

IN THE MATTER OF

CHARLES R. AND CINDY L. POPP
- LEGAL OWNERS /PETITIONERS

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
W/S ARBUTUS AVE., 206 FT. N OF C/L REHBAUM AVE.
(1516 ARBUTUS AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
*
* CASE NO.: 11-256-SPHA

* * * * *

ORDER OF DISMISSAL

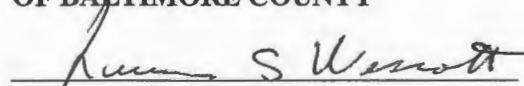
This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, from a decision of the Administrative Law Judge (ALJ) for Baltimore County dated April 6, 2011 in which the requested Petition for Special Hearing and Petition for Variance was granted.

WHEREAS, the Board is in receipt of an email dated July 8, 2011, in which Charles Popp, Legal Owner and Petitioner, voluntary requests that the Petitions be withdraw. (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner requests that the Petition for Special Hearing and the Petition for Variance taken in this matter be withdrawn as of July 8, 2011,

IT IS THEREFORE ORDERED this 14th day of July, 2011 by the Board of Appeals of Baltimore County that the Petition for Special Hearing and the Petition for Variance approved in Case No. 11-256-SPHA be and the same is hereby withdrawn and therefore **DISMISSED without prejudice**, thereby rendering the April 6, 2011 Order of the Administrative Law Judge (ALJ) for Baltimore County as **null and void** in this matter.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Wendell H. Grier


Andrew M. Belt



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 14, 2011

Charles and Cindy Popp
1516 Arbutus Avenue
Halethorpe, MD 21227

RE: *In the Matter of: Charles and Cindy Popp – Legal Owner/Petitioner*
Case No.: 11-256-SPHA

Dear Mr. and Mrs. Popp:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

c: Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Timothy M. Kotroco, Administrative Law Judge
Andrea Van Arsdale, Director/Planning
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney

From: Theresa Shelton
To: Popp, Charlie
CC: Counsel, People's; Crizer, Ed; Zimmerman, Peter; csdemil@aol.com; le...
Date: 7/8/2011 9:44 AM
Subject: Re: Retracting petition for Variance and Special Hearing

Mr. Popp:

Good Morning. This email will acknowledge our telephone conversation this date and also your written request to withdrawal the Petition for Special Hearing and Variance in case number 11-256-SPHA.

As a result of your request, the hearing on this matter scheduled for Tuesday, July 12, 2011 has been removed from the docket. An Order of Dismissal will be issued by the Board and sent to all parties via U.S. Mail.

Please do not hesitate to contact me if you have any questions or concerns. I appreciate your promptness in sending the email.

Thank you.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential.

The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

>>> "Charlie Popp" <crpopp@usna.edu> 7/8/2011 9:30 AM >>>

Please be advised that I will be retracting my petition for Variance and Special Hearing for case #2011-0256-SPHA. Thank you for your cooperation in this matter.

Please acknowledge receipt of notification. crpopp@usna.edu 410-247-1220

v/r

Charles R. Popp

1516 Arbutus ave.

Halethorpe, Md. 21227-4012

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

W side of Arbutus Avenue, 205 feet N *
of the c/l of Rehbaum Avenue *
13th Election District *
1st Councilmanic District *
(1516 Arbutus Avenue) *

Charles R. and Cindy L. Popp *
Legal Owners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

CASE NO. 2011-0256-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by the legal property owners, Charles R. and Cindy L. Popp. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the construction of a combination two-story garage and a separate living unit for aging parents. Petitioners are also requesting Variance relief from Section 400.3 of the B.C.Z.R. to permit a proposed detached accessory structure (a combination garage and living unit for aging parents) to have a height of 24 feet in lieu of the maximum allowed 15 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 Special Hearing and Variance requests was Charles R. and Cindy L. Popp, property owners. There were no Protestants or other persons present.

Testimony and evidence offered revealed that the subject property consists of 1.285 acres more less and is zoned DR 5.5. The subject property is located on Arbutus Avenue at its intersection with Potomac Avenue. The property is located adjacent to I-95 in the Arbutus area of Baltimore County. The property is improved with an existing single family residential dwelling

ORDER RECEIVED FOR FILING

Date 4-6-11

By

and a detached garage. Mr. and Mrs. Popp reside in the dwelling at this time and are desirous of tearing down the old garage and building a new garage structure with a small in-law suite above on the second floor. The purpose of the in-law suite is to allow Mrs. Pop's aging parents to reside in the small apartment. By doing so, the Petitioners will be able to look after and take care of these family members as they move into their older years. In order to proceed with their plans, a special hearing is necessary to approve the separate living unit on the property and a variance to allow the garage to be a height of 24 feet is also required.

It should also be noted that the property whereupon the house and new garage will be constructed comprises six individual lots of record as are shown on the site plan submitted into evidence. While there are six individual lots of record, the Petitioners only have one single family dwelling on these properties with the garage and in-law apartment comprising the second dwelling unit. Accordingly, there is no issue in granting the special hearing relief.

As to the 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. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

I further find that the variance 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. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies. In addition to the support of the County agencies, the Petitioners also submitted into

ORDER RECEIVED FOR FILING

Date 4-6-11

2

By [Signature]

evidence as Petitioners' Exhibit 3 a letter of support from the Halethorpe Improvement Association indicating their approval of this in-law apartment. In addition, the Petitioners secured from several of their surrounding neighbors letters of support which were collectively entered into evidence as Petitioners' Exhibit 4.

Based upon the testimony and evidenced offered, and the overwhelming support of this project, I am persuaded to grant the requested Special Hearing and Variance relief.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the parties, I find that Petitioners' requests for Special Hearing and Variance should be granted.

THEREFORE, IT IS ORDERED this 6th day of April, 2011, by the Administrative Law Judge, that the request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the construction of a combination two-story garage and a separate living unit for aging parents be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Variance request relief from Section 400.3 of the B.C.Z.R. to permit a proposed detached accessory structure (a combination garage and living unit for aging parents) to have a height of 24 feet in lieu of the maximum allowed 15 feet be and is hereby GRANTED.

The relief granted is subject to the following conditions:

1. Petitioners may apply for their building 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The Petitioners shall execute and file a Declaration of Understanding for In-Law Quarters with the Department of Permits and Development Management.

ORDER RECEIVED FOR FILING

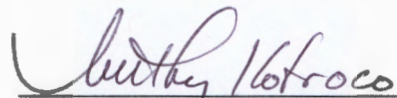
Date 4-6-11

3

By [Signature]

3. The in-law quarters must be used only by family members related to the Petitioners and not for rental/income purposes.
4. The Petitioners shall record a copy of this Order in the Land Records of Baltimore County.
5. When applying for a building permit, the site plan must reference this case and set forth and address the restrictions of this Order.

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

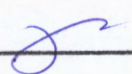


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 4-6-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 6, 2011

CHARLES R. AND CINDY L. POPP
1516 ARBUTUS AVENUE
HALETHORPE MD 21227

Re: Petition for Special Hearing and Variance
Case No. 2011-0256-SPHA
Property: 1516 Arbutus Avenue

Dear Mr. and Mrs. Popp:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

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

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1516 ARBITRUS AVE 21227
which is presently zoned DR. 515

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SPECIAL HEARING to approve the construction of a combination two-story garage and a separate living unit for aging parents

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

I, or we, agree to pay expenses of above Special Hearing, 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

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By KID Date 2/28/11

Case No. 2011-0256-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 4-6-11

By [Signature]

TAX. ACC # 1320550040

Petition for Variance

to the **Zoning Commissioner of Baltimore County**
for the property located at 1516 ARBITUS AVE 21227
which is presently zoned DR. S.5

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

VARIANCE from Section 400.3 – to permit a proposed detached accessory structure (a combination garage and living unit for aging parents) to have a height of 24 feet in lieu of the maximum allowed 15

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 discussed 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 _____

ORDER RECEIVED FOR FILING
4-6-11

Date _____

By _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Charles Raymond Pogg
Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

1516 ARBITUS AVE 410 247 1220
Address _____ Telephone No. _____

Halethorpe MD 21227
City _____ State _____ Zip Code _____

Representative to be Contacted:

Charles R Pogg
Name _____

1516 ARBITUS AVE 410 247 1220
Address _____ Telephone No. _____

Halethorpe MD 21227
City _____ State _____ Zip Code _____

OFFICE USE ONLY

Case No. 2011-0256-SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By *[Signature]* Date *2/28/11*

ZONING DESCRIPTION: 1516 ARBUTUS AVE BEGINNING AT THE WEST SIDE of

ARBUTUS AVE WHICH IS 50 FEET WIDE AT THE DISTANCE OF 205 +/- FEET N/W OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET REHBAUM AVE WHICH IS 50 FEET WIDE. BEING LOT #S 23 – 28 BLOCK , SECTION , IN THE SUBDIVISION OF REVISED PLAT OF “HALETHORPE” AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #5, FOLIO #40, CONTAINING 55,980 SQFT (1.285 ACRES). ALSO KNOWN AS 1516 ARBUTUS AVENUE AND LOCATED IN THE 13TH ELECTION DISTRICT, 1 COUNCILMANIC DISTRICT.

Item #0256

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

No. **64705**

Date: **2/28/11**

PAID RECEIPT

BUSINESS ACTUAL TIME DWM
 3/01/2011 2/28/2011 11:35:37 2

REC'D 1502 MAIL JEVA JEE
 RECEIPT # 726203 2/28/2011 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150

5 528 ZONING VERIFICATION

064705

Recpt Tot \$150.00
 \$150.00 CK \$0.00 CA
 Baltimore County, Maryland

Total: **150**

Rec From:

For:

zoning hearing - case # 2011-0256-SPHA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF PUBLICATION

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0256-SPHA

1516 Arbutus Avenue

W/side of Arbutus Avenue, 205+/- feet north of centerline of Rehbaum Avenue

13th Election District - 1st Councilmanic District

Legal Owner(s): Charles & Cindy Popp

Special Hearing: to approve the construction of a combination two-story garage and a separate living unit for aging parents. **Variance:** to permit a proposed detached accessory structure (a combination garage and living unit for aging parents) to have a height of 24 feet in lieu of the maximum allowed 15 feet.

Hearing: Tuesday, March 29, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT/3/693 Mar. 15 269597

3.21, 2011

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 3.15, 2011.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

Department of **PERMITS, APPROVAL AND INSPECTIONS**
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

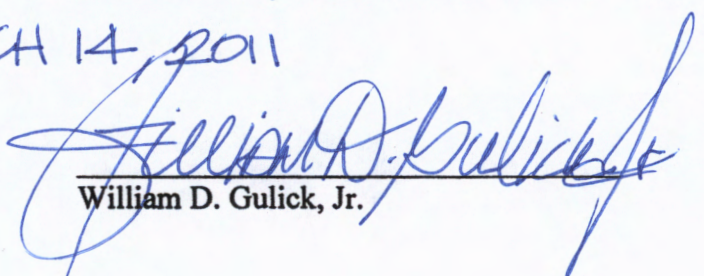
Attention: **ZONING OFFICE**
MS KRISTEN LEWIS

Re: Case Number: **2011-0256-SPHA**
Petitioner/Developer: **CHARLES & CINDY POPP**
Date of Hearing/Closing: **MARCH 29, 2011**

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: **1516 ARBUTUS AVENUE**

The sign (s) were posted on: **MARCH 14, 2011**

(SEE ATTACHED PHOTOS)


William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

ZONING NOTICE

CASE # 2011-0256 SPHA

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

JEFFERSON BUILDING, ROOM 205
105 WEST CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204

TUESDAY
DATE AND TIME: MARCH 29, 2011 AT 10:00 AM

REQUEST: SPECIAL HEARING TO APPROVE
THE CONSTRUCTION OF A COMBINATION TWO-STORY
GARAGE AND A SEPARATE LIVING UNIT FOR AGING PARENTS.

VARIANCE TO PERMIT A PROPOSED DETACHED
ACCESSORY STRUCTURE (A COMBINATION GARAGE
AND LIVING UNIT FOR AGING PARENTS) TO HAVE A
HEIGHT OF 24 FEET IN LIEU OF THE MAXIMUM
ALLOWED 15 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO ATTEND THE HEARING CALL 410-3391 (410)

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

ARBUTUS AVENUE
L



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

June 3, 2011

NOTICE OF ASSIGNMENT

CASE #: 11-256-SPHA

IN THE MATTER OF: Charles R. and Cindy L. Popp
Legal Owner /Petitioner
1516 Arbutus Avenue/13th Election District; 1st Councilmanic District

Re: Petition for Special Hearing to approve the construction of a combination two-story garage with in-law living unit for aging parents and Petition for Variance to permit proposed detached accessory structure to have a height of 25 ft ilo max allowed 15 ft.

4/6/11 Opinion and Order of Administrative Law Judge GRANTING the Petition for Special Hearing and GRANTING the Petition for Variance with conditions.

ASSIGNED FOR: TUESDAY, JULY 12, 2011 AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Petitioner/Legal Owner

: Charles R. and Cindy L. Popp

Protestant/Appellant

: Office of People's Counsel

Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Timothy M. Kotroco, Administrative Law Judge
Andrea Van Arsdale, Director/Planning
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney

WD & Dismissed

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 15, 2011 Issue - Jeffersonian

Please forward billing to:
Charles Popp
1516 Arbutus Avenue
Halethorpe, MD 21227

410-247-1220

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0256-SPHA

1516 Arbutus Avenue

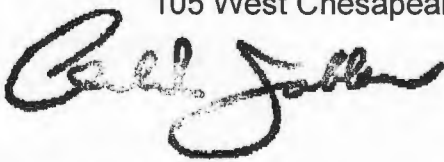
W/side of Arbutus Avenue, 205+/- feet north of centerline of Rehbaum Avenue

13th Election District – 1st Councilmanic District

Legal Owners: Charles & Cindy Popp

Special Hearing to approve the construction of a combination two-story garage and a separate living unit for aging parents. Variance to permit a proposed detached accessory structure (a combination garage and living unit for aging parents) to have a height of 24 feet in lieu of the maximum allowed 15 feet.

Hearing: Tuesday, March 29, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 4, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0256-SPHA

1516 Arbutus Avenue

W/side of Arbutus Avenue, 205+/- feet north of centerline of Rehbaum Avenue

13th Election District – 1st Councilmanic District

Legal Owners: Charles & Cindy Popp

Special Hearing to approve the construction of a combination two-story garage and a separate living unit for aging parents. Variance to permit a proposed detached accessory structure (a combination garage and living unit for aging parents) to have a height of 24 feet in lieu of the maximum allowed 15 feet.

Hearing: Tuesday, March 29, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Popp, 1516 Arbutus Avenue, Halethorpe 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 14, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (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: 2011-0256-SPHA
Petitioner: Charles & Cindy Popp
Address or Location: 1516 ARBUTUS AVE HALSTHORPE, MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: Charles R. Popp
Address: 1516 ARBUTUS AVE
HALSTHORPE, MD 21227
Telephone Number: 410 247 1220



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

March 23, 2011

Mr. & Mrs. Charles Popp
1516 Arbutus Avenue
Halethorpe, MD 21227

RE: Case Number: 2011-0256 A, 1516 Arbutus Avenue, Halethorpe, MD 21227

Dear Mr. & Mrs. Popp,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 28, 2011. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2011
Item Nos. 2011- 251, 252, 253, 254,
255, 256 and 258

DATE: March 8, 2011

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-03142011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: March 29, 2011

3/29/11

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 1516 Arbutus Avenue

INFORMATION:

Item Number: 11-256

Petitioner: Charles Popp

Zoning: DR 5.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning opposes the petitioner's request. The proposed use (combination living unit/garage) does not qualify as an accessory use or structure as defined in Section 101.1 of the BCZR.

Alternatively the petitioner could submit under the county development process a minor subdivision plan to create a separate lot for the proposed living unit/garage that complies with the lot area, lot width and yard requirements specified for dwellings in DR5.5 zones in Section 1B02.3.C.1 of the BCZR. The suggested alternative does not suggest that any variances needed would be supported.

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

Prepared by: Curtis M. Gurney

Division Chief: Arnold Jablon
JM/LL: CM



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 3-8-2011

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

RE: Baltimore County
Item No. 2011-0256-SPH
1516 ARBUTUS AVENUE
POPP PROPERTY
SPECIAL HEARING 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. 2011-0256-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Foster Steven D. Foster, Chief
Access Management Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street - Baltimore, Maryland 21202 - Phone: 410-545-0300 - www.marylandroads.com



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 8, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **March 7, 2011**

Item No.:

3-21 3-21

Administrative Variance: 2011-0252A - 0254A

Special Hearing Variance: 2011-0256-SPHA — 3-29 team.

Variance: 2011-0251A. 4-1

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

TK
3-29-11

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 17, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-256-SPHA
Address 1516 Arbutus Avenue
(Popp Property)

Zoning Advisory Committee Meeting of March 7, 2011.

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

Reviewer: JWL

RECEIVED

MAR 18 2011

OFFICE OF ADMINISTRATIVE HEARINGS

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
1516 Arbutus Avenue; W/side Arbutus Ave. * ZONING COMMISSIONER
205 (+/-) ft. N of Center Line Rehbaum Ave. *
13th Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Charles & Cindy Popp *
Petitioner(s) * BALTIMORE COUNTY
* 2011-0256-SPHA

* * * * *

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 4th day of March, 2011, a copy of the foregoing Entry of Appearance was mailed to Charles and Cindy Popp, 1516 Arbutus Avenue, Halethorpe, Maryland 21227, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 20, 2011

Hand-delivered

Arnold Jablon, Director
Department of Permits,
Approvals and Inspections
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING AND VARIANCE
West side of Arbutus Avenue, 205 feet North of the
c/line of Rehbaum Avenue (1516 Arbutus Avenue)
13th Election District; 1st Councilmanic District
Charles R. and Cindy L. Popp - Petitioner(s)
Case No.: 2011-0256-SPHA

Dear Mr. Jablon:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Opinion and Order dated April 6, 2011 by the Baltimore County Administrative Law Judge in the above entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

RECEIVED

APR 20 2011

[Signature]

PMZ/CSD/rmw

cc: Charles R. and Cindy L. Popp



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 18, 2011

Mr. & Mrs. Popp
1516 Arbutus Avenue
Halethorpe, MD 21227

RE: Case: 2011-0256-SPHA, 1516 Arbutus Avenue, Baltimore, MD 21227

Dear Mr. & Mrs. Popp:

Please be advised that an appeal of the above-referenced case was filed in this office on April 20, 2011 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director of PAI

AJ:mcn

c: Administrative Law Judge
Arnold Jablon, Director of PAI
People's Counsel
Jeff Mayhew, (Acting) Director, Office of Planning

RECEIVED
MAY 24 2011
BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Petition for Special Hearing and Variance
1516 Arbutus Avenue
W. side of Arbutus Avenue 205 feet N. of the c/l of Rehbaum Avenue
13th Election District – 1st Councilmanic District
Legal Owners: Charles R. and Cindy L. Popp

Case No.: 2011-0256-SPHA

- ✓ Petition for Special Hearing and Variance - February 28, 2011
- ✓ Zoning Description of Property N/A
- ✓ Notice of Zoning Hearing March 4, 2011
- ✓ Certification of Publication March 15, 2011
- ✓ Certificate of Posting (1) by William D. Gulick, Jr. – March 14, 2011
- ✓ Entry of Appearance by People's Counsel ~~Sign-in-Sheet~~
- ✓ Petitioner(s) Sign-In Sheet (1)

Protestant(s) Sign-In Sheet (None)

Citizen(s) Sign-In Sheet (1) – Not in file

- ✓ Zoning Advisory Committee Comments (5)

- ✓ Petitioners' Exhibit (4)

1. Site Plan 2. Drawing of Garage
3. Letter of Support - Halethorpe Imp Assoc 4. Letters of Support
Protestants' Exhibits (None) from neighbors

Miscellaneous (Not Marked as Exhibit)

- ✓ Deputy Zoning Commissioner's/Zoning Commissioner's Order (1) Granted – April 6, 2011
- ✓ Notice of Appeal received on – People's Counsel – April 20, 2011

c: People's Counsel of Baltimore County, MS #2010

Address List

Petitioners:

Charles and Cindy Popp
1516 Arbutus Avenue
Halethorpe, MD 21227

Protestants:

Office of People's Counsel

Interoffice:

Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Timothy M. Kotroco, Administrative Law Judge
Andrea Van Arsdale, Director/Planning
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney

RECEIVED
MAY 24 2011

BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Petition for Special Hearing and Variance
1516 Arbutus Avenue
W. side of Arbutus Avenue 205 feet N. of the c/l of Rehbaum Avenue
13th Election District – 1st Councilmanic District
Legal Owners: Charles R. and Cindy L. Popp

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Zoning Description of Property N/A

Notice of Zoning Hearing March 4, 2011

Certification of Publication March 15, 2011

Certificate of Posting (1) by William D. Gulick, Jr. – March 14, 2011

Entry of Appearance by People's Counsel Sign-in Sheet

Petitioner(s) Sign-In Sheet (1)

Protestant(s) Sign-In Sheet None

Citizen(s) Sign-In Sheet (1)

Zoning Advisory Committee Comments (5)

Petitioners' Exhibit (4)

Protestants' Exhibits: None

Miscellaneous (Not Marked as Exhibit)

Deputy Zoning Commissioner's/Zoning Commissioner's Order (1) Granted – April 6, 2011

Notice of Appeal received on – People's Counsel – April 20, 2011

c: People's Counsel of Baltimore County, MS #2010
Administrative Law Judge
Arnold Jablon

May 18, 2011/mcn

Theresa Shelton - Re: Retracting petition for Variance and Special Hearing

From: <csdemil@aol.com>
To: <tshelton@baltimorecountymd.gov>
Date: 7/8/2011 10:49 AM
Subject: Re: Retracting petition for Variance and Special Hearing

Theresa,

Great - I was waiting to hear from him that he worked out something else that didn't need zoning approval. I met with him and Planning to figure out an alternative where he only needed building permits so I guess he was able to proceed.

Thanks.

Have a good weekend.

Carole

-----Original Message-----

From: Theresa Shelton <tshelton@baltimorecountymd.gov>
To: Charlie Popp <crpopp@usna.edu>
Cc: csdemil <csdemil@aol.com>; People's Counsel <peoplescounsel@baltimorecountymd.gov>; Peter Zimmerman <pzimmerman@baltimorecountymd.gov>; lewescott <lewescott@comcast.net>; Ed Crizer <edcrizer@gmail.com>; wendy <wendy@zerwitzlaw.com>
Sent: Fri, Jul 8, 2011 9:45 am
Subject: Re: Retracting petition for Variance and Special Hearing

Mr. Popp:

Good Morning. This email will acknowledge our telephone conversation this date and also your written request to withdrawal the Petition for Special Hearing and Variance in case number 11-256-SPHA.

As a result of your request, the hearing on this matter scheduled for Tuesday, July 12, 2011 has been removed from the docket. An Order of Dismissal will be issued by the Board and sent to all parties via U.S. Mail.

Please do not hesitate to contact me if you have any questions or

concerns. I appreciate your promptness in sending the email.

Thank you.

Theresa

Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180

410-887-3182 (FAX)

tshelton@baltimorecountymd.gov

I took the Green @ Work Energy Challenge Pledge.

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

>>> "Charlie Popp" <crpopp@usna.edu> 7/8/2011 9:30 AM >>>

Please be advised that I will be retracting my petition for Variance
and
Special Hearing for case #2011-0256-SPHA. Thank you for your
cooperation in
this matter.

Please acknowledge receipt of notification. crpopp@usna.edu
410-247-1220

v/r

Charles R. Popp

1516 Arbutus ave.

Halethorpe, Md. 21227-4012

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

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registratio](#)

Account Identifier: District - 13 Account Number - 1320550040

Owner Information			
Owner Name:	POPP CHARLES R POPP CINDY L	Use:	RESIDENTIAL
Mailing Address:	1516 ARBUTUS AVE BALTIMORE MD 21227	Principal Residence:	YES
		Deed Reference:	1)/10019/ 00192 2)

Location & Structure Information	
Premises Address 1516 ARBUTUS AVE 0-0000	Legal Description LT 24,24HF,27,27HF HALETHORPE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0108	0012	0594		0000			24	1	Plat Ref: 0005/ 0040

Special Tax Areas	Town NONE
	Ad Valorem
	Tax Class

Primary Structure Built 1925	Enclosed Area 2,782 SF	Property Land Area 12,864 SF	County Use 04
--	----------------------------------	--	-------------------------

Stories 2.000000	Basement YES	Type STANDARD UNIT SIDING	Exterior
----------------------------	------------------------	-------------------------------------	-----------------

Value Information			
	Base Value	Value	Phase-in Assessments
		As Of 01/01/2010	As Of 07/01/2010 As Of 07/01/2011
Land	93,210	93,200	
Improvements:	206,410	199,500	
Total:	299,620	292,700	292,700
Preferential Land:	0		0

Transfer Information			
Seller:	POPP CHARLES R POPP CINDY L	Date:	09/17/1993
Type:	NON-ARMS LENGTH OTHER	Deed1:	/10019/ 00192
		Price:	\$0
		Deed2:	
Seller:	KLEIN JOHN G	Date:	08/05/1986
Type:	NON-ARMS LENGTH OTHER	Deed1:	/07283/ 00000
		Price:	\$0
		Deed2:	
Seller:		Date:	
Type:		Deed1:	
		Price:	
		Deed2:	

Exemption Information			
Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

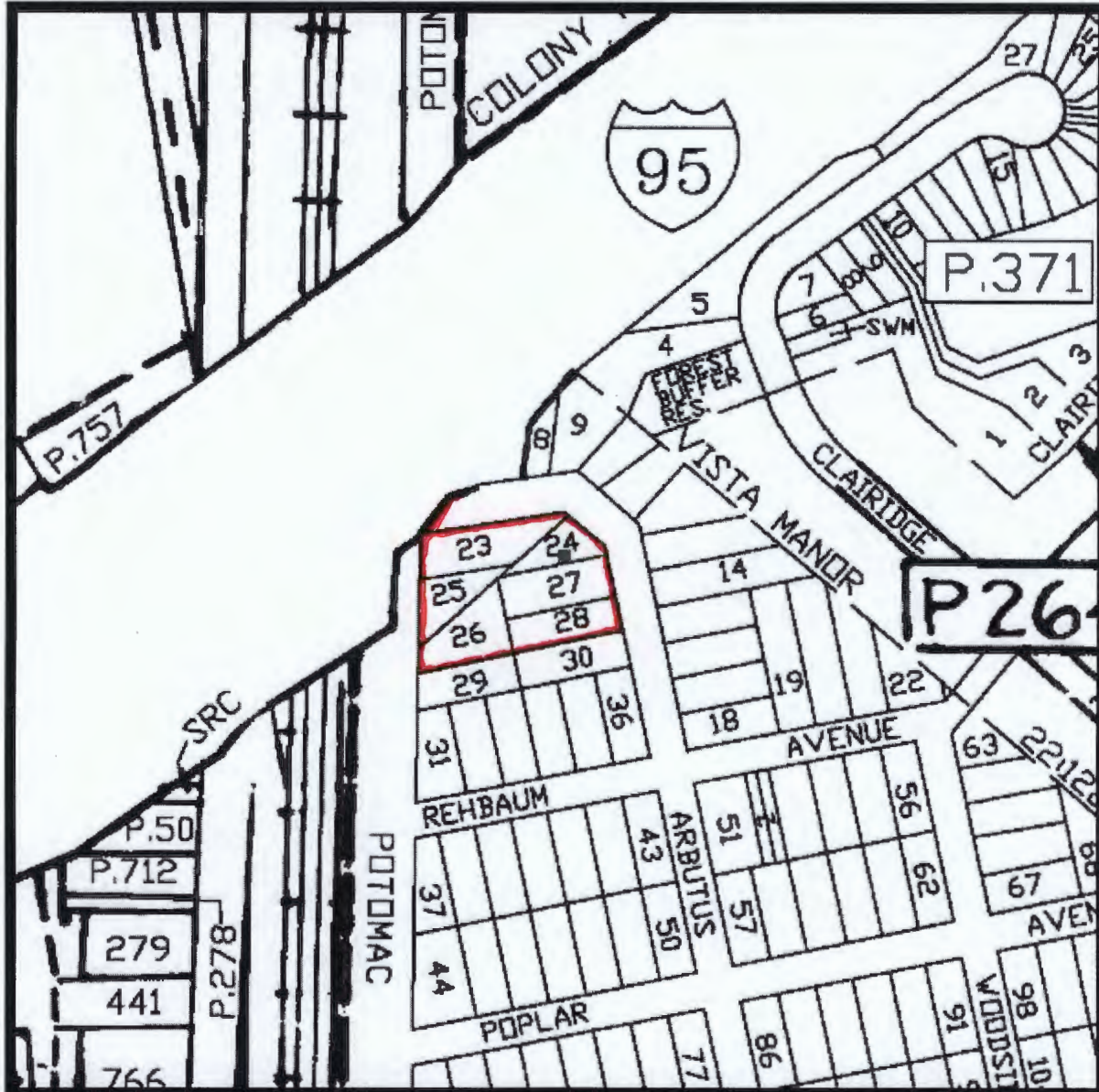
Tax Exempt: **Special Tax Recapture:**
Exempt Class: * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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

District - 13 Account Number - 1320550040



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

Item #0256

SALT 100' to 1100'

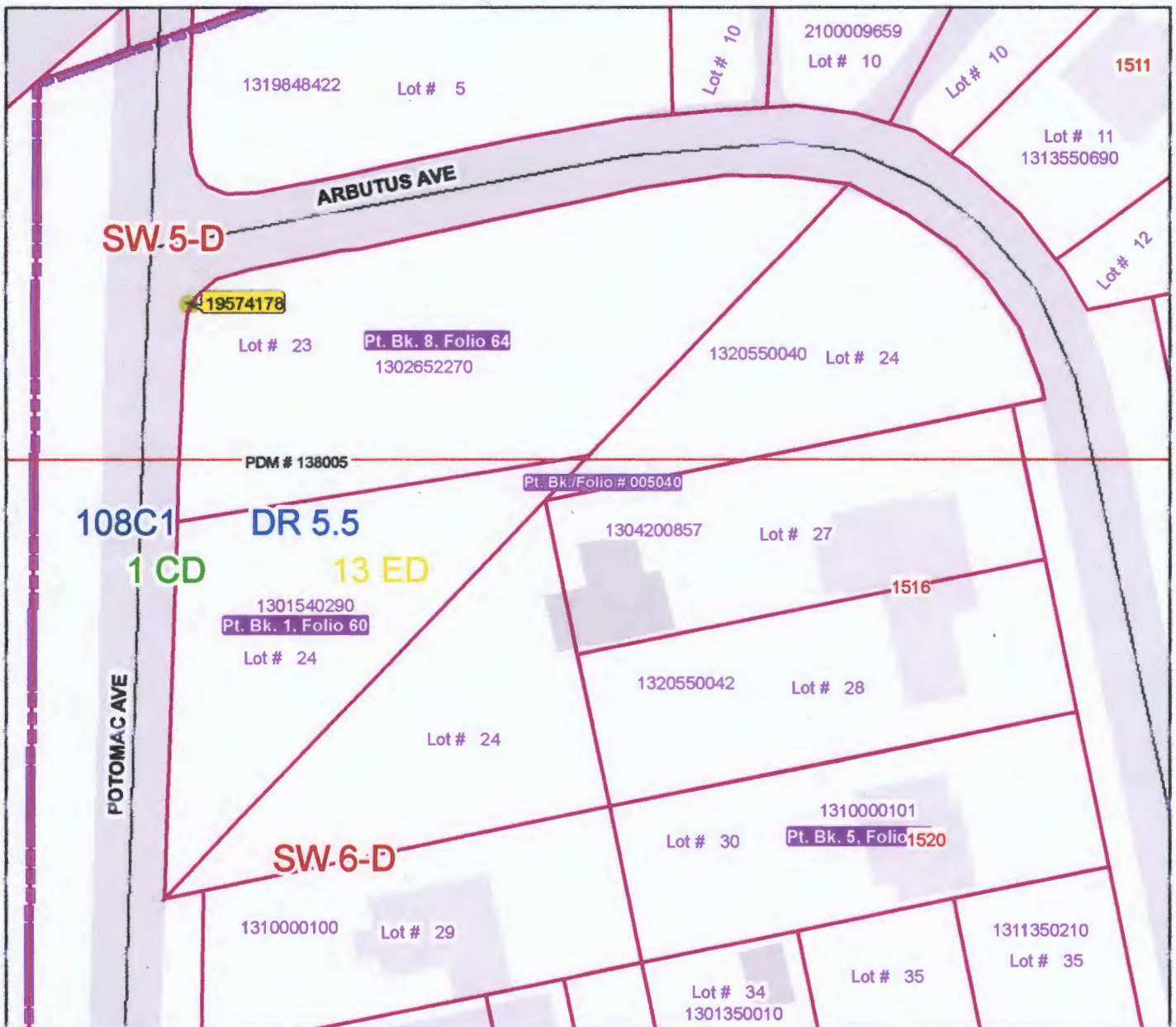
Revised Plan of Hattis for Accompanying
and from 3rd. Hattis. Copying of Bulletin
to American F. & L. Chapman
Hattis from Revised Edition 30/1/19 at 8.12 a.m.
Hattis Chapman & Co. Ltd. Hattis

THIS PHOTO TAKEN FROM THE
RECORDS OF THE CIRCUIT
COURT FOR BALTIMORE
COUNTY IS FOR OFFICIAL
USE ONLY AND NOT TO BE
DUPLICATED FOR SALE OR
GIFT



Item #0256

1516 Arbutus Avenue



Publication Date: February 28, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100
 Feet

1 inch = 50 feet

Item #0256

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

Case No.: 2011-0256-S PHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan of Property	
No. 2	Drawing of Garage + Apartment	
No. 3	Letter of Support Halthorpe improv.	
No. 4	Letters of Support for Neighbors	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER' S

EXHIBIT NO. 2



Item #0256



HALETHORPE IMPROVEMENT ASSOCIATION

P. O. Box 7306

Halethorpe, MD 21227

HalethorpeImprovementAssoc@verizon.net

February 27, 2010

PETITIONER' S

EXHIBIT NO. 3

Dear Baltimore County Zoning Commissioner:

Charles and Cindy Popp have brought to the attention of Halethorpe Improvement Association (HIA) their request for and pursuit of a zoning variance to construct on their homestead property located at 1516 Arbutus Avenue a structure that exceeds Baltimore County's Zoning Regulations that restrict and regulate a structure's height and use respectively.

The entire 10 member HIA Board met with the Poppes at the site of the proposed building and discussed the proposed plans with the Poppes. A 3-dimensional computer generated depiction of the planned structure and a county plat showing the placement of the structure was presented by the Poppes and viewed by the Board members. Though not showing specific dimensions on the drawings, it is understood by us that the proposed structure will be about 20 feet wide by 36 feet long and 24 feet high with a porch extending outwards from the second floor about 8 feet with steps leading from the porch to ground level. It is also understood that this structure will consist of a garage on the ground level with a residential dwelling on the second floor. The Poppes stated that they plan to raze the existing garage and building the new structure in the old garage's basic footprint and will serve the purpose of both retaining garage and utility space while additionally providing living accommodations for Mrs. Popp's parents.

While respecting Baltimore County Zoning Regulations and recognizing their benefit and the purpose they serve, HIA believes that granting exceptions to these regulations, in certain cases, can occur without causing detriment to the surrounding neighborhood or Baltimore County as a whole. We believe that a variance granted in this case will not be detrimental to either.

After discussions with the Poppes and believing their stated intentions to be truthful and in good faith, the HIA Board members have unanimously voted to support their request for a zoning variance. Further influencing our decision is the fact that several of the Poppes' closest neighbors in proximity, who would be most impacted by this structure, earlier expressed to us that they possess no objection to their plans as

Item #0256

presented to them. They mentioned that the Popp's have been long-time respectful neighbors and sense no ill intent in their pursuit of a variance.

Halethorpe is an older neighborhood with varying styles and ages of homes consisting of one and two-story homes, and we believe that a structure of 24 feet in height would not be out of character on this particular site especially considering it will be surrounded by other structures of similar height. Its placement and height appears to not obstruct any neighbor's views of beauty.

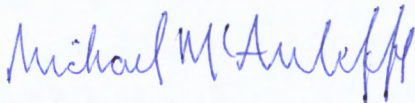
We believe that the stated intent of the second floor dwelling serves the beneficial purpose of enabling Mrs. Popp's parents to reside close to their family, acting essentially as an in-law apartment, but are agreeable to this temporary arrangement with the understanding that if and when either Mr. Popp's or Mrs. Popp's parents no longer reside in the dwelling that its enjoyment as a dwelling be revoked and nullified by Baltimore County, as its purposeful use is no longer required.

The Popp's have provided to HIA and the Baltimore County Commissioner a copy of their Declaration of Understanding, stating that upon revocation of their variance they will physically and permanently alter the dwelling to meet Baltimore County's definition of a non-dwelling, essentially rendering it non-habitable.

HIA understands that when no longer used as a dwelling, the building will be allowed to maintain its second floor and exterior characteristics and a conforming use will not be disputed by us. Our support of a variance and lack of opposition to this structure is based on the information presented to us and contingent on its stated purpose and use, and reserve the right to rescind our support if the plan deviates significantly from what was presented to us.

HIA is a 501(c)3 organization recognized and respected by local officials and residents since its chartering in 1957 as an advocate for the well-being of the Halethorpe neighborhood.

Sincerely,



Michael McAuliffe
President

I/we have been advised that Charles R. Popp and Cindy L. Popp, 1516 Arbutus Ave., Halethorpe, Maryland 21227 is applying for a building permit to construct a two-story garage, with an In-law apartment on the site of the existing garage. I/we, being a neighbor, have no objection to this construction.

PETITIONER'S

EXHIBIT NO. 4

Edgar T. Lowman
Name - Print

Edgar T. Lowman
Signature

1515 Arbutus Ave
Halethorpe, MD 21227
Address

410-247-3828
Telephone Number

Item #0256

Plat to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

PROPERTY ADDRESS: 1516 ARBUTUS AVE

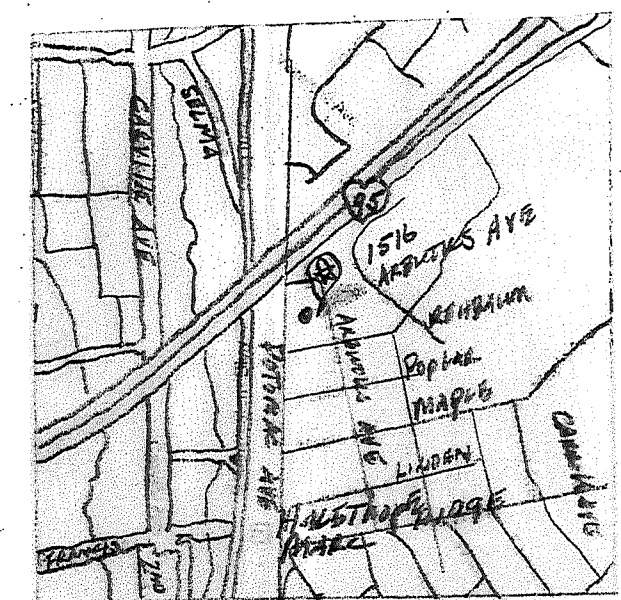
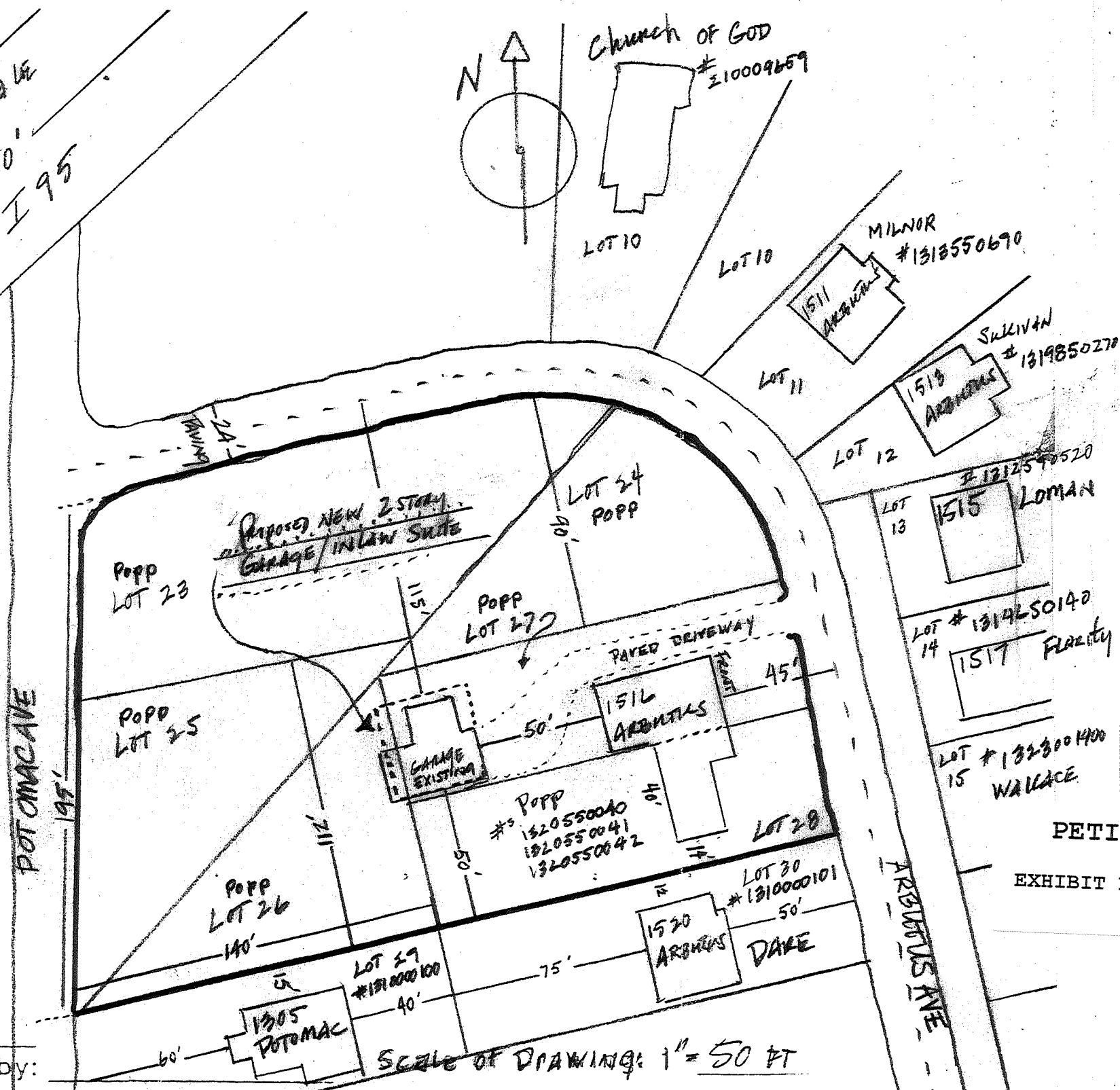
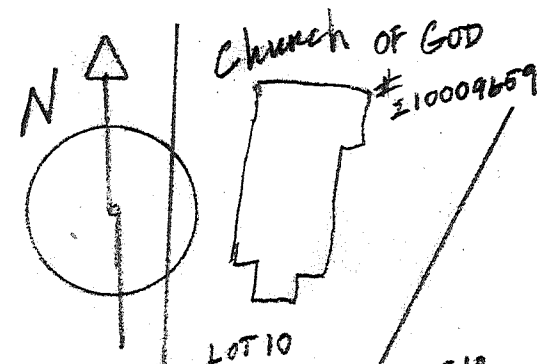
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Halt Thorpe

plat book# 5, folio# 40, lot# 23-28, section#

OWNER: Charles & Cindy Popp

50 SCALE
1" = 50'
I 95



Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 13

Councilmanic District: 1

1" = 200' scale map#: 108 C1

Zoning: DR, S15

Lot size: 1.285 acreage 55,980 square feet

SEWER: ☒ ☐
WATER: ☒ ☐

PETITIONER'S

Critical Area: ☐ ☒

EXHIBIT NO. 1

rings:

Zoning Office USE ONLY!

reviewed by: R. J. ITEM #: CASE#: 2011-0256-SPHA

North
date:
prepared by:

SCALE OF DRAWING: 1" = 50 FT