

IN RE: PETITIONS FOR VARIANCE

S/S Poplar Avenue, 125' E & 175' E of
Woodside Avenue
(4421 and 4419 Poplar Avenue)
13th Election District
1st Council District

Roy C. Vest, Jr., et ux
Legal Owners

Homes of Woodside, LLC
Contract Purchaser - (4419 Poplar)

Petitioners

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BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case Nos. 2010-0352-A &
2010-0353-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the owners of the subject properties, Roy C. Vest, Jr. and his wife, Diane E. Vest, and the contract purchaser of 4419 Poplar Avenue, Homes of Woodside, LLC, by and through its managing member, Kyle O'Haro. Since the two (2) properties known as 4421 Poplar Avenue and 4419 Poplar Avenue are both currently owned by Roy and Diane Vest and are located adjacent to one another, the two (2) cases were heard contemporaneously. In Case No. 2010-0352-A (4419 Poplar Avenue), Petitioners request variance relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a proposed single-family dwelling. In Case No. 2010-0353-A (4421 Poplar Avenue), also a 50-foot wide lot, the Vests' request variance relief from Section 1B02.3.C.1 to permit a side yard setback (east) of six feet, seven inches for an existing addition in lieu of the required ten feet. The subject properties and requested relief are more

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Date 8-26-10
By (signature)

particularly described on the site plan submitted in each case, which were accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests on behalf of the legal owners were Diane Vest and Kyle O'Haro, the contract purchaser doing business as Woodside Homes, LLC. Also appearing in support of the requested relief were the realtors for the Vests, Barbara Cavender, of Community Real Estate Team, and Bobbie Ann Foster, of Long & Foster, the buyer's agent. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject properties, 4419 and 4421 Poplar Avenue are also known as Lots 101 and 100 of the Halethorpe subdivision and located adjacent to one another, on the south side of Poplar Avenue near Woodside Avenue in Halethorpe. Both lots are rectangular in shape consisting of lot widths of 50 feet and lengths of 125 feet and zoned D.R5.5. 4419 Poplar Avenue (Lot 101) is currently vacant and has never been improved. 4421 Poplar Avenue (Lot 100) is improved with a two-story single-family dwelling consisting of 1,968 square feet that was constructed in 1925. Both lots contain a property area of 6,250 square feet or 0.14 acre, more or less. The subdivision of Halethorpe is an older subdivision that was platted and recorded in the Land Records in Plat Book 1, Folio 66, prior to the first set of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots are undersized and do not meet current area and width requirements.

Petitioners desire to complete the sale of the 4419 Poplar Avenue property; however, in order to consummate the sale, variance relief is necessary in order to acknowledge that Lot 101 is a buildable lot and to allow its development with a single-family dwelling. Relief is requested to approve lot widths of 50 feet and to approve the property as an undersized lot (width at

building line less than that required by the area regulations) to permit the proposed development. Secondly, legal owners, Roy and Diane Vest, request variance relief for their family residence at 4421 Poplar Avenue in order to legitimize the existing conditions that when built did not meet the current setback requirements of the Zoning Regulations.

In support of the requested relief, Mrs. Vest testified that her father originally purchased the subject properties, along with several other lots nearby, in the late 1960's. Mrs. Vest stated that the properties never were joined in a single lot, or used accessory to one another but remained separate lots of record. Mrs. Vest explained that she came into ownership of 4421 Poplar Avenue in 1977, but it was not until 2006, that she purchased the unimproved lot at 4419 Poplar Avenue from her parent's estate. Both properties are lots of record and have their own tax identification numbers. 4421 Poplar Avenue (Lot 100) is identified as tax account number 1313007361, whereas 4419 Poplar Avenue (Lot 101) is identified as tax account number 13133007360. Mr. O'Haro noted that development of the vacant lot would meet all zoning setback requirements and would match the pattern of development in the subdivision allowing infill development of undersized lots. Photographs of houses in the neighborhood were marked and accepted as Petitioners' Exhibit 2.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments received from the Office of Planning on July 12, 2010 indicate no opposition to Petitioners' request for relief. Further, these comments request that if approval is granted, certain conditions be attached, specifically: building elevations shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permit to ensure that the proposed dwelling at 4419 Poplar Avenue is compatible in size, exterior building materials, color and architectural detail as that of the existing dwelling in the area; that

photographs of adjacent and nearby dwellings be submitted to the Office of Planning for evaluation of compatibility for the proposed structure; and that landscaping be provided along Poplar Avenue, if applicable. No other adverse comments or suggestions were received from the pertinent Baltimore County agencies.

In regard to the requested relief, there is no physical evidence that the subject properties were used or consolidated with any other lot to invoke the doctrine of merger as described in *Friends of the Ridge v. Baltimore Gas & Electric Company*, 352 Md. 645 (1999) and *Remes v. Montgomery County*, 387 Md. 52 (2005). Moreover, the uncontradicted evidence clearly establishes that there has never been a desire to combine or merge the parcels, Lot 100 with Lot 101. The separate tax account numbers supports this conclusion, as does the testimony of Mrs. Vest, whose family has historical knowledge of the subject properties. Testimony offered in support of the requests was that without variance relief, Lot 101 could not be developed. Obviously, strict compliance with the regulations would create a hardship as the zoning regulations result in a denial of a reasonable and sufficient use of the property. See *Belvoir Farms v. North*, 355 Md. 259 (1999). Moreover, based on the testimony and evidence presented, the Petitioners are entitled to the variances as they have met the requirements of Sections 304 and 307.1 of the B.C.Z.R. See *Mueller v. People's Counsel for Baltimore County*, 177 Md. App. 43 (2007); see also *Cromwell v. Ward*, 102 Md. App. 691 (1995). It is of note that infill development is a preferred method of land development which thereby renders the currently vacant and unimproved Lot 101 ripe for construction. Moreover, it is apparent that development of 4419 Poplar Avenue is consistent with the pattern of development for other houses in the community. The only deficiency for this lot is the lot width, which is 5 feet shy of the required 55 feet. Additionally, other than the minimal side yard setback relief (evidently caused by

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Date

8-26-10

By

102

simply enclosing an existing porch), 4421 Poplar Avenue meets all front and rear setback requirements and legitimizing existing conditions is appropriate. Thus, in my view, the relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale and, therefore, would meet the spirit and intent of Section 307 for relief to be granted.

Pursuant to the advertisement, posting of the properties 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 26th day of August 2010, that the Petitions for Variance filed in Case No. 2010-0352-A (Lot 101 aka 4419 Poplar Avenue), seeking relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed buildable lot with a width of 50 feet in lieu of the required 55 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 2010-0353-A (Lot 100 aka 4421 Poplar Avenue), seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback (east side) of 6 feet, 7 inches for an existing addition (enclosed porch) in lieu of the required 10 feet, in accordance with Petitioners' Exhibit 1, be and are hereby GRANTED subject to the following conditions:

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

ORDER RECEIVED FOR FILING

Date

8-26-10

By

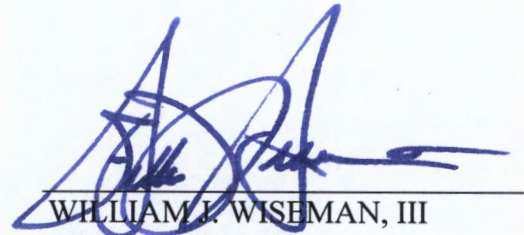


2. Petitioner/Contract Purchaser, Homes of Woodside, LLC, must submit building elevations to the Office of Planning for review prior to the issuance of any building permit. Photographs of adjacent and nearby dwellings (See Exhibit 2) shall likewise be submitted to the Office of Planning for evaluation to ensure that the proposed dwelling at 4419 Poplar Avenue is compatible with the surrounding area in terms of size, exterior building materials, color and architectural details.

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

Order.

WJW:esl



WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

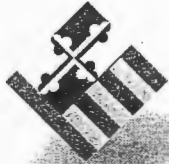
ORDER RECEIVED FOR FILING

Date

8-26-10

By

WJW



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 26, 2010

Roy C. Vest, Jr.
Diane E. Vest
4421 Poplar Avenue
Halethorpe, Maryland 21227

RE: PETITIONS FOR VARIANCE
S/S Poplar Avenue, 125' E & 175' E of Woodside Avenue
(4421 and 4419 Poplar Avenue)
13th Election District - 1st Council District
Roy C. Vest, Jr., et ux - *Legal Owners*; Homes of Woodside, LLC -
Contract Purchaser - (4419 Woodside) - *Petitioners*
Case Nos. 2010-0352-A & 2010-0353-A

Dear Mr. and Mrs. Vest:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Kyle O'Haro, P.O. Box 964, Eldersburg, MD 21784
Barbara Cavender, 1311 Poplar Avenue, Halethorpe, MD 21227
Bobbie Ann Foster, 1311 Birch Avenue, Halethorpe, MD 21227
People's Counsel; Office of Planning; File

TAX ACCOUNT # 1313007366

Petition for Variance

For recorded hearing see case No. 2010-0353-A

to the Zoning Commissioner of Baltimore County

for the property located at #4419 FOPLAR AVE.
which is presently zoned D125.5

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) 1802.3.C.1 BC2R

To allow a lot width of 50' in lieu of the required 55'

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:

HOMES OF WOODSIDE LLC
Name - Type or Print
KYLE O'HARA
Signature
SOLE OWNER / MEMBER
P.O. BOX 964
Address
443.398.5025
Telephone No.
ELDERSBURG MD 21784
City State Zip Code

Attorney For Petitioner:

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8-26-10
DJ
Name - Type or Print
Signature
Company
Date
Address
Telephone No.
City State Zip Code

Legal Owner(s):

DIANE VEST
Name - Type or Print
Diane Vest
Signature
Name - Type or Print
Signature
#4421 FOPLAR AVE
Address
HALETHORPE MD 21227
City State Zip Code
Telephone No.

Representative to be Contacted:

Kyle O'Hara
Name
P.O. Box 964
Address
443.398.5025
Telephone No.
ELDERSBURG, MD 21784
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING 7/12-7/23

Case No. 2010-0352-A

Reviewed By JF Date 6-15-10

JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO. MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507
MAY 10, 2009

ZONING DESCRIPTION
#4419 POPLAR AVENUE

BEGINNING FOR THE SAME AT A POINT ON THE SOUTH SIDE OF POPLAR AVENUE, WHICH IS A 50 FOOT RIGHT OF WAY, AT A DISTANCE OF 175 FEET EAST OF THE CENTERLINE OF WOODSIDE AVENUE, WHICH IS A 50 FOOT RIGHT OF WAY, BEING LOT 101 IN THE SUBDIVISION OF HALETHORPE AS RECORDED IN BALTIMORE COUNTY PLAT BOOK 1 FOLIO 60 CONTAINING 6, 250 SQUARE FEET OF LAND, ALSO KNOWN AS #4419 POPLAR AVENUE AND LOCATED IN THE 13th ELECTION DISTRICT, 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: 2010-0352-A

Petitioner: DIANE YEST

Address or Location: 4419 POPLAR AVE, BALTO., MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: HOMES OF WOODSIDE, LLC. (KYLE O'HARD)

Address: P.O. Box 964

ELDENSBURG, MD 21227

Telephone Number: 443.398.5025

Revised 7/11/05 - SCJ

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

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
				Obj	Sub Obj				

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

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

Case: # 2010-0352-A
4419 Poplar Avenue
S/side of Poplar Avenue at
a distance of 175 feet east
of the centerline of Wood-
side Avenue
13th Election District
1st Councilmanic District
Legal Owner(s): Diane Vest
Contract Purchaser: Homes
of Woodside, LLC
Variance: to allow a lot
width of 50 feet in lieu of
the required 55 feet.
Hearing: Tuesday, August
17, 2010 at 9:00 a.m. in
Room 106, County Office
Building, 111 West Chesa-
apeake Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

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

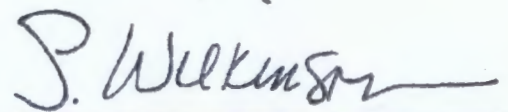
JT 8/620 Aug. 3 249406

CERTIFICATE OF PUBLICATION

8/5/, 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 8/3/, 2010.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

2010-0352-A

RE: Case No.: _____

Petitioner/Developer: _____
Homes of Woodside, LLC

August 17, 2010
Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristin Matthews

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____
4419 Poplar Avenue

August 2 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black August 6 2010
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2010-0352-A

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

PLACE *Room 1036 County Office Building
111 West Chesapeake Ave Towson 21204*

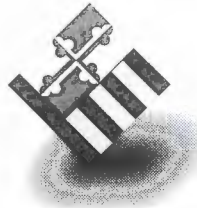
DATE AND TIME *Tuesday, August 17, 2010 at 9:00 a.m.*

REQUEST *Variance to allow a lot width of 50 feet
in lieu of the required 55 feet*

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 847 3391

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

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

July 6, 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: 2010-0352-A

4419 Poplar Avenue

S/side of Poplar Avenue at a distance of 175 feet east of the centerline of Woodside Avenue
13th Election District – 1st Councilmanic District

Legal Owners: Diane Vest

Contract Purchaser: Homes of Woodside, LLC

Variance to allow a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Tuesday, August 17, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:kl

C: Diane Vest, 4421 Poplar Avenue, Halethorpe 21227
Kyle O'Haro, P.O. Box 964, Eldersburg 21784

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 2, 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, August 3, 2010 Issue - Jeffersonian

Please forward billing to:

Kyle O'Haro
Homes of Woodside, LLC
P.O. Box 964
Eldersburg, MD 21784

443-398-5025

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: 2010-0352-A

4419 Poplar Avenue

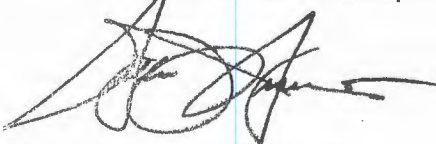
S/side of Poplar Avenue at a distance of 175 feet east of the centerline of Woodside Avenue
13th Election District – 1st Councilmanic District

Legal Owners: Diane Vest

Contract Purchaser: Homes of Woodside, LLC

Variance to allow a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Tuesday, August 17, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 13, 2010

Diane Vest
4421 Poplar Ave.
Halethorpe, MD 21227

Dear: Diane Vest

RE: Case Number 2010-0352-A, 4419 Poplar Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 18, 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
Homes of Woodside; P.O. Box 964; Eldersburg, MD 21784

BW 8/17 9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 14 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: July 13, 2010
SUBJECT: Zoning Item # 10-352-A
Address 4419 Poplar Avenue
(Vest Property)

Zoning Advisory Committee Meeting of June 21, 2010

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

Reviewer: JWL Date: 7/13/10

BW- 8/17 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 2010

RECEIVED

JUL 12 2010

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-352 and 10-353**

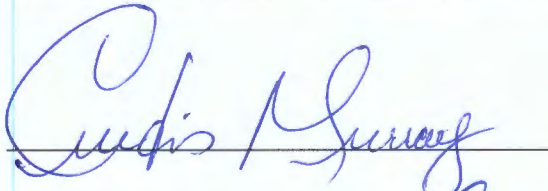
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

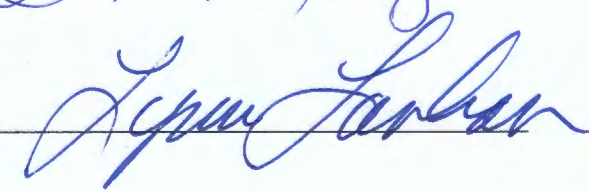
1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Submit photographs of adjacent and nearby dwellings to the Office of Planning for evaluation of compatibility of the proposed structure.
3. Provide landscaping along the public road, if applicable.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz with the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 21, 2010

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: June 21, 2010

Item No.: **Administrative Variance:** 2010-0331A, 2010-0345A - 0353A, 2010-0355A. 352

Special Hearing Variance: 2010-0354-SPHA

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the listed properties.

The Fire Marshal's Office has no comments at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 5, 2010
Item Nos. 2010- 331, 345, 346, 347,
348, 349, 350, 351, 352, 353, 354,
and 355

DATE: June 23, 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-07052010 -NO COMMENTS.doc



State Highway
Administration

MARYLAND DEPARTMENT OF TRANSPORTATION

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

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

Date: 6-24-2010

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

RE: Baltimore County
Item No. 2010-0352-A
4419 Poplar Avenue
HOMES OF WOODSIDE, LLC
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. 2010-0352-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 1 Michael P. Bailey
Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

RE: PETITION FOR VARIANCE * BEFORE THE
4419 Poplar Avenue; S/S Poplar Avenue, * ZONING COMMISSIONER
175' E of Woodside Avenue *
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Diane Vest * FOR
Contract Purchaser(s): Homes of Woodside LLC *
Petitioner(s) * BALTIMORE COUNTY
* 10-352-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 Kyle O'Haro, P.O. Box 964, Eldersburg, MD 21784, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8/17 @ 9 AM

CASE NO. 2010- 0352 - AC H E C K L I S TComment
ReceivedDepartmentSupport/Oppose
No Comment6-23

DEVELOPMENT PLANS REVIEW

None7-14

DEPRM

No Comment6-21

FIRE DEPARTMENT

None7-12

PLANNING

Comments

(if not received, date e-mail sent _____)

6-24

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

None -

(Case No. _____)

per search of data base + Orders. 8-13-10

NEWSPAPER ADVERTISEMENT

Date:

8-3-10

SIGN POSTING

Date:

8-2-10

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

results

Go Back
View Map
New Search

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vvv3.1e)

Account Identifier: District - 13 Account Number - 1313007360

Owner Name: EST DIANE
4421 POPLAR AVE
BALTIMORE MD 21227-4025

Use: Principal Residence:
Deed Reference:

RESIDENTIAL
NO
1) /23717/ 91
2)

Mailing Address: Location & Structure Information Legal Description
Assessment Area 1 Plat No: 1/ 60
Plat Ref:

Premises Parcel Sub District Subdivision Section Block Lot 101

Tax Areas Town Ad Valorem Tax Class Enclosed Area Property Land Area 6,250.00 SF County Use 04
Type Exterior

Primary Structure Built 0000

Stories	Base Value	Value Information		
		Value As Of 01/01/2010	Phase-In Assessments As Of 07/01/2009	As Of 07/01/2010
Land	67,750	0	67,750	67,700
Improvements:	0	0	0	0
Total:	67,750	0	67,750	67,700
Preferential Land:	0	0	0	0

Transfer Information

Date:	Deed1:	Deed2:	Price:
04/20/2006	/23717/ 91		\$0

Seller: MCCUMBIE HENRY C
Type: NOT ARMS-LENGTH

Seller:
Type:

Seller:
Type:

Exemption Information

Class	07/01/2009	07/01/2010	Special Tax Rec
000	0	0	* NONE
000	0	0	
000	0	0	

Partial Exempt Assessments

County
State
Municipal
Tax Exempt:
Exempt Class: NO

HALETHORPE

262

270

259

26

21

The information shown on this a
survey. The map should not be us
Maryland Department of Planning

rp_rewrite/details.aspx?AccountNumber

CASE NAME 2010-0353-A
CASE NUMBER 4421 + 4419 Paper
DATE 8-17-10 Ave.

[illegible]

Case No.: 2010-0352-A 4419 POPLAR AVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	Photographs	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



1824 Woodside Ave



1822 Woodside Ave



PETITIONER'S

EXHIBIT NO.

2

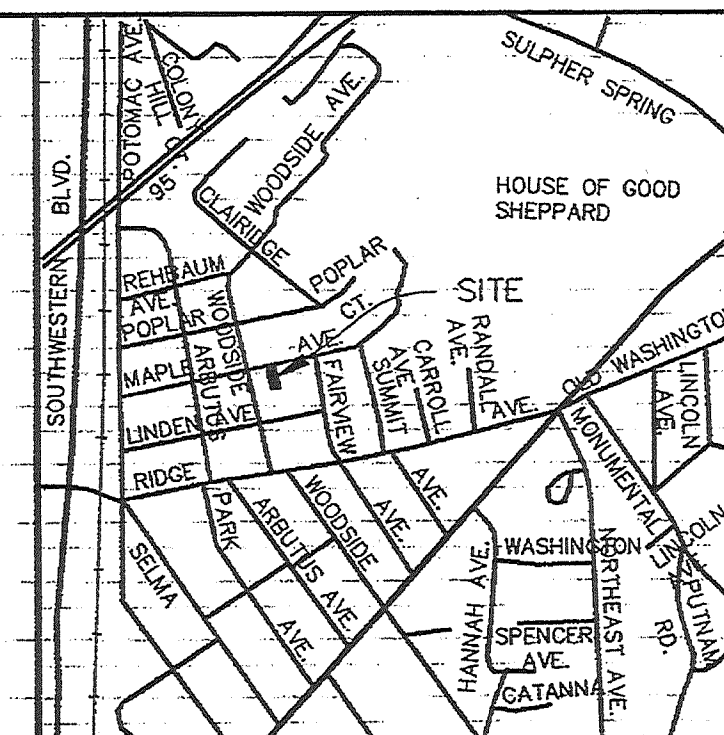
1215 ELMRIDGE AVE, 21229



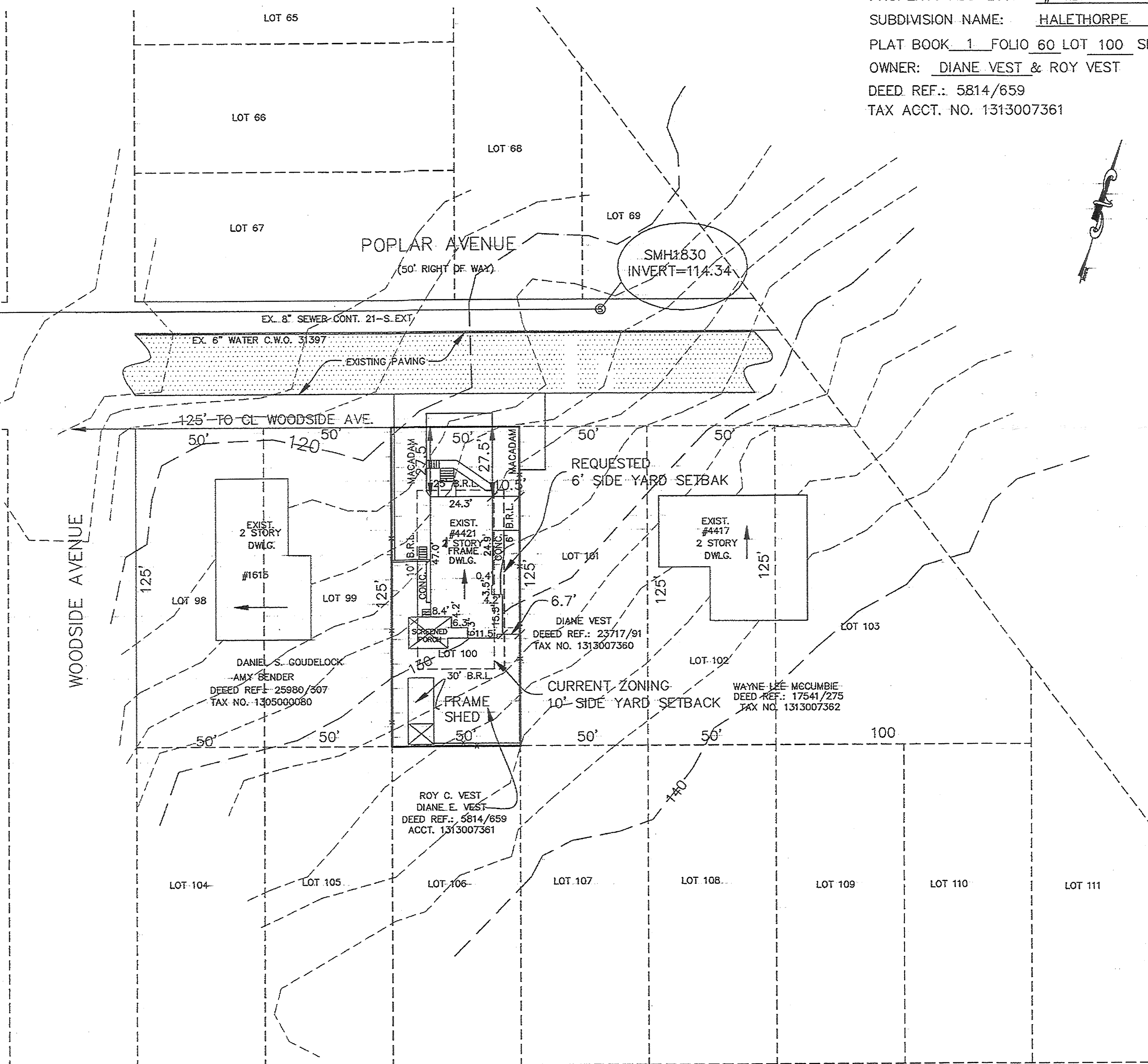


PLAT TO ACCOMPANY VARIANCE FOR SIDE YARD SETBACK

PROPERTY ADDRESS: #4421 POPLAR AVENUE
 SUBDIVISION NAME: HALETHORPE
 PLAT BOOK 1 FOLIO 60 LOT 100 SECTION
 OWNER: DIANE VEST & ROY VEST
 DEED REF.: 5814/659
 TAX ACCT. NO. 1313007361



VICINITY MAP
 SCALE: 1"=1000'



LOCATION INFORMATION

ELECTION DISTRICT: 13
 COUNCILMANIC DISTRICT: 1
 1"=200' SCALE MAP: 108C1
 ZONING: D.R.5.5
 LOT SIZE: 0.14 AGRAGE 6,250 SQUARE FEET

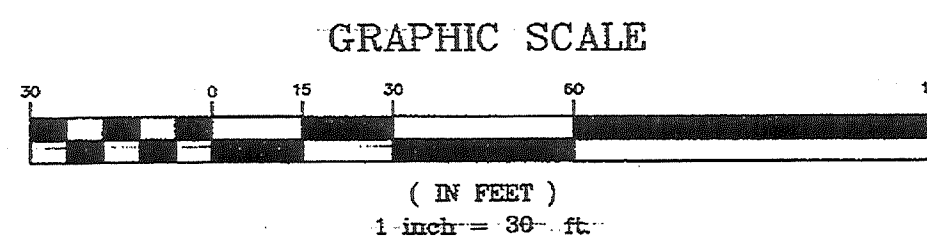
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA		YES ☐ NO ☒
100 YEAR FLOOD PLAIN		YES ☐ NO ☒
HISTORIC PROPERTY/BUILDING	YES ☐ NO ☒	

 PRIOR ZONING HEARING: NONE

ZONING OFFICE USE ONLY

REVIEWED BY: ITEM # CASE NO.

PREPARED BY:
 JOHN C. MELLEMA SR., INC.
 LAND SURVEYORS
 5409 EAST DR. BALTO. MD.21227
 PHONE: 410-247-7488 FAX: 410-247-2507



PETITIONER'S
 EXHIBIT NO. 1