

IN RE: PETITIONS FOR VARIANCE
NE/S Third Road, 130' & 180' S of
Elm Road
(1305 & 1307 Third Road)
15th Election District
6th 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 Copinger¹ 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.

¹ 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

Date 9-14-10

By [Signature]

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 house² 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).

² 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.

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

ORDER RECEIVED FOR FILING

Date

9-14-10

By

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

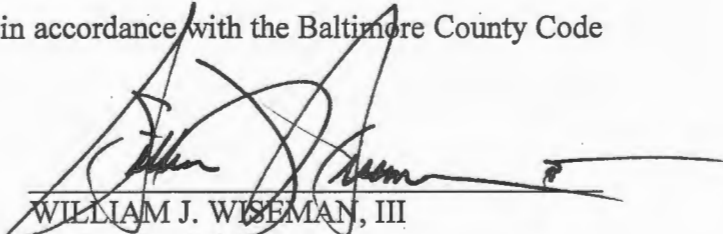
103

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th 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 [Signature]



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)
15th Election District - 6th 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

ORIGINAL KEEP IN FILE

TAX. ACCO # 1502201120



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1307 Third Rd
which is presently zoned DRS.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 BC2R TO PERMIT AN

EXISTING IMPROVED LOT WITH A WIDTH OF 50 FT. AND AN AREA OF 5,150 SQUARE FT. IN LIEU OF 55 FT. AND 6,000 SQ. FT. AS REQUIRED IN THE DR 5.5 ZONE. SAID LOT HAVING HAD ADJACENT QUERSH - 1P WITH LOT # 93 AT 1305 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 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING -

Case No. 2011 0043 A

REV 9/15/98

Reviewed By SL Date 7/27/10

HEAR CONSECUTIVELY WITH ~~2011~~ 2011-0042-A

0043

Zoning Description for 1307 Third Road

Beginning at a point on the NE side of Third Rd. which is 30 feet wide at the distance of 180' SE of the centerline of the nearest improved intersecting street Elm street which is 45 feet wide. Being lot # 94, 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 1307 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.

For Newspaper Advertising:

Item Number or Case Number: 0043

Petitioner: X Barbara Prichard

Address or Location: 1307 Third Road BALTO, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Scott Copinger

Address: 1300 Shore Road
BALTO, MD 21220

Telephone Number: 410 916-5955

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/ Obj	Rev/ 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: # 2011-0043-A
1307 Shore Road
E/side of Third Road, 180
feet south of Elm Road
15th Election District
6th Councilmanic District
Legal Owner(s):

Barbara Prichard
Variance: to permit an existing improved lot with a width of 50 feet and an area of 5,150 square feet in lieu of 55 feet and 6,000 square feet as required in the DR 5.5 zone.

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.

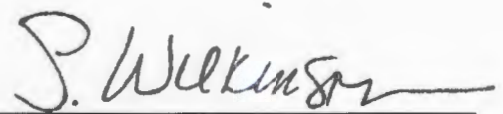
8/562 Aug. 26 252463

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

2011-0043-A

RE: Case No.: _____

Petitioner/Developer: _____
Barbara Prichard

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: _____
1307 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 # 2011-0043-A

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

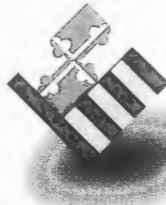
Room 104 JEFFERSON BUILDING
PLACE: 105 WEST CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME: MONDAY, SEPTEMBER 13, 2010 AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT AN EXISTING IMPROVED LOT
WITH A WIDTH OF 50 FEET AND AN AREA OF 5,150 SQUARE
FEET IN LIEU OF 55 FEET AND 6,000 SQUARE FEET AS REQUIRED
IN THE DR 5.5 ZONE.

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

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



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: 2011-0043-A

1307 Shore Road
E/side of Third Road, 180 feet south of Elm Road
15th Election District – 6th Councilmanic District
Legal Owners: Barbara Prichard

Variance to permit an existing improved lot with a width of 50 feet and an area of 5,150 square feet in lieu of 55 feet and 6,000 square feet as required in the DR 5.5 zone.

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

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

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

RE: Case Number 2011-0043-A, 1307 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 July 27, 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

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 # 11-043-A
Address 1307 Third Road
(Richard 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

ORDER RECEIVED FOR FILING

Date: 9-14-10

By: [Signature]

9/13/10 - 11 Am - 109

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

Curtis P. Gauray

Division Chief:

Pat Keller

CM/LL

RECEIVED

AUG 23 2010

ZONING COMMISSIONER

ORDER RECEIVED FOR FILING

Date

By

W:\DEVREV\ZACZACs 2011\11-043.doc

9-14-10

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK} 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

DATE: August 5, 2010

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 ⁴³

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

RE: PETITION FOR VARIANCE
1307 Third Road; E/S Third Road,
180' S of Elm Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Barbara Richard
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 2011-043-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, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DR.5.5
1207 Third Rd

BW 9-13 11am

CASE NO. 2011- 0043-A

C H E C K L I S T

<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>9-13</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: <u>8-26-10</u>	
SIGN POSTING	Date: <u>8-28-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: See Photos in file

ZAC AGENDA

Case Number: 2011-0043-A

Primary Use: Residential

Reviewer: JLL

Type: VARIANCE

Legal Owner: Barbara Richard

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 15th **Councilmanic Dist:** 6th

Property Address: 1307 Third Rd

Location: East side of Third Road; 180 feet south of Elm Road.

Existing Zoning: D.R.-5.5

Area: 0.12 Acre

Proposed Zoning: VARIANCE To permit an existing improved lot with a width of 50 feet and an area of 5,150 square feet in lieu of 55 feet and 6,000 square feet as required in the DR-5.5 zone.

Attorney:

Miscellaneous: To be heard with 2011-0042-A

BW
9-13 - 11AM

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1d)

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

Account Identifier: District - 15 Account Number - 1502201120

Owner Information

Owner Name: PRICHARD BARBARA **Use:** RESIDENTIAL
Mailing Address: 906 E BROADWAY **Principal Residence:** YES
 BEL AIR MD 21014-3345 **Deed Reference:** 1) /22403/ 670
 2)

Location & Structure Information

Premises Address
 1307 THIRD RD

Legal Description

1307 THIRD RD
 STANSBURY MANOR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	19	253					94	3	Plat Ref: 13/ 138

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1942	672 SF	5,150.00 SF	04

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2009	07/01/2010	07/01/2011	
Land	37,650	60,150			
Improvements:	105,770	124,550			
Total:	143,420	184,700	170,940	184,700	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: SHRYOCK HOWARD WAYNE	Date: 08/22/2005	Price: \$149,500
Type: IMPROVED ARMS-LENGTH	Deed1: /22403/ 670	Deed2:
Seller: COOPER JOHN D	Date: 05/28/2003	Price: \$114,900
Type: IMPROVED ARMS-LENGTH	Deed1: /18074/ 88	Deed2:
Seller: ZAIS ALFRED F,3RD	Date: 11/05/1999	Price: \$79,900
Type: IMPROVED ARMS-LENGTH	Deed1: /14179/ 398	Deed2:

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 *

Google maps

Address **1307 3rd Rd**
Middle River, MD 21220

Get Google Maps on your phone



Text the word "GMAPS" to 466453



Cell 410-5955
916-5955

Richard + Cepinger

DATE 9-13-10

A

BH

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fax: 410734-6363
office: 410734-9088
cell: 443987-5804

A black and white photograph of a hand holding a small, detailed model of a two-story house with a chimney and multiple windows. The hand is wearing a dark suit sleeve and a white shirt cuff. The background is dark and out of focus.

Case No.: 2011-0043-A 1307 THIRD ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	PHOTOGRAPHS	
No. 3	POWER OF ATTORNEY	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

1305 Third Rd
Vacant Lot



8043

PETITIONER'S

EXHIBIT NO. 2

1305 Third Rd 1307 Third Rd

0043



1309 Third Rd



0043



General Power of Attorney

Notice: This is an important document. Before signing this document, you should know these important facts. By signing this document, you are not giving up any powers or rights to control your finances and property yourself. In addition to your own powers and rights, you may be giving another person, your attorney-in-fact, broad powers to handle your finances and property. This general power of attorney may give the person whom you designate (your "attorney-in-fact") broad powers to handle your finances and property, which may include powers to encumber, sell or otherwise dispose of any real or personal property without advance notice to you or approval by you. **THE POWERS WILL NOT EXIST AFTER YOU BECOME DISABLED OR INCAPACITATED.** This document does not authorize anyone to make medical or other health care decisions for you. If you own complex or special assets such as a business, or if there is anything about this form that you do not understand, you should ask a lawyer to explain this form to you before you sign it. If you wish to change your general power of attorney, you must complete a new document and revoke this one. You may revoke this document at any time by destroying it, by directing another person to destroy it in your presence or by signing a written and dated statement expressing your intent to revoke this document. If you revoke this document, you should notify your attorney-in-fact and any other person to whom you have given a copy of the form. You also should notify all parties having custody of your assets. These parties have no responsibility to you unless you actually notify them of the revocation. If your attorney-in-fact is your spouse and your marriage is annulled, or you are divorced after signing this document, this document is invalid. Since some 3rd parties or some transactions may not permit use of this document, it is advisable to check in advance, if possible, for any special requirements that may be imposed. You should sign this form only if the attorney-in-fact you name is reliable, trustworthy and competent to manage your affairs.

I, Barbara Prichard, of _____,
City of Bel Air, State of MARYLAND, as principal, do hereby
appoint: Scott Capiger, of 1300 Shore Rd,
City of Baltimore, State of MARYLAND, my attorney-in-fact
to act in my name, place and stead in any way which I myself could do, if I were personally present, with respect to
the following matters to the extent that I am permitted by law to act through an agent:

- ☒ (a) real estate transactions;
- ☐ (b) goods and services transactions;
- ☐ (c) bond, share and commodity transactions;
- ☐ (d) banking transactions;
- ☐ (e) business operating transactions;
- ☐ (f) insurance transactions;
- ☐ (g) estate transactions;
- ☐ (h) claims and litigation;
- ☐ (i) personal relationships and affairs;
- ☐ (j) benefits from military service;
- ☐ (k) records, reports and statements;
- ☐ (l) retirement benefit transactions;
- ☐ (m) making gifts to my spouse, children and more remote descendants, and parents;

PETITIONER' S

EXHIBIT NO. 3

- _____ (n) tax matters;
_____ (o) all other matters;
_____ (p) full and unqualified authority to my attorney-in-fact to delegate any or all of the foregoing powers to any person or persons whom my attorney-in-fact shall select;
_____ (q) unlimited power and authority to act in all of the above situations (a) through (p)

If the attorney-in-fact named above is unable or unwilling to serve, I appoint N/A,
of _____, City of _____, State of _____,
to be my attorney-in-fact for all purposes hereunder.

To induce any third party to rely upon this power of attorney, I agree that any third party receiving a signed copy or facsimile of this power of attorney may rely upon such copy, and that revocation or termination of this power of attorney shall be ineffective as to such third party until actual notice or knowledge of such revocation or termination shall have been received by such third party. I, for myself and for my heirs, executors, legal representatives and assigns, agree to indemnify and hold harmless any such third party from any and all claims that may arise against such third party by reason of such third party having relied on the provisions of this power of attorney.

This power of attorney shall not be effective in the event of my future disability or incapacity. This power of attorney may be revoked by me at any time and is automatically revoked upon my death. My attorney-in-fact shall not be compensated for his or her services nor shall my attorney-in-fact be liable to me, my estate, heirs, successors, or assigns for acting or refraining from acting under this document, except for willful misconduct or gross negligence.

Dated: 7/20/10

Signature and Declaration of Principal

I, Barbara Prichard, the principal, sign my name to this power of attorney this 20th day of July and, being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my power of attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in the power of attorney and that I am eighteen years of age or older, of sound mind and under no constraint or undue influence.

Barbara Prichard
Signature of Principal

Witness Attestation

I, Steven Capinger, the first witness, and I, Joseph Muir, the second witness, sign my name to the foregoing power of attorney being first duly sworn and do declare to the undersigned authority that the principal signs and executes this instrument as his/her power of attorney and that he/she signs it willingly, or willingly directs another to sign for him/her, and that I, in the presence and hearing of the principal, sign this power of attorney as witness to the principal's signing and that to the best of my knowledge the principal is eighteen years of age or older, of sound mind and under no constraint or undue influence.

Steven Capinger
Signature of First Witness

Joseph Muir
Signature of Second Witness

Notary Acknowledgment

State of MARYLAND County of HARTFORD
Subscribed, sworn to and acknowledged before me by Barbara Prichard, the Principal,
and subscribed and sworn to before me by JENNIFER L BALL, witness, this 20th
day of July 2010

Jennifer L Ball
Notary Signature
Notary Public,

In and for the County of HARTFORD
State of MARYLAND
My commission expires: June 1, 2011 Seal

Acknowledgment and Acceptance of Appointment as Attorney-in-Fact

I, Scott Copinger have read the attached power of attorney and am the person identified as the attorney-in-fact for the principal. I hereby acknowledge that I accept my appointment as Attorney-in-Fact and that when I act as agent I shall exercise the powers for the benefit of the principal; I shall keep the assets of the principal separate from my assets; I shall exercise reasonable caution and prudence; and I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

[Signature]
Signature of Attorney-in-Fact

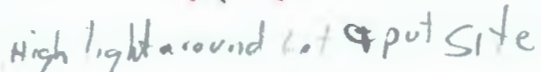
Date

Acknowledgment and Acceptance of Appointment as Successor Attorney-in-Fact

I, _____ have read the attached power of attorney and am the person identified as the successor attorney-in-fact for the principal. I hereby acknowledge that I accept my appointment as Successor Attorney-in-Fact and that, in the absence of a specific provision to the contrary in the power of attorney, when I act as agent I shall exercise the powers for the benefit of the principal; I shall keep the assets of the principal separate from my assets; I shall exercise reasonable caution and prudence; and I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

Signature of Successor Attorney-in-Fact

Date

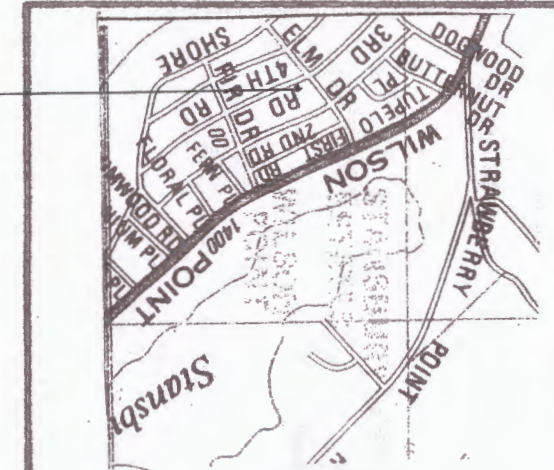


PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

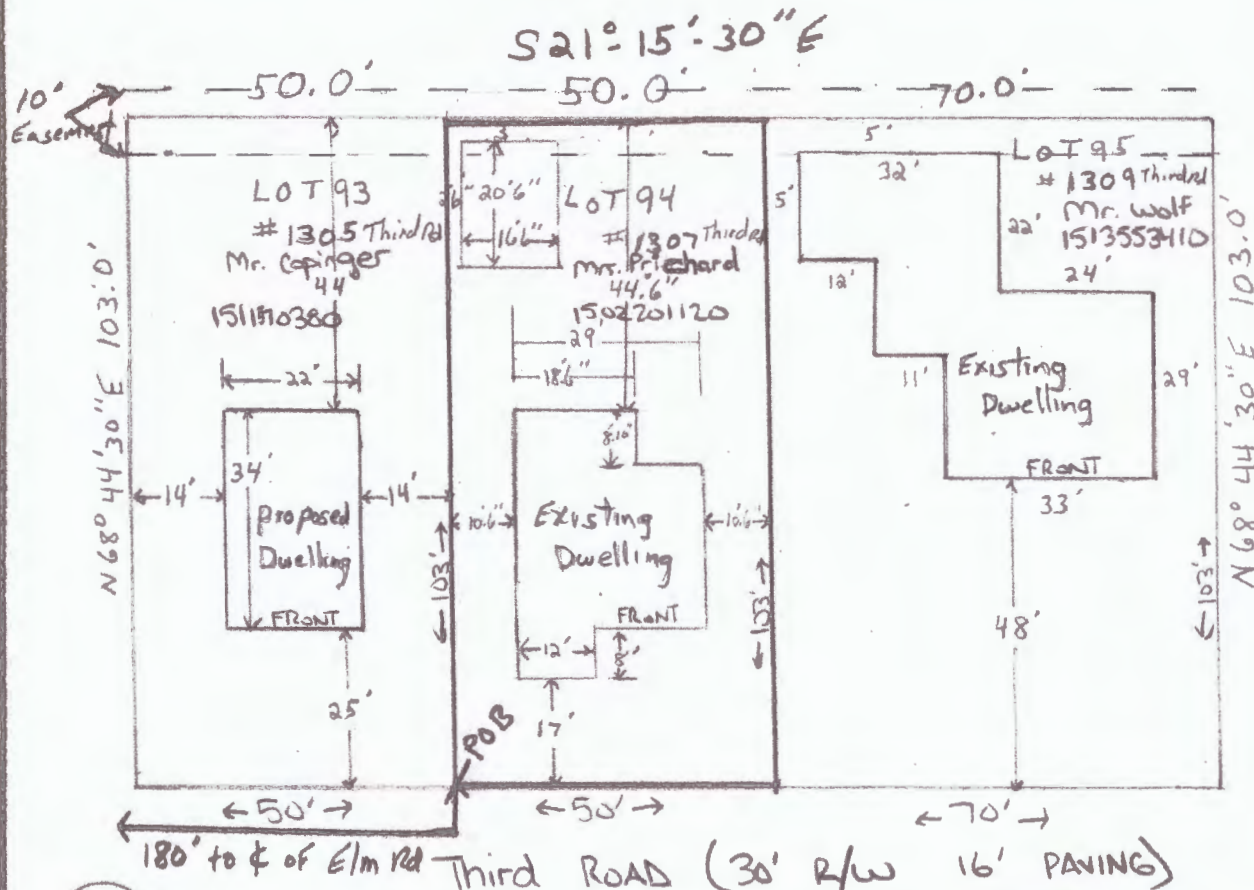
PROPERTY ADDRESS 1307 Third Rd
 SUBDIVISION NAME Stansbury Manor
 PLAT BOOK # 13 FOLIO # 138 LOT # 94 SECTION # 4
 OWNER Prichard, Barbara

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

subject
property



VICINITY MAP
SCALE: 1" = 2000'



NORTH

PREPARED BY Ben Battaglia SC

PETITIONER'S

EXHIBIT NO. 1

LOCATION INFORMATION

ELECTION DISTRICT 15
 COUNCILMANIC DISTRICT 6
 1" = 200' SCALE MAP # 091A3
 ZONING DR 5.5
 LOT SIZE .12 ACRES 5,150.00 SQUARE FEET
 SEWER ☒ PUBLIC ☐ PRIVATE
 WATER ☒ PUBLIC ☐ PRIVATE
 CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
 100 YEAR FLOOD PLAIN ☐ YES ☒ NO
 HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
 PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY
 REVIEWED BY JL ITEM # 2011-0043-A CASE #