



**Baltimore County, Maryland**

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building  
105 West Chesapeake Avenue, Room 204  
Towson, Maryland 21204

410-887-2188  
Fax: 410-823-4236

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

September 14, 2010

HAND-DELIVERED

Lawrence M. Stahl, Chairman  
County Board of Appeals  
105 W. Chesapeake Avenue, Suite 203  
Towson, MD 21204

Re: PETITION FOR VARIANCE  
E/S of Shenandoah Avenue, 80' SE of First Avenue  
(3505 Shenandoah Avenue)  
13<sup>th</sup> Election District; 1<sup>st</sup> Councilmanic District  
Richard Kotlas - Petitioner  
Case No.: 10-328-A

Dear Mr. Stahl:

On or about August 6, 2010, our office filed an appeal of the Deputy Zoning Commissioner's Findings of Facts and Conclusions of Law dated July 21, 2010. Upon further review of the record and careful evaluation, it does not appear that pursuing the appeal is in the public interest. We therefore withdraw our appeal in this matter.

Thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Peter Max Zimmerman".

Peter Max Zimmerman  
People's Counsel for Baltimore County

A handwritten signature in cursive script that reads "Carole S. Demilio".

Carole S. Demilio  
Deputy People's Counsel for Baltimore County

cc: Dwight Little, c/o Little & Associates  
Richard Kotlas, Petitioner  
Kristen Lewis, PDM Appeals Clerk



## Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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105 West Chesapeake Avenue, Room 204  
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Fax: 410-823-4236

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

August 6, 2010

Hand-delivered

Timothy Kotroco, Director  
Department of Permits and  
Development Management  
111 W. Chesapeake Avenue  
Towson, MD 21204

Re: PETITION FOR VARIANCE  
E/S of Shenandoah Avenue, 80' SE of First Avenue  
(3505 Shenandoah Avenue)  
13<sup>th</sup> Election District; 1<sup>st</sup> Councilmanic District  
Richard Kotlas - Petitioner  
**Case No.: 10-328-A**



Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated July 21, 2010 by the Baltimore County Deputy Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman  
People's Counsel for Baltimore County

Carole S. Demilio  
Deputy People's Counsel

PMZ/CSD/rmw

cc: Dwight Little, c/o Little & Associates

**IN RE: PETITION FOR VARIANCE**

E side of Shenandoah Avenue; 80 feet  
SE of First Avenue  
13<sup>th</sup> Election District  
1<sup>st</sup> Councilmanic District  
(3505 Shenandoah Avenue)

**Richard Kotlas**  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* CASE NO. 2010-0328-A

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Richard Kotlas. Petitioner is requesting Variance relief from Sections 402.1.A and 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a side yard setback of 12 feet in lieu of the required 15 feet; front and rear yard setbacks of 20 feet and 28 feet in lieu of the required 25 feet and 30 feet respectively; and for such further relief as the nature of this petition and the specific conditions of the subject property may warrant in order for the proposed conversion of the existing single-family dwelling into a duplex or semi-detached building to comply with the B.C.Z.R. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Petitioner Richard Kotlas and Dwight Little with Little & Associates, Inc., the professional engineer who prepared the site plan, and Aaron Kensinger, also with Little & Associates, Inc. There were no Protestants or interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is square-shaped and consists of approximately 0.23 acre, more or less, or 10,000 square feet, zoned D.R.5.5. The property is located in the Lansdowne area of Baltimore County west of the Baltimore-Washington

**ORDER RECEIVED FOR FILING**

Date 7-21-10 *pm*

Parkway on the east side of Shenandoah Avenue with ingress/egress from same. The subject property is improved with a single-family dwelling built in 1947, which contains approximately 1,118 square feet according to the Real Property Data Search printout marked and accepted into evidence as Petitioner's Exhibit 2. Photographs of this dwelling were received following the public hearing at the request of the undersigned and are contained within the case file. Through testimony and the submitted photographs, it was revealed that the interior of the subject dwelling was in a state of severe disrepair when Petitioner purchased it and was in need of substantial exterior repairs as well. The property is accessible via a concrete driveway from Shenandoah Avenue that leads to a one-story garage at the rear of the property. This driveway and garage provide off-street parking for the residence. Additional testimony indicated that the home was in foreclosure when purchased by Petitioner.

At this juncture, Petitioner proposes to convert the existing single-family dwelling on the subject property into a duplex or semi-detached two-family structure. This conversion is desired to create a living area for Petitioner, who often commutes from Massachusetts to Baltimore County for his job in home renovation, as well as to generate income through the rental of the second dwelling area. Petitioner noted that he does not live in Baltimore County full-time and that utilization of the property is preferred over the property remaining vacant while he is not present. It was further revealed that Petitioner would continue with the renovations that have begun subsequent to his purchase of the home in March 2010, in order to provide a two-family duplex and improve the overall appearance of the property.

Conversion of dwellings for residential use is permitted in a D.R.5.5 Zone pursuant to Section 402.1.A if the enumerated requirements of that Section are met. Mr. Little, Petitioner's engineering consultant, explained that the subject property meets the minimum lot requirement of 10,000 feet and the minimum lot width requirement for a duplex (80 feet) or semi-detached

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Date 7-21-10 mg

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structure (90 feet); the subject property is 100 feet wide. However, the setback requirements for the property at the side, front and rear yards of 15 feet, 25 feet, and 30 feet, respectively, are not met with the current placement of the home. Thus, Petitioner requests variance relief from Sections 402.1.A and 1B02.3.C.1 of the B.C.Z.R. to permit side, front and rear yard setbacks of 12 feet, 20 feet, and 28 feet, respectively, in order to facilitate the conversion of the principal dwelling to a duplex or semi-detached structure.

In support of the requested relief, Mr. Little explained that the subject property is unique and that strict compliance with the Zoning Regulations would result in unreasonable hardship and practical difficulty. He stated that the size of the lot is unique in that it is significantly larger than most of the other lots in the immediate area. Moreover, the fact that the subject dwelling is over 60 years old and demands extensive renovations to render it livable are special circumstances encumbering the property. Mr. Little further explained that because the minimum lot size and width requirements are met for conversion of the dwelling, and the side, front, and rear yard setbacks are deficient by only three feet, five feet, and two feet, respectively, it is within the spirit and intent of the Regulations to grant the requested variance for setback relief. Additionally, he noted that if relief were not granted, hardship would be suffered by forcing complete demolition of the existing dwelling and the erection of another structure in order to strictly comply with the applicable Regulations that permit the proposed conversion. Otherwise, according to Petitioner, the dwelling would likely remain vacant based on the economic infeasibility of rehabilitating the home for single-family use.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning dated June 23 indicate that Shenandoah Avenue is a short (330 feet long), narrow (18 feet wide) residential street that extends from 1<sup>st</sup> Ave (to the north) to Hollins Ferry Road (to the south). There are eight small, single-

family detached dwellings located along Shenandoah Avenue and all of these dwellings appear to be in good condition except for the Petitioner's dwelling, which is currently being renovated. Shenandoah Avenue is not wide enough to provide on-street parking. The Petitioner's site plan doesn't clearly show how off-street parking will be provided to serve two dwelling units. The Office of Planning does not support the Petitioner's request to convert an existing one-family dwelling into a dwelling for two families for the following reasons:

1. Petitioner's dwelling is not excessively large in size. If granted, the result would be the conversion of a small single-family dwelling into a two-family dwelling with two very small dwelling units in a single-family detached residential neighborhood.
2. Although Petitioner's lot is substantial in size (10,000 square feet) and is larger than the other lots on Shenandoah Avenue, it is not excessively large for a single-family detached dwelling.
3. The request is not within the spirit and intent of the Baltimore County Zoning Regulations. Section 402 (Conversion of Dwellings) stipulates that the converted dwelling must be located on a lot that meets the dimensional requirements shown in the schedule contained in that section. The Planning Office believes it is intended that those requirements must always be met and they should not be modified through the issuance of variances. The 15-foot side yard requirement specified in Section 402 should be enforced.
4. Denial of the request will not cause a practical difficulty upon the property owner and will not be unnecessarily burdensome. The continued use of this property for a single-family dwelling is a reasonable use of the land and the building.

No other adverse comments were received on file.

The determination of a variance request from the Zoning Regulations is governed by Section 307.1 of the B.C.Z.R., as interpreted by the Court of Special Appeals of Maryland in *Cromwell v. Ward*, 102 Md. App. 691 (1995). As indicated by the Court in *Cromwell*, the two-part variance test involves finding that a property is unique and unusual and that if strict adherence to the regulations were required absent relief, an unreasonable hardship or practical difficulty would result. Self-inflicted or created hardship is not considered proper grounds for a variance. *Id.* at 707.

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Date 7-21-10 4

By pm

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, the size of the lot in comparison to the others on the street and the age and location of the existing structure render the subject property unique in a zoning sense. Further, I find that strict compliance with the Zoning Regulations would create a hardship that would result in a denial of a reasonable and sufficient use of the property. Without the special circumstances rendering the subject property in violation of the Regulations, Petitioner would be permitted to convert the subject dwelling into a multi-family duplex as allowed by the Zoning Regulations. Thus, refusing to grant the variance would result in unreasonable hardship and practical difficulty.

I also find this variance request can be granted in strict harmony with the spirit and intent of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell*, and in such a manner as to grant relief without injury to the public health, safety and general welfare. Although the Office of Planning makes several persuasive points for denial of Petitioner's variance requests and plans for conversion of the property, no evidence was submitted to indicate that the conversion of the dwelling to a two-family dwelling would have any adverse impact to the neighborhood. Further, I disagree with Planning that setback requirements must always be met and that variances should never be issued in this type of case. The setbacks at issue are precisely the type of area regulations contemplated by Section 307.1 of the B.C.Z.R. authorizing variance relief. In addition, it appears that Petitioner's renovations to the primary structure will beautify and improve the aesthetics of the subject property, which is currently in disrepair, thereby benefiting the surrounding community as well. Further, the concrete driveway and one-story garage will provide ample off-street parking to accommodate a two-family dwelling.

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Date 7-21-10

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By pm

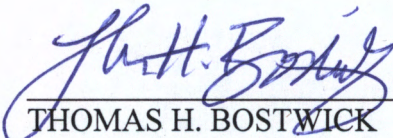
Finally, it is of note that no Protestants or citizens came forth at the hearing expressing concerns, nor submitted letters of opposition in regard to Petitioner's requested relief and his plan to convert the dwelling to a two-family dwelling.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 21<sup>st</sup> day of July, 2010 by this Deputy Zoning Commissioner that Petitioner's Variance requests from Sections 402.1.A and 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a side yard setback of 12 feet in lieu of the required 15 feet, and front and rear yard setbacks of 20 feet and 28 feet in lieu of the required 25 feet and 30 feet respectively, be and are hereby **GRANTED**, subject to the following which are conditions precedent to the granting of the relief:

1. 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, 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.

  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 7-21-10

By pm



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

July 21, 2010

RICHARD KOTLAS  
4516 DONCASTER DRIVE  
ELLCOTT CITY MD 21043

Re: Petition for Variance  
Case No. 2010-0328-A  
Property: 3505 Shenandoah Avenue

Dear Mr. Kotlas:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

Enclosure

c: Dwight Little and Aaron Kensinger, Little & Associates, Inc., 1055 Taylor Avenue, Suite 307, Towson MD 21286



# Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at #3505 Shenandoah Avenue

which is presently zoned DR 5.5

Deed Reference: 29333 / 404 Tax Account # 1312000190

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached.

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

See attached.

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

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

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

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

Richard Kotlas

Name - Type or Print

Signature

Name - Type or Print

Signature

4516 Doncaster Drive 410-952-9954

Address

Telephone No.

Ellicott City

MD

21043

City

State

Zip Code

## Representative to be Contacted:

Dwight Little, Little & Associates, Inc.

Name

1055 Taylor Ave, Suite 307 410-296-1636

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

Case No. 2010-0328-A

## Office Use Only

Estimated Length of Hearing  
Unavailable For Hearing

Reviewed by

JNP

Date

5/26/2010

REV 8/20/07 ORDER RECEIVED FOR FILING

Date 7-21-10

By m

, hereby petition for a Variance from Section(s)

402.1.A and 1B02.3.C.1

, for the following reasons:

1) To request relief from the side yard setback requirement for conversion of an existing single family dwelling into a duplex or semi detached building to allow for 12' in lieu of the required 15'

A practical difficulty exists where strict compliance with the side yard setback minimum of 15' would prevent use of the property for the permitted use of conversion of an existing single family dwelling into a duplex or semi detached building.

2) To request relief from the current front and rear yard setbacks to allow for 20' in lieu of the required 25', and 28' in lieu of the required 30' respectively.

A practical difficulty exists where strict compliance with current front and rear yard setbacks of 25' and 30' respectively make the existing single family dwelling non-conforming.

3) And for such further relief as the nature of this petition and the specific conditions of the subject property may warrant.

2010-0328-A

ZONING DESCRIPTION FOR  
#3505 SHENANDOAH AVENUE

Beginning at a point on the east side of Shenandoah Avenue, which is 35 feet wide, at the distance of 80 feet southeast of the centerline of the nearest improved intersecting street, First Avenue, which is 40 feet wide. Being Lots 115, 116, 117 and 118 in the subdivision of East Lansdowne as recorded in Baltimore County Plat Book W.P.C. No. 8, Folio No. <sup>37</sup>~~26~~, containing *AK* 10,000 square feet of land. Also known as #3505 Shenandoah Avenue and located in the 13<sup>th</sup> Election District, 1<sup>st</sup> Councilmanic District.



2010-0328-A

**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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2010-0328-A  
Petitioner: Richard Kotlas  
Address or Location: #3505 Shenandoah Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Richard KOTLAS  
Address: 4516 DONCASTER DRIVE  
Ellicott City, MD 21043  
Telephone Number: 410-952-9954

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

No. **53944**  
 Date: **5/26/2010**

**PAID RECEIPT**

5/27/2010 5/26/2010 10:39:49 5

REC 503 WALSH REOS LRY

REC 101 B 456530 5/26/2010 OFLN

5 528 ZONING VERIFICATION

053944

Receipt Tot 165.00

165.00 TR 1.00 CA

Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount | Dept |
|------|------|------|----------|-----------------|------------------|----------|---------|--------|------|
| 011  | 206  | 0000 |          | 6100            |                  |          |         | 65.00  | 5    |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |

Total: **65.00**

Rec From: **Diamond Pro Contractors, Inc.**  
 For: **Variance - 3525 Shenandoah Ave.**  
**2010-0328-A (KOTLAS)**

**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: # 2010-0328-A**

3505 Shenandoah Avenue

E/side of Shenandoah Avenue, 80 feet s/east of First Avenue

13th Election District — 1st Councilmanic District

Legal Owner(s): Richard Kotlas

**Variance:** to request relief from the side yard requirement for conversion of an existing single family dwelling into a duplex or semi-detached building to allow for 12 feet in lieu of the required 15 feet; to request relief from the current front and rear yard setbacks to allow for 20 feet in lieu of the required 25 feet and 28 feet in lieu of the required 30 feet respectively; and for such further relief as the nature of this petition and the specific conditions of the subject property may warrant.

**Hearing:** Friday, July 16, 2010 at 11:00 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.

7/079 July 1

245649

**CERTIFICATE OF PUBLICATION**

7/11, 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 7/11, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

## CERTIFICATE OF POSTING

Date: 6-28-10

RE: Case Number: 2010-0328-A

Petitioner/Developer: Richard Kotler

Date of Hearing/Closing: Friday July 16, 2010 11AM

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 3505 Sherbrook Ave

The signs(s) were posted on 6-28-10  
(Month, Day, Year)

J. Lawrence Pilson  
(Signature of Sign Poster)

J. LAWRENCE PILSON  
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road  
(Street Address of Sign Poster)

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

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

# ZONING NOTICE

CASE # 2010-032

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

JEFFERSON BUILDING ROOM 104

PLACE: 105 W CHESAPEAKE AVE, TOWSON, MD 21204

DATE AND TIME: JULY 16, 2010 11 AM FRIDAY

REQUEST: \_\_\_\_\_

VARIANCE TO REQUEST RELIEF FROM THE SIDE YARD REQUIREMENT  
FOR CONVERSION OF AN EXISTING SINGLE FAMILY DWELLING INTO A  
DUPLEX OR SEMI-DETACHED BUILDING TO ALLOW FOR 12 FEET IN  
LIEU OF THE REQUIRED 15 FEET; TO REQUEST RELIEF FROM THE  
CURRENT FRONT AND REAR YARD SETBACKS TO ALLOW FOR 20 FEET  
IN LIEU OF THE REQUIRED 25 FEET AND 28 FEET IN LIEU OF THE  
REQUIRED 30 FEET RESPECTIVELY; AND FOR SUCH FURTHER RELIEF  
AS THE NATURE OF THIS PETITION AND THE SPECIFIC CONDITIONS OF  
THE SUBJECT PROPERTY MAY WARRANT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391  
DO NOT REMOVE THIS SIGN AND POST

TO: PATUXENT PUBLISHING COMPANY  
Thursday, July 1, 2010 Issue - Jeffersonian

Please forward billing to:  
Richard Kotlas  
4516 Doncaster Drive  
Ellicott City, MD 21043

410-952-9954

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## 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: 2010-0328-A**

3505 Shenandoah Avenue  
E/side of Shenandoah Avenue, 80 feet s/east of First Avenue  
13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owners: Richard Kotlas

Variance to request relief from the side yard requirement for conversion of an existing single family dwelling into a duplex or semi-detached building to allow for 12 feet in lieu of the required 15 feet; to request relief from the current front and rear yard setbacks to allow for 20 feet in lieu of the required 25 feet and 28 feet in lieu of the required 30 feet respectively; and for such further relief as the nature of this petition and the specific conditions of the subject property may warrant.

Hearing: Friday, July 16, 2010 at 11:00 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*

June 7, 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: 2010-0328-A**

3505 Shenandoah Avenue

E/side of Shenandoah Avenue, 80 feet s/east of First Avenue

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Richard Kotlas

Variance to request relief from the side yard requirement for conversion of an existing single family dwelling into a duplex or semi-detached building to allow for 12 feet in lieu of the required 15 feet; to request relief from the current front and rear yard setbacks to allow for 20 feet in lieu of the required 25 feet and 28 feet in lieu of the required 30 feet respectively; and for such further relief as the nature of this petition and the specific conditions of the subject property may warrant.

Hearing: Friday, July 16, 2010 at 11:00 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:kl

C: Richard Kotlas, 4516 Doncaster Drive, Ellicott City 21043  
Dwight Little, Little & Assoc., 1055 Taylor Ave., Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 1, 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*

July 7, 2010

Richard Kotlas  
4516 Doncaster Dr.  
Ellicott City, MD 21043

Dear: Richard Kotlas

RE: Case Number 2010-0328-A, 3505 Shenandoah Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 26, 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  
Dwight Little: Little & Associates, Inc.; 1055 Taylor Ave. Ste. 307; Towson, MD 21286

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For June 14, 2010  
Item Nos. 2010- 290, 293, 322, 323,  
325, 326, 328 and 329

**DATE:** June 2, 2010

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-06142010 -NO COMMENTS.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-14-2010

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

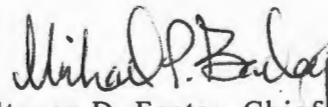
RE: Baltimore County  
Item No. 2010-0328-A  
3503 SHENANDOAH AVE.  
KOTLAS PROPERTY  
VARIANCE-

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0328-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

  
For Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/mb

TB 7-16-10 11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

**DATE:** June 23, 2010

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

**SUBJECT:** 3505 Shenandoah Avenue

**INFORMATION:**

**Item Number:** 10-328

**Petitioner:** Richard Kotlas

**Zoning:** DR 5.5

**Requested Action:** Variance

RECEIVED

JUN 24 2010

ZONING COMMISSIONER

**SUMMARY OF RECOMMENDATIONS:**

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

Shenandoah Avenue is a short (330 feet long), narrow (18 feet wide) residential street that extends from 1<sup>st</sup> Ave (to the north) to Hollins Ferry Road (to the south). There are 8 small, single-family detached dwellings located along Shenandoah Avenue. All of these dwellings appear to be in good condition except for the subject property, which is currently being renovated.

Shenandoah Avenue isn't wide enough to provide on-street parking. The petitioner's site plan doesn't clearly show how off-street parking will be provided to serve two dwelling units.

The size of the petitioner's dwelling is only 1,118 square feet. It is similar in size to the other dwellings on Shenandoah Avenue. The Maryland Department of Assessments and Taxation Real Property Data Search shows that the dwellings on this street range in size from 816 square feet to 1,491 square feet (see table below). The size of the petitioner's dwelling is not unique when compared to the other Shenandoah Avenue dwellings. It is slightly smaller than 3 of the other dwellings and slightly larger than 4 of the other dwellings.

The petitioner's lot is 10,000 square feet in size and is a perfect square in shape. As shown in the table (on the next page), it is the largest lot on Shenandoah Avenue.

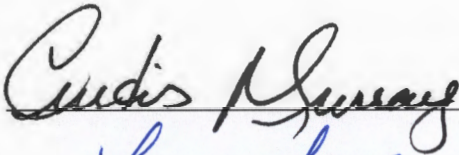
| Address                                           | Enclosed Area<br>(Square Feet) | Property Land Area<br>(Square Feet) |
|---------------------------------------------------|--------------------------------|-------------------------------------|
| 3512 Shenandoah Ave                               | 1,491                          | 7,128                               |
| 3508 Shenandoah Ave                               | 1,356                          | 5,000                               |
| 3510 Shenandoah Ave                               | 1,188                          | 7,500                               |
| <b>3505 Shenandoah Ave*</b>                       | <b>1,118</b>                   | <b>10,000</b>                       |
| 3501 Shenandoah Ave                               | 1,108                          | 7,022                               |
| 3502 Shenandoah Ave                               | 960                            | 6,297                               |
| 3504 Shenandoah Ave                               | 858                            | 6,013                               |
| 3507 Shenandoah Ave                               | 816                            | 9,945                               |
| * Petitioner's property                           |                                |                                     |
| Source: MD Department of Assessments and Taxation |                                |                                     |

The Office of Planning **does not** support the petitioner's request to convert an existing one-family dwelling into a dwelling for two families for the following reasons:

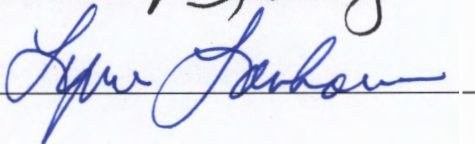
1. The petitioner's dwelling is not excessively large in size. If the request is granted, the result would be the conversion of a small single-family dwelling into a two-family dwelling with two very small dwelling units in a single-family detached residential neighborhood.
2. Although the petitioner's lot is substantial in size (10,000 SF) and is larger than the other lots on Shenandoah Avenue, it is not excessively large for a single-family detached dwelling.
3. The request is not within the spirit and intent of the Baltimore County Zoning Regulations. Section 402 (Conversion of Dwellings) stipulates that the converted dwelling must be located on a lot that meets the dimensional requirements shown in the schedule contained in that section. I believe it is intended that those requirements must always be met and they should not be modified through the issuance of variances. The 15-foot side yard requirement specified in Section 402 should be enforced.
4. Denial of the request will not cause a practical difficulty upon the property owner and will not be unnecessarily burdensome. The continued use of this property for a single-family dwelling is a reasonable use of the land and the building.

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

Prepared by:



Division Chief:  
AFK/LL: CM



TB 7-16-10  
11AM

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**

**RECEIVED**



**JUN 28 2010**

**ZONING COMMISSIONER**

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 28, 2010

SUBJECT: Zoning Item # 10-328-A  
Address 3505 Shenandoah Avenue  
(Kotlas Property)

Zoning Advisory Committee Meeting of May 31, 2010

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

Reviewer: JWL Date: 6/28, 2010

|                                                                    |   |                     |
|--------------------------------------------------------------------|---|---------------------|
| RE: PETITION FOR VARIANCE                                          | * | BEFORE THE          |
| 3505 Shenandoah Avenue; E/S Shenandoah                             | * | ZONING COMMISSIONER |
| Avenue, 80' SE of First Avenue                                     | * | FOR                 |
| 13 <sup>th</sup> Election & 1 <sup>st</sup> Councilmanic Districts | * | BALTIMORE COUNTY    |
| Legal Owner(s): Richard Kotlas                                     | * | 10-328-A            |
| Petitioner(s)                                                      |   |                     |

\* \* \* \* \*

**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

JUN 09 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 9th day of June, 2010, a copy of the foregoing Entry of Appearance was mailed to Dwight Little, Little & Associates, Inc, 1055 Taylor Avenue, Suite 307, Towson, Md 21286, Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

CHECKLISTComment  
ReceivedDepartmentSupport/Oppose  
No Comment6-2-10

DEVELOPMENT PLANS REVIEW

nc6-28-10

DEPRM

nc6-14-10

FIRE DEPARTMENT

nc6-23-10

PLANNING

(if not received, date e-mail sent \_\_\_\_\_)

opposes

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. -)

PRIOR ZONING

(Case No. -)

NEWSPAPER ADVERTISEMENT

Date: 7-1-10

SIGN POSTING

Date: 6-28-10

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

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

CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

[illegible]

Case No.: 2010-0328-A

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                       |  |
|--------|-----------------------|--|
| No. 1  | <i>site plan</i>      |  |
| No. 2  | <i>tax record</i>     |  |
| No. 3  | <i>MLS photograph</i> |  |
| 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 vw2.3d)

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

**Account Identifier:** District - 13 **Account Number -** 1312000190

**Owner Information**

**Owner Name:** KOTLAS RICHARD **Use:** RESIDENTIAL  
**Mailing Address:** 4516 DONCASTER DR **Principal Residence:** NO  
 ELLICOTT CITY MD 21043-6767 **Deed Reference:** 1) /29333/ 404  
 2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
 3505 SHENANDOAH AVE LT 115-118  
 BALTIMORE 21227-2021 3505 SHENANDOAH  
 EAST LANSDOWNE

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:        |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------|
| 109 | 4    | 124    |              |             |         |       | 115 | 1               | Plat Ref: 8/ 36 |

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

| Primary Structure Built | Enclosed Area         | Property Land Area           | County Use                |
|-------------------------|-----------------------|------------------------------|---------------------------|
| 1947                    | 1,118 SF              | 10,000.00 SF                 | 04                        |
| <b>Stories</b><br>1     | <b>Basement</b><br>NO | <b>Type</b><br>STANDARD UNIT | <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>               | 72,750     | 72,700     |                      |            |
| <b>Improvements:</b>      | 105,050    | 102,000    |                      |            |
| <b>Total:</b>             | 177,800    | 174,700    | 177,800              | 174,700    |
| <b>Preferential Land:</b> | 0          | 0          | 0                    | 0          |

**Transfer Information**

|                                          |                           |                         |
|------------------------------------------|---------------------------|-------------------------|
| <b>Seller:</b> FEDERAL NATIONAL MORTGAGE | <b>Date:</b> 04/02/2010   | <b>Price:</b> \$84,900  |
| <b>Type:</b> NOT ARMS-LENGTH             | <b>Deed1:</b> /29333/ 404 | <b>Deed2:</b>           |
| <b>Seller:</b> RYAN MICHAEL E            | <b>Date:</b> 02/16/2010   | <b>Price:</b> \$229,033 |
| <b>Type:</b> IMPROVED ARMS-LENGTH        | <b>Deed1:</b> /29175/ 125 | <b>Deed2:</b>           |
| <b>Seller:</b> RYAN DANA E               | <b>Date:</b> 10/17/2003   | <b>Price:</b> \$95,000  |
| <b>Type:</b> NOT ARMS-LENGTH             | <b>Deed1:</b> /18983/ 609 | <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.** 2

This report prepared for you by Stacy Hardy

Start 21227 Favorites (0) Possibilities (3) Discarded (0)

Welcome Koty Koty

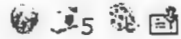
PETITIONER'S

Result 4 of 76. Filter Results >>

EXHIBIT NO.

3

Previous · Next · 1 2 3 [4] 5 6 7 8 9 10 ... · Bottom · Back to Gallery - Customer display



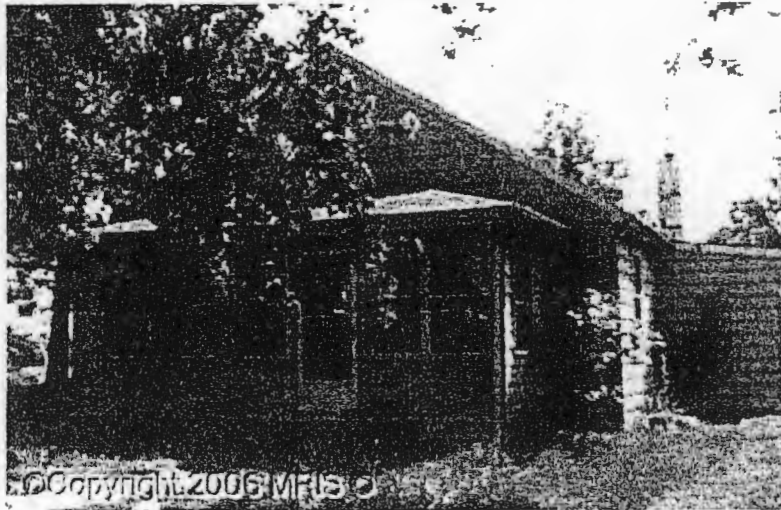
Translate to: Select Language

Metropolitan Regional Information Systems, Inc.

BC7236854 - BALTIMORE  
3505 SHENANDOAH AVE, HALETHORPE, MD 21227

Full Listing  
Residential

Image 1 of 5 Slideshow · Album



Status: Active  
Ownership: Fee Simple  
Sale or Rental: Sale  
Listing Type: Excl. Right  
Foreclosure: Yes  
Adv Sub: East Lansdowne  
Legal Sub: EAST LANSDOWNE  
Condo/Coop Proj Name:

Style: Cape Cod  
Type: Detached  
TH Type:  
#Levels: 2  
Auction: No  
#Fireplaces: 0  
Model:

List Price: \$94,900  
Inc City/Town:  
Zip: 21227 - 2021  
Election District: 13  
Potential Short Sale: No  
ADC Map Coord: 42 H12

Tax ID: 04131312000190  
HOA Fee: /  
C/C Fee: /

Total Taxes: \$2,477  
Tax Year: 2009  
Lot AC/SF: .23/10,000

Area:  
Level Location:  
Age: 63  
Year Built: 1947

Elementary:

Middle:

High:

INTERIOR

|             | Total | Main | Upper 1 | Upper 2 | Lower 1 | Lower 2 |
|-------------|-------|------|---------|---------|---------|---------|
| Bedrooms:   | 3     | 0    | 0       | 0       | 3       | 0       |
| Full Baths: | 2     | 0    | 0       | 0       | 2       | 0       |
| Half Baths: | 0     | 0    | 0       | 0       | 0       | 0       |

| Room           | Dimensions | Level | Flooring | Fireplace |
|----------------|------------|-------|----------|-----------|
| Living Room    | x          |       |          |           |
| Dining Room    | x          | Main  | Other    |           |
| Bedroom-Master | x          |       |          |           |
| Bedroom-First  | x          | Main  | Carpet   |           |

2011  
410-887-3391







**Note:**  
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

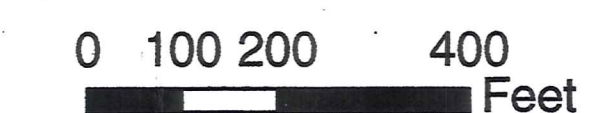
### Legend

 Buildings
  Streams
  Vegetation  
 Zoning
  Roads
  Rail Lines

# Baltimore County Office of Planning and Zoning Official Zoning Map

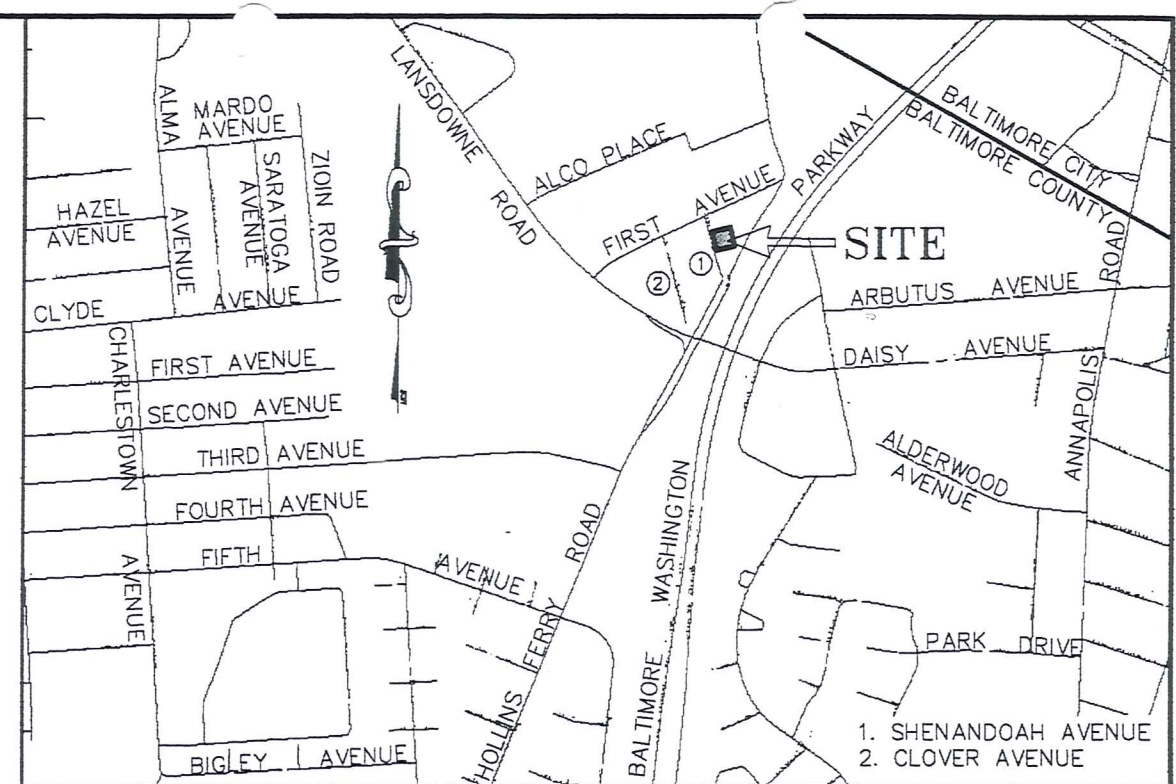
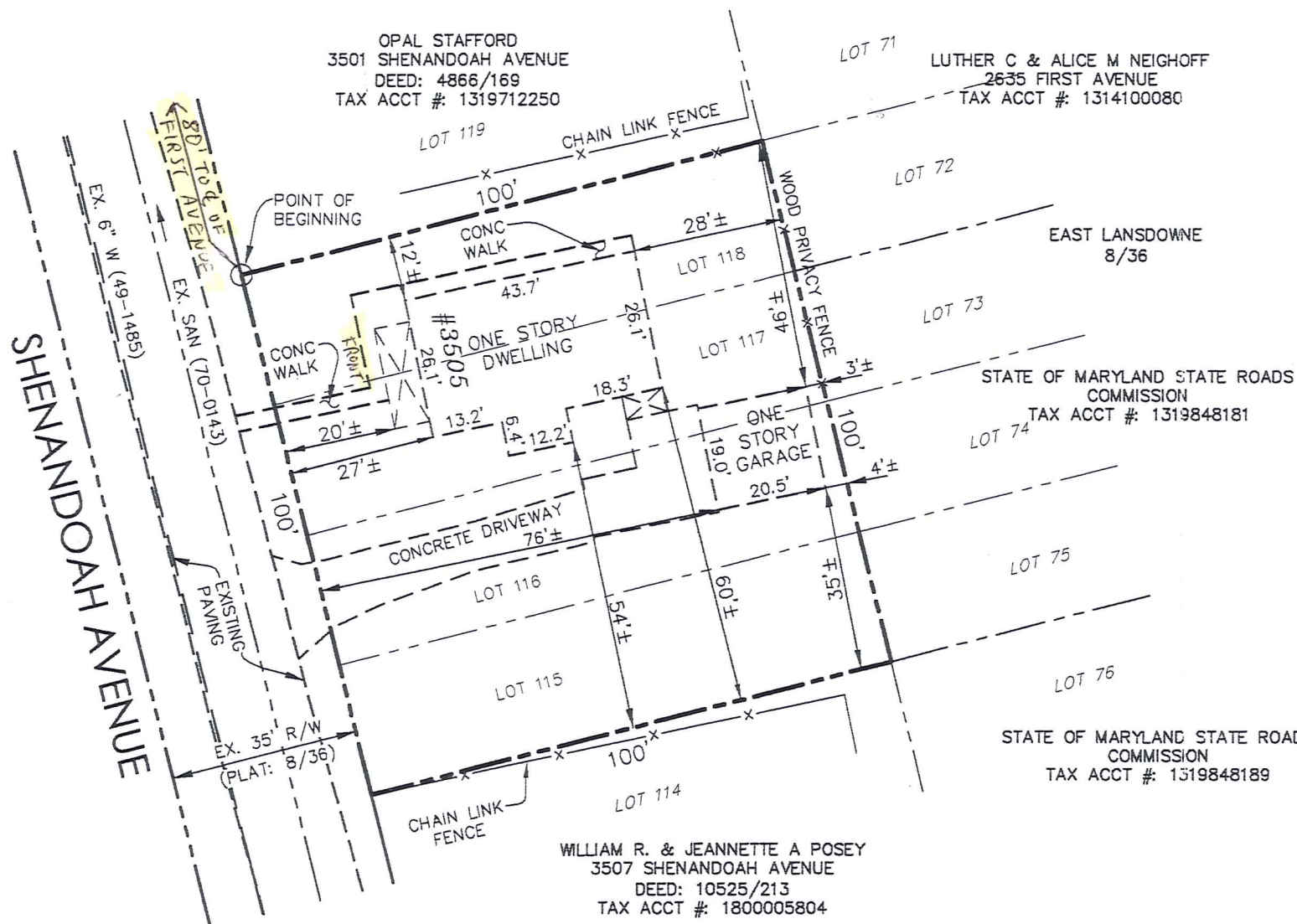
|       |       |       |       |
|-------|-------|-------|-------|
| 101C3 | 102A3 | 102B3 |       |
| 108C1 | 109A1 | 109B1 | 109C1 |
| 108C2 | 109A2 | 109B2 | 109C2 |

### Scale

$$1'' = 200'$$


**Data Sources:**  
Planametric Data - Baltimore County  
OIT/GIS Services Unit  
1:2400, from 1995/96 photography  
Zoning- Baltimore County Office of Planning  
1:2400, 2008

2018-0328-A



VICINITY MAP

SCALE: 1"=1000'

**SITE DATA**

NET AREA: 0.23 AC± (10,000 SF)  
EXISTING ZONING: DR 5.5, 200 SCALE MAP 109B1  
EXISTING USE: SINGLE FAMILY RESIDENTIAL  
OWNER: RICHARD KOTLAS  
4516 DONCASTER DRIVE  
ELLICOTT CITY, MD 21043  
TAX ACCOUNT NUMBER: 1312000190  
TAX MAP NO. 109 GRID 4 PARCEL 124  
DEED: 29333/404

**GENERAL NOTES**

1. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THIS SITE IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN
3. THIS SITE DOES NOT CONTAIN ANY KNOWN HISTORICAL BUILDINGS.
4. THIS SITE HAS NO KNOWN PRIOR ZONING HISTORY.
5. THERE ARE NO KNOWN WELLS, SEPTIC SYSTEMS, OR UNDER GROUND STORAGE TANKS LOCATED ON SITE.
6. PUBLIC WATER & SEWER

**PETITIONER'S**

EXHIBIT NO. 1

SITE PLAN TO ACCOMPANY ZONING PETITION

**KOTLAS PROPERTY**

3505 SHENANDOAH AVENUE

DISTRICT 13c1 BALTIMORE COUNTY, MD

SCALE: 1"=30' MAY 19, 2010

PLAT BOOK 8 / FOLIO 37, LOTS 115 through 118  
EAST LANSDOWNE



**LITTLE & ASSOCIATES, INC.**  
ENGINEERS~~LAND PLANNERS~~SURVEYORS  
1055 TAYLOR AVENUE, SUITE 307  
TOWSON, MARYLAND 21286  
PHONE: (410)296-1636 FAX: (410)296-1639

2010-0328-A