, Ferdinand D. Maisel and his wife, Tanya Y. Hege-Maisel. The Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the construction of a new dwelling on an existing lot of record and a confirmation that the overall density is not affected in the neighborhood. In addition, variance relief is requested pursuant to Sections 1B02.3A.5 and 1B02.3B of the B.C.Z.R., to permit the proposed dwelling on a lot with an area of 30,000 square feet and lot width of 100 feet in lieu of the required 40,000 square feet and 150 feet, respectively. The subject property and requested relief are more particularly described on the redlined site plan¹ submitted which was accepted into evidence and marked as Petitioners' Exhibit 2.

Appearing at the requisite public hearing in support of the requests were Ferdinand Maisel, property owner, Lee Giroux, a land use consultant with Permits Management, LLC, and Victoria Meyer, President of Maryland Building Permits, Inc., who are assisting the Petitioners through the permitting process. Also appearing was Karen A. Tamalavicz, a family friend, and Mitchell Horning, who observed the proceedings as part of his mission with the Boy Scouts of

¹ At the outset of the hearing, Petitioners amended the site plan to respond to the Zoning Advisory Committee (ZAC) comment received from Dennis Wertz, on behalf of the Office of Planning, dated April 12, 2010. The redlined amendments clarified that the front setback of the proposed dwelling will be positioned 135 feet back from the property line at the public street in line or equal to the front building line setback of the adjacent home at 146 Longview Drive.

ORDER RECEIVED FOR FILING

Date

By

America. There were no Protestants or other interested persons present, however, it is to be noted that three (3) letters of support were received from adjacent/surrounding property owners namely; Linda K. Lemmerman, (140 Longview Drive), Alisa Lewis (138 Longview Drive), and John Orndorff (107 Taunton Avenue). *See* Petitioners' Exhibit 6.

Testimony and evidence offered revealed that the subject property is a rectangularly shaped parcel containing approximately 30,000 square feet or .68 acres of land zoned D.R.1, located in the Stonewall Park subdivision of Catonsville. The property is on the north side of Longview Drive² and similar in size to other lots in Stonewall. Lot 65 designated on Maryland Tax Map No. 100 – Parcel 648 – Account No. 2400010012 is 100 feet wide at its frontage on Longview Drive and 300 feet deep as illustrated on the Plat of Stonewall and on the aerial photograph submitted to show the pattern of development – submitted as Petitioners' Exhibit 1. The property is unimproved and was purchased by Ferdinand Maisel in 1993. As is often the case with older subdivisions, the Plat of Stonewall Park was laid out many years ago (1921), well prior to the adoption of the zoning regulations in Baltimore County. Thus, as will be explained below, many of the lots in the neighborhood are undersized and do not meet the current area and width requirements. Ms. Giroux provided a history of the property, its use, Deed history and zoning changes. Pertinent to the petition before me is the fact that Lot 65 was purchased at the same time Mr. Maisel purchased his home on Lot 64. Lot 65, consisting of approximately three-quarters of an acre, was purchased with the assumption that Maisel would construct a house on it for his children, to rent or to sell. In any event, the two (2) lots were created by the subdivision of Stonewall Park – *See* Plat submitted as Petitioners' Exhibit 7. The minimum lot width of 100 feet and area deficiency has existed since 1992. During the Comprehensive Zoning Map Process (CZMP), at that time, the community had requested Baltimore County to downzone the D.R.2 classification on a large tract of land located between the originally established "Stonewall Park

The zoning classification on the south side of Longview Drive is D.R.2. B.C.Z.R. Section 1B02.3C.1 (Chart) requires a lot area of 40,000 square feet and a lot width of 150 feet in the D.R.1 zone. The minimum lot area and width requirements in the D.R.2 zone are significantly decreased requiring a 20,000 square foot area and a 100 foot wide lot.

ORDER RECEIVED FOR FILING

Date

By

Subdivision" and Old Frederick Road. The purpose of the rezoning request was not to prohibit in-fill lot development in this subdivision – but to prohibit a developer from building multi-family townhouses on a large parcel of land located near Old Frederick Road. The County Council approved the community's request and the zoning map was changed to D.R.1. The zoning map overlay, however, affected a large area of the existing properties in the subdivision – from the north side of Longview Drive to the east side of Old Frederick Road. It is notable that all County-provided utilities, water and sewer, were available to serve the subject property. This zoning reclassification in 1992 may have operated to stop the townhouse development but conferred the unintended consequence of rendering many of, if not all, the subdivision lots of record described in the Baltimore County Land Records in Plat Book 7, Folio 19, north of Longview Drive as undersized for building purposes due to either minimum lot area and/or lot width deficiencies.

The Petitioners submitted photographic evidence and plats (Exhibits 1 and 4) noting homes built prior to the zoning changes in 1992 were routinely built on 100-foot wide lots. The Petitioners' exhibits disclosed that the pattern of development in the immediate neighborhood has taken place on undersized lots, which they say support their request. Moreover, the uncontradicted evidence clearly establishes that there has never been a desire to combine or merge the two (2) lots. 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 County*, 387 Md. 52 (2005).

The Petitioners, believing they have a buildable lot, come before me seeking approval to develop the subject lot with a single-family dwelling. As shown on the site plan, the proposed structure will be setback 135 feet from the front property line and provide side yard setbacks of 25 feet, which is consistent with neighboring dwellings. Relief is requested because the lot is undersized. Under the D.R.1 zoning classification, a minimum lot area of 40,000 square feet is required and, as noted, the subject lot is only 100 feet wide and 30,000 square feet in area.

Testimony and evidence offered in support of the requests 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 would result in a denial of a reasonable and sufficient use of the property. *See, Belvoire Farms v. North*, 355 Md. 259 (1999).

Suitable of mention here is the Baltimore County Zoning Commissioner's Policy Manual (ZCPM) which was enacted pursuant to Sections 3-7-203 through 3-7-208 and 32-3-105 of the Baltimore County Code. The ZCPM was last adopted and approved by the County Council in 1992. The Policy Manual contains policies and other information that assists the reader in interpreting the B.C.Z.R. On Page 3-3 thereof, the requirements of Section 304 of the B.C.Z.R. are discussed. Therein, it is indicated that the Zoning Commissioner has traditionally applied the "six-year rule" in considering adjacent property ownership. It is important to consider the intent of the owner of contiguous undersized lots that were purchased in good faith and without any intent to avoid the area requirements of Section 304.1.C. I am satisfied that the requirements set forth in Section 304 have been satisfied and that the construction of a dwelling on the subject undersized lot is appropriate and should be approved.

After due consideration of the testimony and evidence presented, I am persuaded that relief should be granted. To deny relief would result in a practical difficulty for the Petitioners in that there would be no reasonable use of the property for a permitted purpose, a purpose for which the neighboring properties have previously been used. The proposed development is in keeping with other homes in the neighborhood and meets the spirit and intent of Section 307 of the B.C.Z.R. and *Cromwell v. Ward* 102 Md. App. 691 (1995) for variance relief to be granted. 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. I find that the Maisel's, who own contiguous undersized lots, purchased the subject property in good faith and without any intent to avoid the area requirements. Moreover, as noted above, at the time of the Maisel's purchase of the property in 1993, it was being down zoned from D.R.2 to D.R.1. Finally, I find this variance can be granted in strict harmony with the spirit

ORDER RECEIVED FOR FILING

Date

6-1-10

By

23

and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

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 1st day of June 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 as part of my findings that the overall density of the surrounding neighborhood will not be affected, be and is hereby GRANTED; and

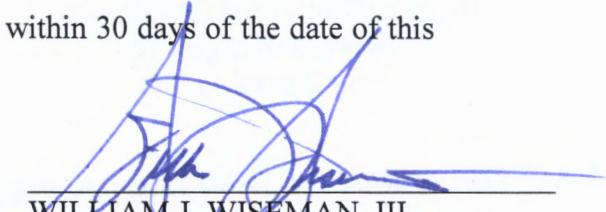
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B02.3A.5 and 1B02.3B of the B.C.Z.R. to permit a proposed dwelling on a lot with an area of 30,000 square feet and a lot width of 100 feet in lieu of the minimum required 40,000 square feet and 150 feet, respectively, in accordance with Petitioners' Exhibit 2, 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) The Petitioners, their successors or assigns, shall submit building elevation drawings to the Office of Planning for review and approval prior to the issuance of the building permit to ensure that the proposed house is compatible with existing homes in the area.

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

Order.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

sets 3-142/144



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 144 Longview Drive
which is presently zoned DR1

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

A FINDING THAT THE OVERALL DENSITY IS NOT AFFECTED
IN THE NEIGHBORHOOD/RECORD PLAT. (SEE ACCOMPANYING VARIANCE)

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:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature N/A

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Ferdinand Maisel + Tanya Hege-Maisel
Name - Type or Print _____

7/18/11 / Tanya Hege-Maisel
Signature _____

Name - Type or Print _____

Signature _____

142 Longview Drive 443-801-2836
Address _____ Telephone No. _____

Catonsville MD 21228
City _____ State _____ Zip Code _____

Representative to be Contacted:

Lee Giroux
Name _____

1550 Cottage Ln. 443-564-8875
Address _____ Telephone No. _____

Towson, Md. 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2010-0262-SPHA

Reviewed By D.T. Date 4/1/10

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 6-1-10

By [Signature]

Giroux

TAX ACCOUNT # 2400010012

Petition for Variance

to the **Zoning Commissioner of Baltimore County**
for the property located at 144 Longview Drive
which is presently zoned DR-1

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) 1802.3A.5., 1802.3B. (DCZR)

TO PERMIT A PROPOSED DWELLING ON A LOT WITH AN AREA OF 30,000 SQUARE FEET AND LOT WIDTH OF 100-FEET IN LIEU OF THE REQUIRED 40,000 SQUARE FEET AND 150-FEET, RESPECTIVELY.

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

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 2010-0262-SPHA

REV 9/15/98

Legal Owner(s):

Ferdinand Dean Mgisel

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

MD

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T. Date 4/1/10

Zoning Description for
144 LONGVIEW DRIVE

Beginning at a point on the northwest side of Longview Drive being 40-feet wide at a distance of 630-feet west of the centerline of Devere Avenue also having a 40-foot right-of-way.

Being part of the same property and recorded among land records of Baltimore County in Plat Book 7, Folio 18 and known as Lot 65 in the subdivision known as "Stonewall Park" totaling 30,000 square feet. Also being known as 144 Longview Drive and located in the 1st Election District and 1st Councilmanic District.

**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: 2010-0262-SPHA

Petitioner: MAISEL

Address or Location: 144 LONGVIEW DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. FERDINAND MAISEL

Address: 144 LONGVIEW DRIVE

CATONSVILLE, MD 21228

Telephone Number: 410-455-0923

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

No. **53207**

Date: **3/4/10**

PAID RECEIPT

ADDRESS ACTION TIME DRW

12/2010 4/09/2010 11:49:39 2

REC 8502 WALKIN JEW JEF

RECEIPT # 679857 4/09/2010 OFLR

5 529 ZONING VERIFICATION

53207

Recpt Tot \$130.00

1.00 CA \$130.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		0150				130.00

Total: **130.00**

Rec

From: **FERDINAND MAISEL**

For: **2010-0262-SPHA**

144 LONGVIEW DR.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2010-0262-SPHA

144 Longview Drive

N/West side of Longview Drive, 63 feet west of centerline of Devere Avenue

1st Election District — 1st Councilmanic District

Legal Owner(s): Ferdinand & Tanya Maisei

Special Hearing: for a finding that the overall density is not affected in the neighborhood/record plat. **Variance:** to permit a proposed dwelling on a lot with an area of 30,000 square feet and lot width of 100 feet in lieu of the required 40,000 square feet and 150 feet, respectively.

Hearing: Tuesday, May 25, 2010 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

IT 5/25 May 11

239589

CERTIFICATE OF PUBLICATION

5/13/, 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 5/11/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

RE: Case No 2010-0262-SPTA

Petitioner/Developer LEE
GILSON

Date Of Hearing/Closing: 5/25/10

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 144 LONGVIEW DRIVE

This sign(s) were posted on May 9, 2010
Month, Day, Year
Sincerely,

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

retraced 5/9/10



05/09/2010



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

April 20, 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: 2010-0262-SPHA

144 Longview Drive

N/west side of Longview Drive, 63 feet west of centerline of Devere Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Ferdinand & Tanya Maisel

Special Hearing for a finding that the overall density is not affected in the neighborhood/record plat. Variance to permit a proposed dwelling on a lot with an area of 30,000 square feet and lot width of 100 feet in lieu of the required 40,000 square feet and 150 feet, respectively.

Hearing: Tuesday, May 25, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Maisel, 142 Longview Drive, Catonsville 21228
Lee Giroux, 733 Camberley Circle, A-3, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 10, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 11, 2010 Issue - Jeffersonian

Please forward billing to:
Ferdinand Maisel
144 Longview Drive
Catonsville, MD 21228

410-455-0923

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: 2010-0262-SPHA

144 Longview Drive

N/west side of Longview Drive, 63 feet west of centerline of Devere Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Ferdinand & Tanya Maisel

Special Hearing for a finding that the overall density is not affected in the neighborhood/record plat. Variance to permit a proposed dwelling on a lot with an area of 30,000 square feet and lot width of 100 feet in lieu of the required 40,000 square feet and 150 feet, respectively.

Hearing: Tuesday, May 25, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

May 20, 2010

Mr. & Mrs. Maisel
142 Longview Dr.
Catonsville, MD 21228

Dear: Mr. & Mrs. Maisel

RE: Case Number 2010-0262-SPHA, 144 Longview Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 01, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Lee Giroux; 1550 Cottage Ln.; Towson, MD 21286

BW 565 10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 14, 2010

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

SUBJECT: 142 and 144 Longview Drive

INFORMATION:

Item Number: 10-261 and 10-262

Petitioner: Ferdinand D. Maisel

Zoning: DR 1

Requested Action: Variance

RECEIVED

APR 16 2010

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

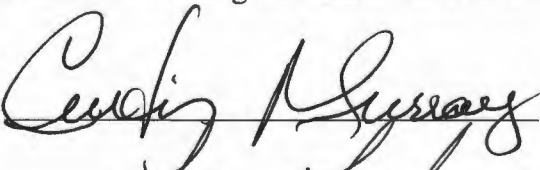
The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office offers the following comments:

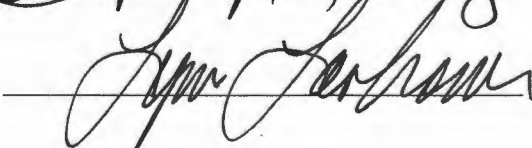
According to the Maryland Department of Assessments and Taxation, the two parcels have the same deed reference but different tax account numbers.

On the petitioner's plat that accompanies the variance petition, house #142 is depicted as being located much closer to Longview Drive than house #146 while the attached 2008 orthophoto shows the opposite. The petitioner's plat shall be corrected to accurately show the location and front setbacks of both dwellings.

The actual front setbacks of house numbers 142 and 146 are greater than the 50' minimum front setback shown on the petitioner's plat for the proposed dwelling. The Office of Planning does not oppose the construction of a single-family detached dwelling on the vacant lot located at 144 Longview Drive provided that, the front setback equals or exceeds the front setback of the dwelling located at 146 Longview Drive. As measured on the orthophoto, the front of house #146 is located approximately 85 feet from the centerline of Longview Drive.

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

Prepared by: 

Division Chief: 
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 14, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For April 26, 2010
Item Nos. 2010-254, 259, 261, 262,
263, 264, 265, 266, 267, 268 and 272

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04262010 -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 12, 2010

Item Numbers: 0254, 0259, 0261, 0262, 0263, 0264, 0265, 0266, 0267, 0268 and 0272

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: APRIL 22, 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. 2010-0262-SPHA
144 LONGVIEW DRIVE
MAISEL PROPERTY
VARIANCE & 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. 2010-0262-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,

A handwritten signature in black ink that reads "Michael P. Bailey".

Fo² 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



RECEIVED
JUN 09 2010
ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 8, 2010
SUBJECT: Zoning Item # 10-262-A
Address 144 Longview Drive
(Maisel Property)

Zoning Advisory Committee Meeting of April 12, 2010.

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

Reviewer: JWL Date: 6/8/10

RE: PETITION FOR VARIANCE * BEFORE THE
144 Longview Drive; NW/S Longview Drive; *
630' W c/line of Devere Avenue * ZONING COMMISSIONER
1st Election & 1st Councilmanic Districts *
Legal Owner(s): Ferdinand & Tanya Maisel * FOR
Petitioner(s) *
BALTIMORE COUNTY
*
10-262-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

APR 21 2010

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to Ferdinand and Dawn Maisel, 142 Longview Drive, Catonsville, Maryland 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST**Comment
Received****Department****Support/
Oppose**4-14

DEVELOPMENT PLANS REVIEW

None

DEPRM

 4-19

FIRE DEPARTMENT

None4-14

PLANNING

Comments4-22

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

ZONING VIOLATION

 ✓

NEWSPAPER ADVERTISEMENT

 ✓ 4-21

PEOPLE'S COUNSEL APPEARANCE

PRIOR ZONING

 ✓ 5-9

SIGN POSTING

Comments, if any:

Ltrs. (3) of Support

CASE NAME 2010-0262-SPHA
CASE NUMBER Maria
DATE 5-25-10

CASE NUMBER Maid
DATE 5-25-10

[illegible]



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

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

Account Identifier: District - 01 Account Number - 2400010012

Owner Information

Owner Name:	MAISEL FERDINAND DEAN HEGE-MAISEL TANYA Y	Use:	RESIDENTIAL
Mailing Address:	142 LONGVIEW DR BALTIMORE MD 21228-5411	Principal Residence:	NO
		Deed Reference:	1) /28808/ 306 2)

Location & Structure Information

Premises Address
 LONGVIEW DR

Legal Description
 .688 AC
 NWS LONGVIEW DR
 STONEWALL PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
100	10	648					65	1	
									Plat Ref: 7/ 18

Special Tax Areas

Town	
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		30,000.00 SF	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	141,000	123,000		
Improvements:	0	0		
Total:	141,000	123,000	141,000	123,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: MAISEL FERDINAND D	Date: 10/29/2009	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /28808/ 306	Deed2:
Seller: MAISEL FERDINAND D	Date: 04/25/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /21762/ 49	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

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

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

Case No.: 2010-0262-SPHA (LOT 64 - 144 LONGVIEW DRIVE)

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SEE FILE 2010-0261-A FOR EXHIBITS Aerial Photo - Pattern of Dev.	
No. 2	Redlined Site PLAN	
No. 3	See File 2010-0261-A DRC APPLICATION 12/4/98	
No. 4	Hwy PLATS Roadway Profile	
No. 5	DEED History	
No. 6	LETTERS OF SUPPORT	
No. 7	Stonewall Park Plat	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

VARIANCE ☒ SPECIAL HEARING

THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

Sty

STONEWALL RD.
DEERE RD.
SUBJECT PROPERTY
LONGVIEW DR.

VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT *1ST*
COUNCILMANIC DISTRICT *1ST*
1" = 200' SCALE MAP # *10082*
ZONING *DR-1*
LOT SIZE *.68* ACREAGE *30000* SQUARE FEET
SEWER PUBLIC ☒ PRIVATE ☐
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN ☐ ☐
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING *None*

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

-15-

2010-062-51

PETITIONER'S

EXHIBIT NO.

2

October 4th, 2009

Supporting Document for the Baltimore County Development Review Committee regarding the property located at 144 Longview Drive, Catonsville MD 21228.

I, JOHN ORNDORFF (printed name), support Ferdinand and Tanya Maisel in their efforts to build a house on the lot located in my neighborhood on Longview Drive.

(Signature)

John Orndorff

(Date)

10-5-09

Address:

107 TAUNTON AVE.
Catonsville, MD 21228

October 4th, 2009

Supporting Document for the Baltimore County Development Review Committee regarding the property located at 144 Longview Drive, Catonsville MD 21228.

I, Alisa Lewis (printed name), support Ferdinand and Tanya Maisel in their efforts to build a house on the lot located in my neighborhood on Longview Drive.

(Signature) Alisa Lewis

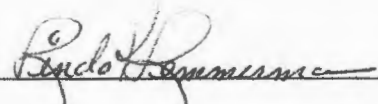
(Date) 10/4/09

Address: 134 Longview Dr.
Catonsville, MD 21228

October 4th, 2009

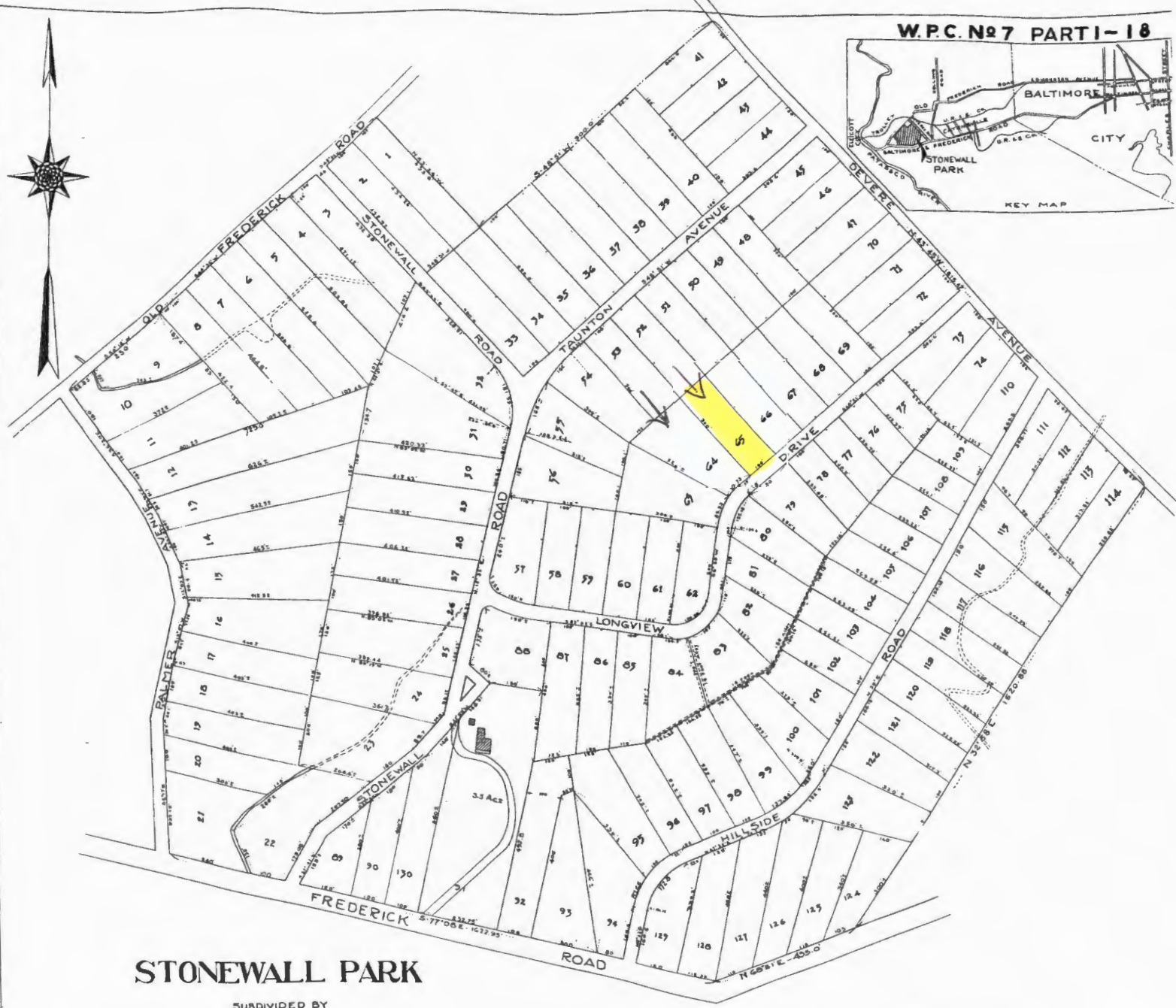
Supporting Document for the Baltimore County Development Review Committee regarding the property located at 144 Longview Drive, Catonsville MD 21228.

I, LINDA K. LEMMERMAN (printed name), support Ferdinand and Tanya Maisel in their efforts to build a house on the lot located in my neighborhood on Longview Drive.

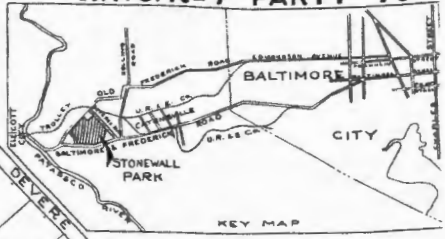
(Signature) 

(Date) 10/4/09

Address: 144 LONGVIEW DR.
Catonsville, MD 21228



W.P.C. No 7 PART I-18



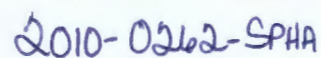
STONEWALL PARK

SUBDIVIDED BY
G. HOWARD WHITE
157-19 CALVERT BLDG. BALTIMORE, MD.

*Filed for record
Sept 19, 1921
Tras: J. H. P. Ch
clerk*

SURVEYED & LAID OUT
BY
J. SPENCE HOWARD
CIVIL CONSULTING ENGINEER BALTIMORE, MD.
SCALE 1"=100' NOVEMBER, 1921

Petitioners Exhibit 7



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 144 LONGVIEW DRIVE

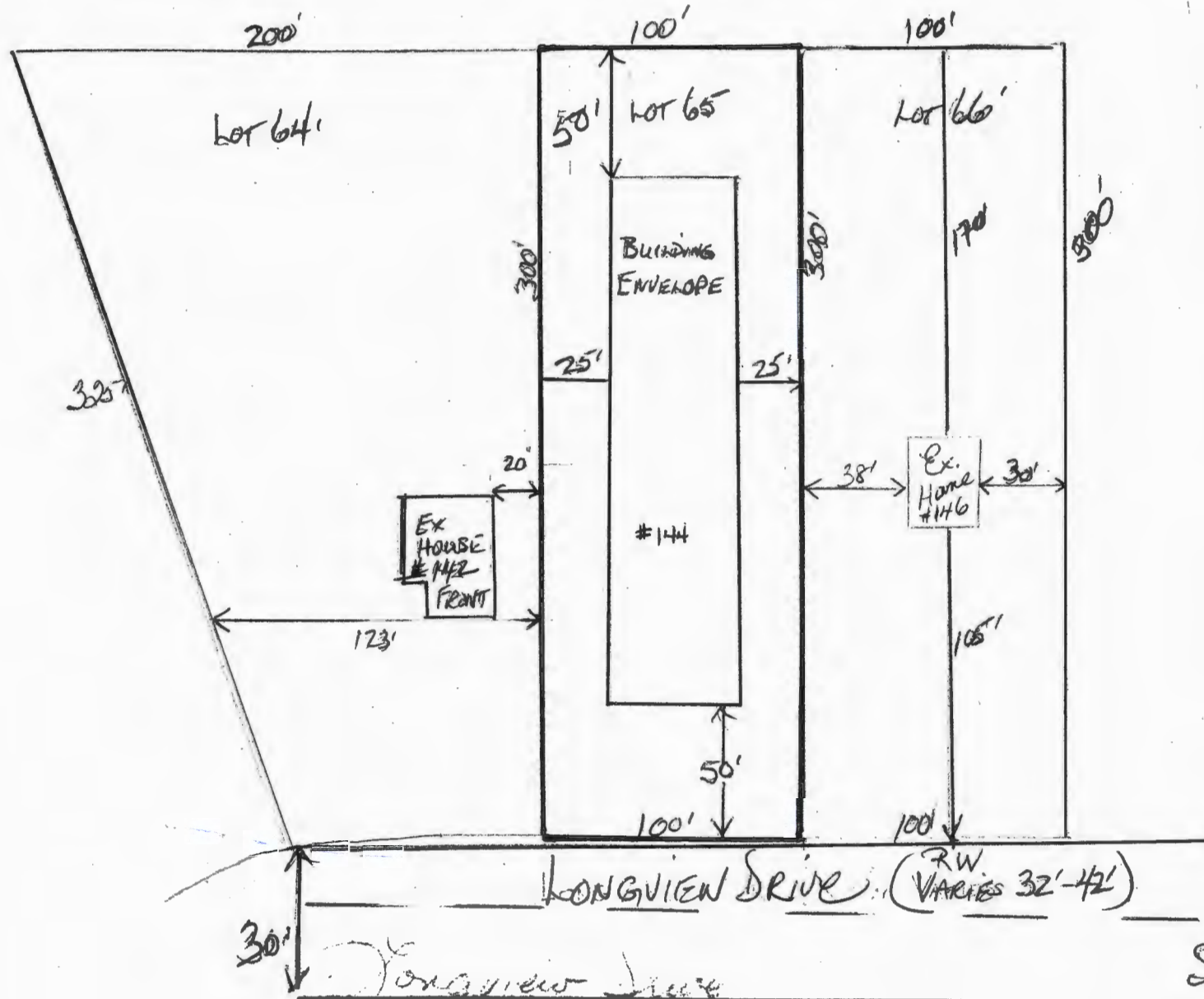
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME STONEWALL PARK

PLAT BOOK # 7 FOLIO # 18 LOT # 64 SECTION #

OWNER FERDINAND D. MAISEL + TANYA Y. HEGE-MAISEL

TAX# 01-2400010012



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

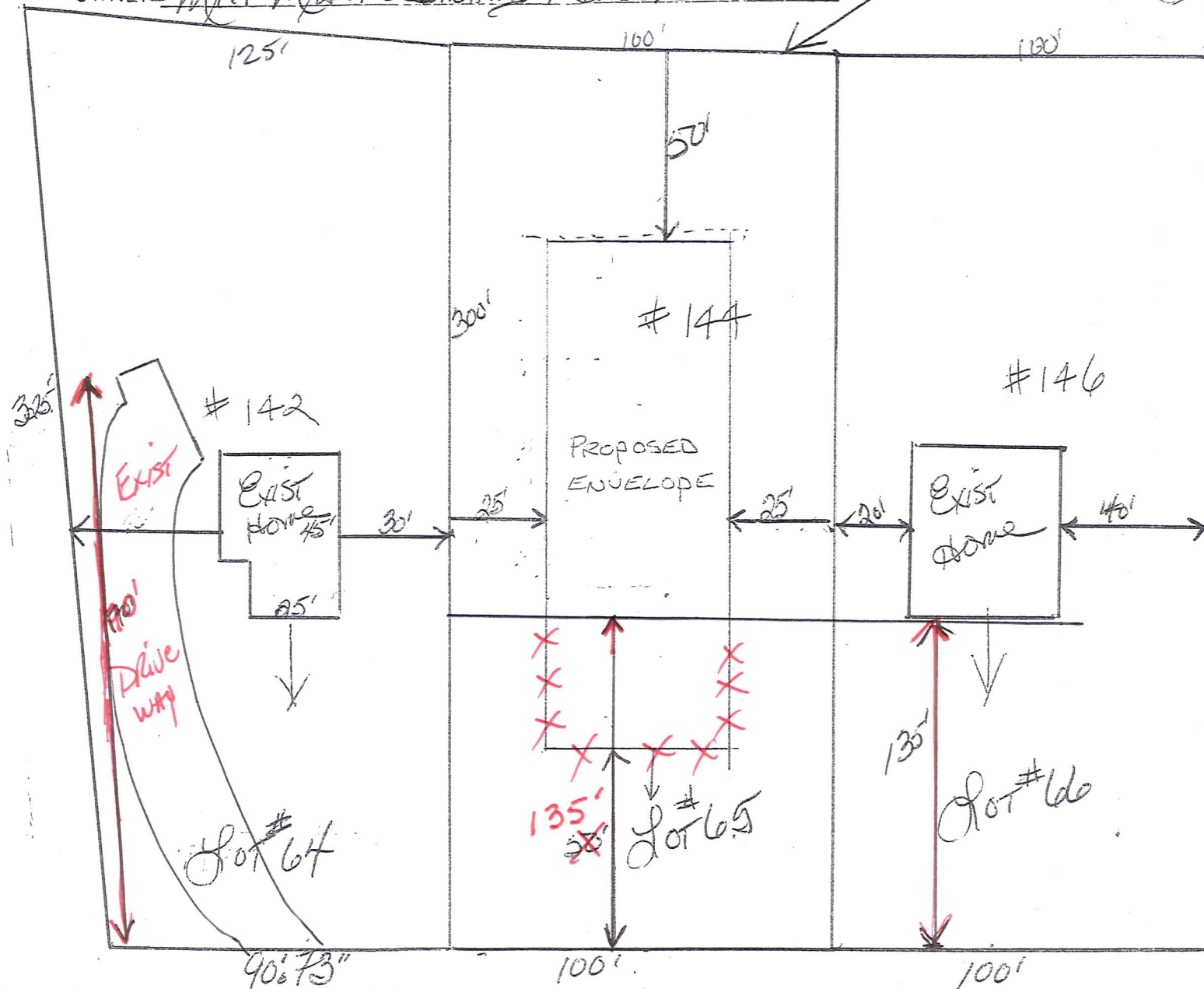
PROPERTY ADDRESS: 146 Longview Drive

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

SUBDIVISION NAME STONEWALL PARK

PLAT BOOK # 7 FOLIO # 18 LOT # 65 SECTION # 1

OWNER Mr. & Mrs. FERDINAND MAISEL



NORTH

30' wide

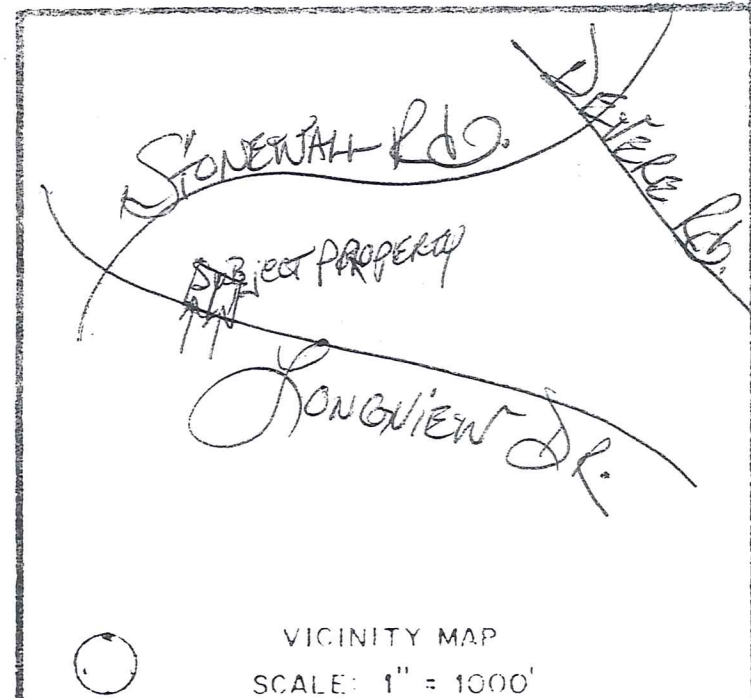
15'

LONGVIEW DRIVE

84

Lee Gilson

SCALE OF DRAWING: 1" = 60'



LOCATION INFORMATION

ELECTION DISTRICT 19

COUNCILMANIC DISTRICT *17th*

1" = 200' SCALE MAP # 10082

ZONING DR-1

LOT SIZE .68 30,000
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA

YES	NO
☐	☒

100 YEAR FLOOD PLAIN ☐ ☐

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING *None*

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PETITIONER' S

EXHIBIT NO.

2