

IN RE: PETITION FOR VARIANCE

W side of The Byway Road; 190 feet N
of the c/l of Morrisway Road
4th Election District
2nd Councilmanic District
(West side of The Byway Road)

M&G Investments, LLC
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0343-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 Michael Greenspun, Managing Member, on behalf of M&G Investments, LLC, the legal owner of the subject property. Petitioner is requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and applicable provisions of the Comprehensive Manual of Development Policies ("C.M.D.P.") for each lot as follows:

- To permit a minimum lot width of 52 feet in lieu of the 70 feet required;
- A minimum side yard width of 6 feet for each side in lieu of the 10 feet required; and
- A minimum sum of side yard widths of 12 feet in lieu of the 25 feet required; and
- Together with such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the B.C.Z.R. and C.M.D.P. to permit the proposed uses as set forth on the Plan to Accompany this Petition.

The subject property and requested relief are more fully depicted 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 was Michael S. Greenspun, Managing Member of M&G Investments LLC, and his attorney, Howard L.

ORDER RECEIVED FOR FILING

Date 9.7.10

By [Signature]

Alderman, Jr., Esquire. Also appearing in support of the requested relief was Geoffrey C. Schultz with McKee & Associates, Inc., the professional land surveyor who prepared the site plan. Also appearing in support of Petitioner's request was Lynn Lanham with the Baltimore County Office of Planning. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence presented revealed that the subject property, known as Lot 6, Section D of Pleasant Hill Park, is irregularly shaped and consists of approximately 0.8134 acre, more or less, zoned D.R. 3.5. The property is located on the west side of The Byway Road, west of Owings Mills Boulevard and south of Gwynnbrook Avenue, in the Owings Mills area of Baltimore County. The property is bordered on the north and south by vacant residential lots, to the west by a residential dwelling and to the east by The Byway Road. It is comprised of two lots known as 102 and 104 The Byway Road. Both properties are improved with existing single-family dwellings¹. An overhead photograph of the subject property was marked and accepted into evidence as Petitioner's Exhibit 2.

Petitioner proposes to subdivide the subject property thereby creating three lots, 102, 104 and 106 The Byway Road. Petitioner plans to raze the existing improvements on the property, which according to testimony are antiquated and in need of significant repair and renovation, and replace them with three separate dwellings, each consisting of four bedroom, two and a half bath, colonial style, single-family dwellings with ingress/egress from The Byway Road. As shown on the site plan, the lots would be configured as follows: (1) 102 The Byway Road would consist of approximately 10,050 square feet or 0.23 acre, more or less, with a front yard width of 52 feet and side yard setbacks of six feet on each side; (2) 104 The Byway Road would consist of

¹ The primary structure known as 102 The Byway Road was built in 1948 and sold to M&G Investments, LLC, along with 104 The Byway Road, in May, 2009 by Thelma K. Woolford, according to the Real Property Data Search printouts contained in the case file.

approximately 11,160 square feet or 0.25 acre, more or less, with a front yard width of 52 feet and side yard setbacks of six feet on each side; and (3) 106 The Byway Road would consist of approximately 12,480 square feet or 0.28 acre, more or less, with a front yard width of 69 feet and side yard setbacks of six feet on each side. According to Petitioner's attorney, Mr. Alderman, a site plan was initially proposed with the third lot located behind the other two lots and with access provided by a panhandle ingress/egress. However, in the process of discussions with the Office of Planning, it was suggested that the current minor subdivision plan, as shown on Petitioner's Exhibit 1, would be the preferred development plan in order to maintain the character of the neighborhood. While this plan meets the minimum lot size requirements and front and rear yard setback requirements, it necessitates variance relief for lot width and side yard setbacks and sums. Mr. Alderman explained that this relief is necessary due to the irregular shape, size and configuration of the parcel, which renders strict compliance with the Zoning Regulations impractical.

Also appearing in support of Petitioner's variance request was Lynn Lanham, Chief of the Development Review Division of the Office of Planning. Ms. Lanham confirmed that the variance request is necessitated by Planning's desire for the proposed lots to be reconfigured to have road frontage/access, and testified that her office recommends approval of Petitioner's request because it is compatible with the characteristics and pattern of development in the surrounding area and would likely improve the aesthetics of the neighborhood.

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 28, 2010 indicate that Petitioner's engineer submitted three requests for minor subdivisions on adjacent lots 5 and 6 and on adjacent lots 2, 3 and part of lot 4 in a subdivision known as Pleasant Hill

ORDER RECEIVED FOR FILING

Date

9-7-10

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By

[Signature]

Park in 2009. In the instant case, the request for a three lot minor subdivision, #09058M, known as 102 The Byway (a re-subdivision of lot 6) was submitted showing one lot as a panhandle lot, but did not meet the criterion for panhandle use. The Planning Office recommended reconfiguration of the lots so that all would have road frontage and a site layout that is compatible with the overall neighborhood pattern. The Planning Office supports the variance requests for lot width of 53 feet in lieu of 70 feet and a minimum side yard of 6 feet in lieu of 10 feet; and a sum of side yard widths of 12 feet in lieu of 25 feet provided all minor subdivision comments are addressed. Comments were also received from the Department of Environmental Protection and Resource Management dated June 28, 2010, indicating that proposed resubdivision of the property and/or future building permits will be reviewed by the Groundwater Management Section especially to check for any existing well(s) and septic system(s) on this site.

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. *Id.* at 707.

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, I find that the irregular shape, size and configuration of the subject property combine to render the property unique. Further, I find that strict compliance with the Zoning Regulations would result in

ORDER RECEIVED FOR FILING

Date 9.7.10

4

By PB

unreasonable hardship and practical difficulty. It is also of note that the Office of Planning supports Petitioner's development proposal and requests for zoning relief. Further, this re-development is of the infill variety, a preferred method of development, which takes advantage of already existing provision of services and infrastructure, while also updating, repairing and beautifying the conditions of the property. With these considerations in mind, I also find this variance request can be granted in strict harmony with the spirit and intent 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. The variances needed are completely interior to the overall property lines and will not result in any increase in allowable density.

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

THEREFORE, IT IS ORDERED this 7th day of September, 2010 by this Deputy Zoning Commissioner that Petitioner's Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and applicable provisions of the Comprehensive Manual of Development Policies ("C.M.D.P.") for each lot as follows:

- To permit a minimum lot width of 52 feet in lieu of the 70 feet required; and
- A minimum side yard width of 6 feet for each side in lieu of the 10 feet required; and
- A minimum sum of side yard widths of 12 feet in lieu of the 25 feet required,

be and are hereby **GRANTED**.

The relief granted herein shall be subject to the following:

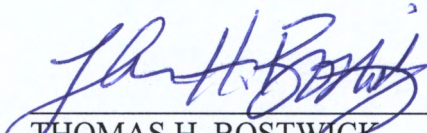
ORDER RECEIVED FOR FILING

Date 9.7.10 5

By PZ

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.
2. Petitioner shall comply with the rules and regulations pertaining to minor subdivisions in Baltimore County, and in particular the comments set forth in proposed minor subdivision #09058M.
3. The proposed re-subdivision of the property and/or future building permits will be reviewed by the Groundwater Management Section of the Department of Environmental Protection and Resource Management, especially to check for any existing well(s) and septic system(s) on this site.

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 9.7.10

By PG



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 7, 2010

HOWARD L. ALDERMAN, JR., ESQUIRE
LEVIN & GANN PA
502 WASHINGTON AVENUE, 8TH FLOOR
TOWSON MD 21204

Re: Petition for Variance
Case No. 2010-0343-A
Property: West side of The Byway Road

Dear Mr. Alderman:

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,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Michael S. Greenspun, Managing Member, M&G Investments LLC, 1498 Reisterstown Road, Suite 338, Baltimore MD 21208
Geoffrey C. Schultz, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville MD 21030
AlanPasarell@comcast.net



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 102, 104 & 106 The Byway Road ~~PROPOSED~~ LOT 6, SECTION D, PLEASANT HILL PARK

which is presently zoned DR 3.5

Deed Reference: 28115 / 130 Tax Account # 0423075200 and 0423075525

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L Alderman, Jr., Esq.

Name - Type or Print

Signature

Levin & Gann, PA

Company

502 Washington Ave., 8th FL. 410-321-0600

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Legal Owner(s):

M&G Investments, LLC

Name - Type or Print

Signature

By: Michael Greenspun, Mgr. Member

Name - Type or Print

Signature

1498 Reisterstown Road, Suite 338

443-375-0324

Address

Telephone No.

BALTIMORE

MD

21208

City

State

Zip Code

Representative to be Contacted:

Geoffrey C. Schultz, PLS McKee & Associates, Inc.

Name

5 Shawan Road, Suite 1

410-527-1555

Address

Cockeysville

MD

Telephone No.

21030

City

State

Zip Code

Case No. 2010-0343-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by D.T. Date 6/7/10

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 9.7.10

By PB

**Attachment 1
PETITION FOR VARIANCE**

CASE NO: 2010-0343-A

Address: (PROPOSED 102, 104 & 106 The Byway Road) LOT 6, SECTION D, PLEASANT HILL PARK

Legal Owner: M&G Investments, LLC, a Maryland limited liability company

Present Zoning: DR 3.5

REQUESTED RELIEF: FOR EACH LOT

- A. A Variance from BCZR § 1B02.3.C.1 and applicable provisions of the CMDP to permit: [1] a minimum lot width of 52 feet in lieu of the 70 feet required; [2] a minimum side yard width of 6 feet for each side in lieu of the 10 feet required; and [3] a minimum sum of side yard widths of 12 feet in lieu of the 25 feet required, **and**
- B. together with such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR and the CMDP to permit the proposed uses as set forth on the Plan to accompany this Petition.

JUSTIFICATION:

- 1. Unique configuration and shape of property;
- 2. Office of Planning mandated layout and design requirements; and
- 3. For such further reasons that will be presented at the hearing on this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com

To permit each lot to have minimum lot width of 52-feet, a minimum side yard setback of 6-feet and a minimum sum of side yards of 25-feet in lieu of the required 70-feet, 10-feet and 25-feet, respectively.

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

Zoning Description of
102,104, and 106 The Byway Road
4th Election District
2nd Councilmanic District
Baltimore County, MD



Beginning at a point on the west side of The Byway Road (Existing 30 foot wide right-of-way), said point being 190 feet north of the center line of Morrisway Road, thence running 1) S 75° 05' 24" W 254.00 feet, 2) N 02° 19' 38" W 150.00 feet, 3) N 67° 21' 10" E 192.62 feet and 4) S 24° 55' 57" E 175.00 feet to the place of beginning.

Containing 0.81 acres of land more or less as recorded in Deed Liber 28115 Folio 130.

Being known as 102,104, and 106 The Byway Road.

Also, being known as lots 6A, 6B, and 6C as shown on a Minor Subdivision Plan of a resubdivision of Lot 6, Section D, Pleasant Hill Park, Minor Subdivision No. 09058M.

2010-0343-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.

For Newspaper Advertising:

Item Number or Case Number: 2010-0343-A
Petitioner: M + G INVESTMENTS, LLC
Address or Location: 102, 104, + 106 THE BYWAY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL GREENSPUN
Address: 1498 REISTERSTOWN ROAD, SUITE 338
BALTIMORE, MD. 21208
Telephone Number: 443-375-0324

Revised 2/20/98 - SCJ

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

No. 55923

Date: 6/7/10

PAID RECEIPT

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
301	800	0000		6150				193.00

Total: 193.00

Rec From: 176-101-001

For: 2010-02443-A

52,100.00 THE BYWIND

D. H. HANSON

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: # 2010-0343-A

102, 104 & 106 The Byway Road, Proposed
W/side of The Byway Road, 190 feet north of the
centerline of Morrisway Road
4th Election District — 2nd Councilmanic District
Legal Owner(s): M & G Investments, LLC

Variance: to permit each lot to have minimum lot width of 52 feet, a minimum side yard setback of 6 feet and a minimum sum of side yards of 25 feet in lieu of the required 70 feet; 10 feet and 25 feet, respectively.

Hearing: Wednesday, August 11, 2010 at 9:00 a.m. 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 7/847 July 27

248572

CERTIFICATE OF PUBLICATION

7/29/, 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 7/27/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

LETTER OF TRANSMITTAL

TO: BALTO. COUNTY, PDM
ZONING OFFICE

ATTENTION: MS KRISTEN
MATTHEWS

8.2
DATE: ~~7.30~~ 2010

JOB NO. SP-

RE: CASE NO.

2010-0343-A

102, 104, & 106 THE BYWAY RD.

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:

☐ Copy of letter ☒ Prints ☒ Documents ☐ Other

No. of copies	Date	Description
3 2	7.27.10	SITE PHOTOS
1	7.27.10	CERT. OF POSTING - REV. 8.2.2010
1	8.2.10	SITE PHOTO - AS REVISED IN FIELD PER MR. GEOFF SCHULTZ

TRANSMITTALS are as checked below:

☒ For approval ☐ For your use ☐ As requested ☐ For review and comment

☐ Other

REMARKS:

SIGNED:

WILLIAM D. GULICK, JR.

cc: MCKEE & ASSOC, INC.
MR. GEOFF SCHULTZ
File #

CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: 7.27.2010

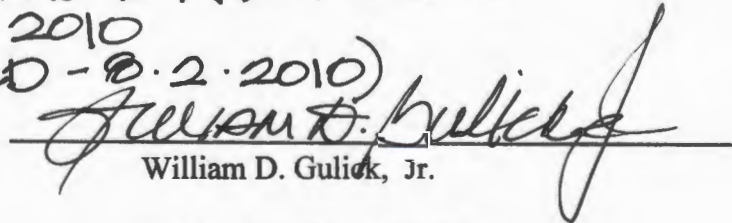
ZONING OFFICE
Attention: MS KRISTEN MATTHEWS

Re: Case Number: 2010-0343-A
Petitioner/Developer: M & G INVESTMENTS, LLC
Date of Hearing/Closing: AUG. 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: 102, 104, & 106

THE BYWAY ROAD

The sign (s) were posted on: 7.27.2010
(REV. SIGNAGE IN FIELD - 8.2.2010)
(AS PER MR GEOFF SCHULTZ - MCKEE & ASSOC., INC.)


William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

SEE ATTACHED SITE PHOTOS
AND NOTE DATES

ZONING NOTICE

CASE # 2010-0343-A

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

JEFFERSON BUILDING, ROOM 104
105 WEST CHESAPEAKE AVE.
PLACE: TOWSON, MD 21204

WEDNESDAY
DATE AND TIME: AUG. 11, 2010 @ 9:00 AM

REQUEST: VARIANCE TO PERMIT

EACH LOT TO HAVE MINIMUM LOT WIDTH
OF 52 FEET, A MINIMUM SIDE YARD
SETBACK OF 6 FEET AND A MINIMUM
SUM OF SIDE YARDS OF 12 FEET IN
 lieu OF THE REQUIRED 70 FEET,
10 FEET AND 25 FEET, RESPECTIVELY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391 (410)

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

REVISED SIGNAGE IN FIELD 8.2.2010
AS PER MR. GEOFF SCHULTZ - MCKEE & ASSOC. INC.

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

Please forward billing to:

Michael Greenspun
1498 Reisterstown Road, Ste. 338
Baltimore, MD 21208

443-375-0324

NOTICE OF ZONING HEARING

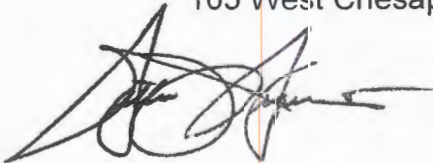
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0343-A

102, 104, & 106 The Byway Road, Proposed
W/side of The Byway Road, 190 feet north of the centerline of Morrisway Road
4th Election District – 2nd Councilmanic District
Legal Owners: M & G Investments, LLC

Variance to permit each lot to have minimum lot width of 52 feet, a minimum side yard setback of 6 feet and a minimum sum of side yards of 25 feet in lieu of the required 70 feet, 10 feet and 25 feet, respectively.

Hearing: Wednesday, August 11, 2010 at 9:00 a.m. 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
July 12, 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: 2010-0343-A

102, 104, & 106 The Byway Road, Proposed
W/side of The Byway Road, 190 feet north of the centerline of Morrisway Road
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105 West Chesapeake Avenue, Towson 21204

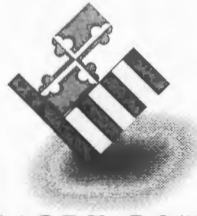
A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Fl., Towson 21204
Michael Greenspun, 1498 Reisterstown Road, Ste. 338, Baltimore 21208
Geoffrey Schultz, McKee & Associates, 5 Shawan Rd., Ste. 1, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 27, 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

August 4, 2010

Howard Alderman, Jr.
Levin & Gann, PA
502 Washington Ave. 8th Fl.
Towson, MD 21204

Dear: Howard Alderman, Jr.

RE: Case Number 2010-0343-A, 102, 104 & 106 The Byway Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 07, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Michael Greenspun: M&G Investments, LLC; 1498 Reisterstown Rd, Ste. 338; Baltimore, MD 21208
Geoffrey C. Schultz, PLS McKee & Assoc.; Inc., 5 Shawan Rd., Cockeysville, MD 21030

TB 8-11 9AM BW 7/23 9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 28, 2010

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

RECEIVED

SUBJECT: 102, 104 and 106 The Byway

JUN 30 2010

INFORMATION:

Item Number: 10-343

ZONING COMMISSIONER

Petitioner: M & G Investments LLC

Zoning: DR 3.5

Requested Action: Variance

The petitioner's engineer submitted three requests for minor subdivisions on adjacent lots 5 and 6 and on adjacent lots 2, 3 and part of lot 4 in a subdivision known as Pleasant Hill Park W.P.C.7 Folio 65 in 2009.

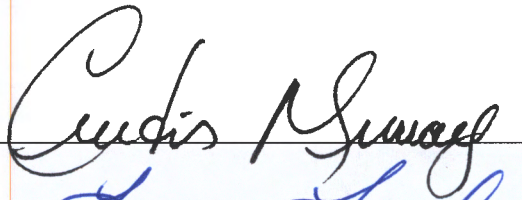
In the instant case, the request for a 3 lot minor subdivision, 09058M, known as 102 The Byway, (a resubdivision of Lot 6) was submitted which showed one lot as a panhandle lot. The property did not meet the criterion for panhandle use. The Office of Planning recommended reconfiguration of the 3 lots so that all would have road frontage and a site layout that is compatible with the overall neighborhood pattern.

SUMMARY OF RECOMMENDATIONS:

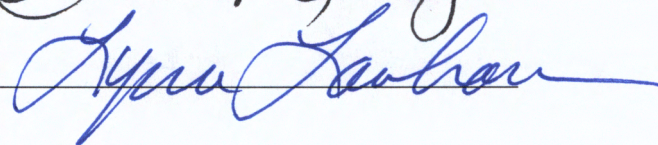
The Office of Planning supports the variance requests for lot width of 52 feet in lieu of 70 feet and a minimum side yard of 6 feet in lieu of 10 feet; and a sum of side yard widths of 12 feet in lieu of 25 feet provided all minor subdivision comments are addressed.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 17, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For June 28, 2010
Item Nos. 2010- 310, 338, 339, 340,
342, 343, and 344

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-06282010 -NO COMMENTS.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-18-2010

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

RE: Baltimore County
Item No. 2010-0343-A
West Side of The Byway RD
M & G INVESTMENTS
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. 2010-0343-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,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

fn 1 Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 29 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 28, 2010

SUBJECT: Zoning Item # 10-343-A
Address West Side of The Byway Road
(M&G Investments, LLC Property)

Zoning Advisory Committee Meeting of June 14, 2010.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Proposed resubdivision of the property and/or future building permits will be reviewed by the Groundwater Mgmt. Section, especially to check for any existing well(s) and septic system(s) on this site.

Reviewer: Dan Esser

Date: 6/15/10

RE: PETITION FOR VARIANCE * BEFORE THE
W/S of the Byway Road; 190' N Morrisway Rd *
4th Election & 2nd Councilmanic Districts * ZONING COMMISSIONER
Legal Owner(s): M&G Investments, LLC *
Petitioner(s) * FOR
* BALTIMORE COUNTY
* 10-343-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

JUN 23 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 2010, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>6-17-10</u>	DEVELOPMENT PLANS REVIEW	<u>nc</u>
<u>6-28-10</u>	DEPRM (if not received, date e-mail sent _____)	<u>comment</u>
	FIRE DEPARTMENT	
<u>6-28-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>comment & support</u>
<u>6-18-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>7-27-10</u>	
SIGN POSTING	Date: <u>7-27-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

CASE NAME M & G Investments Prop LLC
CASE NUMBER 2010-0343-A
DATE 11 AUG 2010

[illegible]

CASE NAME _____
CASE NUMBER 2010-0343-A
DATE 8-11-10

NAME _____

ADDRESS

CITY, STATE, ZIP

E-MAIL

Lynn Canham

Office of Planning

Town, MD 21204

mlanham@baltimorecounty
md.gov.
x3480

Case No.: 2010-0343-A

Exhibit Sheet

Petitioner/Developer

~~Protestant~~ *antif*

No. 1	<i>site plan</i>	
No. 2	<i>aerial photograph</i>	
No. 3		
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 vw4.3d)

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

Account Identifier: District - 04 **Account Number -** 0423075200

Owner Information

Owner Name: M&G INVESTMENTS,LLC **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: SUITE 338 **Deed Reference:** 1) /28115/ 130
 1498 REISTERSTOWN RD 2)
 BALTIMORE MD 21208-3817

Location & Structure Information

Premises Address **Legal Description**
 102 BYWAY RD PT LT 6
 102 BYWAY RD
 PLEASANT HILL PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
58	9	146			D		6	1	Plat Ref: 7/ 65

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1948	1,176 SF	12,300.00 SF	04
Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	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	81,070	81,000		
Improvements:	127,520	105,000		
Total:	208,590	186,000	208,590	186,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: WOOLFORD THELMA KATHRYN	Date: 05/20/2009	Price: \$230,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /28115/ 130	Deed2:
Seller: HOOPER ARTHUR V	Date: 05/27/1946	Price: \$0
Type: UNKNOWN	Deed1: /22553/ 737	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	Special Tax Recapture:		
Exempt Class:	* NONE *		



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

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

Account Identifier: District - 04 **Account Number -** 0423075525

Owner Information

Owner Name: M&G INVESTMENTS,LLC **Use:** RESIDENTIAL
Mailing Address: SUITE 338 **Principal Residence:** NO
 1498 REISTERSTOWN RD **Deed Reference:** 1) /28115/ 130
 BALTIMORE MD 21208-3817 2)

Location & Structure Information

Premises Address **Legal Description**
 104 BYWAY RD PT LT 6
 104 BYWAY RD
 PLEASANT HILL PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
58	9	146			D		6	1	Plat Ref: 7/ 65

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		23,265.00 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	83,810	83,800		
Improvements:	0	0		
Total:	83,810	83,800	83,810	83,800
Preferential Land:	0	0	0	0

Transfer Information

Seller: WOOLFORD THELMA KATHERINE	Date: 05/20/2009	Price: \$230,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /28115/ 130	Deed2:
Seller: WOOLFORD HELEN M	Date: 01/18/1982	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /22553/ 742	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

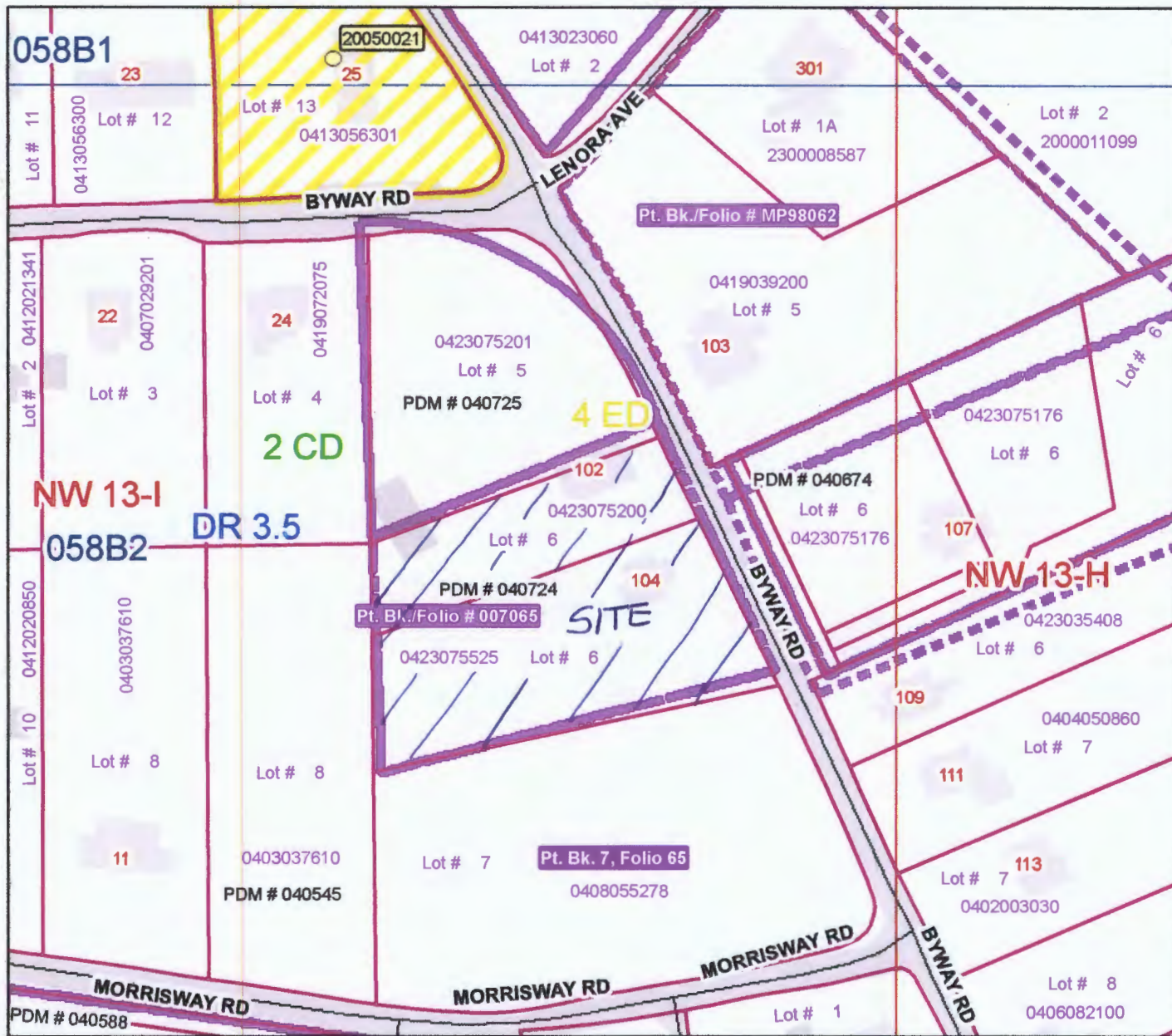
Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

102 The Byway



102 Byway Road



Publication Date: June 07, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



A horizontal scale bar with markings at 0, 100, and 200 feet. The bar is divided into segments, with the first segment from 0 to 100 feet being white and the subsequent segments being black.

1 inch = 100 feet

2010-0343-A

1. ALL LOTS SHOWN HEREON TO BE SERVED BY PUBLIC WATER AND PUBLIC SEWER SYSTEMS.
2. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS ON THE SITE.
3. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
4. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THIS PROPERTY UNLESS OTHERWISE SHOWN.
5. THERE ARE NO KNOWN PRIOR ZONING CASES FOR THE PROPERTY.
6. EXISTING LAND COVER IS LAWN AND FOREST.
7. EXISTING SITE USE IS TWO EXISTING DWELLINGS. PROPOSED USE IS THREE NEW SINGLE FAMILY DWELLINGS.
8. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN DR-3.5 ZONING IS 50 FEET.
9. THE SITE IS NOT LOCATED IN A FLOODPLAIN.
10. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HAZARDOUS MATERIALS ON THIS SITE.
11. THIS SITE IS NOT IN ANY FAILED BASIC SERVICES OR MORATORIUM AREA.
12. SITE IS NOT HISTORIC.
13. ALL EXISTING BUILDINGS ON-SITE ARE TO BE RAZED.

1. EXISTING ZONING:	DR-3.5
2. GROSS AREA:	0.8134 AC.± (FEE SIMPLE) 0.8741 AC.± (TO CL OF R/W)
3. NO. OF LOTS ALLOWED (0.8741x3.5)=	3 LOTS
4. NO. OF LOTS PROPOSED:	3 LOTS
5. HIGHWAY WIDENING AREA:	0.0400 AC.±
6. NET AREA:	0.7734 AC.±
7. PARKING REQUIRED (2 SPACES PER LOT)=	6 SPACES
8. PARKING PROPOSED (2+ SPACES PER LOT)=	6+ SPACES
9. 2000 CENSUS TRACT:	404202
10. 2000 CENSUS BLOCK GROUP:	240054042021
11. LAND MANAGEMENT AREA:	GROWTH AREA — OWINGS MILLS
12. COUNCILMANIC DISTRICT:	2ND
13. ELECTION DISTRICT:	4TH
14. ELEMENTARY SCHOOL DISTRICT:	OWINGS MILLS ELEMENTARY
15. MIDDLE SCHOOL DISTRICT:	DEER PARK MIDDLE SCHOOL
16. HIGH SCHOOL DISTRICT:	OWINGS MILLS HIGH SCHOOL
17. REGIONAL PLANNING DISTRICT:	306
18. WATERSHED:	GWYNNS FALLS WATERSHED
19. WATER SERVICE AREA:	REISTERSTOWN FIFTH ZONE
20. SEWERED:	6"
21. 200—SCALE ZONING MAP REFERENCE:	058B1
22. TRANSPORTATION ZONE:	0463
23. ZIP CODE:	21117
24. TAX MAP 58 — GRID 9 — PARCEL 146, SEC. D, LOT 6	

1. MINIMUM LOT WIDTH OF 52 FEET IN-LIEU-OF THE REQUIRED 70 FOOT MINIMUM.
2. MINIMUM SIDE YARD WIDTH OF 6 FEET FOR EACH SIDE IN-LIEU-OF THE MINIMUM REQUIRED 10 FEET.
3. MINIMUM SUM OF SIDE YARD WIDTHS OF 12 FEET IN-LIEU-OF THE MINIMUM REQUIRED 25 FEET.

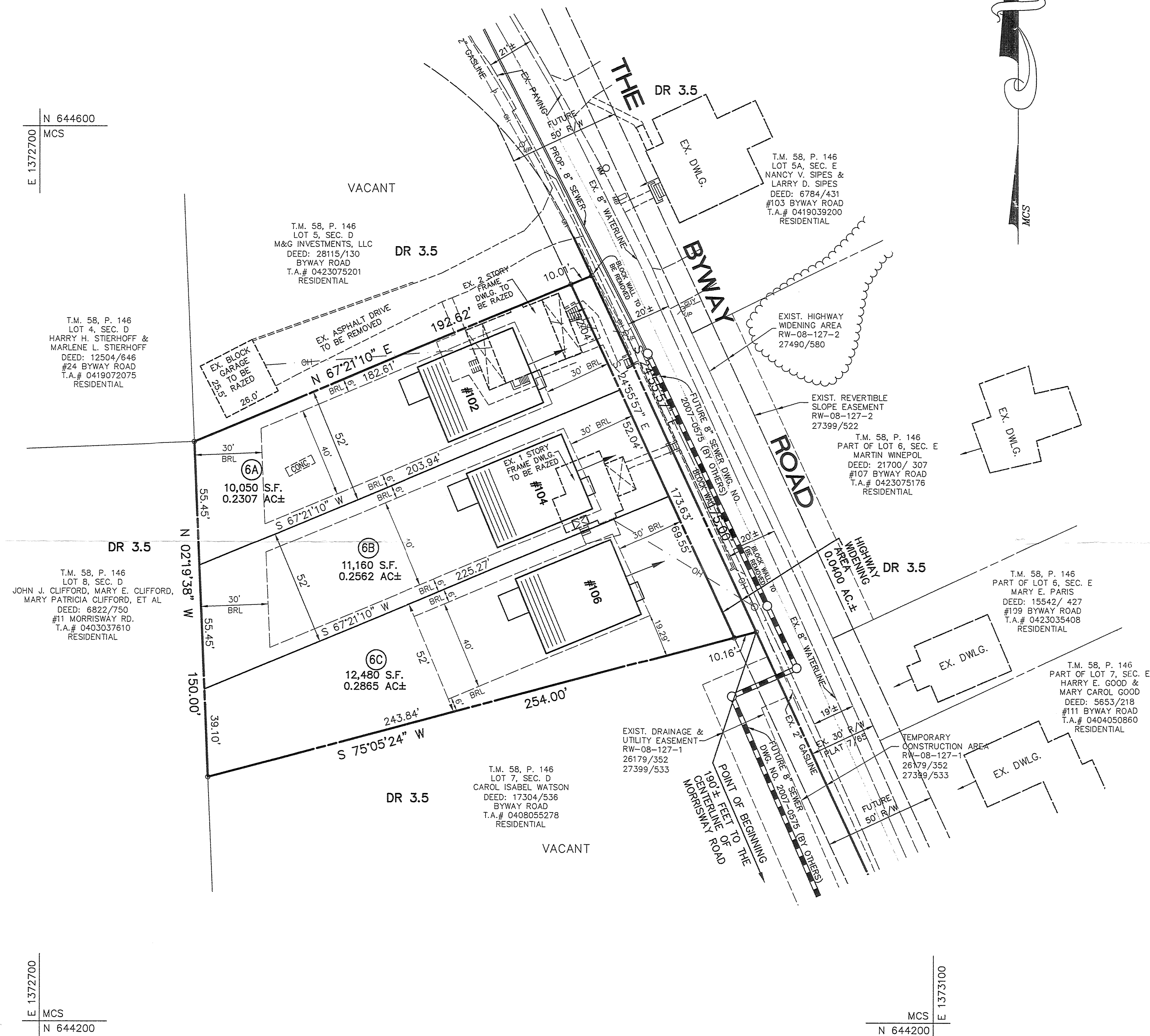
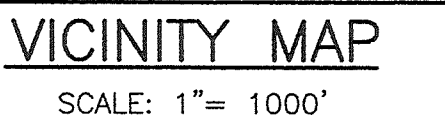


Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

M&G INVESTMENTS, LLC
SUITE 338
1498 REISTERSTOWN RD
BALTIMORE MD 21208
DEED REF.: 28115/130
TAX ACT. NO.: 0423075200(#102)
& 0423075525(#104)
TAX MAP 58, GRID 9, PARCEL 146

4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: MAY 28, 2010

SHEET 1 OF 1	COMPUTED BY: JMB	DRAWN BY: JMB	CHECKED BY: GCS	JOB No.: 09-079
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PROP. HOUSE SITE w/
HOUSE DIRECTION

TRACT BOUNDARY

PROPOSED LOT LINE

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCES