

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

S of Clifton Avenue, 340' W of c/l of
Oak Drive
1st Election District
4th Councilmanic District
(Clifton Avenue)

Jacob H. France, Jr., *Legal Owner*
Morgan C. Kelly, *Contract Purchaser*
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

CASE NO. 2011-0315-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 owner, Jacob H. France, Jr., and contract purchaser, Morgan C. Kelly. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an undersized lot and that approval of such lot will not adversely effect the overall density of the neighborhood. The Variance, pursuant to Section 1B02.3.C.1 of the B.C.Z.R., is to permit side setbacks of 9 feet in lieu of the required 10 feet, and a lot width of 40 feet in lieu of the required 55 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 were Morgan C. Kelly, contract purchaser, and his son, Morgan Kelly II. There were no Protestants or other interested persons present at the hearing.

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.

ORDER RECEIVED FOR FILING

Date 6-13-11

By 

Testimony and evidence indicated that the property which is the subject of this special hearing and variance request consists of 4,002 square feet and is zoned DR 5.5. The property is unimproved at this time. This neighborhood was originally designed with 20 foot wide lots, and the Petitioner owns two of them for a total lot width of 40 feet. There is no land available on either side of this property as there are houses currently existing on those lots.

I find that the special hearing relief should be granted as the approval of this request will not adversely impact overall density of the neighborhood.

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).

THEREFORE, IT IS ORDERED this 13th day of June, 2011, by this Administrative Law Judge, that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an undersized lot and that approval of such lot will not adversely effect the overall density of the neighborhood, be and is hereby GRANTED; and

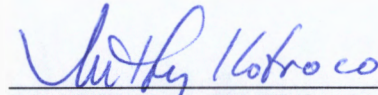
IT IS FURTHER ORDERED that the Variance request pursuant to Section 1B02.3.C.1 of the B.C.Z.R., is to permit side setbacks of 9 feet in lieu of the required 10 feet, and a lot width of 40 feet in lieu of the required 55 feet. be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 6-13-11

By [Signature]

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 6-13-11

By pz



KEVIN KAMENETZ
County Executive

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

June 13, 2011

JACOB H. FRANCE, JR.
1920 OAK DRIVE
BALTIMORE MD 21207

Re: Petition for Special Hearing and Variance
Case No. 2011-0315-SPHA
Property: Clifton Avenue

Dear Mr. France:

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 cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

c: Morgan C. Kelly, 9259 Broken Timber Way, Columbia MD 21045



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5419-A CLIFTON AVE.
which is presently zoned D.R. 5:5

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

THAT APPROVAL OF SUCH LOT WILL NOT ADVERSELY EFFECT
THE OVERALL DENSITY OF THE NEIGHBORHOOD.

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:

MORGAN C. KELLY
Name - Type or Print
Morgan C. Kelly
Signature
9259 BROKEN TIMBER WAY 443-742-8402
Address Telephone No.
COLUMBIA, MARYLAND 21045
City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print

Signature

Company

Address
ORDER RECEIVED FOR FILING
City State Zip Code
Date 6-13-11 State Zip Code

By [Signature]

Case No. 2011-0315-SPHA

REV 9/15/98

Legal Owner(s):

Name - Type or Print

Signature
JACOB H. FRANCE JR.
Name - Type or Print
Jacob H. France Jr.
Signature
1920 OAK DR. 410-265-1531
Address Telephone No.
BALTIMORE, MARYLAND 21207
City State Zip Code

Representative to be Contacted:

MORGAN C. KELLY
Name
9259 BROKEN TIMBER WAY 443-742-8402
Address Telephone No.
COLUMBIA, MARYLAND 21045
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 4.22.11



AMOUNT # 0102000780

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 5419-A CLIFTON AVE.
which is presently zoned D-R 5.5

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

1802.3 C1 TO PERMIT SIDE SETBACKS
of 9 ft. IN LIEU of THE REQUIRED 10 ft. ^{AND} A LOT WIDTH of 40 ft. IN
LIEU of THE REQUIRED 55 ft. APPROVAL of AN UNDERSIZED LOT
AND THAT APPROVAL of SAME will NOT AFFECT THE OVERALL DENSITY
of the Neighborhood.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) BUYERS DO NOT OWN ANY PROPERTY ON EITHER SIDE OF THIS PROPERTY, WHICH IS 40 FEET WIDE & 100 FEET DEEP; THEREFORE, I NEED A VARIANCE FOR AN UNDERSIZE LOT, WITH SIDE YARD SETBACKS OF (9') NINE FEET TO CONSTRUCT A SFD.

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:

MORGAN C. KELLY
Name - Type or Print
Morgan C. Kelly
Signature
9259 BROKEN TIMBER WAY 443-742-8402
Address Telephone No.
COLUMBIA, MARYLAND 21045
City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print

Signature
Company
Address
City State Zip Code

ORDER RECEIVED FOR FILING

Date 6-13-11

By [Signature] Telephone No.

City State Zip Code

Case No. 2011-03115 SPHA

REV 9/15/98

Legal Owner(s):

Name - Type or Print
Signature
JACOB H. FRANCE JR.
Name - Type or Print
Jacob H. France Jr.
Signature
1920 OAK DR. 410-265-1531
Address Telephone No.
BALTIMORE, MARYLAND 21207
City State Zip Code

Representative to be Contacted:

Name
MORGAN C. KELLY
Address
9259 BROKEN TIMBER WAY 443-742-8402
Telephone No.
COLUMBIA, MARYLAND 21045
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING
Reviewed By [Signature] Date 4.22.11

- Zoning Description

ZONING DESCRIPTION FOR 5419-A CLIFTON AVE. BALTIMORE, MARYLAND 21207
(address)

Beginning at a point on the SOUTH side of
(north, south, east or west)

CLIFTON AVE. which is 40'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 340 WEST of the.
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street OAK DRIVE
(name of street)

which is 40' wide. *Being Lot # 61 + 62
(number of feet of right-of-way width)

Block 8, Section # 5 in the subdivision of WINDSOR TERRACE
(name of subdivision)

as recorded in Baltimore County Plat Book # 6, Folio # 180,

containing 4002.00. Also known as 5419-A CLIFTON DRIVE
(square feet or acres) (property address)

and located in the 01 Election District, 04 Councilmanic District.

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

No. **67414**

Date: **4/22/11**

PAID RECEIPT

BUSINESS A/R
 4/25/2011 4/27/2011 11:21
 REC-MS03 BALTIMORE COUNTY
 RECEIPT # 51492 4/22/2011
 Dept 5 528 DRINK REFUNDATION
 CHIT 067014
 Recpt 1
 \$150.00 Cl Dr 0-
 Baltimore County, MD

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
				550					150.00

Total: **150.00**

Rec From: **1 REED KELLEY**

For: **315 3141A**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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: # 2011-0315-SPHA

5419-A Clifton Avenue

S/side of Clifton Avenue, 340 feet west of centerline of Oak Drive

1st Election District - 4th Councilmanic District

Legal Owner(s): Jacob France

Contract Purchaser: Morgan Kelly

Special Hearing: to permit for an undersized lot and that approval of such lot will not adversely affect the overall density of the neighborhood. **Variance:** to permit side setbacks of 9 feet in lieu of the required 10 feet, and a lot width of 40 feet in lieu of the required 55 feet.

Hearing: Thursday, June 2, 2011 at 1:30 p.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/5/706 May 17

276057

CERTIFICATE OF PUBLICATION

5/19/ 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 5/17/ 2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 2011-0315-SPHA

Petitioner/Developer MORGAN KELLY

Date Of Hearing/Closing: 4/2/11

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 5419-4 CLIFTON AVENUE

This sign(s) were posted on May 15, 2011

Month, Day, Year
Sincerely,

Martin Ogle 5/15/11
Signature of Sign Poster and Date

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

ZONING NOTICE

CASE # 2011-0315-SPHA

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

ROOM 205 JEFFERSON BUILDING 105

PLACE: WEST CHESTER AVE, TOWSON 21204

DATE AND TIME: THURSDAY JUNE 2, 2011
AT 7:30 P.M.

REQUEST: SPECIAL APPLIC. TO REBUILT FOR AD
COUNTRIED LOT AND THAT APPLIC.
AS SUCH LOT WILL NOT ADVERSELY AFFECT THE OVERALL
SECURITY OF THE NEIGHBORHOOD, VARIANCE TO REBUILT SIDE
SETBACKS OF 9 FEET IN LIEU OF THE REQUIRED 10 FEET, AND A
LOT WITH AN 80 FEET IN LIEU OF THE REQUIRED 85 FEET.

FOR FURTHER INFO TO VARIANCE OR OTHER COMMISSIONING AND CONSIDERATION IN ANY CASE,
TO CONTACT PLEASE CALL THE ZONING

TO NOT RELY ON THIS AND NOT BE HELD BY THE ZONING COMMISSIONER

HANDICAPPED ACCESSIBLE

05/15/2011

Matthew J. 5/15/11

CERTIFICATE OF POSTING

RE: Case No 2011-0315-SPHA

Petitioner/Developer _____

MORRIS KELLEY

Date Of Hearing/Closing: 5/14/11

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 5419-A CLIFTON AVENUE

This sign(s) were posted on April 30, 2011

Month, Day, Year

Sincerely,

Martin Ogle 4/30/11
Signature of Sign Poster and Date

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

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2011-0315-SPH

TO REQUEST FOR SET BACKS OF 9 FT. INSTEAD OF THE REQUIRED 10 FT. AND A LOT WIDTH OF 40 FT. INSTEAD OF THE REQUIRED 55 FT. AND APPROX. 15' AND UNDEVELOPED LOT AND THE APPROX. 15' SAND WILL NOT EFFECT THE MINIMUM SETBACK OF THE LOT LINE 4000

PUBLIC HEARING

PARTICIPATION IN SECTION 25-1700(1) BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC
HEARING CONCERNING THE PROPOSED VARIANCE PROVIDED
IT IS DONE IN THE ZONING OFFICE BEFORE 4:00 PM ON
MAY 17/ MAY 18/ 2011
THE ZONING OFFICE IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE. TOWNSHIP MD. 21284
TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST FROM OFFICE THE MORE FROM THE SIGN OR SIGN
SHEETS WILL BE REMOVED AT OFFICE'S DISCRETION

04/30/2011

Matthew G. 4/30/11

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 17, 2011 Issue - Jeffersonian

Please forward billing to:

Morgan Kelly
9259 Broken Timber Way
Columbia, MD 21045

443-742-8402

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0315-SPHA

5419-A Clifton Avenue

S/side of Clifton Avenue, 340 feet west of centerline of Oak Drive

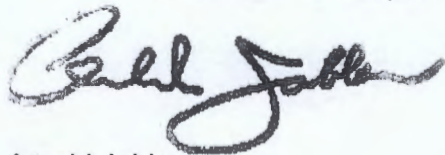
1st Election District – 4th Councilmanic District

Legal Owner: Jacob France

Contract Purchaser: Morgan Kelly

Special Hearing to permit for an undersized lot and that approval of such lot will not adversely affect the overall density of the neighborhood. Variance to permit side setbacks of 9 feet in lieu of the required 10 feet, and a lot width of 40 feet in lieu of the required 55 feet.

Hearing: Thursday, June 2, 2011 at 1:30 p.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

May 12, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0315-SPHA

5419-A Clifton Avenue

S/side of Clifton Avenue, 340 feet west of centerline of Oak Drive

1st Election District – 4th Councilmanic District

Legal Owner: Jacob France

Contract Purchaser: Morgan Kelly

Special Hearing to permit for an undersized lot and that approval of such lot will not adversely affect the overall density of the neighborhood. Variance to permit side setbacks of 9 feet in lieu of the required 10 feet, and a lot width of 40 feet in lieu of the required 55 feet.

Hearing: Thursday, June 2, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Morgan Kelly, 9259 Broken Timber Way, Columbia 21045
Jacob France, Jr., 1920 Oak Drive, Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 18, 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, APPROVALS AND INSPECTIONS
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: 2011-0815 SPA
Petitioner: MORGAN KELLEY
Address or Location: 5419-A CLIFTON Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: SAME

Telephone Number: 410-265-1531



KEVIN KAMENETZ
County Executive

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

May 20, 2011

Jacob H. France, Jr.
1920 Oak Dr,
Baltimore, MD 21207

RE: Case Number 2011-0315-SPHA, 5419 A Clifton Avenue

Dear Mr. France,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 22, 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 that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Morgan Kelly, 9259 Broken Timber Way, Columbia, MD 21045

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 16, 2011
Item Nos. 2011- 309, 311, 312, 313,
314, 315, 317, and 318

DATE: May 11, 2011

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05162011 -NO COMMENTS.doc



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: 5-5-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

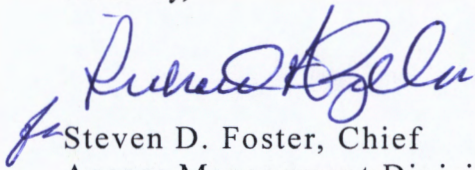
RE: Baltimore County
Item No. 2011-0315 SPHA
Variance Special Hearing
Jacob H. France, Jr.
5419A Clifton Avenue

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. 2011-0315 SPHA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1800.735.2258 Statewide toll free

Street address: 707 North Calvert Street - Baltimore, Maryland 21202 - Phone 410.545.0300 - www.marylandroads.com



TK 6/2 1:30

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: June 6, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-315-SPHA
Address 5419 A Clifton Avenue
(France Property)

Zoning Advisory Committee Meeting of May 2, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

JUN 06 2011

OFFICE OF ADMINISTRATIVE HEARINGS

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
5419A Clifton Avenue; S/side of Clifton Ave. * ZONING COMMISSIONER
340ft. +/- West of centerline of Oak Drive *
1st Election & 4th Councilmanic District * FOR
Legal Owner(s): Jacob H. France, Jr. *
Contract Purchaser: Morgan C. Kelly * BALTIMORE COUNTY
Petitioner(s) *
2011-0315-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 28th day of April, 2011, a copy of the foregoing Entry of Appearance was mailed to Jacob H. France, Jr., 1920 Oak Drive, Baltimore, Maryland 21207, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

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

Account Identifier: District - 01 Account Number - 0102000780 ✓

Owner Information

Owner Name: FRANCE JACOB H, JR **Use:** RESIDENTIAL
Mailing Address: 1920 OAK DR **Principal Residence:** NO
BALTIMORE MD 21207- **Deed Reference:** 1) /30674/ 00412
2)

Location & Structure Information

Premises Address **Legal Description**
CLIFTON AVE LTS 61,62
0-0000 WINDSOR TERRACE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0095	0008	0246		0000		8	61	1	Plat Ref: 0006/0180

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built **Enclosed Area** **Property Land Area** **County Use**
4,000 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
Land	4,000	1,000		
Improvements:	0	0		
Total:	4,000	1,000		1,000
Preferential Land:	0			0

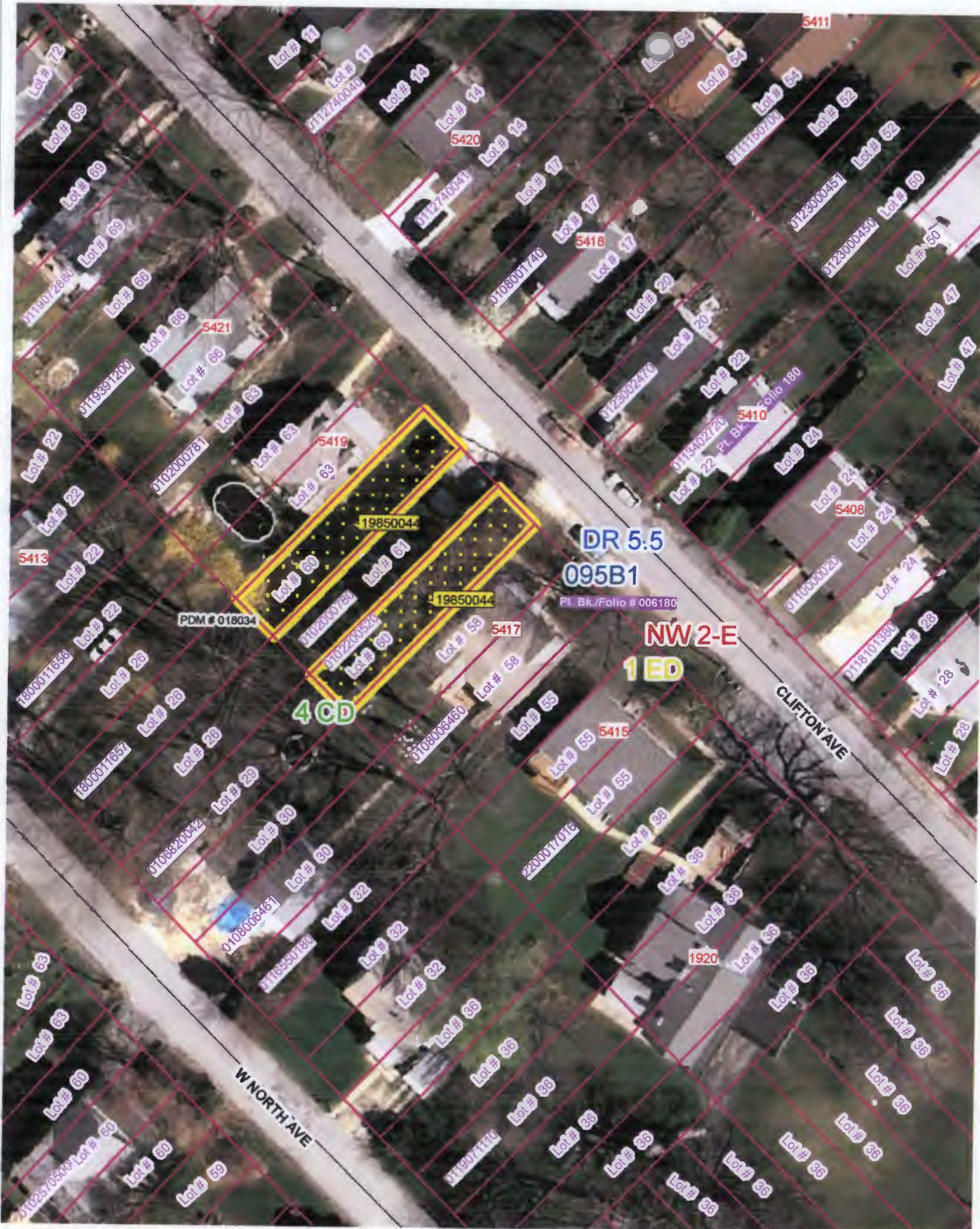
Transfer Information

Seller: HOMESALES INC	Date: 03/28/2011	Price: \$69,300
Type: ARMS LENGTH MULTIPLE	Deed1: /30674/ 00412	Deed2:
Seller: FAMULARI THOMAS	Date: 04/16/2010	Price: \$82,082
Type: ARMS LENGTH MULTIPLE	Deed1: /29374/ 00367	Deed2:
Seller: MCFARLAND LISA M	Date: 06/21/2007	Price: \$260,000
Type: ARMS LENGTH MULTIPLE	Deed1: /25829/ 00169	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 *



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

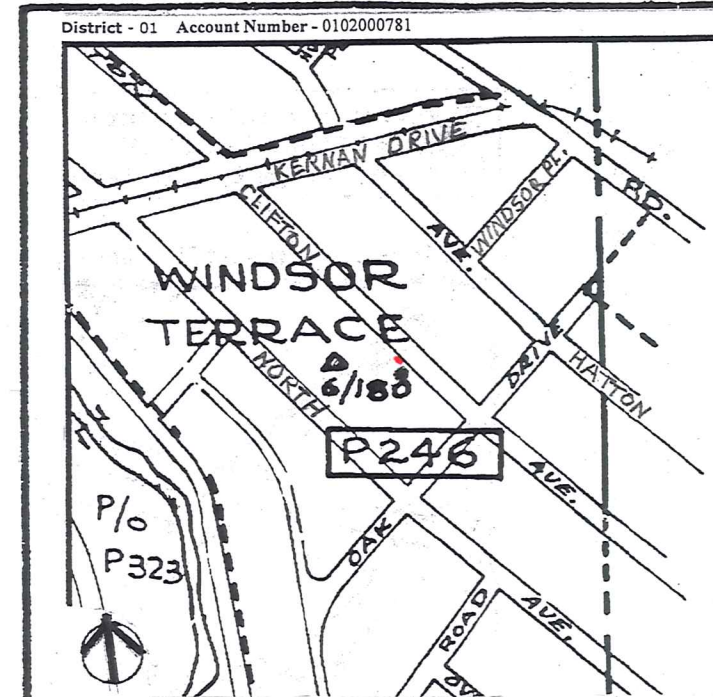
PROPERTY ADDRESS 5419 A CLIFTON AVE

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

SUBDIVISION NAME WINDSOR TERRACE

PLAT BOOK # 6 FOLIO # 180 LOT # 61 & 62 SECTION # 8

OWNER MR. JACOB H. FRANCE



LOCATION INFORMATION

ELECTION DISTRICT 01

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 09581

ZONING DR. 5.5

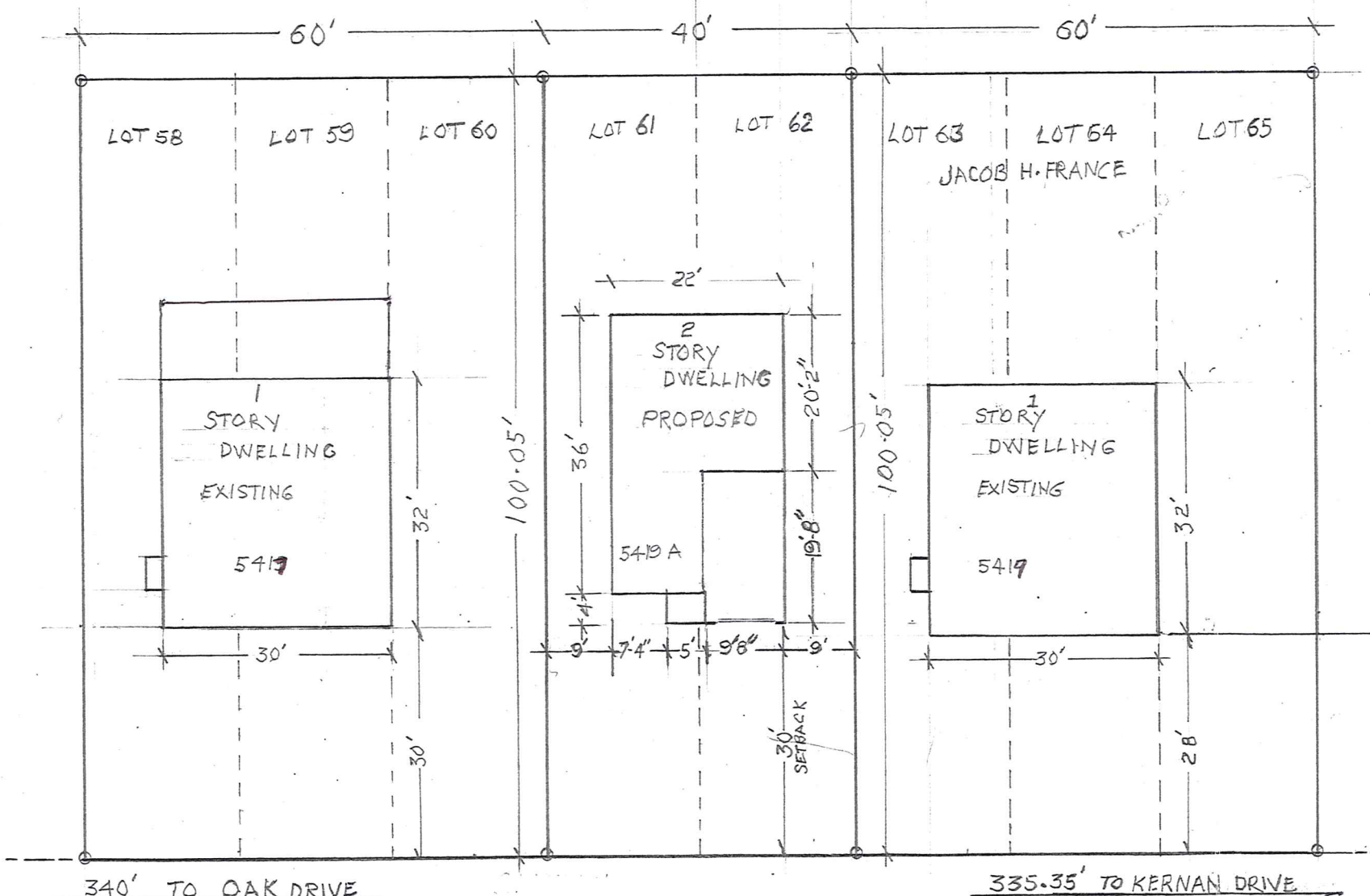
LOT SIZE 9187 ACRES 4002 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	☐	☐

ZONING OFFICE USE ONLY

REVIEWED BY _____ ITEM # _____ CASE # _____



NORTH

PREPARED BY MORGAN

SCALE OF DRAWING: 1" = 20'

PETITIONER'S

EXHIBIT NO. 1