

IN RE: PETITION FOR VARIANCE

N side of Fourth Avenue; 157 feet E
of the c/l of Hammonds Ferry Road
13th Election District
1st Councilmanic District
(3 Fourth Avenue)

Paul and Shirlee Reinke
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2011-0059-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Paul R. Reinke Jr. and Shirlee J. Reinke. Petitioners are requesting Variance relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a lot width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot containing 5,000 square feet in lieu of the required 6,000 square feet. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Bernadette Moskunus with Site Rite Surveying, Inc., the firm that prepared the site plan. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is rectangular in shape and contains 5,000 square feet or 0.114 acre, more or less. As shown on the zoning map that was marked and accepted into evidence as Petitioners' Exhibit 4, the property is located at the convergence of several zoning classifications, including predominantly B.L., a small area of R.O. to the rear of the property, and what appears to be a very small sliver of D.R.5.5 running down the eastern side of the property from Fourth Avenue toward the rear of the property. The property

ORDER RECEIVED FOR FILING

Date 10-26-10

By PS

consists of two 25 foot wide by 100 foot deep lots as part of the "Lansdowne" subdivision and is currently unimproved. Ms. Moskunas submitted a record plat, which was marked and accepted into evidence as Petitioners' Exhibit 2, indicating that the property was platted as part of the subdivision that was recorded in 1889. The property has been held intact by the current owners since 2000. At this juncture, Petitioners propose to construct a two-story single-family dwelling on the property.

Ms. Moskunas indicated that Petitioners are in need of variance relief due to the subject property having a lot width of 50 feet which is 5 feet less than the required 55 foot lot width for the D.R.5.5 Zone, and an area of 5,000 square feet which is 1,000 square feet less than the 6,000 square feet required, pursuant to Section 1B02.3.C.1 of the B.C.Z.R. Put simply, the current lot width and square footage renders the lot unfit for development absent variance relief. Ms. Moskunas testified in support of the relief and indicated that virtually every lot in the Lansdowne subdivision was platted as only 25 feet wide. The lots were originally marketed such that buyers could purchase as few or as many as they desired based on their financial ability, and were clearly intended to be buildable. The subdivision was recorded in June 1889, well prior to the adoption of the current zoning regulations which now require a lot width of 55 feet and square footage of 6,000 square feet, thus in a sense rendering the subject property nonconforming. Petitioner's building of a single-family residence would be in-fill development as most of the subdivision has already been improved, save for a few other vacant lots. In-fill development is a preferred manner of development due to the fact that water, sewer and other necessary utilities are already accounted for and thus impacts the land and the surrounding neighborhood minimally.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated September 16,

ORDER RECEIVED FOR FILING

Date 10-26-10 2

By mg

2010 which indicates that they do not oppose the construction of a single-family dwelling at the subject location as that is preferred over any use allowed in a B.L. Zone. Fourth Avenue is a residential street. The adjacent property to the east fronts on Fourth Avenue and is a residential property that is zoned D.R.5.5. The adjacent property to the north and the property to west are zoned B.L., but are currently being used as residences. The property to the south is zoned R.O. and is being used for residential accessory structures. Petitioners do not own sufficient adjoining land to conform to the minimum width and area requirements and therefore do not meet the standards stated in Section 304.1.C of the B.C.Z.R. Additionally, there appears to be several existing undersized lots in the neighborhood. As previously indicated, the Planning Office does not oppose the variance request. If the request is granted, certain conditions shall apply to the proposed dwelling: submit building elevations for review and approval prior to the issuance of any building permit; proposed dwelling shall be compatible in size, exterior building materials, color, and details as that of the existing dwellings in the area; any future conversions to a non-residential use will be prohibited or not permitted unless authorized by a special hearing; provide landscape along the public road if applicable. Note: A zoning change for the subject parcel to DR 5.5 would not be inappropriate in light of the surrounding zoning and uses.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property is certainly unique given the age of the record plat that dates back to 1889 and the fact that the majority of the lots in the Lansdowne subdivision were platted with widths of 50 feet and square footage below 6,000 square feet, depending on the number of lots originally purchased.

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Date 10-26-10

By B

I also find that practical difficulty and undue hardship would befall Petitioners if the requested variance relief were not granted. No matter what improvement would be planned, there is no possible way for Petitioners to comply with the 55 foot minimum lot width and 6,000 minimum square footage required in the D.R.5.5 Zone. Denying the variance request would also inhibit beneficial uses of the property that are otherwise permitted by the Regulations for Petitioners or any other prospective purchaser of the subject property.

I further find that the variances can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. As stated by the Planning comments, most of the surrounding properties are being utilized as residences, notwithstanding that the zoning may allow for other uses. Petitioners' intend to construct a single-family dwelling on the subject property for use as a residence.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED this 26th day of October, 2010 by this Deputy Zoning Commissioner that Petitioners' Variance request from Section 1B02.3.C.1 to permit a lot width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot containing 5,000 square feet in lieu of the required 6,000 square feet, be and are hereby **GRANTED**, subject to the following:

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

ORDER RECEIVED FOR FILING

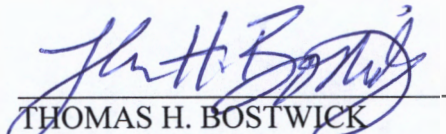
Date 10-26-10

4

By B

2. Building elevations shall be submitted to the Office of Planning for review and approval prior to the issuance of 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.
3. Petitioners shall provide landscaping along the public road if applicable.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 10-26-10

By Pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 26, 2010

PAUL R. REINKE JR. AND SHIRLEE J. REINKE
1306 NORTH ROAD
PASADENA MD 21122

Re: Petition for Variance
Case No. 2011-0059-A
Property: 3 Fourth Avenue

Dear Mr. and Mrs. Reinke:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "John H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB/pz

Enclosure

c: Bernadette Moskunus, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson
MD 21286



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at #3 Fourth Avenue
which is presently zoned D. R. 55

Deed Reference: 14764/27 Tax Account # 131150570

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)

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

see attached

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):

Paul R. Reinke, Jr.

Name - Type or Print

Signature

Shirlee J. Reinke

Name - Type or Print

Signature

1306 North Road 410-255-6579

Address Telephone No.

Pasadena, MD 21122

City State Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, Room 101 410.828.9060

Address Telephone No.

Towson, MD 21286

City State Zip Code

Case No. 2011-0059-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by BH Date 8/10/10

REV 8/20/07

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Date 10-26-10

By BH

1B02.3.C.1 and Section 304 to permit a lot width of 50 ft. in lieu of the required 55 ft., and to approve an undersized lot containing 5,000 sq. ft. in lieu of the required 6,000 sq. ft.

REASONS FOR VARIANCE RELIEF

1. This property contains two (2) 25' x 100' lots of record as recorded on a Plat for "Lansdowne" dated 1889. Plat was configured well before the adoption of any Zoning Regulations. There is contiguous ownership with adjoining lots that front Hammonds Ferry Road; however, the lots have separate tax account nos. and deed references and were purchased in 1975. The subject property was purchased in 2000 and has been held intact since.
2. According to B.C.Z.R. Section 230.1.A.1, the proposed use is permitted and consistent with the pattern of development for this development. The lot is deficient in lot area and width due to the creation of the lots at the time of the development. There is no increase in residential density. This property will be rendered non-build.
3. The proposed condition is within the spirit and intent of the zoning regulations. Granting relief will not have an adverse effect on the public safety, health or general welfare of the neighborhood.

FILE: VAR 4TH AVE.DOC\MISC\C DRIVE

#0059

**ZONING DESCRIPTION
#3 FOURTH AVENUE**

BEGINNING at a point on the north side of Fourth Avenue which is 50 Feet wide at a distance of 157 feet ^{east} each of the center line of Hammonds Ferry Road which is 50 feet wide. Being Lot Nos. 142 and 143, Block 5 in the subdivision of "Lansdowne" 1/49 as recorded in Baltimore County Plat Book No. 1, folio No. 49, containing 5000 S.F. Also known as #3 Fourth Avenue and located in the 13th Election District, 1st Councilmanic District.



**Michael V. Moskunas
Reg. No. 21175**

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060

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

No. **59313**

Date: **8/10/11**

PAID RECEIPT

DATE: 8/10/2011 TIME: 09:18:42
 RECEIPT NO: 428539
 RECEIPT TOTAL: \$65.00
 BALANCE: \$65.00
 BALTIMORE COUNTY, MARYLAND

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	801	001		615-					\$65.00

Total: **\$65.00**

Rec From: **J & L Printing Co. Inc.**

For: **Printing Services**

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: # 2011-0059-A

3 Fourth Avenue
N/side of Fourth Avenue,
157 feet east of the center-
line of Hammonds Ferry
Road
13th Election District
1st Councilmanic District
Legal Owner(s): Paul &
Shirlee Reinke

Variance: to permit a lot
width of 50 feet in lieu of
the required 55 feet, and to
approve an undersized lot
containing 5,000 square
feet in lieu of the required
6,000 square feet.

**Hearing: Wednesday, Oc-
tober 6, 2010 at 10:00
a.m. In Room 104, Jeffer-
son Building, 105 West
Chesapeake Avenue,
Towson 21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

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

JT 9/87 Sept. 21 255221

CERTIFICATE OF PUBLICATION

_____ 9/23 _____, 20 10

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 9/21 _____, 20 10 _____.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2011-0059-A

Petitioner/Developer STLE RTE
SURVEYING

Date Of Hearing/Closing: 10/6/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 3 FOURTH AVENUE

This sign(s) were posted on September 21, 2010
Month, Day, Year
Sincerely,

Martin Ogle 9/21/10
Signature of Sign Poster and Date

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



09/21/2010

Martin Ogle 9/21/10

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 21, 2010 Issue - Jeffersonian

Please forward billing to:
Paul & Shirlee Reinke
1306 North Road
Pasadena, MD 21122

410-255-6579

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: 2011-0059-A

3 Fourth Avenue

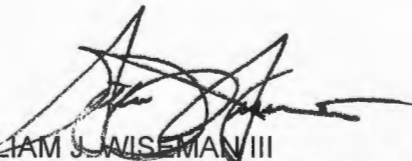
N/side of Fourth Avenue, 157 feet east of the centerline of Hammonds Ferry Road

13th Election District – 1st Councilmanic District

Legal Owners: Paul & Shirlee Reinke

Variance to permit a lot width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot containing 5,000 square feet in lieu of the required 6,000 square feet.

Hearing: Wednesday, October 6, 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 14, 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: 2011-0059-A

3 Fourth Avenue

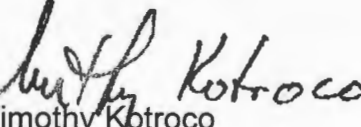
N/side of Fourth Avenue, 157 feet east of the centerline of Hammonds Ferry Road

13th Election District – 1st Councilmanic District

Legal Owners: Paul & Shirlee Reinke

Variance to permit a lot width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot containing 5,000 square feet in lieu of the required 6,000 square feet.

Hearing: Wednesday, October 6, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Reinke, Jr., 1306 North Road, Pasadena 21122
Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 21, 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.**

**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: 2011-0059-A

Petitioner: Paul and Shirlee Reinke

Address or Location: 3 Fourth Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Paul and Shirlee Reinke

Address: 1306 North Road

Pasadena, MD 21122

Telephone Number: 410 255-6579



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: AUGUST 25, 2010

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

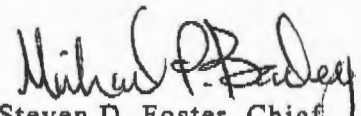
RE: Baltimore County
Item No. 2011-0059-A
3 FOURTH AVENUE
REINKE PROPERTY
VARIANCE -

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. 2011-0059-A.

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

Very truly yours,


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

SDF/mb



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 25, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 23, 2010

Item No.:

Administrative Variance: 2011-0039A, 0059A, 0062A - 0064A, 0067A, 0069A, 0070A, 0072A

Variance: 2011-0037A, 0038A, 0040A, 0041A, 0046A, 0058XA, 0059A, 0065A, 0066A, 0068A, 0071A

Special Exception: 2011-0058XA

Special Hearing: 2011-0061SPH

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.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 26, 2010

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 6, 2010
Item Nos. 2011- 037, 038, 039, 040,
041, 046, 059, 060, 061, 062, 063,
064, 066, 067, 069, 070 and 071

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-09062010 -NO COMMENTS.doc

TB 10/6 - 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 # 11-059-A
Address 3 Fourth Avenue
(Reinke Property)

Zoning Advisory Committee Meeting of August 23, 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

TB 10/6-10am-104

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 16, 2010

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

SUBJECT: 3 Fourth Avenue

RECEIVED

INFORMATION:

SEP 17 2010

Item Number: 11-059

Petitioner: Paul R. Reinke, Jr.

ZONING COMMISSIONER

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning does not oppose the construction of a single-family dwelling at the subject location, as that is preferred over any use allowed in a BL zone. Fourth Avenue is a residential street. The adjacent property to the east fronts on Fourth Avenue and is a residential property that is zoned DR 5.5. The adjacent property to the north and the property to the west are zoned BL but are currently being used as residences. The property to the south is zoned RO and is being used for residential accessory structures.

The petitioner does not own 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. Additionally, there appears to be several existing undersized lots in the neighborhood. As previously indicated, this office does not oppose the petitioner's request.

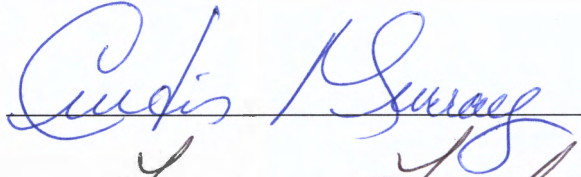
If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

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. Any future conversions to a non-residential use will be prohibited or not permitted unless authorized by a special hearing before the Zoning Commissioner and variances are not required.
3. Provide landscaping along the public road, if applicable.

Note: A zoning change for the subject parcel to DR 5.5 would not be inappropriate in light of the surrounding zoning and uses.

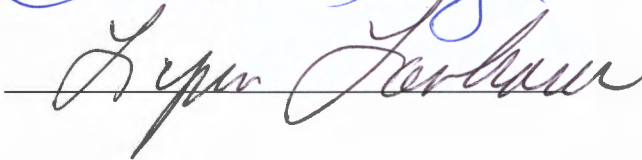
For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



RE: PETITION FOR VARIANCE * BEFORE THE
3 Fourth Avenue; N/S Fourth Avenue, * ZONING COMMISSIONER
157' E c/line of Hammonds Ferry Road * FOR
13th Election & 1st Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Paul & Shirlee Reinke *
Petitioner(s) * 2011-059-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 27th day of August, 2010, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286 , Representative for Petitioner(s).

RECEIVED

AUG 27 2010

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>8-26</u>	DEVELOPMENT PLANS REVIEW	<u>Done</u>
<u>9-8</u>	DEPRM (if not received, date e-mail sent _____)	<u>None</u>
<u>8-25</u>	FIRE DEPARTMENT	<u>None</u>
<u>9-16</u>	PLANNING (if not received, date e-mail sent _____)	<u>w/ conditions</u>
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>9-21-10</u>	
SIGN POSTING	Date: <u>9-21-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☒	<u>10/5</u> <u>Placed a Call to Rebecca</u>
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	<u>Rec'd 10/6 via email</u>
Comments, if any: _____		

CASE NAME 3 Fourth Avenue
CASE NUMBER 2011-0059-A
DATE October 6, 2010

CASE NAME 3 Fourth Avenue
CASE NUMBER 2011-0059-A
DATE October 6, 2010

[illegible]

Case No.:

2011-0059-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	record plat	
No. 3	tax record + deed	
No. 4	zoning map	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Maryland Department of Assessments and Taxation
Real Property Data Search (vwl1.1)
BALTIMORE COUNTY

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

Account Identifier:

District - 13 Account Number - 1311150570

Owner Information

Owner Name: REINKE PAUL R JR Use: RESIDENTIAL
Mailing Address: 1306 NORTH RD Principal Residence: NO
PASADENA MD 21122-2323 Deed Reference: 1) /14764/ 27
2)

Location & Structure Information

Premises Address Legal Description
2817 FOURTH AVE LT 142,143
LANSDOWNE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
109	2	356			5		142	1	Plat Ref: 1/ 49

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5,000.00 SF	04

Stories Basement Type Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
<u>Land</u>	17,500	17,500		
<u>Improvements:</u>	0	0		
<u>Total:</u>	17,500	17,500	17,500	17,500
<u>Preferential Land:</u>	0	0	0	0

Transfer Information

<u>Seller:</u> MESKILL MARY M	<u>Date:</u> 10/20/2000	<u>Price:</u> \$8,000
<u>Type:</u> NOT ARMS-LENGTH	<u>Deed1:</u> /14764/ 27	<u>Deed2:</u>
<u>Seller:</u> MESKILL JOHN L	<u>Date:</u> 10/14/1999	<u>Price:</u> \$0
<u>Type:</u> NOT ARMS-LENGTH	<u>Deed1:</u> /14088/ 28	<u>Deed2:</u>
<u>Seller:</u> KESSLER CHRISTIAN G	<u>Date:</u> 03/02/1994	<u>Price:</u> \$1
<u>Type:</u> NOT ARMS-LENGTH	<u>Deed1:</u> /10378/ 233	<u>Deed2:</u>

Exemption Information

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

Tax Exempt: NOSpecial Tax Recapture:Exempt Class:

* NONE *

PETITIONER' S

EXHIBIT NO. 3

#3
Fourth Avenue

0014764 027

This Deed

MADE THIS 20th day of September in the year Two Thousand by and between **Mary M. Meskill**, party of the first part, and **Paul R. Reinke, Jr. and Shirlee J. Reinke**, his wife, parties of the second part.

Witnesseth, That in consideration of the sum of **Eight Thousand Dollars and NO Cents (\$8,000.00)**, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said parties of the second part, as Tenants by the Entireties, their assigns, the survivor of them and the survivor's personal representatives, heirs and assigns, in fee simple, those parcels of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEGINNING FOR THE FIRST thereof on the south side of Fourth Avenue at the distance of 425 feet westerly from the southwest corner of Fourth and Baltimore Avenues, said place of beginning being at the northeast corner of Lot No. 142 and running thence east bounding on the south side of Fourth Avenue 25 feet to Lot No. 144; thence south bounding on Lot No. 144 and parallel with Baltimore Avenue 100 feet and thence west bounding on Lot No. 161 and parallel with Fourth Avenue 25 feet to Lot No. 142, and thence north bounding on Lot No. 142 and parallel with Baltimore Avenue 100 feet to the place of beginning. Being Lot No. 143, Section 5 on plan of Linthicum Farm called "Lansdowne".

BEGINNING FOR THE SECOND thereof on the south side of Fourth Avenue at the distance of 450 feet west from the southwest corner of Fourth Avenue and Baltimore Avenue, said place of beginning being at the northeast corner of Lot No. 144, and running thence east bounding on the south side of Fourth Avenue 25 feet to Lot No. 143; thence south bounding on Lot No. 143 and parallel with Baltimore Avenue 100 feet to Lot No. 160; thence west bounding on Lot No. 160 and parallel with Fourth Avenue 25 feet to Lot No. 137, and thence north parallel with Baltimore Avenue 100 feet to the place of beginning. Being Lot No. 142, Section 5 of "Lansdowne".

BEING TWO OF THE PARCELS of ground which by deed dated April 28, 1999 and recorded among the Land Records of Baltimore County, Maryland in Liber SM No. 14088, folio 28 were granted and conveyed by Mary M. Meskill unto John D. Meskill, Sr., but reserving unto herself a life estate with full powers. This Deed is being executed pursuant to the powers retained in that Deed.

This is to certify the within instrument was prepared under the supervision of an Attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

F. Grace

F. Michael Grace

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lots of ground and premises to the said parties of the second part as Tenants by the Entireties, their assigns, the survivor of them and the survivor's personal representatives, heirs and assigns, in fee simple.

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

WITNESS the hands and seals of said Grantor(s) and Grantee(s).

Test:

Mary M. Meskill
MARY M. MESKILL

(SEAL)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I Hereby Certify, That on this 20th day of September in the year Two Thousand, before me, the subscriber, a Notary Public of the State of Maryland, County of Baltimore personally appeared Mary M. Meskill, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal



PETITIONER'S

EXHIBIT NO. 4

PDM #

1600001629

1700012431

Lot # 100 2907

Pt. Bk. 3, Folio 124

Lot # 30

12400640

2900
2900

20020214

1319510170

ML

5TH AVE

19522303

19730286
19900297

RO

20020214

2817

Pt. Bk. 1, Folio 49

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SW 6-C

1301890020

2810

1 CD 109A1
13 ED

1309350040

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19400070

19563982

2808

BR

19625465

2714
1319580120

19910211

2719

ML IM

2000001434

4TH AVE

19574065

20000404

POB 157' FROM HAMMONDS FERRY RD
DR-5:5

Pt. Bk. 1, Folio 49

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Pt. Bk. 1, Folio 49

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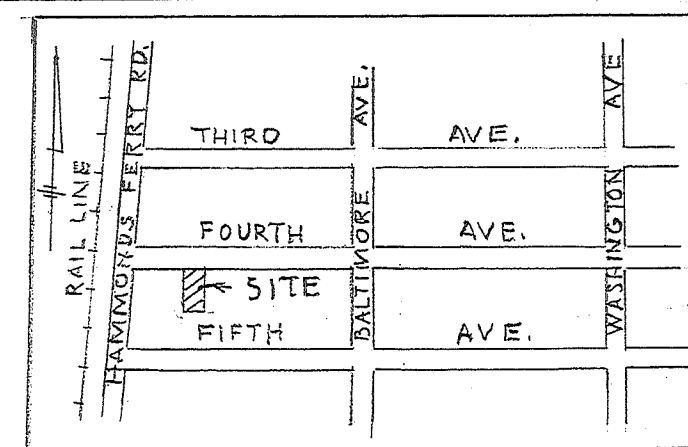
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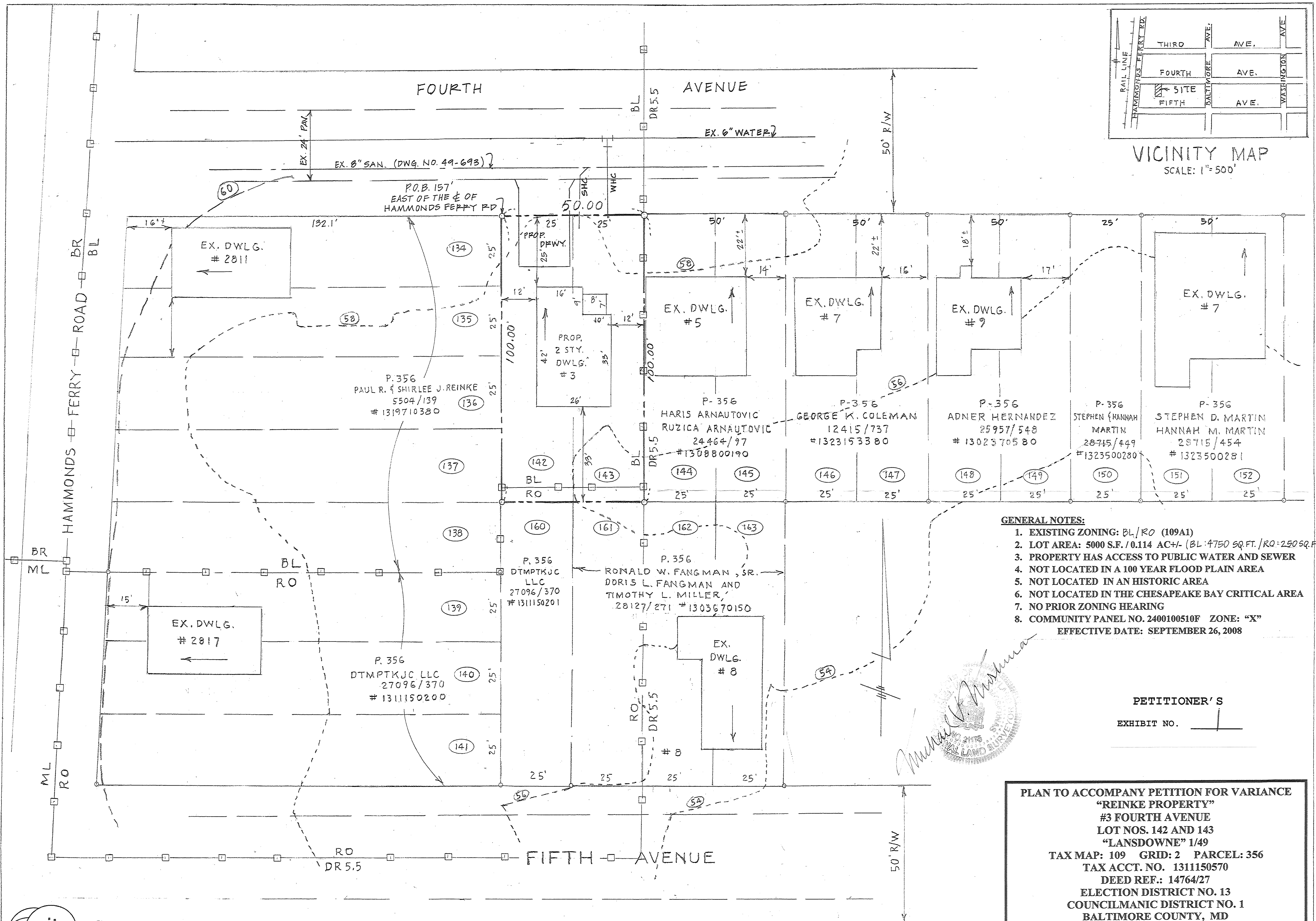
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VICINITY MAP
SCALE: 1"=500'



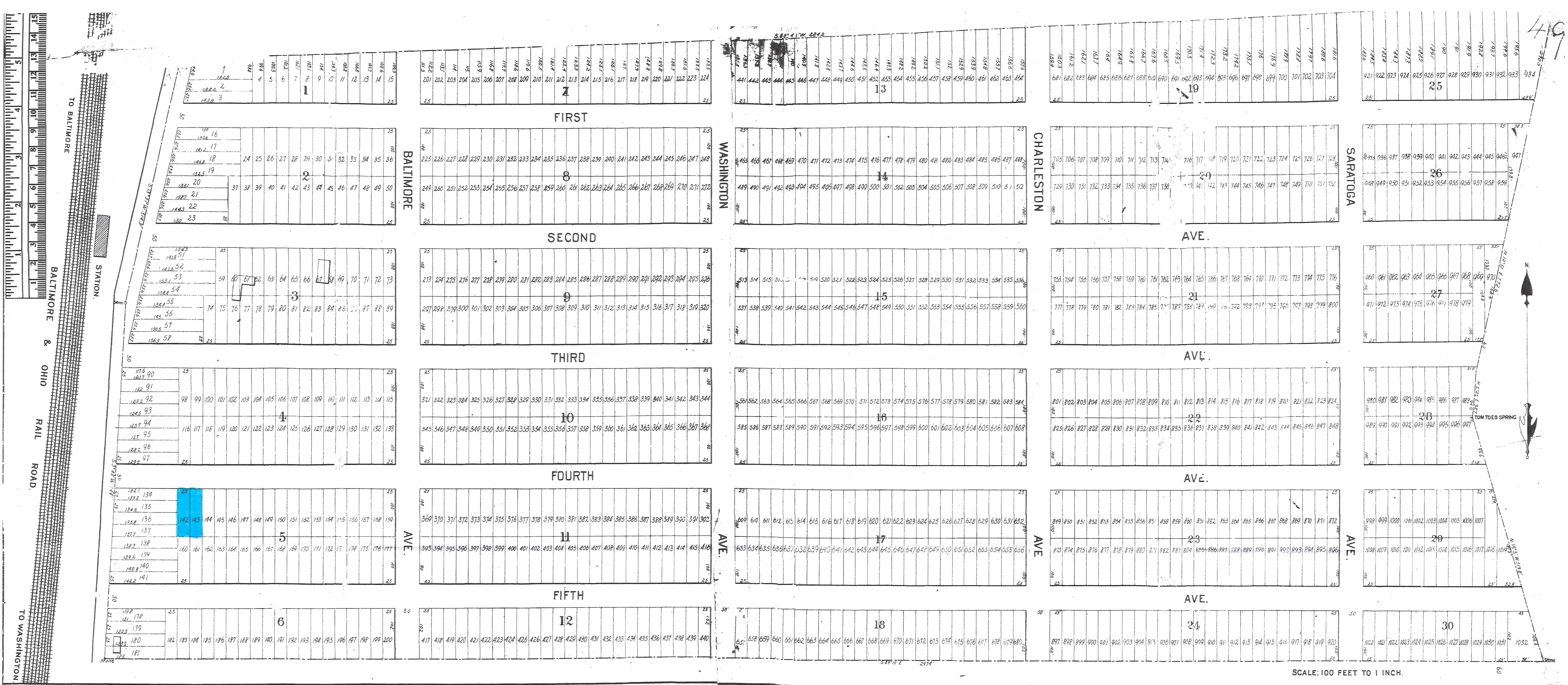
GENERAL NOTES:

1. EXISTING ZONING: BL/RO (109A1)
2. LOT AREA: 5000 S.F. / 0.114 AC+/- (BL: 4750 SQ. FT. / RO: 2505 SQ. FT.)
3. PROPERTY HAS ACCESS TO PUBLIC WATER AND SEWER
4. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
5. NOT LOCATED IN AN HISTORIC AREA
6. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
7. NO PRIOR ZONING HEARING
8. COMMUNITY PANEL NO. 2400100510F ZONE: "X"
EFFECTIVE DATE: SEPTEMBER 26, 2008

PETITIONER'S

EXHIBIT NO. 1

PLAN TO ACCOMPANY PETITION FOR VARIANCE
"REINKE PROPERTY"
#3 FOURTH AVENUE
LOT NOS. 142 AND 143
"LANDSDOWNE" 1/49
TAX MAP: 109 GRID: 2 PARCEL: 356
TAX ACCT. NO. 1311150570
DEED REF.: 14764/27
ELECTION DISTRICT NO. 13
COUNCILMANIC DISTRICT NO. 1
BALTIMORE COUNTY, MD
SCALE: 1"=20'
AUGUST 10, 2010
JOB NO. 9910



LANSDOWNE

At New Station on the Baltimore & Ohio Railroad, Main Line, Baltimore County,
10 Minutes' Ride from Camden Street Station, Baltimore.

BUILDING LOTS

In this valuable suburban location are offered at farm rates to settle an estate, and in offering this property for sale at this low price and upon such easy terms, an opportunity is placed within the reach of young merchant, clerk, mechanic and salaried man to make a **Safe Investment** and to secure a lovely **Home Site**.

**REMEMBER THAT IT IS THE PEOPLE THAT
MAKE THE LAND VALUABLE.**

When ~~25~~ **1000** persons become the separate owners of a tract of land the value at once is enhanced manifold by reason of the **concentration of interest**. Out of such a number many will improve their holdings, and thus a foundation is laid for a prosperous section of our city.

DON'T FORGET

That the lots you buy to-day are as good a speculation as those in the built-up portion of our city were ten years ago. **You can make no mistake.**

There is a large profit assured to those who buy now, and there is no other avenue of investment that offers such large returns and every condition exists now that has made suburban investments so profitable in the past.

Size of Lots, 25x100 feet and larger. PRICE, \$60 and upwards, according to size and location. **\$10** down and **\$5 Monthly Payments**. All corner lots \$25 additional. **10 per cent. discount** for all cash. **Deed free.**

Lots will be sold under the usual objectionable occupancy, **Building and Sanitary Restrictions**. Instalments payable at the **Mercantile Trust and Deposit Company**, N. E. Cor. German and Calvert Streets.

Every facility will be afforded by the **B. & O. R. P. Co.** to parties wishing to build to get their building materials there—half rates will be charged. A new **station** will be built as soon as warranted.

SUCH OPPORTUNITIES ARE NOT FREQUENT

That an old estate like this is cut up into building lots and placed upon the market with all its

BUSINESS ADVANTAGES.

And in buying building lots that will yield you a profitable return it is necessary that they should be so located as to possess business advantages above everything else. This is the great interest that surely will govern the advance in value of any locality, and the greater the advantages the greater and more rapid the advance, and the safer the investment, either for improvement or speculation.

This property possesses the business advantages of being **easy of access, cheap fares—5 cents, quarterly tickets—but 10 minutes** ride in comfortable cars from the business portion of the city, on the main line of the B. & O. R., which has 4 sets of tracks passing Lansdowne to do its vast business—and many business interests are extending out towards this place and are within 2 1/2 miles of it. The Station is directly in front of the property, and it is a healthy and dry location.

THE BEST WAY TO BUY IS WITHIN YOUR MEANS.

Remember that it costs but 16 2/3 cents a day to pay \$5 a month on one of these choice lots, and now is the time to buy and secure a choice of location in this enterprise. Free tickets, maps and all information at

OFFICE: **NN BUILDING, No. 12 ST. PAUL STREET (Room No. 13 Second Floor), BAL.**

C. DAVID LUKENS, Manager.

Filed June 5th 1889

PETITIONER'S

EXHIBIT NO. 2