

IN RE: PETITION FOR VARIANCE

S/Side of Freeland Road, 750' W c/line of
Morris Road

(1527 Freeland Road)

6th Election District

3rd Council District

Charles J. Swam, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2011-0012-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Charles J. Swam, and his wife, Bernice "Ann" Swam. The Petitioners request a variance pursuant to Section 1A01.3B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback as close as 22 feet (west side) in lieu of the required 35 feet for an existing dwelling and proposed addition. The subject property and requested relief are more particularly described on the site plan, which was submitted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the request were Charles and Ann Swam, owners of the subject property, and David Billingsley of Central Drafting & Design, Inc., the consultant who prepared the site plan and is assisting the Petitioners in the permitting process. There were no Protestants or other interested persons at the hearing.

Testimony and evidence revealed that the subject property is located on the south side of Freeland Road, just west of its intersection with Morris Road and next to the Morris Meadows Recreation Farm in Freeland. The property has been in the Petitioners' family's possession since 1924 and a lot of record since at least September 17, 1954 as indicated on the Deed(s) submitted as Petitioners' Exhibit 3 and recorded among the Land Records of Baltimore County. Briefly, in 1924

ORDER RECEIVED FOR FILING

Date

By

9-10-10

103

Otis and Laura Swam acquired the property from James and Ida Lamotte (W.P.C. No. 592, Folio 213). Otis and Laura next conveyed the property to Edward Swam, the Petitioners' father, in 1954 (Liber 426, Folio 723). On this lot, Petitioners father built a modest one-story, two-bedroom home in 1955. This lot has 115 feet of frontage on Freeland Road and contains an area of 0.487 acres (21,213 square feet), presently zoned R.C.2 and served by private water and sewer.

Following the death of Edward Swam, Petitioners purchased the property from his estate in 1974 (Liber 5426, Folio 723). Now some 36 years later, the home is occupied by Petitioners son, Hammond and his wife Shannon. They have two (2) sons, ages 3 ½ and 1 year. The boys currently share one of the bedrooms and they desire to expand the living area by constructing a 22' wide x 30' deep one-story addition to the rear of the existing dwelling that will be 32 feet from the western side property line. Apparently, when Edward Swam placed his home on the lot – within the current setback to side yard lot line – some 55 years ago, he created a non-conforming deficiency that the Zoning Review Office would like to see legitimized prior to issuing a building permit for the proposed addition. In that the R.C.2 development regulations require a minimum 35-foot setback to any side yard property line, the requested variance relief is necessary.

The evidence presented was that the subject property as shown on the site plan is a rectangularly shaped lot and undersized by today's standards. Compared to most other properties in the immediate area, this property is narrow and has a shallow depth. In order to add additional living space, it needs to be to the rear of the home and "line up" with the existing home's hallways and bedrooms. Given the property's constraints, the location of the proposed addition is proper and has been moved back 32 feet from the closest property which is 10 feet further away from the property line than the existing home which has existed at this location for more than half a century.

ORDER RECEIVED FOR FILING

Date

By

Based upon the testimony and evidence produced by the Petitioners, I am persuaded that the relief requested should be granted. The Petitioners are proposing a needed addition to a home that was built on a lot of record prior to the zoning regulations. It is clear that the granting of the requested relief will not result in any detriment to the health, safety, or general welfare of the immediate neighbors or surrounding community. It is also clear that strict compliance with the regulations under these circumstances would result in practical difficulty for the Petitioners and their family and prevent the further improvement of the property for a permitted purpose. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, however, the Department of Environmental Protection and Resource Management (DEPRM) suggests that the proposed addition (permit) needs to be reviewed by its Groundwater Management division.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 10th day of September 2010, that the Petition for Variance seeking relief from Section 1A01.3B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback as close as 22 feet (west side) in lieu of the required 35 feet for an existing dwelling and addition, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following conditions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date

9-10-10

By

103

2. Prior to issuance of a building permit for the addition to be constructed, the Petitioners must comply with the Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated August 20, 2010, a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days hereof.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date 9-10-10
By DLW



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 10, 2010

Charles J. Swam
Bernice "Ann" Swam
2916 Rockdale Road
Freeland, Maryland 21053

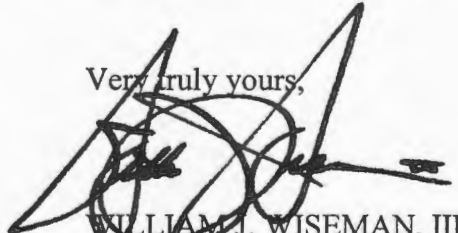
RE: **PETITION FOR VARIANCE**
S/Side of Freeland Road, 750' W c/line of Morris Road
(1527 Freeland Road)
6th Election District - 3rd Council District
Charles J. Swam, et ux – Petitioners
Case No. 2010-0012-A

Dear Mr. and Mrs. Swam:

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,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: David Billingsley, Central Drafting and & Design, Inc., 601 Charwood Court,
Edgewood, MD 21040
People's Counsel; DEPRM; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 1527 FREELAND ROAD
which is presently zoned RC 2

Deed Reference: 54261723 Tax Account # 0619091200

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)

Close
1A01.3.B.3 (BCZR) TO PERMIT A SIDE YARD SETBACK AS SMALL
AS 22 FEET *(west side)* LIEU OF THE REQUIRED 35 FEET FOR AN
EXISTING DWELLING AND ADDITION.

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

TO BE PRESENTED AT HEARING

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

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

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):

CHARLES J. SWAM

Name - Type or Print

Signature

BERNICE A. SWAM

Name - Type or Print

Signature

2619 ROCKDALE ROAD (410) 357-5518

Address

Telephone No.

FREELAND MD.

21053

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

Case No. 2011-0012-A

ORDER RECEIVED FOR FILING

REV 8/20/07

Date 9-10-10

By 100

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by BK

Date 7/8/10

ZONING DESCRIPTION

1527 FREELAND ROAD

Beginning at a point on the south side of Freeland Road (variable width), said point being distant 750 feet, more or less, westerly from it's intersection with the center of Morris Road (25 feet wide), thence (1) S 17 30 E 137 feet (2) S 51 45 W 140 feet (3) N 12 15 W 216 feet (4) N 84 30 E 77 feet and (5) S 89 30 E 38 feet to the place of beginning.

Containing 21,213 square feet or 0.487 acre of land, more or less.

Being known as 1527 Freeland Road. Located in the 6TH Election District, 3RD Councilmanic District of Baltimore County, Md.

**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/neighbor 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: 2011 - 0012 - A
Petitioner: CHARLES J. SWAN
Address or Location: 1527 FREELAND ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHARLES J. SWAN
Address: 2619 ROCKDALE ROAD
FREELAND, MD. 21053
Telephone Number: (410) 357-5518

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

No. **53381**

Date: 7/8/10

PAID RECEIPT

BUSINESS ACTUAL TIME INW
 7/12/2010 7/08/2010 10:10:22 5

REG #603 MAIL RROS LRB
 >>RECEIPT # 461351 7/08/2010 OPLM

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount	Dept
001	806	0000		6/50				\$ 65.00	5

Total: \$ 65.00

Rec

From:

David B. Haysley

For:

Zoning Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Item # 0012

**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: # 2011-0012-A

1527 Freeland Road
S/side of Freeland Road,
750 feet west of the
centerline of Morris Road
6th Election District
3rd Councilmanic District
Legal Owner(s):

Mr. & Mrs. Swam

Variance: to permit a side
yard setback as small as 22
feet in lieu of the required
35 feet for an existing
dwelling and addition.

**Hearing: Thursday, Sep-
tember 9, 2010 at 9:00
a.m. in Room 104, Jeffer-
son Building, 105 West
Chesapeake 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/8/891 Aug. 24 251884

CERTIFICATE OF PUBLICATION

8/26/2010

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 8/24/2010.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2011-0012-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 9/9/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 1527 FREELAND ROAD

This sign(s) were posted on August 24, 2010
Month, Day, Year
Sincerely,

Martin Ogle 8/24/10
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2011-0012-A

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

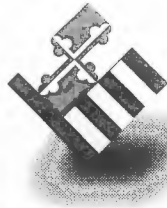
ROOM 104, TOWSON BUILDING 105 WEST
PLACE: CHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: THURSDAY, SEPTEMBER 9, 2010
AT 9:00 A.M.

REQUEST: VARIANCE TO PERMIT A SIDE YARD SETBACK
AS SMALL AS 22 FEET IN LIEU OF THE REQUIRED 35
FEET FOR AN EXISTING DWELLING AND ADDITION

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 907-3383

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

08/24/2010



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
August 9, 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: 2011-0012-A

1527 Freeland Road
S/side of Freeland Road, 750 feet west of the centerline of Morris Road
6th Election District – 3rd Councilmanic District
Legal Owners: Mr. & Mrs. Swam

Variance to permit a side yard setback as small as 22 feet in lieu of the required 35 feet for an existing dwelling and addition.

Hearing: Thursday, September 9, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Swam, 2619 Rockdale Road, Freeland 21053
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 25, 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 24, 2010 Issue - Jeffersonian

Please forward billing to:
Charles Swan
2619 Rockdale Road
Freeland, MD 21053

410-357-5518

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: 2011-0012-A

1527 Freeland Road

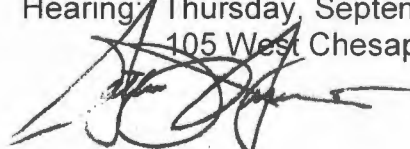
S/side of Freeland Road, 750 feet west of the centerline of Morris Road

6th Election District – 3rd Councilmanic District

Legal Owners: Mr. & Mrs. Swam

Variance to permit a side yard setback as small as 22 feet in lieu of the required 35 feet for an existing dwelling and addition.

Hearing: Thursday, September 9, 2010 at 9:00 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
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 2, 2010

Charles & Bernice Swam
2619 Rockdale Rd.
Freeland, MD 21053

Dear: Charles & Bernice Swam

RE: Case Number 2011-0012-A, 1527 Freeland Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 08, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
David Billingsley: Central Drafting & Drafting & Design, Inc.; 601 Charwood Ct.; Edgewood,
MD 21040

9/9 9AM 104

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 23 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: August 20, 2010
SUBJECT: Zoning Item # 11-012-A
Address 1527 Freeland Road
(Swam Property)

Zoning Advisory Committee Meeting of July 19, 2010

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

The proposed addition (permit) will need to be reviewed by Groundwater Mgmt.

Reviewer: Dan Esser Date: 8/4/10

ORDER RECEIVED FOR FILING

Date 9-10-10
By 192

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 30, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For August 2, 2010
Item Nos. 2010-363, 2011- 008, 009, 010,
011, 012, 013, 014, 015, 018, 019 and 020

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-08022010 -NO COMMENTS.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 20, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 2, 2010

Item No.: **Variance:** 2010-0363A, 2011-0008A - 0010A,
2011-0012A - 0014A, and 2011- 0017A.

Administrative Variance: 2011- 0011A, 2011- 0016A, and
2011- 0019A - 0020A.

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable and required to be corrected or incorporated into the final plans for the above 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

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: July 26, 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. 2011-0012-A
1527 FREELAND RD
SWAM 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. 2011-0012-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,

Michael P. Bailey
For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

BS - 9/9 - 9Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 9, 2010

RECEIVED

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

AUG 11 2010

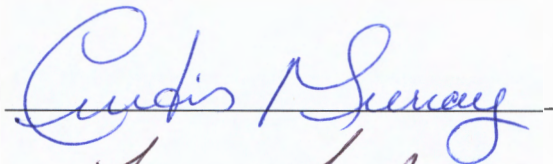
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-012- Variance**

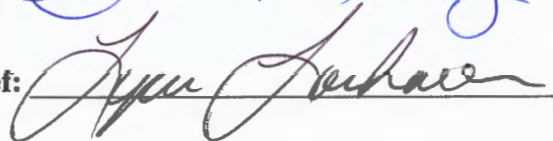
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Jessie Bialek or Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



RE: PETITION FOR VARIANCE * BEFORE THE
1527 Freeland Road; S/S of Freeland Road, * ZONING COMMISSIONER
750' W c/line of Morris Road *
6th Election & 3rd Councilmanic Districts *
Legal Owner(s): Charles & Bernice Swam * FOR
Petitione(s) * BALTIMORE COUNTY
* 2011-012-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

JUL 27 2010

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July, 2010, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Bill Wiseman - Re: 2011-0012-A

From: Bill Wiseman
To: Thompson, Donna
Subject: Re: 2011-0012-A

Thanks Donna-

I guess I understand, but if your correcting a side yard deficiency why not do the lot size and front yard set back to the road as well??

Bill:

I took a look at that file and I really don't know why Dave Billingsley worded the petition that way. The house and lot size are non-conforming (1955). The only thing I would have addressed was the 32-foot side setback for the proposed addition. If the proposed addition was less than 25% of the existing footprint it would have not been an issue. I guess he just wanted to play it safe and thought to address the house just in case the title company would ever make an issue of it. Jeff said he would have done it that way too. Call me if you have any questions.

Donna

DRS 202

9-8 9am

CASE NO. 2011- 0012-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>7-30</u>	DEVELOPMENT PLANS REVIEW	<u>None</u>
<u>8-20</u>	DEPRM (if not received, date e-mail sent _____)	<u>Disunderwater Mgmt. Review</u>
<u>7-20</u>	FIRE DEPARTMENT	<u>None</u>
<u>8-11</u>	PLANNING (if not received, date e-mail sent _____)	<u>None</u>
<u>7-26</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>8-24-10</u>	
SIGN POSTING	Date: <u>8-24-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

CASE NAME 1527 FREELAND RD
CASE NUMBER 2011-0012-A
DATE 9/9/10

CASE NAME 1527 FREELAND RD
CASE NUMBER 2011-0012-A
DATE 9/9/10

[illegible]

Case No.: 2011-0012-A1527 FREELAND ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	State of Maryland - Real Property / tax data	
No. 3	DEED History	
No. 4	Photo Location PLAT and various photos - Existing Conditions 4A thru 4H	
No. 5	Aerial photo of neighborhood	
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 vw1.1d)

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

Account Identifier: District - 06 Account Number - 0619091200

Owner Information

Owner Name: SWAM CHARLES JACOB **Use:** RESIDENTIAL
 SWAM BERNICE ANN **Principal Residence:** NO
Mailing Address: 2916 ROCKDALE RD **Deed Reference:** 1) / 5426/ 723
 FREELAND MD 21053-9751 2)

Location & Structure Information

Premises Address **Legal Description**
 1527 FREELAND RD 0.487 AC
 SS FREELAND RD
 830 FT W MORRIS RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
6	11	158						2	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1955	915 SF	21,213.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	74,300	84,300		
Improvements:	60,090	80,160		
Total:	134,390	164,460	154,436	164,460
Preferential Land:	0	0	0	0

Transfer Information

Seller: SWAM EDWARD M	Date: 02/15/1974	Price: \$20,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5426/ 723	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *

PETITIONER' S

EXHIBIT NO. 2

THIS DEED, Made this 7th day of February, 1974, by and between JOHN E. MAGERS, JR., PERSONAL REPRESENTATIVE OF THE ESTATE OF EDWARD M. SWAM, also known as Edwin M. Swam, deceased, party of the first part, Grantor, and CHARLES JACOB SWAM and BERNICE ANN SWAM, his wife, of Baltimore County, State of Maryland, parties of the second part, Grantees.

WHEREAS, the said Edward M. Swam, also known as Edwin M. Swam, late of Baltimore County, Maryland, departed this life on September 22, 1973, testate, and John E. Magers, Jr. was named as Personal Representative of the decedent's Will, and thereafter on October 1, 1973 qualified as such Personal Representative; and

WHEREAS, the said Edward M. Swam, also known as Edwin M. Swam, died seized and possessed of a fee simple interest in and to all that lot or parcel of land hereinafter more particularly described, and by his said Last Will and Testament, which said Will is recorded among the Wills Records of Baltimore County in Wills Liber J.L.D.No. 138 folio 416, directed that the said property be sold, either at public or private sale; and

WHEREAS, the said John E. Magers, Jr., Personal Representative of the estate of Edward M. Swam, also known as Edwin M. Swam, did enter into a Contract of Sale with the said Charles Jacob Swam and Bernice Ann Swam, his wife, for the sale of said property at and for the price of Twenty Thousand Dollars (\$20,000.00), and the entire purchase price having been paid by the said Grantees to the said Grantors.

NOW THEREFORE THIS DEED WITNESSETH, that in consideration of the sum of Twenty Thousand Dollars (\$20,000.00), the receipt whereof is hereby acknowledged, the said JOHN E. MAGERS, JR., PERSONAL REPRESENTATIVE OF THE ESTATE OF EDWARD M. SWAM, also known as Edwin M. Swam, deceased, pursuant to and in exercise of the power contained in said Will, does hereby grant, convey and assign all of the right, title, interest and estate of the

ROYSTON, MUELLER,
THOMAS & McLEAN
DUKE ONE
100 W. FOWLE AVE.
TOWSON, Md. 21204
682-1600

AUG 19 - FEB 15

300.00 MSC

-1-

PETITIONER'S

EXHIBIT NO.

3

said Edward M. Swam, also known as Edwin M. Swam, deceased, unto CHARLES JACOB SWAM and BERNICE ANN SWAM, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, in fee simple, all that lot or parcel of land, situate and lying in the Sixth Election District of Baltimore County, State of Maryland, and described as follows, to wit:

BEGINNING at a point in the Freeland Road, the said point being the end of the third line of a tract of land as described in the Deed for the same dated May 7th, 1924 from James E. Lamotte and wife to Otis M. Swam and wife, which is recorded in Liber W.P.C. No. 592 folio 213, and running thence with the fourth line of the same and bearing thereon South 17-1/2 degrees East 137 feet to the end thereof; thence along the fifth line of the same and bearing thereon South 51-3/4 degrees West for a distance of 140 feet to an iron pin; thence by a line of division through the land of the grantor North 12-1/4 degrees West 216 feet to a point in the Freeland Road, which point is in the second line of the above mentioned deed; thence along the said line and bearing thereon North 84-1/2 degrees East 77 feet to the end thereof; thence along the third line of the said deed South 89-1/2 degrees East 38 feet to the place of beginning; this survey establishing a distance of 114 feet along the Freeland Road, measured parallel to the same at a distance of 14 feet from the center line of the said road the measurement being on the south side of the said road.

Containing 78 square perches.

BEING all and the same land which by Deed dated September 17, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2558 folio 426, was granted and conveyed by Otis M. Swam and Laura B. Swam, his wife, to Edward M. Swam.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anyway appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging and appertaining, unto and to the proper use and benefit of the said CHARLES JACOB SWAM and BERNICE ANN SWAM, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, in

ROYSTON, MUELLER,
THOMAS & McLEAN
SUITE 200
100 W. PENNA. AVE.
TOWSON, MD. 21204
282-1000

fee simple.

AND the Grantor covenants to execute such further assurances of said land as may be requisite.

WITNESS the hand and seal of said Grantor:

WITNESS:

Mildred E. Pearce
Mildred E. Pearce

John E. Magers, Jr. (SEAL)
John E. Magers, Jr.
Personal Representative of the
Estate of Edward M. Swam,
also known as Edwin M. Swam

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this 7th day of February, 1974, before me, a Notary Public of said State, personally appeared John E. Magers, Jr., Personal Representative of the estate of Edward M. Swam, also known as Edwin M. Swam, deceased, the within named Grantor, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Mildred E. Pearce
Mildred E. Pearce, Notary Public
My commission expires July 1, 1974

0521250 *** 27793306 42-15-831
06001000 *** 27793406 42-15-831
0666600 *** 27793506 42-15-831
07850 *** 27793606 42-15-831

ROYSTON, MUELLER,
THOMAS & McLEAN
SUITE 300
100 W. PUNDA AVE.
TOWSON, MD. 21204
682-1000

Rec'd for record FEB 15 1974 at 2:55 PM
Per Elmer H. Kahlino, Jr., Clerk
Mail to Registry
Receipt No. 1250

LIBER 2558 PAGE 426

FOR SIMPLE DEED—CODE—CITY OR COUNTY.

This Deed. Made this 17th day of September

in the year one thousand nine hundred and fifty-four, by and between

OTIS M. SWAM and LAURA B. SWAM, his wife, of Baltimore County, State of Maryland, of the first part, and EDWARD M. SWAM, widower, of the County and State aforesaid, of the second part.



Witnesseth that in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, the said OTIS M. SWAM and LAURA B. SWAM, his wife, do grant and convey unto EDWARD M. SWAM, widower, his

all that tract or parcel of land, situate, lying and being in Sixth Election District of Baltimore County, Maryland, and described as follows, that is to say:

Beginning at a point in the Freeland Road, the said point being the end of the third line of a tract of land as described in the deed for the same dated May 7th, 1924 from James E. Lamotte and wife to Otis M. Swam and wife, which is recorded in Liber W.P.C. No. 592 folio 213, and running thence with the fourth line of the same and bearing thereon South 17-1/2 degrees East 137 feet to the end thereof; thence along the fifth line of the same and bearing thereon South 51-3/4 degrees West for a distance of 110 feet to an iron pin; thence by a line of division through the land of the grantor North 12-1/4 degrees west 216 feet to a point in the Freeland Road, which point is in the second line of the above mentioned deed; thence along the said line

DEL. PER TICKET OCT 19 1954

and bearing thereon North $84\frac{1}{2}$ degrees East 77 feet to the end thereof; thence along the third line of the said deed South $89\frac{1}{2}$ degrees East 38 feet to the place of beginning; this survey establishing a distance of 114 feet along the Freeland road, measured parallel to the same at a distance of 14 feet from the center line of the said road the measurement being on the south side of the said road; the area enclosed by the above boundary lines being 75 square perches, as surveyed by A. P. Dise, Reg. Eng. on August 31, 1954.

BEING a part of the land which by a deed dated May 7, 1924, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 592 folio 213, was conveyed by James E. Lamotte and Ida M. Lamotte, his wife, to Otis M. Swam and Laura B. Swam, his wife.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

To have and to hold the above described lot of ground - - - - - and premises; above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

EDWARD M. SWAM, widower, his heirs and assigns, - - - - - in fee-simple.

And the said OTIS M. SWAM and LAURA B. SWAM, his wife, - - - - -

- - - - - hereby covenant that t he y will warrant specially the property hereby granted and conveyed, and that t he y will execute such further assurances of said land - - - - - as may be requisite.

Witness the hand s and seal s of said grantor s:

TEST:

Charles J. Fulton

✓ Otis M. Swam [SEAL]
Otis M. Swam
x Laura B. Swam [SEAL]
Laura B. Swam

State of Maryland, BALTIMORE COUNTY - - - - - to wit:

I HEREBY CERTIFY, that on this 18th day of September - - - - -
 in the year one thousand nine hundred and fifty-four - - - - - before me, the subscriber
 a Notary Public - - - - - of the State of Maryland, in and for
 the County of Baltimore - - - - - aforesaid, personally appeared
 OTIS M. SWAM and LAURA B. SWAM, his wife, the above named Grantors, - - - - -
 and they acknowledged the foregoing Deed to be their act.

AS WITNESS my hand and Notarial Seal.



Charles J. Pearson
 Notary Public

NO TITLE EXAMINATION

426 of 21425
DEED
 9/22/54

OTIS M. SWAM and

LAURA B. SWAM, his wife

EDWARD M. SWAM, widower

Book No.

Received for Record SEP 22 1954

at 12:30 clock P. M. Same day recorded
 in Liber G-L-B No. 2558 folio 426 etc.
 one of the Land Records of Baltimore

Examin'd by
Edgar L. Pearson

Cost of Record \$ 4.25

LAWRENCE E. ENSOR
 Attorney at Law
 Towson 4, Maryland



4b rear



4c



4a

front



4e 250' to West
and N/S



4d



4f
across street



4g

Morris Meadow
Rte Farm



4h

Baltimore County - My Neighborhood



PETITIONER' S

EXHIBIT NO.

5

FREELAND

ROAD

EX. PAVING

N 84° 30' E 77'

S 89° 30' E 38'

1533

EX. S.F.D.

N/F REITHLINGSHOEFER
L 26428 F. 592
0619091075
R.C. 2

N 12° 15' W 212'

22'

EXISTING 1
STORY DWLG
1044 SF &
WELL

PROP. 1
STORY
ADDITION
660 SF

EXIST.
GARAGE

EX. DRIVE

SEPTIC

BEG
POINT

S 17° 30' E

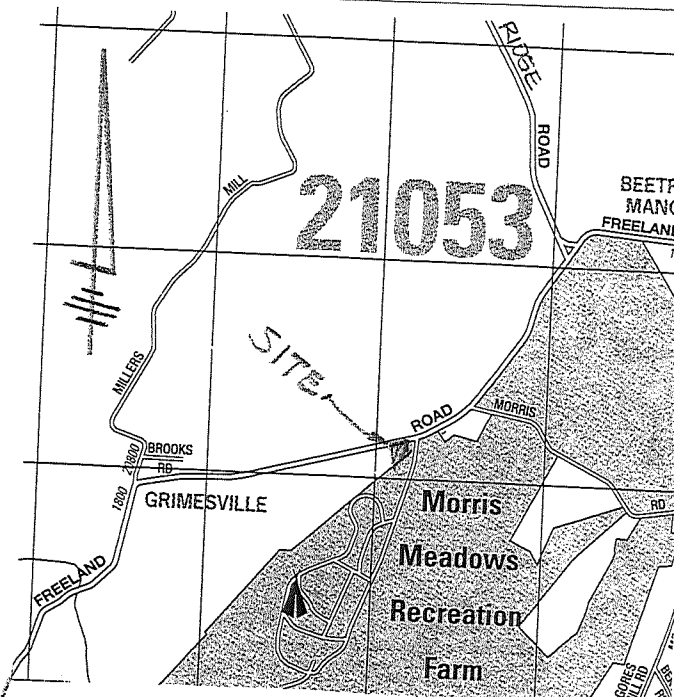
137'

750' ± TO E
MORRIS ROAD

EX. DRIVE

S 51° 45' W 140'

N/F MORRIS
L 27409 F. 584
0613075200
(MORRIS MEADOWS
RECREATION FARM)
R.C. 2



VICINITY MAP
SCALE: 1" = 2000'

OWNER
CHARLES J. AND BERNICE A SWAM
2916 ROCKDALE ROAD
FREELAND, MD. 21053
DEED REF : L. 5426 F. 723
ACCT. NO. 0619091200

NOTES

1. ZONING.....RC 2 (MAP 006C2)
2. AREA.....21,213 S.F = 0.487 ACRE +/-
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
4. PRIVATE WATER AND SEWER
5. SITE IS NOT LOCATED IN CBCA OR 100 YEAR FLOOD ZONE
6. TO THE PREPARER'S KNOWLEDGE, NO UNDERGROUND FUEL STORAGE TANKS, CRITICAL AREAS OR HISTORIC STRUCTURES EXIST

PLAT TO ACCOMPANY
PETITION FOR VARIANCE
1527 FREELAND ROAD
ELECTION DISTRICT 6C3
BALTIMORE COUNTY, MD

SCALE: 1 INCH = 30 FEET JUNE 30, 2010

PETITIONER'S

EXHIBIT NO. 1