

IN RE: PETITION FOR VARIANCE
N side of Spencer Street, 150' W
of Northeast Avenue
13th Election District
1st Council District
(4304 Spencer Street)

John Thomas Dapore
Petitioner

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2011-0331-A

* * * * *

IN RE: PETITION FOR VARIANCE
N side of Spencer Street, 200' W
of Northeast Avenue
13th Election District
1st Council District
(4306 Spencer Street)

JLM Property 2
Petitioner

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2011-0332-A

OPINION AND ORDER

These matters come before the Office of Administrative Hearings for Baltimore County for consideration of two companion Petitions for Variance. The first, Case No. 2011-0331-A, is brought by John Thomas Dapore, owner of 4304 Spencer Street. He is requesting Variance relief under Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing dwelling on a lot containing 7,500 square feet and a lot width of 50 feet in lieu of the required 20,000 square feet and 100 feet, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1. The second matter, Case No. 2011-0332-A, is brought by Michael Green, Member, on behalf of the legal owners of 4306 Spencer Street, JLM Property 2. Those Petitioners are requesting variance relief under Sections 1B02.3.A.5 and 1B02.3.B of the B.C.Z.R. to permit an existing dwelling on a lot containing 7,500 square feet and a lot width of 50 feet in lieu of the required 20,000 square feet and 100 feet, respectively. The subject property and

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Date 6-27-11

By

requested relief is more fully depicted 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 requests for both properties were Phillip J. Palmisano, Jr., Member on behalf of the legal owner JLM Property 2, and Jonathan Scott Dallas, Sr., Professional Surveyor with J.S. Dallas, Inc., the consulting firm who prepared the site plans for the variance requests related to both properties. All Petitioners were represented by Robert C. Brendel, Esquire. Donald Hawkins of 4315 Spencer Street, appeared as a Protestant relative to the relief requested in Case No. 2011-0332-A (4306 Spencer Street); and likewise e-mails were received from neighbors Robert C. Fritz of 4305 Spencer Street, Liani Adair, Donald Hawkins and from Delegate James Malone in opposition to the Petitioner's variance request regarding that property. Copies of these e-mails are included in the file for Case No. 2011-0332-A. There were no other Protestants or other interested persons regarding the relief requested in Case No. 2011-0331-A (4304 Spencer Street) in attendance at the hearing.

The Zoning Advisory Committee (ZAC) comments were received as to both cases and are made a part of the record of each case. There were no adverse comments received from any of the County reviewing agencies regarding either property.

All parties were sworn and, by agreement, attorney Brendel proffered the testimony of J. Scott Dallas, the surveyor who prepared the site plan to accompany each Petition for Variance, as well as that of Phillip J. Palmisano, Jr., a member of Petitioners JLM Property 2. He described the lots at 4304 Spencer Street (Lot 22 on plan) and 4306 Spencer Street (Lot 21 on plan) which are rectangular in shape, measure 150 feet x 50 feet, are zoned DR 2, and are served by public water and sewer service. He related that JLM had purchased 4304 and 4306, and after rehabilitation, sold the single family dwelling at 4304 Spencer Street to its present owner. Now they wish to develop the adjoining lot at 4306 Spencer Street. The structure on 4304 Spencer Street was

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Date 6-27-11

2

By [Signature]

originally constructed 1930; Petitioner JLM wishes to construct a new 24 feet x 28 feet single family dwelling on 4306. Mr. Brendel explained that the size of the proposed structure at 4306 allows it to meet the presently required front and side setbacks under the B.C.Z.R. including 16 feet on the side of the proposed structure to accommodate a 12 feet driveway. He stated that the driveway would be utilized by the residents for parking, as opposed to doing so on Spencer Street, which has no sidewalks.

Turning to the requirements for the granting of a variance, he maintained that the composition of the surrounding neighborhood, coupled with the inability to take on any additional frontage, rendered both 4304 and 4306 Spencer Street "unique." He offered that the inability to construct a residence at 4306 (Lot 21), absent the granting of the requested variance, clearly demonstrated the requisite "practical difficulty" necessary to grant variance relief.

Mr. Hawkins testified in opposition to the variance requested for 4306 Spencer Street. He explained that the proposed structure at that location would be the smallest house in the neighborhood. He was concerned, as were others, that the value of the existing homes in the area would suffer thereby. He noted that many residents of the area combined lots to construct their homes and that a number of these small lots between existing houses were simply left as "open space."

A number of e-mails and letters were received from various community Protestants, all neighbors to the proposed structure at 4306 Spencer Street. In them, they communicated concerns related to the inappropriateness of building the proposed structure on the lot as narrow as it was as well as traffic concerns, parking issues, and the feared exacerbation of difficulties already being encountered relative to trash pick up and accessibility for emergency services. These e-mails are included and made a part of the file in Case No. 2011-0332-A.

It is clear that this is a neighborhood with a long history. It primarily consists of small lots,

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Date 6-27-11

3

By [Signature]

most of which were created prior to the imposition of area restrictions in the zoning regulations that the Petitioners wish to vary. There are a number of double lots as well as some which have remained as open space.

The obtaining of the variance is sought by the Petitioners is governed by Section 307.1 of the B.C.Z.R. as well as well-settled case law. These requirements are purposely strict in nature, difficult to satisfy and reflect the public policy of severely restricting the granting of variance relief. The seminal case on the subject, *Cromwell v. Ward* 102 Md. App. 691 (1995), states the prevailing rule that "variances are to be granted sparingly, only in rare instances and under peculiar and exceptional circumstances....a variance should be strictly construed. Cromwell Id at 700. Section 307.1 of the zoning regulations permits variances to be granted "....only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Cromwell requires that "uniqueness" first be established before the factor of "practical difficulty" is even addressed. Cromwell Id at 698. In requiring a prerequisite finding of "uniqueness" the Court defined the term and stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e, its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or

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Date 6-27-11

By _____

other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects in bearing or parting walls...Id. At 710.

Only thereafter, do we address the issue of practical difficulty. To prove practical difficulty for an area variance, the Petitioner must produce evidence to allow the following questions to be answered affirmatively:

1. Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In considering the testimony and evidence presented, I am not persuaded that Petitioners have established the "uniqueness" as regards the subject property located at 4306 Spencer Street, as called for in Section 307.1 and defined and discussed in *Cromwell v. Ward*, supra. The bar as to "uniqueness" is purposely raised high and Petitioners have not succeeded in reaching it. Therefore, discussion of the "practical difficulty" is unnecessary in this opinion.

As regard the request for variance for 4304 Spencer Street, the structure pre-existed zoning regulations. Petitioner simply rehabilitated this property and sold it to Mr. Dapore. As such, no new variance is at this time necessary to reconfirm the use and structure that has existed since that time. The Petition in 2011-0331-A regarding 4304 Spencer Street is therefore rendered moot.

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Date 6-27-11

5

By [Signature]

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and after considering the testimony and evidence offered by Petitioners, I find that the variance requests should be declared moot and denied, respectively.

THEREFORE, IT IS ORDERED, this 27 day of June, 2011 by this Administrative Law Judge that Petitioner's Variance request in Case No. 2011-0331-A for relief under Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing dwelling on a lot containing 7,500 square feet and a lot width of 50 feet in lieu of the required 20,000 square feet and 100 feet, respectively, be and is hereby **DECLARED MOOT**; and

IT IS FURTHER ORDERED that Petitioner's Variance request in Case No. 2011-0332-A relief under Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed dwelling on a lot containing 7,500 square feet and a lot width of 50 feet in lieu of the required 20, 000 square feet and 100 feet, respectively, be and is hereby **DENIED**.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

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Date 6-27-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

June 27, 2011

ROBERT C. BRENDDEL, ESQUIRE
1919 YORK ROAD
TIMONIUM MD 21093

Re: Petition for Variance
Case No. 2011-0331-A and 2011-0332-A
Property: 4304 Spencer Street and 4306 Spencer Street

Dear Mr. Brendel:

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 "L. Stahl", is written over the typed name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Donald Hawkins, 4315 Spencer Street, Baltimore MD 21227
Robert C. Fritz, 4305 Spencer Street, Baltimore MD 21227



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at #4304 Spencer Street
which is presently zoned D.R. 2

Deed Reference: 29533 / 270 Tax Account # 1306200000

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) 1B02.3A.5., 1B02.3B. (BCZR)

To permit an **existing** dwelling on a lot containing 7,500 square feet and a lot width of 50-feet in lieu of the required 20,000 square feet and 100-feet, respectively.

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

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):

John Thomas Dapore

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

4304 Spencer Street c/o Robert Brendel 410-561-1177
Address Telephone No.

Baltimore MD 21227
City State Zip Code

Representative to be Contacted:

Jonathan Scott Dallas, Sr.

Name _____

P.O. Box 26

410-817-4600

Address _____

Baldwin

MD

Telephone No.

21013

City _____

State _____

Zip Code _____

Case No. 2011-0331-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by DT Date 5/10/11

REV 8/20/07

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Date 6-27-11

By [Signature]

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

ZONING DESCRIPTION #4304 SPENCER STREET

BEGINNING at a point on the north side of Spencer Street, 30 feet wide, at the distance of 150 feet west of the west side of Northeast Avenue, 30' wide.

BEING Lot 22 "East Halethorpe" as recorded in Baltimore County Plat Book W.P.C.. No. 7 Folio 17.

CONTAINING 7500 square feet of land, more or less or 0.17 acres of land, more or less.

ALSO known as # 4304 Spencer Street and located in the 13th Election District, 1st Councilmanic District.

Note: above description is based on existing record plat and is for zoning purposes only.



2011-0331-A

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

No. 69061

Date: 5/10/10

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	2016	0000		4150					150.00

Total: 150.00

Rec From: T.S. DALLAS

For: 2011-0331-A 4304 SPENCER ST.
2011-0332-A 4306 SPENCER ST.

D. THOMPSON

DISTRIBUTION

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

CASHIER'S
VALIDATION

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: # 2011-0211-A

4304 Spencer Street

N/side of Spencer Street, 150 feet west of w/side of Northeast Avenue

13th Election District — 1st Councilmanic District

Legal Owner(s): John Thomas Dapone

Variance: to permit an existing dwelling on a lot containing 7,500 square feet, and a lot width of 50 feet in lieu of the required 20,000 square feet and 100 feet respectively.

Hearing: Tuesday, June 14, 2011 at 11:00 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.

IT 5/753 May 31

277203

CERTIFICATE OF PUBLICATION

6/2/2011

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 5/31/, 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

ATTENTION: KRISTEN LEWIS

DATE: 5/31/2011

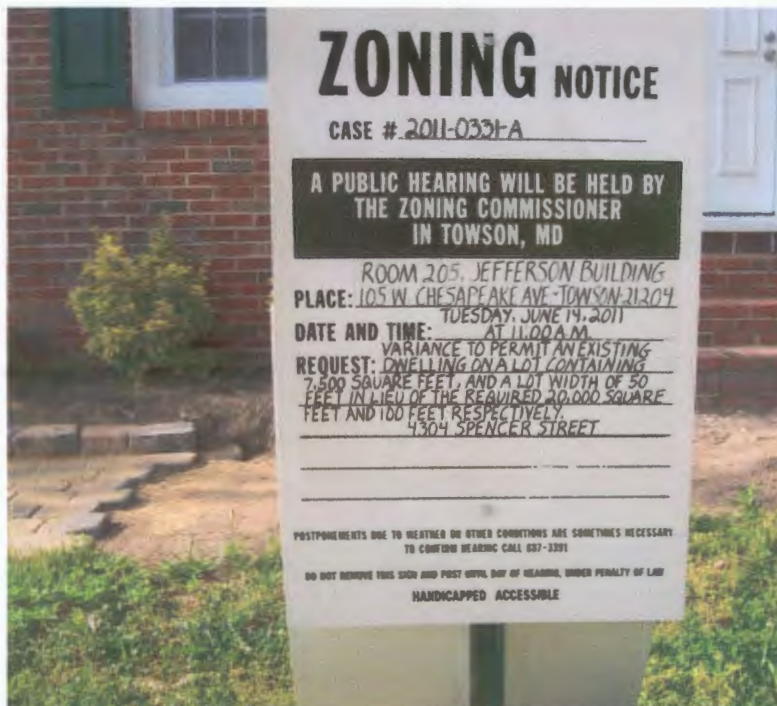
Case Number: 2011-0331-A

Petitioner / Developer: JOHN DAPORE~JOHNATHAN DALLAS

Date of Hearing (Closing): JUNE 14, 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:
4304 SPENCER STREET

The sign(s) were posted on: MAY 29, 2011



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 31, 2011 Issue - Jeffersonian

Please forward billing to:

John Dapore
c/o Robert Brendel
4304 Spencer Street
Baltimore, MD 21227

410-561-1177

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: 2011-0331-A

4304 Spencer Street

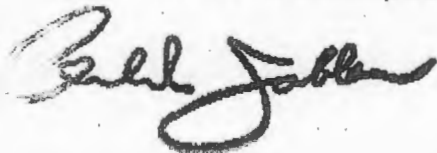
N/side of Spencer Street, 150 feet west of w/side of Northeast Avenue

13th Election District – 1st Councilmanic District

Legal Owners: John Thomas Dapore

Variance to permit an existing dwelling on a lot containing 7,500 square feet, and a lot width of 50 feet in lieu of the required 20,000 square feet and 100 feet respectively.

Hearing: Tuesday, June 14, 2011 at 11:00 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

May 23, 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: 2011-0331-A

4304 Spencer Street

N/side of Spencer Street, 150 feet west of w/side of Northeast Avenue

13th Election District – 1st Councilmanic District

Legal Owners: John Thomas Dapore

Variance to permit an existing dwelling on a lot containing 7,500 square feet, and a lot width of 50 feet in lieu of the required 20,000 square feet and 100 feet respectively.

Hearing: Tuesday, June 14, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: John Dapore, 4304 Spencer Street, c/o Robert Brendel, Baltimore 21227
Jonathan Dallas, Sr., P.O. Box 26, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 30, 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: 2011-0331-A

Petitioner: DAPORE

Address or Location: 4304 SPENCER ST.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. JOHN T. DAPORE

Address: 4304 SPENCER ST.

BALTO. MD 21227

Telephone Number: 410-561-1177



KEVIN KAMENETZ
County Executive

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

June 6, 2010

John Dapore
c/o Robert Brendel
4304 Spencer Street
Baltimore, MD 21227

RE: Case Number 2011-0331 A, 4304 Spencer Street

Dear Mr. Dapore,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 10, 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
Jonathan Dallas, Sr., P. O. box 26, Baldwin, MD 21013



file

KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 17, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 16, 2011**

Item No.:

Administrative Variance: 2011-0324A, 2011-0328A – 0329A.

Special Hearing: 2011-0152-SPHA, 2011-0330-SPH.

Variance: 2011- 0152-SPHA, 2011-0326A, 2011-0327-SPHA, 2011-0331A – 0332A.

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 25, 2011

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

Heuring 6/14/11

SUBJECT: Zoning Advisory Committee Meeting
For May 30, 2011
Item Nos. 2011-152, 324, 326, 327, 328, 329, 331
And 332

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-05302011 -NO COMMENTS.doc

LS 6/14 11am

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 7, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-331-A
Address 4304 Spencer Street
(Dapore Property)

Zoning Advisory Committee Meeting of May 16, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

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JUN 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS



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: 5-17-11

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

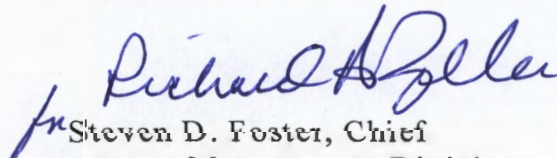
RE: Baltimore County
Item No. 2011-0331-A
Variance
John Thomas Dapore
4304 Spencer Street

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. 2011-0331-A.

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,


for Steven D. Foster, Chief
Access Management Division

SDF/rz

RE: PETITION FOR VARIANCE
4304 Spencer Street; N/S Spencer Street,
150' W of W/S Northeast Avenue
13th Election & 1st Councilmanic Districts
Legal Owner(s): John Thomas Dapore
Petitioner(s)

* BEFORE THE
* ADMINISTRATIVE LAW
* JUDGE FOR
* BALTIMORE COUNTY
* 2011-331-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

MAY 13 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of May, 2011, a copy of the foregoing Entry of Appearance was mailed to Jonathan Scott Dallas, Sr., P.O. Box 26, Baldwin, Maryland 21013, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - 2011-0331-A & 2011-0332-A

From: Eric Hawkins <ehawkins95@hotmail.com>
To: <dwiley@baltimorecountymd.gov>, Eric Hawkins <ehawkins95@hotmail.com>
Date: 6/13/2011 11:22 AM
Subject: 2011-0331-A & 2011-0332-A

To Whom It May Concern;

Case # 2011-0331-A
Case # 2011-0332-A

This letter is in regards to the zoning hearing for 4304 and 4306 Spencer Street Baltimore MD 21227. If the hearing is to gain approval for building a new home on the street I would like to voice my disapproval for those plans. The lot is far too small and there is no parking available for a new home at that location. The lot is very narrow and would require a lesser quality/ abnormal property to be built there and cause confusion for parking etc. If, however the resident at 4304 Spencer Street is looking to build a garage at that location for his home personal use that would be great as to lessen the need for street parking and keep consistent the lot sizes for each street property. Should there be any questions please contact me at 4103021005. Thank you.

Donald Hawkins

RECEIVED

JUN 13 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Debra Wiley - case# 2011-0331-A,2011-0332-A

From: <fritter72@comcast.net>
To: <DWILEY@baltimorecountymd.gov>, <pzook@baltimorecountymd.gov>
Date: 6/13/2011 5:35 PM
Subject: case# 2011-0331-A,2011-0332-A

I'm am forwarding this to you, its a statement from Delegate James Malone that lives in the neighborhood and that he states that he is in agreement with me. so please consider me and my neighbors play in not rezoning that property.

Robert C Fritz. homeowner at 4305 Spencer st. Baltimore, Md 21227

----- Forwarded Message -----

From: "James Delegate Malone (Laptop)" <Delegate.J.Malone@house.state.md.us>
To: "fritter72@comcast.net" <fritter72@comcast.net>
Sent: Friday, June 3, 2011 8:17:33 AM
Subject: RE: 4306 Spencer St.

Have you talked to Councilman Quirk as I agree with you 100%? Hope you and your family are well!

Sincerely,

Delegate Jimmy Malone

From: fritter72@comcast.net [mailto:fritter72@comcast.net]
Sent: Thursday, June 02, 2011 10:17 PM
To: Malone, James Delegate
Subject: 4306 Spencer St.

Dear, Mr . Malone I'm writing to you in regards to the hearing that is to take place on June 14 , 2011 at 11:30 am for the property at 4306 Spencer st,. My concern is that if this property is built upon , it will be more of a problem than anything , the street is already narrow and the last thing that it needs is another with 3 or 4 vehicles jamming up the street; hell the trash trucks have a time as it is backing up in the mornings, and not to mention that the property will just jam up my driveway. It's not the fact of someone just putting up a house, it's how its going to affect the peoples life around it and the street being so narrow I know they will be cars parked at my driveway entrance. please call me I'd like to talk to you more about this matter.

Thank you,
 Robert C. Fritz 443-277-7314

From: "Adair, Liani K." <ladair@bcps.org>
To: "Dwiley@baltimorecountymd.gov" <Dwiley@baltimorecountymd.gov>
Date: 6/13/2011 2:43 PM
Subject: 2011-0331-A

Hi,

I am writing to petition against a new home being built on 4306 Spencer Street. The space is limited and does not support the existence of a residential dwelling.

Thanks,

Liani Adair
Behavior Interventionist
Lansdowne High School

Authenticity....."I just show up."
-A. B.

Patricia Zook - case # 2011-0331-A, 2011-0332-a

From: <fritter72@comcast.net>
To: <pzook@baltimorecountymd.gov>, <DWILEY@baltimorecountymd.gov>
Date: 6/13/2011 3:55 PM
Subject: case # 2011-0331-A, 2011-0332-a

Hello, I'm Robert C. Fritz i own the property at 4305 Spencer Baltimore, MD 21227 . The property across the street from me 4306 is a very bad idea to re-zone because of #1 the lot is way to small to put a house on it and as you know just every house has at least 3 vehicles that park in front of it. #2 my drive way is right across from the street and i can already see it being blocked. #3 the street is a narrow street. #4 if you take the time and call the trash company that picks up on this and talk to the driver they will tell you it a pain in the ass to drive down because of the cars that all ready park along the street, another house on that lot will just make it the much worse and #5 don't get me started on the hole EMS thing , life safety is another issue to consider . Also the mail truck and snow removal.

Ive talked to James Malone a delegate that lives in the neighborhood and he also said" it is a BAD idea.

So in retrospect I'm voting No to rezone that lot across from the property of 4305 Spencer St. Halethorpe , MD 21227

Voting NO to rezone

Thank you, Robert C. Fritz (home owner)

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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Account Identifier: District - 13 Account Number - 1306200000

Owner Information

Owner Name: DAPORE JOHN THOMAS **Use:** RESIDENTIAL
Mailing Address: 4304 SPENCER ST **Principal Residence:** YES
BALTIMORE MD 21227-4526 **Deed Reference:** 1) /29533/ 00270
2)

Location & Structure Information

Premises Address

4304 SPENCER ST
0-0000

Legal Description

PRT LT 22
4304 SPENCER ST
EAST HALETHORPE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0109	0007	0380		0000			22		Plat Ref: 0007/0017

Special Tax Areas
Town NONE
Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1930	1,352 SF	7,250 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	91,250	91,200		
Improvements:	85,550	75,600		
Total:	176,800	166,800	166,800	166,800
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
JLM PROPERTY 2	06/04/2010	\$200,000
Type: ARMS LENGTH IMPROVED	Deed1: /29533/ 00270	Deed2:
FIELDS MARION E	03/05/2010	\$63,000
Type: ARMS LENGTH MULTIPLE	Deed1: /29243/ 00305	Deed2:
FIELDS ROBERT E	08/01/1997	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12306/ 00121	Deed2:

Exemption Information

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

Tax Exempt:

Exempt Class:

Special Tax Recapture:

* NONE *

2011
CASE NAME 03310332A
CASE NUMBER _____
DATE _____

DONALD
NAME

[illegible]

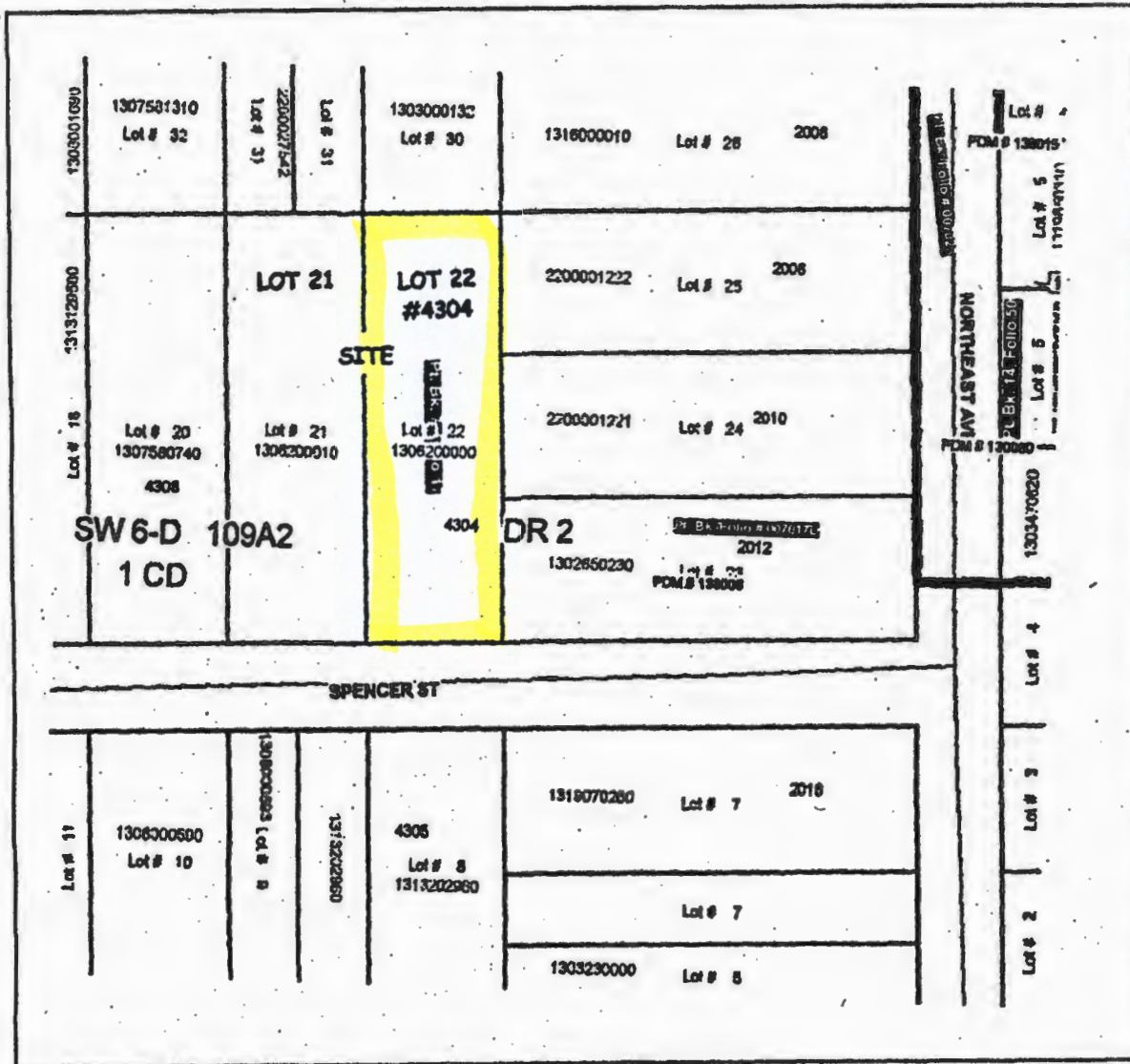
6332-A
CASE NAME 2011.0332-A
CASE NUMBER _____
DATE 6-14-11

BRENDEL

[illegible]

4304 SPENCER ST.

LOT 22



ZONING MAP- NOT TO SCALE

1308001691

Lot # 34

Lot # 33
1308001690

Pt. Bk./Folio # 007017D

2200027542

Lot # 31

Lot # 31

4303
Lot # 30
1303000132

Lot # 29

19625579
20000096
19450401

1303000130

1303471160

Lot # 27

Lot # 27

2004

1316000010

Lot # 26

2006

2200001222

Lot # 25

2008

2200001221

Lot # 24

2010

PDM # 138006

1302650230

Lot # 23

2012

Lot # 18

Lot # 18
1313129580

Pt. Bk./Folio # 007017D

4312

1 CD

DR 2

Lot # 20
1307580740

4308

Lot # 21
1306200010

SITE

SW 6-D

Lot # 22
1306200000

4304

PDM # 130060

Pt. Bk./Folio # 007023

NORTHEAST AVE

SPENCER ST

1308000592

Lot # 12

Lot # 11
1308000591

Lot # 10
1308000590

1308000593

Lot # 9

1313202960

4305

Lot # 8
1313202960

1319070280

Lot # 7

2016

Lot # 7

Lot # 5

1303230000

Lot # 5

2020

2011-0331-A

Case No.:

2011-0331 A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1-A- plot for 4304 Sawyer Street 1-B Plot for 4306 Green St	
No. 2	Good photo	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO. 2



- J.S.DALLAS, INC.***

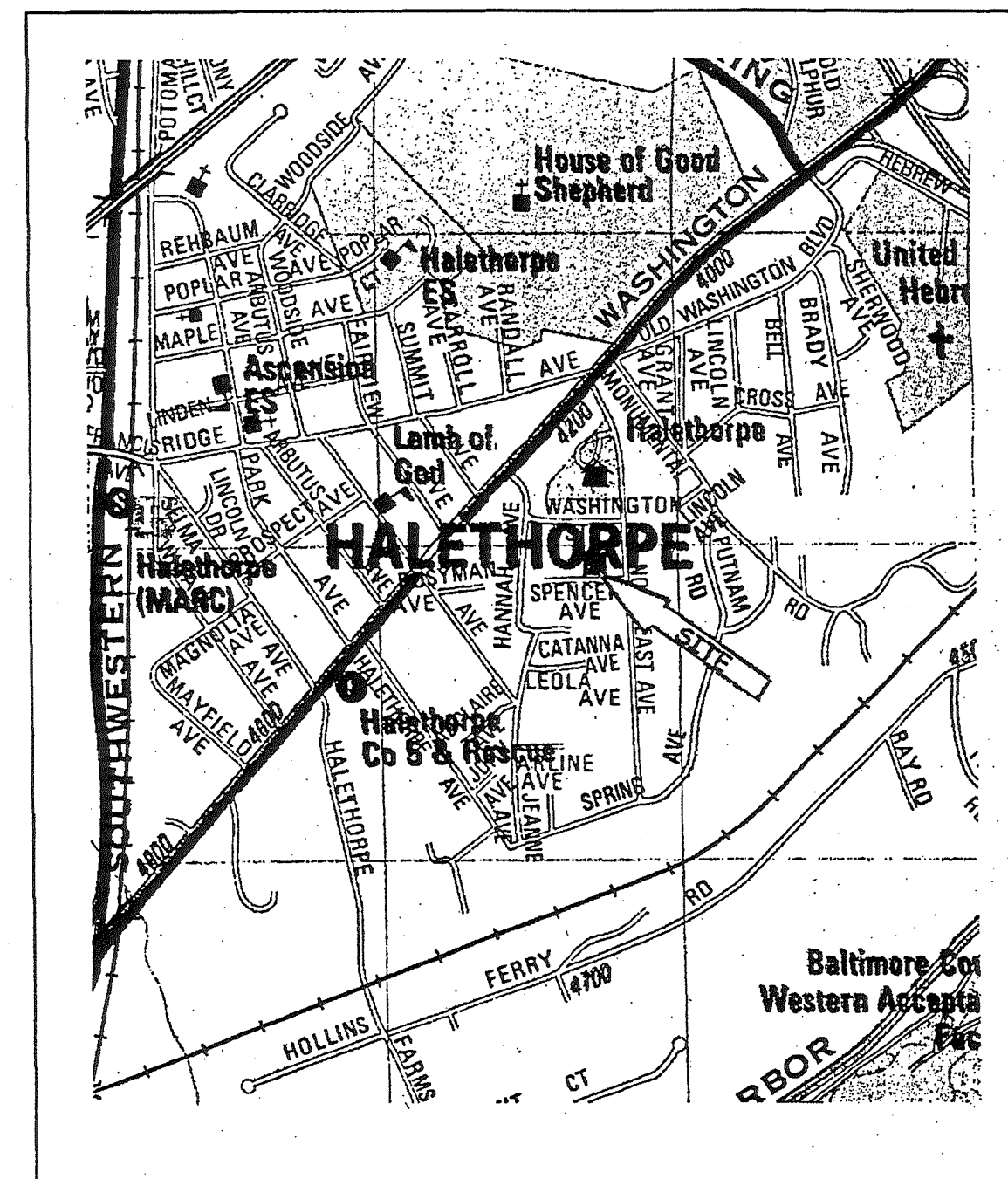
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600



4304 SPENCER STREET

LOT 22 "EAST HALETHORPE" (7:17)
1ST COUNCIL DIST.
13TH EL DIST BALTIMORE CO, MD.
SCALE 1"=20' JOB NO. 10-1312

PETITIONER'S
EXHIBIT NO. 1A



VICINITY MAP- NOT TO SCALE