

IN RE: **PETITIONS FOR VARIANCE**  
NE/S Third Road, 130' & 180' S of  
Elm Road  
**(1305 & 1307 Third Road)**  
15<sup>th</sup> Election District  
6<sup>th</sup> Council District

Scott Copinger & Barbara Prichard  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
Case Nos. 2011-0042-A &  
2011-0043-A

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

These matters come before this Zoning Commissioner for consideration of Petitions for Variance filed by the owners of the subject adjacent properties, Scott Copinger and Barbara Prichard. Since the properties were at one time under common ownership and are adjacent to one another, the two (2) cases were heard contemporaneously. In both cases, the Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width(s) of 50 feet and an area of 5,150 square feet in lieu of the required 55 feet and 6,000 square feet as required in the D.R.5.5 zone. The subject properties and requested relief are more particularly shown on the site plan submitted in each case and marked into evidence as Petitioners' Exhibits 1, respectively.

Appearing at the requisite public hearing on behalf of the Petitions were Scott Copinger<sup>1</sup> and Ben Battaglia, a home builder and managing member of Battaliga Homes, LLC. There were no Protestants or other interested persons in attendance nor were there any adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies.

<sup>1</sup> Scott Copinger provided the undersigned Zoning Commissioner a General Power of Attorney appointing him as the "attorney-in-fact" and authorizing him (Copinger) to handle Ms. Prichard's affairs. See Petitioners' Exhibit 3 – Case No. 2011-0043-A.

ORDER RECEIVED FOR FILING

9-14-10

23

Date

By

Testimony indicated that the subject properties, known as 1305 and 1307 Third Road, are each 50' wide x 103' deep consisting of area(s) of 0.12 acres or 5,150 square feet, zoned D.R.5.5 and located within the Chesapeake Bay Critical Area (CBCA) near Wilson Point Road and two (2) blocks from Middle River's Dark Head Cove. Vehicular access is by way of Third Road. These two (2) properties are also known as Lots 93 and 94 of the Stansbury Manor subdivision which was recorded in the land records in 1946. Neither lot meets the lot width nor lot area of the D.R.5.5 zone. Mr. Copinger opined that variances are not required of either of these dimensions because the proposed home at 1305 Third Road is a replacement house<sup>2</sup> and the existing one-story home owned by Barbara Prichard at 1307 Third Road was built in 1942 and has not changed in size or location in its 68-year duration. Mr. Copinger indicated he wants to have his vacant lot developed with a new two-story colonial home 22' wide by 34' deep. He noted that many of the other homes in the neighborhood are built on 50-foot wide lots and that his proposal is compatible with the existing pattern of development.

The Petitioners submitted photographic evidence and plats (Exhibits 1 and 2) noting homes on 50-foot wide lots. The Petitioners' exhibits disclosed that the pattern of development in the immediate neighborhood has taken place on undersized lots, which they say support their request. Moreover, the uncontradicted evidence clearly establishes that there has never been a desire to combine or merge the two (2) lots. There is no physical evidence that the subject property was used or consolidated with any other lot to invoke the doctrine of merger as described in *Friends of the Ridge v. Baltimore Gas & Electric Co.*, 352 Md. 645 (1999) and *Remes v. Montgomery County*, 387 Md. 52 (2005).

<sup>2</sup> The single-family dwelling on Lot 93 was erected in the 1940's, was served by public water and sewer (the water meter is still located within its vault) and razed in 2001 due to demolition by neglect. Until it was torn down, it was the home of John Knueppel who, rather than rebuild, sold the lot to Gerald Prichard in 2005. In 2006, the Prichards sold the vacant lot to Scott Copinger. See Deed history – Exhibit 3 – Case No. 2011-0042-A.

Date 9-14-10  
By [Signature]

As noted above, the properties are zoned D.R.5.5. The D.R.5.5 zoning classification imposes a number of requirements for the construction of single-family dwellings thereon. First, each lot must be a minimum 6,000 square feet in area; the subject lots are 5,150 square feet. Secondly, for any single-family dwelling on a D.R.5.5 lot, the minimum front property line setback is 25 feet and a 30-foot rear property line setback must be maintained. Finally, 10-foot side yard setbacks must be maintained on each side. In this regard, the Petitioners proposal meets or exceeds all of these requirements. The only deficiency under the current regulations relates to the lot areas and their widths. Under the D.R.5.5 zoning regulations, a minimum lot width of 55 feet is required. As noted above, these lots were originally laid out as 50-foot wide lots. Although recorded well prior to the adoption of the zoning regulations, the current requirements must be maintained or variance relief acquired before building permits can be approved. Finally, Mr. Battaglia noted that most of the houses in the immediate vicinity are situated on 50-foot wide lots. This fact was confirmed during a site visit by the Office of Planning. Indeed, this Commission has approved similar variance relief in this area. See Case Nos.: 06-518A (1215 Third Road), 06-470-A (16 Elm Drive), and 03-474-A (25 Elm Drive).

Suitable of mention here is the Baltimore County Zoning Commissioner's Policy Manual (ZCPM) which was enacted pursuant to Sections 3-7-203 through 3-7-208 and 32-3-105 of the Baltimore County Code (B.C.C.). The ZCPM was last adopted and approved by the County Council in 1992. The Policy Manual contains policies and other information that assists the reader in interpreting the B.C.Z.R. On Page 3-3 thereof, the requirements of Section 304 of the B.C.Z.R. are discussed. Therein, it is indicated that the Zoning Commissioner has traditionally applied the "six-year rule" in considering adjacent property ownership. It is important to consider the intent of the owner of contiguous undersized lots that were purchased in good faith

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Date 9-14-10

By [Signature]

and without any intent to avoid the area requirements of Section 304.1.C. I am satisfied that the requirements set forth in Section 304 have been satisfied and that the construction of a dwelling on the subject undersized lot is appropriate and should be approved.

After due consideration of the testimony and evidence presented, I am persuaded that relief should be granted. To deny relief would result in a practical difficulty for the Petitioners in that there would be no reasonable use of the property for a permitted purpose, a purpose for which the neighboring properties have previously been used. The proposed development is in keeping with other homes in the neighborhood and meets the spirit and intent of Section 307 of the B.C.Z.R. and *Cromwell v. Ward* 102 Md. App. 691 (1995) for variance relief to be granted. This subdivision and the subject lots were created in 1946, much before the zoning was imposed on the area. The imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district. I find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting this variance when looking at the overall neighborhood density. I find that the Prichard's, who at one time owned the contiguous undersized lots, purchased the subject property at different times and in good faith and without any intent to avoid the area requirements. Moreover, as noted above, at the time of Mr. Copinger's purchase of the property (Lot 93) in 2006, the improvements had been torn down and the properties always had separate Deeds and separate tax identification numbers. Finally, I find this variance can be granted in strict harmony with the spirit and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

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

ORDER RECEIVED FOR FILING

Date

9-14-10

By

DW

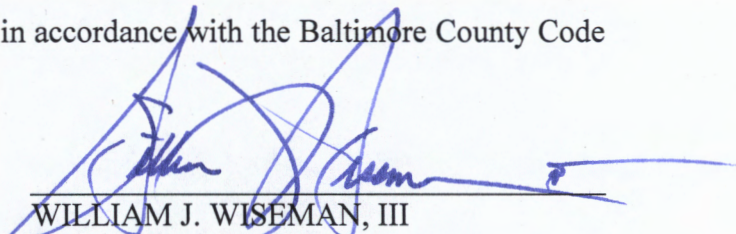
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14<sup>th</sup> day of September 2010 that the Petition for Variance filed in Case No. 2011-0042-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet and an area of 5,150 square feet in lieu of the required 55 feet and 6,000 square feet, for a replacement dwelling to be built on Lot 93 at 1305 Third Road, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 2011-0043-A seeking similar relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a lot width of 50 feet and an area of 5,150 square feet in lieu of the required 55 feet and 6,000 square feet, for an existing dwelling on Lot 94 at 1307 Third Road, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions imposed in both cases:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
2. Petitioners shall comply with the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, dated August 11, 2010, and the Department of Environmental Protection and Resource Management (DEPRM), dated September 8, 2010. Copies of these comments have been attached hereto and are made a part hereof.

Any appeal of this decision shall be taken in accordance with the Baltimore County Code

Section 32-3-401.

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
For Baltimore County

ORDER RECEIVED FOR FILING

Date

9-14-10

By





**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

September 14, 2010

Scott Copinger  
1300 Shore Road  
Baltimore, Maryland 21220

RE: **PETITIONS FOR VARIANCE**  
NE/S Third Road, 130' & 180' S of Elm Road  
**(1305 & 1307 Third Road)**  
15<sup>th</sup> Election District - 6<sup>th</sup> Council District  
Scott Copinger & Barbara Prichard – Petitioners  
Case Nos. 2011-0042-A & 2011-0043-A

Dear Mr. Copinger:

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: Barbara Prichard, 906 East Broadway, Bel Air, MD 21014  
Ben Battaglia, Battaglia Homes, LLC, 2514 Palmer View Drive, Bel Air, MD 21015  
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,  
Annapolis, MD 21401  
People's Counsel; Office of Planning; DEPRM

3-0-1995 ORIGINAL KEEP IN FILE

TAX. ACCOUNT # 1511570380



# Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 1305 Third Road  
which is presently zoned DR S.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) 1 B02.3.C.1 BCCR TO PERMIT A PROPOSED

DWELLING ON A LOT WITH A WIDTH OF 50 FT, AND AN AREA OF 5,150 SQ. FT. IN LIEU OF THE REQUIRED 55 FT. AND 6,000 SQ FT. RESPECTIVELY. (LOT ~~IS~~ <sup>HAS</sup> CURVED ADJACENTLY WITH 1307 THIRD RD.)

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 in 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):**

Scott Copinger  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address 1300 Shore Road Telephone No. 410 916-5955  
Balto MD 21220  
City State Zip Code

**Representative to be Contacted:**

Scott Copinger  
Name \_\_\_\_\_ Telephone No. 443 987-5804  
Address 1300 Shore Rd Telephone No. 410 916-5955  
Balto MD 21220  
City State Zip Code

**OFFICE USE ONLY**

Case No. 2011 0042 A

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By JL Date 7/21/10

HEAR CONSECUTIVE WITH 2011 0043 - A

ORDER RECEIVED FOR FILING  
9-14-10  
100

00AV

**Zoning Description for 1305 Third Road**

Beginning at a point on the NE side of Third Rd. which is 30 feet wide at the distance of 130' SE of the centerline of the nearest improved intersecting street Elm street which is 45 feet wide. Being lot # 93, Block N/A, section# 4 in the subdivision of Stansbury Manor as recorded in Baltimore County Plat Book # 13, Folio# 138, containing 5,150. Also known as 1305 Third Rd and located in the 15 Election District, 6 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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 0042

Petitioner:  Scott Copinger

Address or Location:  1305 Third Road BALTO, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Scott Copinger

Address: 1300 Shore Road  
BALTO, MD 21220

Telephone Number: 410 916-5935

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

*1305*

No. **58626**  
 Date: *7/27/10*

PAID RECEIPT  
 7/27/2010 7:27:00 PM 11:00:30  
 RECEIPT # 0042 1305 MISC RD  
 5.00 HUBBELL WIRE - W  
 65.00  
 65.00 CA  
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
<i>001</i>	<i>806</i>	<i>000</i>		<i>6150</i>					<i>65.00</i>

Total: *65.00*

Rec From: \_\_\_\_\_  
 For: *Variance 0042 1305 MISC RD*

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: # 2011-0042-A**  
1305 Third Road  
E/side of Third Road, 130 feet south of Elm Road  
15th Election District  
6th Councilmanic District  
Legal Owner(s):  
Scott Copinger

**Variance:** to permit a proposed dwelling on a lot with a width of 50 feet, and an area of 5,150 square feet in lieu of the required 55 feet and 6,000 square feet respectively.

**Hearing: Monday, September 13, 2010 at 10:00 a.m. In Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.**

WILLIAM J. WISEMAN, III  
Zoning Commissioner for Baltimore County

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

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

8/561 Aug. 26 252461

# 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 8/26/, 2010.

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



LEGAL ADVERTISING

# CERTIFICATE OF POSTING

2011-0042-A

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_  
Scott Copinger

\_\_\_\_\_ September 13 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: \_\_\_\_\_  
1305 Third Road

\_\_\_\_\_ August 28 2010  
The sign(s) were posted on \_\_\_\_\_  
(Month, Day, Year)

Sincerely,

Robert Black September 1 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 # 2011-0042-A

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

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

DATE AND TIME MONDAY, SEPTEMBER 13, 2010 AT 10:00 AM

REQUEST VARIANCE TO PERMIT A PROPOSED DWELLING ON  
A LOT WITH A WIDTH OF 50 FEET, AND AN AREA OF 5,150  
SQUARE FEET IN LIEU OF THE REQUIRED 55 FEET AND 6,000  
SQUARE FEET RESPECTIVELY



POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY  
TO CONFIRM HEARING CALL 887-3791

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY  
Thursday, August 26, 2010 Issue - Jeffersonian

Please forward billing to:  
Scott Copinger  
1300 Shore Road  
Baltimore, MD 21220

410-916-5955

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## NOTICE OF ZONING HEARING

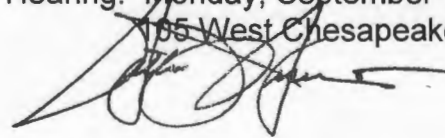
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 2011-0042-A**

1305 Third Road  
E/side of Third Road, 130 feet south of Elm Road  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owners: Scott Copinger

Variance to permit a proposed dwelling on a lot with a width of 50 feet, and an area of 5,150 square feet in lieu of the required 55 feet and 6,000 square feet respectively.

Hearing: Monday, September 13, 2010 at 10:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



**BALTIMORE COUNTY**  
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 19, 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: 2011-0042-A**

1305 Third Road  
E/side of Third Road, 130 feet south of Elm Road  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owners: Scott Copinger

Variance to permit a proposed dwelling on a lot with a width of 50 feet, and an area of 5,150 square feet in lieu of the required 55 feet and 6,000 square feet respectively.

Hearing: Monday, September 13, 2010 at 10:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco  
Director

TK:kl

C: Scott Copinger, 1300 Shore Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 28, 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**  
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 9, 2010

Scott Copinger  
1300 Shore Rd.  
Baltimore, MD 21220

Dear: Scott Copinger

RE: Case Number 2011-0042-A, 1305 Third Rd.

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



PJ - 9/13/10 - 10am - 104

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** August 11, 2010

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

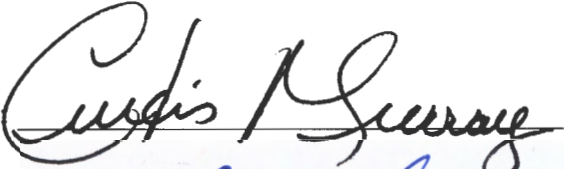
**SUBJECT:** Zoning Advisory Petition(s): Case(s) 11-042 and 11-043- Variance

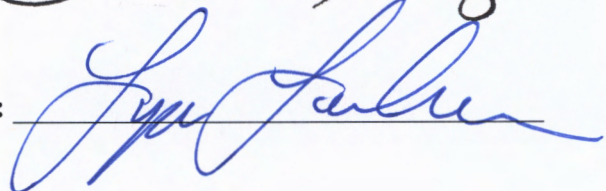
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing 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. Provide landscaping along the public road.
3. Proposed parking shall be located in the rear or side of the subject dwelling.

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

Prepared By 

Division Chief: 

CM/LL

RECEIVED

AUG 23 2010

ZONING COMMISSIONER

BW  
9-13-10

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



**RECEIVED**

**SEP 08 2010**

**ZONING COMMISSIONER**

**TO:** Timothy M. Kotroco

**FROM:** Dave Lykens, DEPRM - Development Coordination

**DATE:** September 8, 2010

**SUBJECT:** Zoning Item # 11-042-A  
Address 1300 Shore Road  
(Copingier Property)

Zoning Advisory Committee Meeting of August 2, 2010

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

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is in an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and must comply with the 10% pollutant reduction requirements.

Reviewer: Regina Esslinger Date: 9/7/10

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

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

**DATE:** August 5, 2010

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 16, 2010  
Item Nos. 2007-352, 2011- 029, 030,  
031, 033, 034, 035, 036, 042, 043,  
044 and 045

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-08162010 -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*

August 18, 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.: **Administrative Variance:** 2011-0035A – 0036A, 2011-0042A-0045A

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.

**Comments:**

The above plans were not attached to the paperwork that was sent over to the Fire Marshal's Office on August 4, 2010. I will need copies of the above plans before making any comments.

The above plans were received and reviewed on Wednesday August 18, 2010, with the following comment:

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, 3<sup>RD</sup> Floor  
Towson, Maryland 21286  
410-887-4880  
Mail Stop: 1102  
cc: File



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: *AUGUST 6, 2010*

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

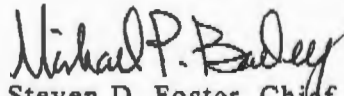
RE: Baltimore County  
 Item No. *2011-0042-A*  
*1300 SHORE ROAD*  
*SCOTT COPINGER*  
*VARIANCE -*

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. *2011-0042-A*.

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

Very truly yours,

*For*   
 Steven D. Foster, Chief  
 Engineering Access Permits  
 Division

SDF/mb

RE: PETITION FOR VARIANCE  
1305 Third Road; E/S Third Road,  
130' S of Elm Road  
15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Scott Copinger  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* 2011-042-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

AUG 06 2010

.....

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6th day of August, 2010, a copy of the foregoing Entry of Appearance was mailed to Scott Copinger, 1300 Shore Road, Middle River, MD 21220, Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

D.R.S.S  
1305 Third St

Bw 9-13 10AM

CASE NO. 2011- 0042-A

**CHECKLIST**

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/Conditions/No Comment</u>
<u>8-5</u>	DEVELOPMENT PLANS REVIEW	<u>None</u>
<u>9-8</u>	DEPRM (if not received, date e-mail sent _____)	<u>Comments</u>
<u>8-18</u>	FIRE DEPARTMENT	<u>None</u>
<u>8-11</u>	PLANNING (if not received, date e-mail sent _____)	<u>Does Not Oppose</u>
<u>8-6</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: 8-26-10

SIGN POSTING Date: 8-28-10

PEOPLE'S COUNSEL APPEARANCE Yes  No

PEOPLE'S COUNSEL COMMENT LETTER Yes  No

Comments, if any: See Photos in File

---

**Case Number:** 2011-0042-A

**Primary Use:** Residential

**Reviewer:** JLL

**Type:** VARIANCE

**Legal Owner:** Scott Copinger

**Contract Purchaser:**

**Critical Area:**

**Flood Plain:**

**Historic:**

**Election Dist:** 15th

**Councilmanic Dist:** 6th

**Property Address:** 1300 Shore Rd

*Should be 1305 Third Rd.*

**Location:** East side of Shore Road; 130 feet south of Elm Road.

**Existing Zoning:** D.R-5.5

**Area:** 0.12 Acre

**Proposed Zoning:** VARIANCE To permit a proposed dwelling on a lot with a width of 50 feet, and an area of 5,150 square ft. in lieu of the required 55 feet and 6,000 square feet respectively.

**Attorney:**

**Miscellaneous:** To be heard with 2011-0043-A

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Google maps

Address **1300 Shore Rd**  
Middle River, MD 21220

Get Google Maps on your phone



Text the word "GMAPS" to 466453



©2010 Google - Map data ©2010 Google -



**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
 Real Property Data Search (2007 vw1.1d)

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

**Account Identifier:** District - 15 Account Number - 1511570380

**Owner Information**

**Owner Name:** COPINGER SCOTT **Use:** RESIDENTIAL  
**Principal Residence:** NO  
**Mailing Address:** PO BOX 4921 **Deed Reference:** 1) /24495/ 460  
 BALTIMORE MD 21220-3777 2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
 1305 THIRD RD  
 BALTIMORE 21220-5506 1305 THIRD RD  
 STANSBURY MANOR

Map Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	19	253		4		93	3	Plat Ref: 13/ 138

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5,150.00 SF	04

Stories	Basement	Type	Exterior

**Value Information**

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2009	As Of 07/01/2010	As Of 07/01/2011
Land	37,650	60,150		
Improvements:	0	0		
<b>Total:</b>	37,650	60,150	52,650	60,150
Preferential Land:	0	0	0	0

**Transfer Information**

<b>Seller:</b> PRICHARD GERALD	<b>Date:</b> 09/20/2006	<b>Price:</b> \$78,000
<b>Type:</b> UNIMPROVED ARMS-LENGTH	<b>Deed1:</b> /24495/ 460	<b>Deed2:</b>
<b>Seller:</b> KNUEPPEL JOHN H	<b>Date:</b> 11/23/2005	<b>Price:</b> \$18,017
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /22955/ 192	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>


**Exemption Information**

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
 \* NONE \*

BW  
9/13  
IDAM

	<b>Maryland Department of Assessments and Taxation</b> <b>BALTIMORE COUNTY</b> <b>Real Property Data Search</b> (2007 vw5.1d)	<a href="#">Go Back</a> <a href="#">View Map</a> <a href="#">New Search</a>
-----------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------

**Account Identifier:** District - 15 **Account Number -** 1519640320

**Owner Information**

<b>Owner Name:</b> COPINGER, SCOTT, JR	<b>Use:</b> RESIDENTIAL
<b>Mailing Address:</b> 1300 SHORE RD BALTIMORE MD 21220-5510	<b>Principal Residence:</b> YES
	<b>Deed Reference:</b> 1) /28265/ 49 2)

**Location & Structure Information**

<b>Premises Address</b> 1300 SHORE RD	<b>Legal Description</b> 1300 SHORE RD WS STANSBURY MANOR
WATERFRONT	

Map Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	19	253		4		244	3	Plat Ref: 13/ 138

<b>Special Tax Areas</b>	<b>Town Ad Valorem Tax Class</b>
--------------------------	----------------------------------

<b>Primary Structure Built</b> 1994	<b>Enclosed Area</b> 2,016 SF	<b>Property Land Area</b> 13,312.00 SF	<b>County Use</b> 34
----------------------------------------	----------------------------------	-------------------------------------------	-------------------------

<b>Stories</b> 1 1/2	<b>Basement</b> NO	<b>Type</b> STANDARD UNIT	<b>Exterior</b> FRAME
-------------------------	-----------------------	------------------------------	--------------------------

**Value Information**

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2009	As Of 07/01/2010	As Of 07/01/2011
<b>Land</b>	322,320	322,320		
<b>Improvements:</b>	279,590	204,780		
<b>Total:</b>	601,910	527,100	527,100	
<b>Preferential Land:</b>	0	0	0	0

**Transfer Information**

<b>Seller:</b> COUNTRYWIDE HOME LOANS INC	<b>Date:</b> 06/19/2009	<b>Price:</b> \$372,000
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /28265/ 49	<b>Deed2:</b>
<b>Seller:</b> BERUBE VALERIE	<b>Date:</b> 04/07/2008	<b>Price:</b> \$517,798
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /26861/ 399	<b>Deed2:</b>
<b>Seller:</b> APPEL JOSEPH ANTHONY	<b>Date:</b> 02/11/2000	<b>Price:</b> \$265,000
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /14306/ 390	<b>Deed2:</b>

**Exemption Information**

<b>Partial Exempt Assessments</b>	<b>Class</b>	07/01/2010	07/01/2011
<b>County</b>	000	0	0
<b>State</b>	000	0	0
<b>Municipal</b>	000	0	0

<b>Tax Exempt:</b> NO	<b>Special Tax Recapture:</b> * NONE *
<b>Exempt Class:</b>	



Case No.: 2011-0042-A 1305 THIRD ROAD AVE

Exhibit Sheet

Petitioner/Developer

Protestant

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

1303 Third Rd

1305 Third Rd  
vacant



0342

PETITIONER'S

EXHIBIT NO. 2

1305 Third Rd



1307 Third Rd

1305 Third Rd  
vacant:



DATA





Huntington Title & Escrow, L.L.C.  
File No. 06-16454BA  
Tax ID # 15-1511570380

**This Deed**, made this 6th day of September, 2006, by and between Gerald Prichard and Barbara Prichard, parties of the first part, Grantors; and Scott Copinger, party of the second part, Grantee.

**- Witnesseth -**

That for and in consideration of the sum of Seventy Eight Thousand Dollars 00/100 (\$78,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said Scott Copinger, as sole owner, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

All that lot of ground situate and lying in the Fifteenth Election District of Baltimore County, State of Maryland as hereinafter described:

BEING KNOWN AND DESIGNATED as Lot No. 93 as shown on Plat of Stansbury Manor Section IV dated August 15, 1946 and recorded among the Land Records of Baltimore County in Plat Book C.H.K. No. 13, Folio 138.

Property is known as 1305 Third Road.

Property ID#15-11-570380

BEING the fee simple property which, by Tax Sale Deed dated November 22, 2005, and recorded in the Land Records of the County of Baltimore, Maryland, in Liber 38685, Folio 192, was granted and conveyed by Fred Homan, Director of Office of Budget and Finance for Baltimore Count unto Gerald Prichard and Barbara Prichard, 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 thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract 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 Scott Copinger, as sole owner, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

**PETITIONER' S**

**EXHIBIT NO.** 3

WHEN RECORDED RETURN TO:

3840-05-02945

Barbara Prichard  
1307 Third Road  
Baltimore, MD 21220

**THIS DEED**, Made this 5 day of July, 2005, by and between **Howard Wayne Shryock and Gloria M. Shryock**, parties of the first part, Grantors, and **Barbara Prichard**, party of the second part, Grantee.

**WITNESSETH**, that in consideration of the sum of One Hundred Forty-Nine Thousand Five Hundred and 00/100 DOLLARS (\$149,500.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey unto the said party of the second part, her heirs, Personal Representatives and assigns, in fee simple, all that lot or parcel of ground situate in Baltimore County, State of Maryland, and described as follows:

**BEING DESIGNATED** as Lot No. 94 on the Plat of Stansbury Manor, Section IV, dated August 15, 1946 and recorded among the Plat Records of Baltimore County in Plat Book C.H.K. No. 13, folio 138. The improvements thereon being known as No. 1307 Third Road.

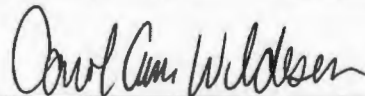
**BEING** the same property which by Deed dated May 16, 2003 and recorded among the Land Records of Baltimore County in Liber No. 18074, folio 088, was granted and conveyed by John D. Cooper and Wendeline A. Cooper unto Howard Wayne Shryock and Gloria M. Shryock, the Grantors herein.

**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 in anywise appertaining.

**TO HAVE AND TO HOLD** the said lots 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 party of the second part, her heirs, Personal Representatives and assigns, in fee simple.

**AND** the said parties of the first part hereby covenants that they have not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland Attorney.



Carol Ann Wildesen, Attorney



PLAT TO ACCOMPANY PETITION FOR ZONING  VARIANCE  SPECIAL HEARING

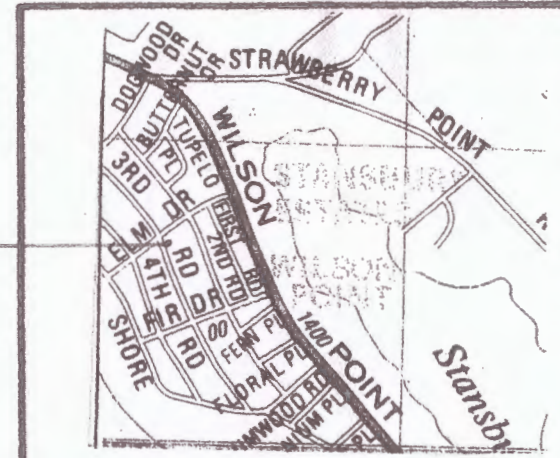
PROPERTY ADDRESS 1305 Third Rd

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

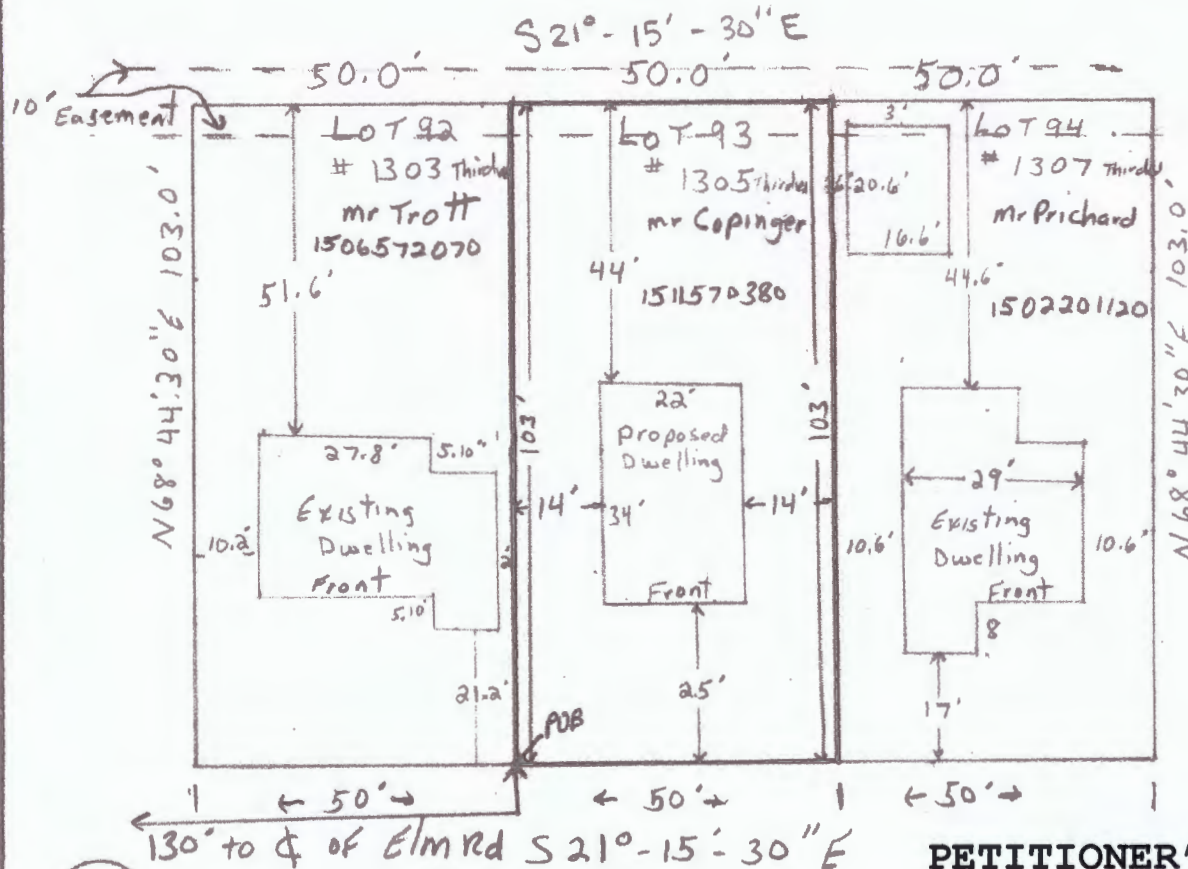
SUBDIVISION NAME Stansbury Manor

PLAT BOOK # 13 FOLIO # 138 LOT # 93 SECTION # 4

OWNER Scott Copinger



subject property



Third Rd (30' R/W, 16' P)

PETITIONER'S

EXHIBIT NO. 1

VICINITY MAP  
SCALE: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 15  
 COUNCILMANIC DISTRICT 6  
 1" = 200' SCALE MAP # 091A3  
 ZONING DR 5.5

LOT SIZE	<u>12</u> ACREAGE	<u>5,150</u> SQUARE FEET
SEWER	<input checked="" type="checkbox"/> PUBLIC	<input type="checkbox"/> PRIVATE
WATER	<input checked="" type="checkbox"/> PUBLIC	<input type="checkbox"/> PRIVATE
CHESAPEAKE BAY CRITICAL AREA	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
100 YEAR FLOOD PLAIN	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
HISTORIC PROPERTY/ BUILDING	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
PRIOR ZONING HEARING	<u>NO</u>	

ZONING OFFICE USE ONLY  
 REVIEWED BY JL ITEM # 2011-0042-A CASE #

PREPARED BY Ben Battaglia

SCALE OF DRAWING: 1" = 30'