

IN RE: **PETITION FOR VARIANCE** *

S/Side Third Avenue, 670' E of c/line of
Harford Road *

(3021 Third Avenue) *

11th Election District *

6th Council District *

Robert Marshall & Ralph Marshall *

Legal Owners *

Edwin Howes, *Contract Purchaser* *

Petitioners *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2011-0049-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Robert Marshall and Ralph Marshall, owners of the subject adjacent lots¹, and the contract purchaser, Edwin Howes. 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 of 40 feet in lieu of the required 55 feet, to allow side yard setbacks of 8 feet in lieu of 10 feet, and a lot size of 4,000 square feet in lieu of the required 6,000 square feet as required in the D.R.5.5 zone. The subject property and requested relief are more particularly shown on the site plan submitted and marked into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request was Craig Rodgers, a land development consultant who is assisting the Petitioners in the zoning and permitting process. Appearing as Protestants/interested persons were Anne C. Blackburn Suznick and Robert C. Suznick (3024 Third Avenue) and Robert J. Rust (3023 Third Avenue). There were

Sylvia E. Marshall owned five (5) lots known as Lots 255 thru 259 in the subdivision of Carney Heights. Having now departed this world, her sons inherited the property and wish to sell Lots 258 and 259 to Mr. Howes for development with a two-story single-family dwelling.

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Date

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By

no unfavorable Zoning Advisory Committee (ZAC) comments received from the County reviewing agencies.

Testimony indicated that the subject property, known as Lots 258 and 259 on Maryland Tax Map 71, are located on the south side of Third Avenue just east of Harford Road. Each lot is 20' wide x 100' deep and, when combined, consists of an area of 0.092 acres or 4,000 square feet, zoned D.R.5.5, and is in the Carney area of the County. Mr. Rodgers indicated that the property is improved with a concrete block garage that had been used by the Marshall family whose residential property was on Second Avenue, which abuts to the rear of the Third Avenue lots. The subject combined lots do not meet the lot width nor lot area of the D.R.5.5 zone. Mr. Rodgers opined that when the development was originally established in circa 1900, most of the lots were created with 20-foot widths. *See* Petitioners' Exhibit 2 – a portion of the Carney Heights subdivision plat recorded in the Land Records of Baltimore County in Plat Book No. 6, Folio 158. The narrowness of these lots resulted in many property buyers purchasing two (2) or more lots. When houses were then constructed, the neighborhood took a non-uniform appearance containing various sized yards, with widths of 40 feet, 60 feet, 80 feet, and larger yards in 20-foot increments. As Petitioners' consultant pointed out, there are a number of residences presently existing on 40-foot wide lots, six (6) of which exist on Third Avenue. Apparently, construction on 40-foot lots in the subdivision took place prior to the adoption of the zoning regulations in Baltimore County and therefore not in violation of the present D.R.5.5 zoning. I could not find prior variance approvals for any undersized lots on Third Avenue and the merits of those 40-foot improved lots either obtained with or without a petition for variance are not before me. Turning to the subject zoning variance, the property was owned by Sylvia Marshall. Mrs. Marshall and her husband owned five (5) lots with a total cumulative width of

100 feet. Following her death, Mrs. Marshall's sons entered into a contract for the sale of two (2) lots on which the existing garage will be razed and a new single-family home is proposed. Mr. Rodgers noted that since several of the other homes are built on 40-foot lots, that the Petitioners' proposal is compatible with the existing pattern of development. Variance relief is necessary in order to proceed.

Testifying in opposition to the variances and proposed development of Lots 258 and 259 were Robert and Anne Suznick who have resided across the street from the subject property since 1975. Their home, when constructed in 1902, was built on two (2) 20-foot lots (222 and 223). They spoke of the difficulties of living on a small 4,000 square foot lot and the narrowness of Third Avenue that they say is only 18 feet wide. Apparently, some of the current residents and tenants living in some rental houses park cars and pick-up trucks along the south side of Third Avenue, which at this location rises in topography when approaching from either the east or west so that visibility of these parked vehicles is obstructed. The Suznick's expressed concerns that an additional home across from theirs would only further add to the absence of adequate off-street parking. If the variance is granted and another home is built on the remaining three (3) lots (255 thru 257), the situation would be intolerable. They state that while single vehicles can negotiate through the area, it is deemed inadequate for emergency vehicles should they need to reach homes at the end of Third Avenue in the event of fire, etc. Likewise, Mr. Rust opposed two (2) homes being built on the five (5) lots. He thought that such development was motivated by greed and that two (2) homes would complicate the existing utilities and be incompatible with the neighborhood. He stated that just bringing in trucks and building supplies to build a new home in this area would be difficult and burdensome for the local area residents.

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By

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As noted above, the property is 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 lot is 4,000 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 the front and rear property line setbacks but has deficiencies under the current regulations relating to the lot area, side yard setbacks and its width. Under the D.R.5.5 zoning regulations, a minimum lot width of 55 feet is required. Although the subdivision plat was 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.

The Zoning Commissioner's authority to grant variance relief from the requirements of the B.C.Z.R. is established in Section 32-3-301 of the Baltimore County Code (B.C.C.). Section 307 of the B.C.Z.R. contains the standards for the grant of variance relief. This section has been interpreted by the Appellate Courts of this State, most notably in *Cromwell v. Ward*, 102 Md. App. 691 (1995). In *Cromwell*, the Court established two (2) tests that need to be satisfied in order for variance relief to be granted.

First, it must be established that the property at issue is unique. As noted, the tract is comprised of five (5) lots identified as Lots 255 through 259 of the subdivision of Carney Heights. The fact that these lots were laid out prior to the adoption of the first set of zoning regulations in Baltimore County (1945) is a significant factor. However, the Petitioners and owner of the undersized lots owns sufficient adjoining land to conform to the width and area

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By

103

requirements. There is nothing unique about the subject lots which are clearly rectangular in shape as are the other 400 or so lots in this subdivision.

Second, and perhaps a decade ago, the finding of practical difficulty or hardship in not being able to develop these two (2) lots would be all Petitioners would have needed to show in order to be granted the variance they request. However, the Court in *Cromwell*, *infra*, redefined the test for variance, requiring that before a Petitioner even gets to the question of hardship and practical difficulty, there must be a finding that the property is unique when compared to other properties in the neighborhood. The legal standard now requires a finding that the property has some special circumstances or conditions existing that are peculiar to the land or the structure, which is the subject of the variance request. This finding must be made before any consideration of hardship or difficulty is made and if the property is not found to be unique, no variance can be granted. Equally important, the Court wanted to correct the practice of many jurisdictions finding hardship and difficulty first, which would then be used to show the property was unique, reasoning that the unusual situation on the property was different from that found on surrounding properties. Mr. Rodgers' effort to demonstrate hardship and practical difficulty is admirable, the evidence before me, however, gives no indication that the regulations impact the Marshall's property in any way different from other lots in the neighborhood. As stated, the lot is as plain and rectangular as one could find. The lots are indistinguishable from others in the neighborhood. Lastly, a visit to the property to understand the fears expressed by the residents as to traffic congestion and dangers created while constructing the proposed home gave me an opportunity to view the pattern of development in the neighborhood. To squeeze a house onto these two (2) lots would adversely affect the neighborhood. While several homes are on two (2)

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Date

10-13-10

By

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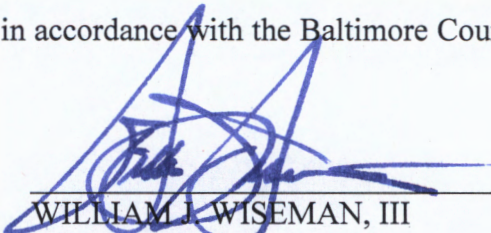
lots rather than three (3) or more lots, it was noted that the adjoining properties are separated by distances from these homes so it appears to be a consistent pattern.

After due consideration of the testimony and evidence presented, I am persuaded that the variance should not be allowed and will so order.

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 denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of October 2010 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 40 feet in lieu of 55 feet, side yard setbacks of 8 feet in lieu of 10 feet, and a lot size of 4,000 square feet in lieu of the required 6,000 square feet as required in the D.R.5.5 zone, be and is hereby DENIED.

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

WJW:dlw

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Date

10-13-10

By

Q3



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 13, 2010

Craig Rodgers
P.O. Box 201
White Marsh, Maryland 21162

RE: **PETITION FOR VARIANCE**
S/Side Third Avenue, 670' E of c/line of Harford Road
(3021 Third Avenue)
11th Election District - 6th Council District
Robert Marshall & Ralph Marshall, *Legal Owners*;
Edwin Howes, *Contract Purchaser* – Petitioners
Case No. 2011-0049-A

Dear Mr. Rodgers:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Robert Marshall and Ralph Marshall, 1522 Chivalry Court, Baltimore, Maryland 21237
Edwin Howes, 901 Sidehill Drive, Belair, MD 21015
Anne C. and Robert C. Suznick, 3024 Third Avenue, Carney, MD 21234
Robert J. Rust, 3023 Third Avenue, Carney, MD 21234
People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 3021 THIRD AVENUE
which is presently zoned DR-5.5

Deed Reference: 1407-1521 Tax Account # 1113021050

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3C1

To permit a Lot Width of 40 feet in lieu of 55 feet, Sideyards of 8 feet in lieu of 10 feet, and lot size of 4000 square feet in lieu of 6000 square feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.) To permit a 24 foot wide house which is conducive to the neighborhood which has numerous home built on 40 foot lots (and some more narrow)

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:

EDWIN HOWES

Name - Type or Print

X Edwin Howes

Signature

901 SIDEHILL DR 443-690-2368

Address

Telephone No.

BELAIR

MD

21015

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

State

Zip Code

Legal Owner(s):

ROBERT MARSHALL

Name - Type or Print

X Robert Marshall

Signature

RALPH MARSHALL

Name - Type or Print

X Ralph Marshall

Signature

1522 CHIVALRY CT

Address

Telephone No.

BALTIMORE, MD

City

State

21237

Zip Code

Representative to be Contacted:

CRAIG RODGERS

Name

P.O. Box 201

Address

443-677-2007

Telephone No.

WHITE MARSH MD

City

State

21162

Zip Code

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by D.T. Date 7/30/10

DROP-OFF

Case No. 2011-0048-A

ZONING DESCRIPTION FOR 3021 THIRD AVENUE

Beginning at a point on the south side of Third Avenue which is 30 feet wide at the distance of 670 feet east of the center line of Harford Road (Md. Rte. 147) which Right of Way width varies. Being Lots #258 and 259 in the subdivision of Carney Heights as recorded in the Land Records of Baltimore County Plat Book #6, Folio #158, containing 4000 square feet. Also known as 3021 Third Avenue and located in the Eleventh Election District, 6TH Councilmanic District.

2011-0048-A

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2011-0049-A

Petitioner: MARSHALL

Address or Location: 3021 THIRD AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. ROBERT MARSHALL

Address: 1522 CHIVALRY CT.

BALTO. MD 21237

Telephone Number: 443-677-2007 FOR CRAIG RODGERS

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

No. **58664**

Date: **8/2/0**

PAID RECEIPT

BUSINESS ACTION TIME DAY

8/11/2010 8/09/2010 14:38:13 2

REC 4582 WALKIN JEVA JEE

RECEIPT # 67281 7/31/2010 0618

Dept 5 520 ZONING VERIFICATION

NO. 000464

Rec'd Tot 145.00

145.00 0 0.00 00

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		4150					145.00

Total: **145.00**

Rec From: **R. CRAIG INC**

For: **2011-0049-H**
2021 THIRD AVE.

D THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2011-0049-A

RE: Case No.: _____

Petitioner/Developer: _____
Edwin Howes

October 1 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: _____

3021 Third Avenue

September 16 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black September 20 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 #2011-0049-A

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

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

DATE AND TIME FRIDAY, OCTOBER 1, 2010 AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT A LOT WIDTH OF 40 FEET
IN LIEU OF 55 FEET, SIDE YARDS OF 8 FEET IN LIEU OF THE
10 FEET, AND A LOT SIZE OF 4,000 SQUARE FEET IN LIEU OF
6,000 SQUARE FEET

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 877-3301

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

**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: # 2011-0049-A
3021 Third Avenue
S/side of Third Avenue, 670
feet east of the centerline
of Harford Road
11th Election District
6th Councilmanic District
Legal Owner(s):
Robert Marshall &
Ralph Marshall
Contract Purchaser:
Edwin Howes

Variance: to permit a lot
width of 40 feet in lieu of 55
feet, side yards of 8 feet in
lieu of the 10 feet, and lot
size of 4,000 square feet in
lieu of 6,000 square feet.

**Hearing: Friday, October
1, 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 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.

9/270 Sept 16 254373

CERTIFICATE OF PUBLICATION

9/16/, 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 9/16/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 16, 2010 Issue - Jeffersonian

Please forward billing to:
Craig Rodgers
1522 Chivalry Ct.
Baltimore, MD 21237

443-677-2007

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: 2011-0049-A

3021 Third Avenue

S/side of Third Avenue, 670 feet east of the centerline of Harford Road

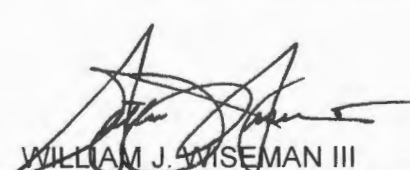
11th Election District – 6th Councilmanic District

Legal Owners: Robert Marshall & Ralph Marshall

Contract Purchaser: Edwin Howes

Variance to permit a lot width of 40 feet in lieu of 55 feet, side yards of 8 feet in lieu of the 10 feet, and lot size of 4,000 square feet in lieu of 6,000 square feet.

Hearing: Friday, October 1, 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 24, 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: 2011-0049-A

3021 Third Avenue

S/side of Third Avenue, 670 feet east of the centerline of Harford Road

11th Election District – 6th Councilmanic District

Legal Owners: Robert Marshall & Ralph Marshall

Contract Purchaser: Edwin Howes

Variance to permit a lot width of 40 feet in lieu of 55 feet, side yards of 8 feet in lieu of the 10 feet, and lot size of 4,000 square feet in lieu of 6,000 square feet.

Hearing: Friday, October 1, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kll

C: Robert & Ralph Marshall, 1522 Chivalry Court, Baltimore 21237
Edwin Howes, 901 Sidehill Drive, Belair 21015
Craig Rodgers, P.O. Box 201, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 16, 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 22, 2010

Robert & Ralph Marshall
1522 Chivalry Ct.
Baltimore, MD 21237

Dear: Robert & Ralph Marshall

RE: Case Number 2011-0049-A, 3021 Third Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 30, 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
Edwin Howes; 901 Sidehill Dr.; Belair, MD, 21015
Craig Rodgers; P.O. Box 201; White Marsh, MD 21162



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 12, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 9, 2010

Item No.: **Variance:** 2011-0028SPHA, 2011-0032A, 2011-0047A – 0049A, 2011-0026SPHXA

Administrative Variance: 2011- 0050A, 2011-0052 - 0053A, 2011-0055A – 0056A.

Special Hearing: 2011-0028SPHA, 2011-0051SPH, 2011-0057SPH, 2011-026SPHXA

Special Exception: 2011-0026SPHXA

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

Comments:

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

10/1-10 AM -104

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 15, 2010

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

RECEIVED

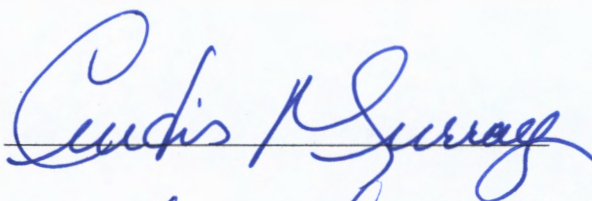
SEP 21 2010

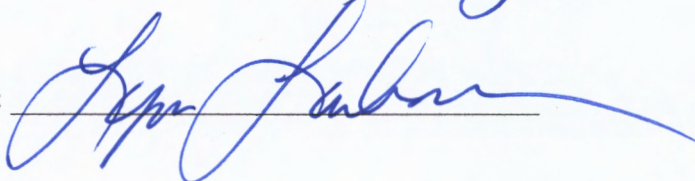
SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-049- Variance** **ZONING COMMISSIONER**

The Office of Planning has reviewed the subject request and requests that the petitioner show adjacent ownership in order to determine conformance with Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood of varying lot width and area configurations. 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.

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

10/1 10 AM 104

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 # 11-049-A
Address 3021 Third Avenue
(Marshall Property)

Zoning Advisory Committee Meeting of August 9, 2010

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

Reviewer: JWL Date: 9/8/10

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 10, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For August 23, 2010
Item Nos. 2011- 026, 028, 032, 047,
048, 049, 050, 051, 052, 053, 054,
055, 056 and 057

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-08232010 -NO COMMENTS.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: August 18, 2011

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

RE: Baltimore County
Item No. 2011-0049-A
3021 THIRD AVENUE
HOWES 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. 2011-0049-A.

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

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Bailey".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

RE: PETITION FOR VARIANCE * BEFORE THE
3021 Third Avenue; S/S Third Avenue, * ZONING COMMISSIONER
670' E of c/line of Harford Road *
11th Election & 6th Councilmanic Districts *
Legal Owner(s): Robert & Ralph Marshall * FOR
Contract Purchaser(s): Edwin Howes *
Petitioner(s) * BALTIMORE COUNTY
* 2011-049-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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 2010, a copy of the foregoing Entry of Appearance was mailed to Craig Rodgers, P.O. Box 201, White Marsh 21162, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
AUG 23 2010

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>8-10</u>	DEVELOPMENT PLANS REVIEW	<u>None</u>
<u>9-8</u>	DEPRM (if not received, date e-mail sent _____)	<u>None</u>
<u>8-12</u>	FIRE DEPARTMENT	<u>None</u>
<u>9-15</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u> - Show adjacent ownership to determine conform - once... <u>No objection</u>
<u>8-18</u>	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	<u>MDAT legal description reflects lots 255 - 259</u>
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>9-16-10</u>	
SIGN POSTING	Date: <u>Friday 9-24 - 2:43 pm</u> <u>Police 9-16-10</u>	<u>Spoke to Mr. Rodgers - Dave</u> <u>him our fax to forward proof</u> <u>9-27</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1)
BALTIMORE COUNTY

Go Ba
View N
New Se

Account Identifier:

District - 11 Account Number - 1113021050

Owner Information

Owner Name: MARSHALL ROBERT L
MARSHALL SYLVIA E Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1522 CHIVALRY CT Deed Reference: 1)
BALTIMORE MD 21237-1661 2)

Location & Structure Information

Premises Address
THIRD AVE
BALTIMORE 21234

Legal Description
LT 255-259

CARNEY HEIGHTS

2011 - 6049-A
Lots 258 + 259

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
71	15	1098					255	3	Plat Ref:

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		10,000.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2010 As Of 07/01/2011	
Land	77,750	77,750		
Improvements:	11,870	16,090		
Total:	89,620	93,840	92,432	93,840
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *

PLEASE PRINT CLEARLY

CASE NAME Marshall
CASE NUMBER 2011-0049-A
DATE 10-8-10

CITIZEN'S SIGN-IN SHEET

[illegible]

222 223
1902

1953 252-254
lots 254

Case No.: 2011-0049-A 3021 THIRD AVE

Exhibit Sheet

Petitioner/Developer

Protestant

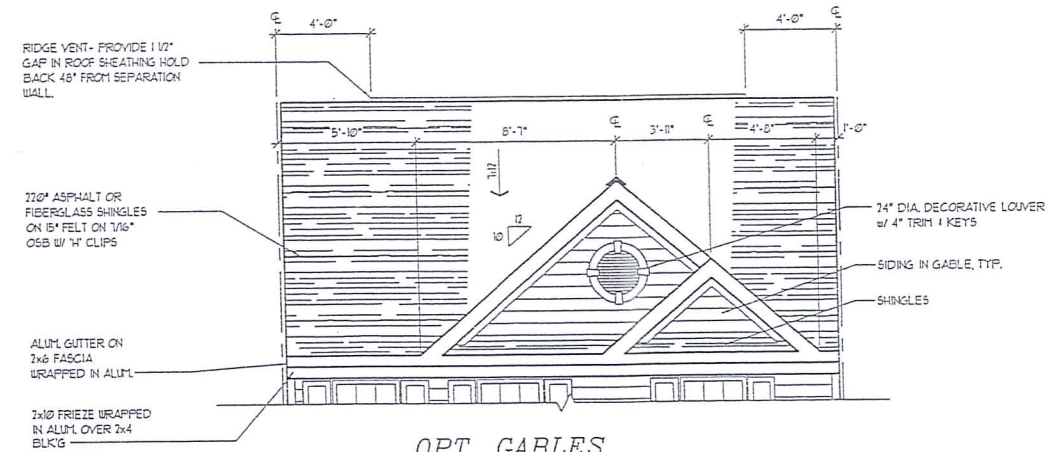
No. 1	SITE PLAN	
No. 2	PLAT - Carney Heights	
No. 3	Aerial of neighborhood	
No. 4	Elevation drawing	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME MARSHALL PROPERTY
CASE NUMBER 2011-0049-A
DATE 10/1/10

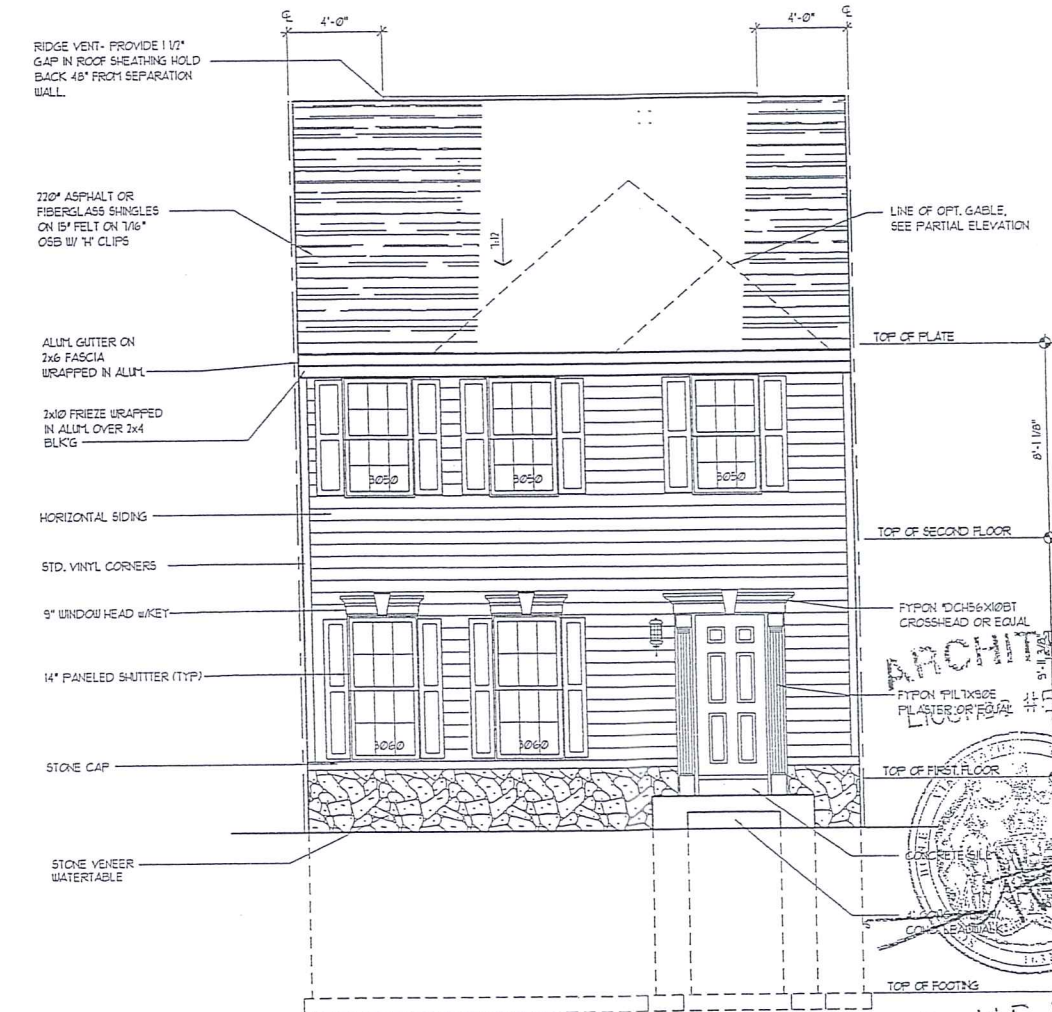
CASE NAME MARSHALL PROPERTY
CASE NUMBER 2011-0049-A
DATE 10/1/10

[illegible]

EXHIBIT "B"



OPT. GABLES
SCALE: 1/8"=1/4" = 1'-0"



FRONT ELEVATION #1
SCALE: 1/8"=1/4" = 1'-0"

David F. Robbins
STATE OF

PETITIONER'S

EXHIBIT NO.

Architecture Collaborative, Inc.
8334 Main Street
Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 465-7500 Fax: (410) 465-0903

content
ELEVATION #1
scale 1/8"=1/4" FILE# UH42L100 drwn. DCH date 5-17-06
MONMOUTH MEADOWS, L.L.C.
"ARLINGTON II"

revisions	CHANGED BRICK TO SIDING - P.C.	P.C.
12-10-01	ADD WINDOW HEADS	P.C.
12-13-01	IRC 2006 CODE UPDATE - BDA	
4-25-03		

SHEET #
3.1

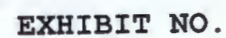
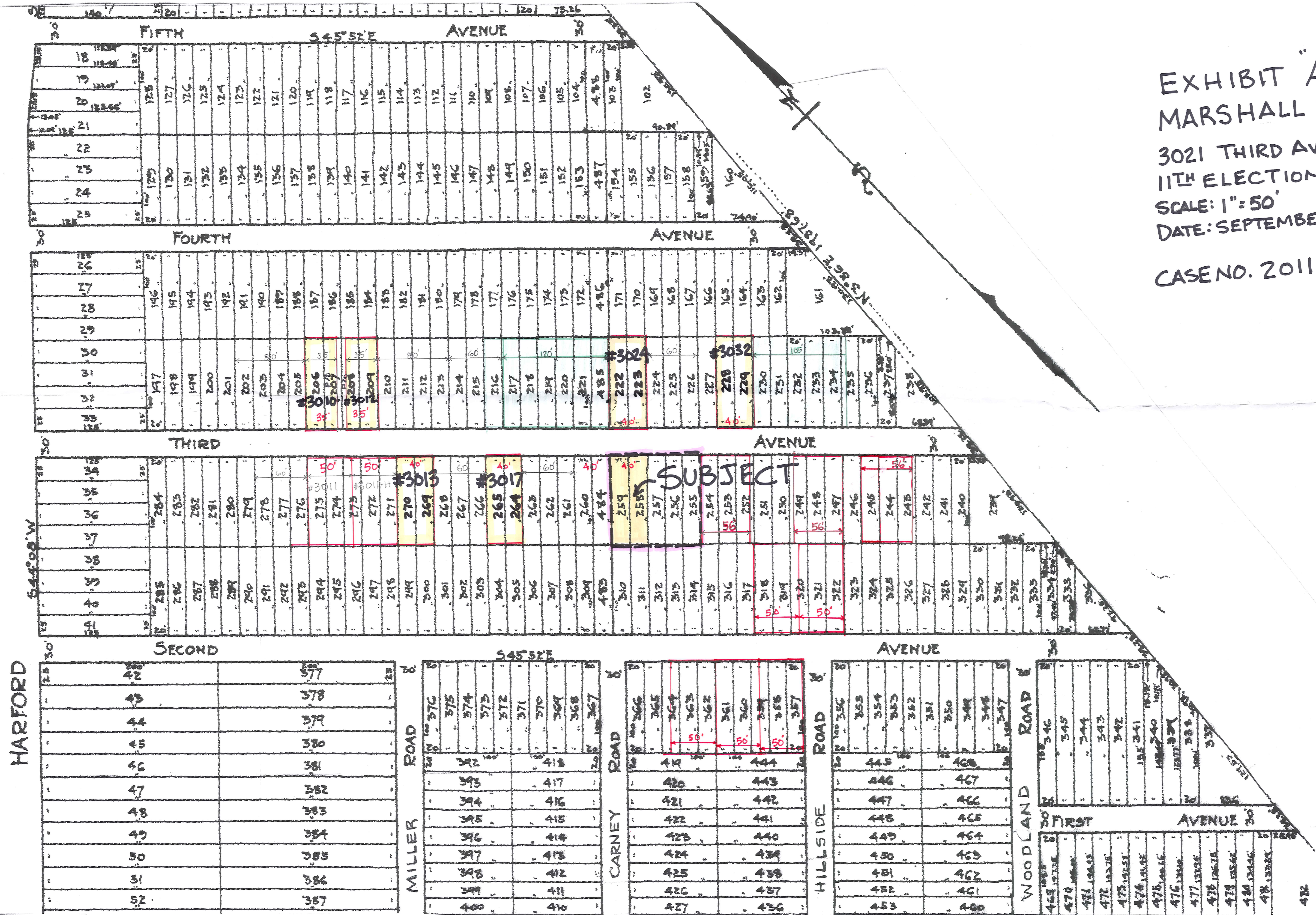


EXHIBIT "A"
 MARSHALL PROPERTY
 3021 THIRD AVENUE
 11TH ELECTION DISTRICT
 SCALE: 1"=50'
 DATE: SEPTEMBER, 2010
 CASE NO. 2011-0049-A



071B3 DR 5.5

Pt. Bk. 6, Folio 158

Pt. Bk./Folio # 006158A

11 ED

6 CD
NE-9-E

2011-0049-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3021 THIRD AVENUE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

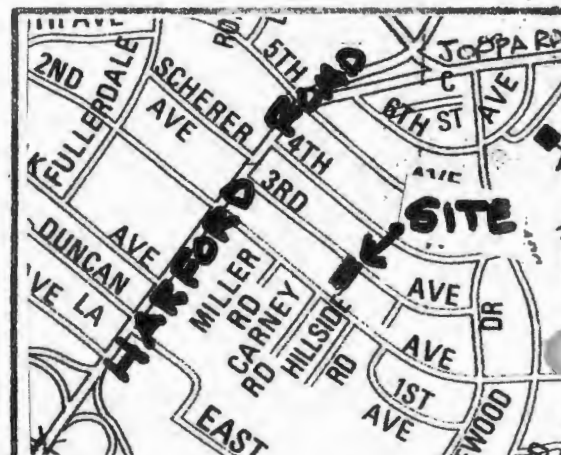
SUBDIVISION NAME CARNEY HEIGHTS

PLAT BOOK # 6 FOLIO # 158 LOT # 259 SECTION # 258

OWNER ROBERT & RALPH MARSHALL

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 071B3

ZONING DR 5.5

LOT SIZE 0.092 AC. ± 4000 SF
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	NONE	

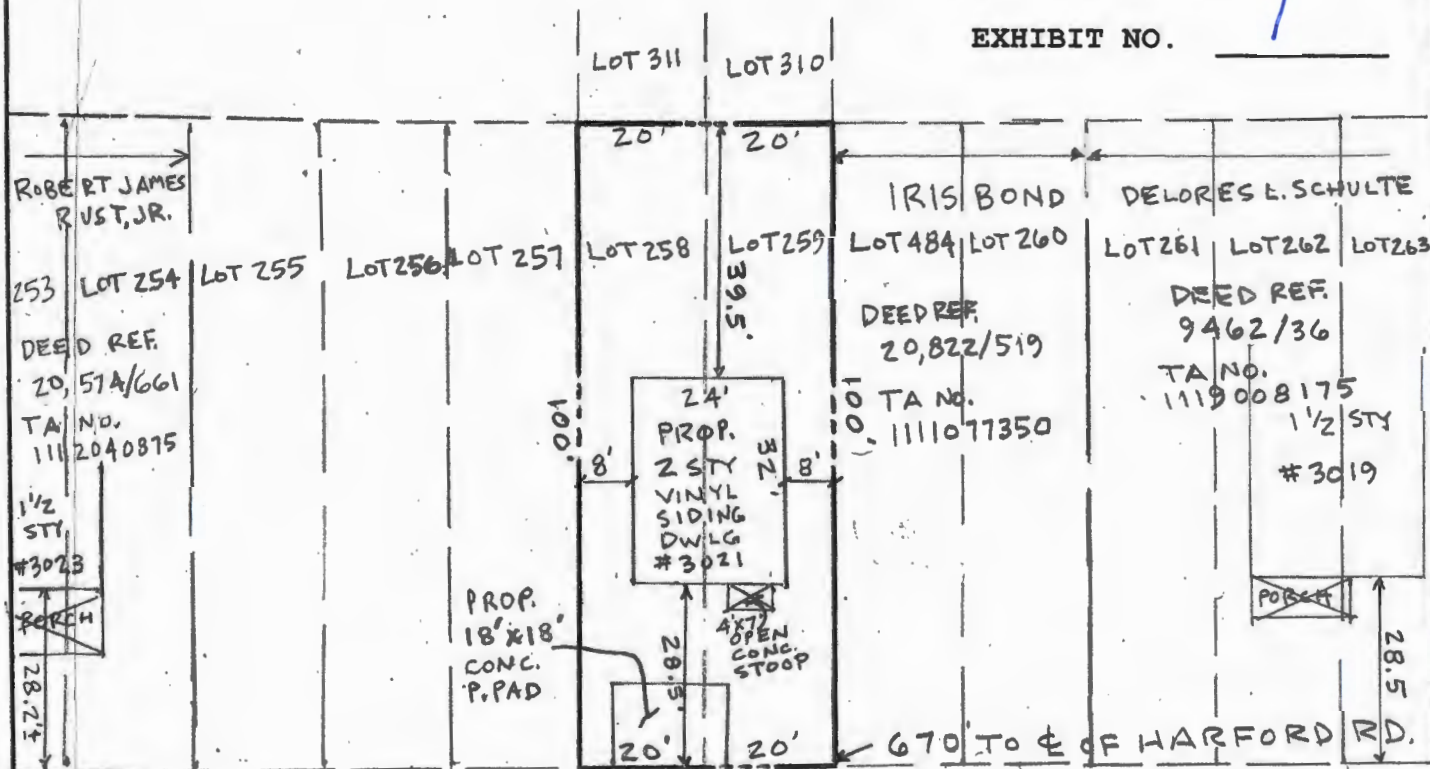
ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

D.T.

0049

2011-
0049-A



NORTH

PREPARED BY RC RODGERS

SCALE OF DRAWING: 1" = 30'