

**IN RE: PETITION FOR VARIANCE**

NE side of Overbrook Road, 71.74 feet

SE of Banbury Road

9<sup>th</sup> Election District

5<sup>th</sup> Councilmanic District

**(802 Overbrook Road)**

Baltimore County, Md.

*Petitioner*

\*

BEFORE THE

\*

OFFICE OF ADMINISTRATIVE

\*

HEARINGS FOR

\*

BALTIMORE COUNTY

\*

**CASE NO. 2011-0358-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by Baltimore County, a body politic, through Real Estate Compliance, Department of Permits, Approvals and Inspections (PAI). Petitioner requests Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit:

- For a minimum net lot area of 5,997 sq. ft. in lieu of the required 6,000 sq. ft; and
- For a minimum lot width of 46.7 feet in lieu of the required 55 feet, and
- For a side yard setback of 3 feet in lieu of the required 10 feet.

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.

Appearing at the requisite public hearing in support of the variance request and representing Baltimore County were Lois M. Bergman, Stephen Knable and Emily Iacchei, Esquire, all representatives of the Department of Permits, Approvals and Inspections, Real Estate Compliance Division, and Amy Hicks Grossi, attorney at law, representing Baltimore County. Appearing in opposition to the Petitioner's request were many residents of the surrounding neighborhood, all of whom signed in on the Citizen's Sign-in Sheet and whose names are too

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By

numerous to mention. Reference is made to the Citizen's Sign-in Sheet included within the file for specific names and addresses. It should be noted that Patrick Kelly, the adjacent property owner, appeared and was represented by counsel, Adam Baker, Esquire with the firm of Whiteford Taylor and Preston.

Testimony and evidence offered indicated that the property which is the subject of these variance requests is identified as Lot numbers 93 and 94 located within Section A of the Idlewylde community here in the Towson area of Baltimore County. The property has a street addresses of 802 Overbrook Road. The subject lots are recorded in Plat Book #7, Folio 140 contained within the land records of Baltimore County. The plat for the Idlewylde subdivision was recorded in May, 1924. The property at this time is unimproved; however, it was improved with a single family residential dwelling which was recently torn down by Baltimore County government. The property has been vacant for almost one year.

Baltimore County government by and through Amy Hicks Grossi, their attorney, filed three variance requests for the subject lots. A number of residents appeared at the hearing in opposition to the County's requested variances. Shortly after the hearing, counsel for Baltimore County presented to this Office a written request to withdraw one of the variances specifically relating to Section 1B02.3.C.1 which requested a 3 foot side yard setback in lieu of the required 10 feet. That particular variance request has been withdrawn.

The County is seeking an Order on the two remaining variance requests, namely from Section 1B02.3.C.1 to approve a minimum net lot area of 5,997 square feet in lieu of the required 6,000 square feet, and from Section 1B02.3.C.1 for a minimum lot width of 46.7 feet in lieu of the required 55 feet. In essence, the County is requesting variance relief from the fact that the property located at 802 Overbrook Road is deficient in lot area by a mere 3 square feet and also

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deficient in lot width in that the width of the lot is 46.7 feet in lieu of the required 55 feet. Testimony and evidence offered and the exhibits submitted into evidence demonstrated that there are other lots in the Idlewylde community that do not maintain the necessary lot width or lot size to meet current regulations. This is mostly due to the fact that the lots within this residential subdivision were created in 1924, many years before Baltimore County adopted its zoning regulations.

The County Council, taking into account the fact that there are many lots in and around Baltimore County that were designed and developed prior to 1945, (the year wherein Baltimore County adopted its first zoning code) were undersized in both area and width adopted Section 304 of the B.C.Z.R. Section 304.1 of the B.C.Z.R. states as follows:

§ 304.1 Types of dwellings allowed; conditions.  
[Bill Nos. 64-1999; 28-2001]

Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

A clear reading of Section 304 of the B.C.Z.R. provides that no variance relief is necessary and the property is a buildable lot in that the property in question was duly recorded by a validly approved subdivision prior to March, 1955; that all other requirements of the height and area regulations are complied with; (the applicant has withdrawn their side yard variance request); and the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements of the zoning regulations. Therefore, withdrawing the side yard variance request

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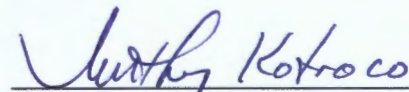
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renders the subject property an undersized single family lot for which Section 304 of the B.C.Z.R provides that no additional zoning relief is necessary and a one family detached or semi-detached dwelling may be constructed on this property.

Inasmuch as Section 304 is applicable to this property, the variance relief requested by this applicant is unnecessary and shall be dismissed.

THEREFORE, IT IS ORDERED this 31<sup>st</sup> day of August, 2011 by this Administrative Law Judge that Petitioner's request for Variance relief for 802 Overbrook Road be and is hereby DISMISSED, as Section 304 of the Baltimore County Zoning Regulations is applicable and renders the subject property a buildable lot.

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

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8-31-11

By

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KEVIN KAMENETZ  
*County Executive*

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

August 31, 2011

AMY HICKS GROSSI, ESQUIRE  
ASSISTANT COUNTY ATTORNEY  
REAL ESTATE COMPLIANCE  
PERMITS, APPROVALS AND INSPECTIONS  
111 WEST CHESAPEAKE AVENUE, ROOM 319  
TOWSON MD 21204

Re: Petition for Variance  
Case No. 2011-0358-A  
Property: 802 Overbrook Road

Dear Ms. Hicks Grossi:

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

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

Enclosure

c: Adam D. Baker, Esquire, Whiteford, Taylor & Preston LLP, Towson Commons, Suite 300,  
One West Pennsylvania Avenue, Towson, MD 21204-5025  
Jennifer Hannum, 804 Overbrook Road, Baltimore MD 21239  
Brian Parrish, 805 Overbrook Road, Towson MD 21239  
Victoria Glose, 807 Overbrook Road, Towson MD 21239  
Jasvar Singh, 6319 Southwood Road, Baltimore MD 21239

TK 7/21  
11 Am

**IN RE: PETITION FOR VARIANCE**  
N Side of Overbrook Road, 50'E  
c/I of Banbury Road  
9<sup>th</sup> Election District  
5<sup>th</sup> Council District  
(802 Overbrook Road)  
  
Baltimore County, Maryland  
*Petitioner*

\* BEFORE THE  
\* OFFICE OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* **CASE NO. 2011-0358-A**

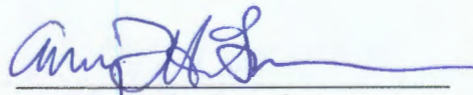
\* \* \* \* \*

**REQUEST FOR WITHDRAWAL OF**  
**VARIANCE REQUEST**

Baltimore County, Maryland, by Amy L. Hicks Grossi, Assistant County Attorney, pursuant to Rule 4F, Code of Baltimore County Regulations, Rules of Practice and Procedure Before the Zoning Commissioner/ Hearing Officer of Baltimore County, respectfully requests to withdraw its variance request in the above captioned matter seeking a side yard setback of 3' in lieu of the required 10'.

The balance of the Petition, specifically variance requests for relief from the minimum area and minimum lot width requirements of Baltimore County Zoning Regulations §1B02.3 C1 shall remain for consideration as filed.

Respectfully submitted,



Amy L. Hicks Grossi  
Assistant County Attorney

**RECEIVED**

**JUL 25 2011**

**OFFICE OF ADMINISTRATIVE HEARINGS**

Real Estate Compliance  
Permits, Approvals and Inspections  
111 W. Chesapeake Ave, Rm 319  
Towson, MD 21204  
*Attorney for the Petitioner*

cc:

Adam Baker, Esq.  
Whiteford Taylor Preston, LLP  
1 W. Pennsylvania Ave., Suite 300  
Towson, MD 21204

Jennifer Hannum  
804 Overbrook Rd.  
Baltimore, MD 21239

Jasuar Singh  
6319 Southwind Rd.  
Baltimore, MD 21239

Brian Parrish  
805 Overbrook Rd  
Baltimore, MD 21239

Victoria Glose  
807 Overbrook Rd  
Baltimore, MD 21239

Patrick Kelly  
800 Overbrook Rd  
Baltimore, MD 21239



# Petition for Variance

to the Zoning Commissioner of Baltimore County for the property  
located at 802 Overbrook Road, Baltimore, Maryland 21239  
which is presently zoned DR 5.5

Deed Reference: 30177 / 404 Tax Account # 0906450240

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)

1. From §1B02.3 C1 - For a minimum net lot area of 5,997 sq. ft. in lieu of the required 6,000 sq. ft.
2. From § 1B02.3 C1 - For a minimum lot width of 46.7 in lieu of the required 55'.
3. From § 1B02.3 C1 - For a side yard setback of 3' in lieu of the required 10'

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

Said property was acquired via tax sale and improved with a structure in poor condition which necessitated the removal of same. Said lot does not meet the minimum lot size and setback requirements and cannot meet the current DR 5.5. zoning setback requirements needed to obtain a building permit. If the variance is not approved, then Baltimore County has a substandard lot that could not be developed and would be hard to market. Approval of the variance would allow the lot to be developed and placed back on the Tax Rolls.

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):

Baltimore County, Maryland  
Name - Type or Print \_\_\_\_\_  
Signature *Shirley M. Murphy* \_\_\_\_\_  
Shirley M. Murphy, Chief  
Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_  
Court House, \_\_\_\_\_ 410-887-3269  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Towson MD 21204  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Representative to be Contacted:

Shirley M. Murphy, Chief Real Estate Compliance  
Name \_\_\_\_\_  
County Office Bldg, 111 W Chesapeake Ave 410-887-3251  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Towson MD 21204  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Case No. 2011-0358-A

## Office Use Only

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Estimated Length of Hearing \_\_\_\_\_  
Unavailable For Hearing \_\_\_\_\_

REV 8/20/07

Date 8-31-11

Reviewed by JNP

Date 6/14/2011

By [Signature]

ZONING DESCRIPTION FOR: 802 OVERBROOK ROAD, BALTIMORE, MARYLAND 21239

BEGINNING for the same on the northeast side of Overbrook Road (formerly called Wakeford Road) at the distance of seventy-one and forty-one one-hundredths feet southeasterly from the centerline of Banbury Road, thence southeasterly along the northeast side of Overbrook Road 50 ft. to the west side of Lot 95 thence northerly along the west side of Lot 95 one hundred thirty-seven and thirty five one-hundredths feet to the south side of Lot 90 thence westerly along the south side of Lot 90 forty-six and seventy one-hundredths ft. to the east side of Lot 92 and thence southerly along the east side of Lot 92 one hundred nineteen and forty-seven one-hundredths feet to the place of beginning.

BEING Lots Nos. 93 and 94 as laid out on the Plat of Idlewylde, Section A, which plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folio 140, etc.

The improvement thereon being known as No. 802 Overbrook Road and is located located in the Ninth Election District, Fifth Councilmanic district of Baltimore County, Maryland.

2011-0358-A

**NOTICE OF ZONING  
HEARING**

The Administrative Hearings 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: # 2011-0358-A**  
802 Overbrook Road  
N/east side of Overbrook Road, 71.41 feet S/east of Banbury Road  
9th Election District  
5th Councilmanic District  
Legal Owner(s): Baltimore County, MD

**Variance:** to permit for a minimum net lot area of 5,997 sq. ft. in lieu of the required 6,000 sq. ft.; for a minimum lot width of 46.7 ft. in lieu of the required 55 ft. and for a side yard setback of 3 ft. in lieu of the required 10 ft.

**Hearing:** Thursday, July 21, 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.

JT 7/613 July 5 280326

## CERTIFICATE OF PUBLICATION

7/21 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 7/5 2011.

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

S. Wilkinson

LEGAL ADVERTISING

# ZONING

## NOTICE

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWNSHIP, MARYLAND

Case #: 2011-0358-A

PLACE: ROOM 205, JEFFERSON BUILDING  
105 WEST CHESTER AVE

TIME & DATE: THURSDAY, JULY 21, 2011 AT 11:00 A.M.  
VARIANCE TO PERMIT FOR A MINIMUM NET LOT AREA  
OF 2,500 SQUARE FEET IN LIEU OF THE REQUIRED  
8,000 SQUARE FEET FOR A MINIMUM LOT WIDTH OF  
44.3 FEET IN LIEU OF THE REQUIRED 55 FEET, AND FOR  
A SIDE YARD SETBACK OF 3 FEET IN LIEU OF THE  
REQUIRED 10 FEET

DO NOT REMOVE THIS SIGN  
UNTIL THE DAY OF THE HEARING.  
UNDER PENALTY OF LAW  
HEARINGS ARE PUBLIC AND ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, July 5, 2011 Issue - Jeffersonian

Please forward billing to:

Lois Bergman  
Real Estate Compliance  
111 West Chesapeake Avenue, Rm. 319  
Towson, MD 21204

410-887-3269

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## NOTICE OF ZONING HEARING

The Administrative Hearings 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: 2011-0358-A**

802 Overbrook Road

N/east side of Overbrook Road, 71.41 feet S/east of Banbury Road

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Baltimore County, MD

Variance to permit for a minimum net lot area of 5,997 sq. ft. in lieu of the required 6,000 sq. ft.; for a minimum lot width of 46.7 ft. in lieu of the required 55 ft. and for a side yard setback of 3 ft. in lieu of the required 10 ft.

Hearing: Thursday, July 21, 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  
June 28, 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: 2011-0358-A**

802 Overbrook Road

N/east side of Overbrook Road, 71.41 feet S/east of Banbury Road

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Baltimore County, MD

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Hearing: Thursday, July 21, 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", is written over the printed name and title.

Arnold Jablon  
Director

AJ:kl

C: Shirley Murphy, Real Estate Compliance, Rm. 219, COB

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 6, 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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2016-0358-A  
Petitioner: Baltimore County, Maryland  
Address or Location: 802 Overbrook Road

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Lois M. Bergman  
Address: Real Estate Compliance, County Office Building, Room 319  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
Telephone Number: 410-887-3269

Revised 2/17/11 DT



KEVIN KAMENETZ  
*County Executive*

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

July 11, 2011

Shirley M. Murphy,  
Chief Real Estate Compliance  
County Office Building  
111 W. Chesapeake Avenue  
Towson, MD 21204

RE: Case Number 2011-0358-A, 802 Overbrook Road

Dear Ms. Murphy,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 14, 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 stylized with a large, flowing "W" and a prominent "J" at the end.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

TK 7/21 11 AM 2011

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

**DATE:** July 7, 2011

**FROM:** Andrea Van Arsdale  
Director, Office of Planning

**SUBJECT:** 802 Overbrook Road  
**INFORMATION:**

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**Item Number:** 11-358

OFFICE OF ADMINISTRATIVE HEARINGS

**Petitioner:** Shirley M. Murphy

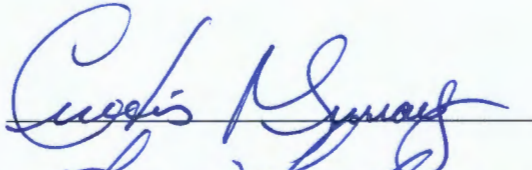
**Zoning:** DR 5.5

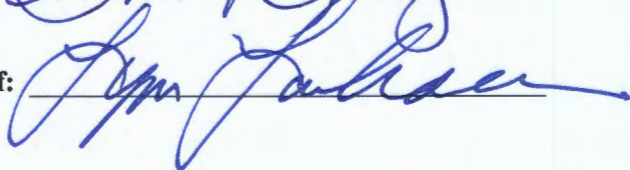
**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner shall submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permits.

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

**Prepared by:** 

**Division Chief:**   
AVA/LL: CM



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

State Highway  
Administration

Beverley K. Swain-Stalcy, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 6-22-2011

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

RE: Baltimore County  
Item No. 2011-0358-A  
802 OVERBROOK RD  
SHIRLEY M. MURPHY  
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. 2011-0358-A.

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,

For 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](http://www.marylandroads.com)



KEVIN KAMENETZ  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

June 28, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **June 20, 2011**

Item No.:

**Special Hearing:** 2011-0355-SPHA, 2011-0357-SPHA

**Administrative Variance:** 2011-0352A – 0354A

**Variance:** 2011-0355-SPHA, 2011-0356A, 2011-0357-SPHA, 2011-0358A

**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, 3<sup>RD</sup> 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: June22, 2011

FROM: <sup>DAK</sup>Dennis A. Kennedy, Supervisor  
Bureau of Development Plans  
Review

SUBJECT: Zoning Advisory Committee Meeting  
For July 05, 2011  
Item Nos. 2011-138, 352, 353, 354, ~~355~~, 356, 357  
And 358.

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-07052011 -NO COMMENTS.d oc

**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 30, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-358-A  
Address 802 Overbrook Road  
(Durkin Property)

Zoning Advisory Committee Meeting of July 5, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

**RECEIVED**

**JUL 01 2011**

**OFFICE OF ADMINISTRATIVE HEARINGS**

|                                                                   |   |                    |
|-------------------------------------------------------------------|---|--------------------|
| RE: PETITION FOR VARIANCE                                         | * | BEFORE THE         |
| 802 Overbrook Road; NE/S Overbrook Road,                          | * | ADMINISTRATIVE LAW |
| 71.41' Se of Banbury Road                                         | * |                    |
| 9 <sup>th</sup> Election & 5 <sup>th</sup> Councilmanic Districts | * | JUDGE FOR          |
| Legal Owner(s): Shirley Murphy, Baltimore                         | * |                    |
| County, Maryland                                                  | * | BALTIMORE COUNTY   |
| Petitioner(s)                                                     | * |                    |
|                                                                   | * | 2011-358-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

JUN 21 2011

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21<sup>st</sup> day of June, 2011, a copy of the foregoing Entry of Appearance was mailed to Shirley Murphy, Chief Real Estate Compliance, 111 W. Chesapeake Avenue, Towson, Maryland 21204, Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

**From:** Curtis Murray  
**To:** Wiley, Debra  
**CC:** Lanham, Lynn  
**Date:** 6/28/2011 11:48 AM  
**Subject:** Re: ZAC Comments

Hi Debbie,

11-138- Was sent on 6/24 ✓ *Reid*  
11-352-354- We Administrative, No Comment sent to ALJ  
11-355-358- Comments have not been generated as of today.

Have great day :O),

Curtis J. Murray  
Development Planner  
Baltimore County Office of Planning  
105 W. Chesapeake Avenue, Suite 101  
Towson, MD 21204  
Phone (410) 887-3480  
Fax (410) 887-5862  
cjmurray@baltimorecountymd.gov

>>> Debra Wiley 06/23/11 3:48 PM >>>

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2011-0138-SPHA - 9601 Liberty Road ✓  
(REMANDED back to OAH from Board of Appeals)

2011-0352-A (Administrative Variance) - 13 Campitelli Court (Closing Date 7/4/10)  
2011-0353-A (Administrative Variance) - 7512 Knollwood Rd. (Closing Date 7/4/10)  
2011-0354-A (Administrative Variance) - 5701 Emory Rd. (Closing Date 7/4/10)

2011-0355-SPHA -14425-14423 Thornton Mill Road  
(No Hearing Date reflected in data base as of today)

2011-0356-A - 68 Del Rio Road  
(No Hearing Date reflected in data base as of today)

2011-0357-SPHA - 1407 Vesper Ave.  
(No Hearing Date reflected in data base as of today)

2011-0358-A - 802 Overbrook Rd.  
(No Hearing Date reflected in data base as of today)

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

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

**Account Identifier:** District - 09 Account Number - 0906450240

**Owner Information**

|                         |                                                     |                             |                       |
|-------------------------|-----------------------------------------------------|-----------------------------|-----------------------|
| <b>Owner Name:</b>      | BALTIMORE COUNTY MARYLAND                           | <b>Use:</b>                 | EXEMPT                |
| <b>Mailing Address:</b> | 25-SP-2010-013<br>OLD COURTHOUSE<br>TOWSON MD 21204 | <b>Principal Residence:</b> | NO                    |
|                         |                                                     | <b>Deed Reference:</b>      | 1)/30177/ 00404<br>2) |

**Location & Structure Information**

|                            |                           |
|----------------------------|---------------------------|
| <b>Premises Address</b>    | <b>Legal Description</b>  |
| 802 OVERBROOK RD<br>0-0000 | LT 93,94<br><br>IDLEWYLDE |

| Map  | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:                |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|-------------------------|
| 0080 | 0003 | 0128   |              | 0000        | A       |       | 93  | 2               | Plat Ref: 0007/<br>0140 |

|                          |                   |      |
|--------------------------|-------------------|------|
| <b>Special Tax Areas</b> | <b>Town</b>       | NONE |
|                          | <b>Ad Valorem</b> |      |
|                          | <b>Tax Class</b>  |      |

|                                |                      |                           |                   |
|--------------------------------|----------------------|---------------------------|-------------------|
| <b>Primary Structure Built</b> | <b>Enclosed Area</b> | <b>Property Land Area</b> | <b>County Use</b> |
|                                |                      | 5,952 SF                  | 01                |

|                |                 |             |                 |
|----------------|-----------------|-------------|-----------------|
| <b>Stories</b> | <b>Basement</b> | <b>Type</b> | <b>Exterior</b> |
|                |                 |             |                 |

**Value Information**

|                           | Base Value | Value      | Phase-in Assessments |            |
|---------------------------|------------|------------|----------------------|------------|
|                           |            | As Of      | As Of                | As Of      |
|                           |            | 01/01/2011 | 07/01/2010           | 07/01/2011 |
| <b>Land</b>               | 98,500     | 98,500     |                      |            |
| <b>Improvements:</b>      | 0          | 0          |                      |            |
| <b>Total:</b>             | 98,500     | 98,500     | 229,280              | 98,500     |
| <b>Preferential Land:</b> | 0          |            |                      | 0          |

**Transfer Information**

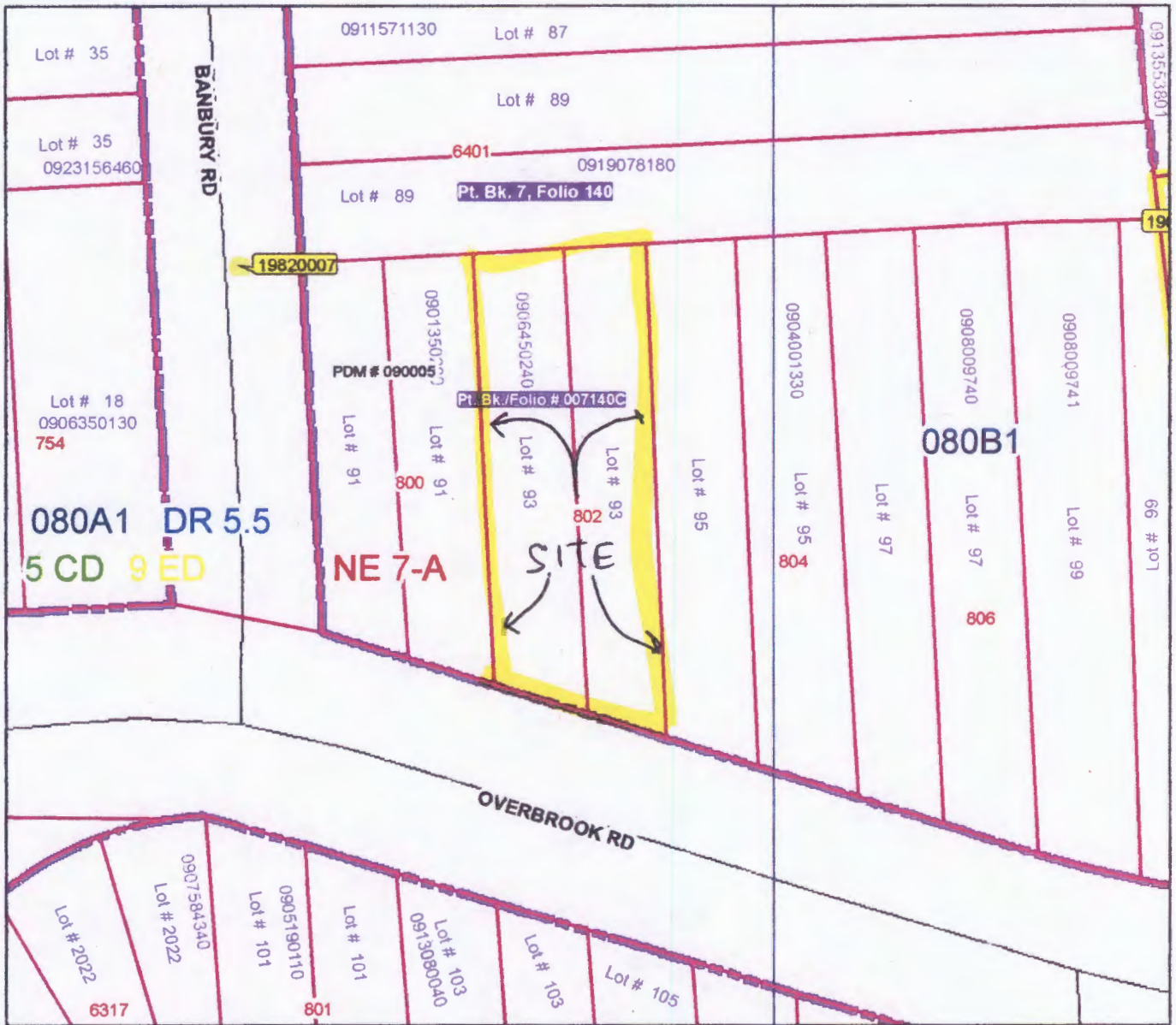
|                |                       |               |               |               |     |
|----------------|-----------------------|---------------|---------------|---------------|-----|
| <b>Seller:</b> | FORNEY JAMES E        | <b>Date:</b>  | 11/24/2010    | <b>Price:</b> | \$0 |
| <b>Type:</b>   | NON-ARMS LENGTH OTHER | <b>Deed1:</b> | /30177/ 00404 | <b>Deed2:</b> |     |
| <b>Seller:</b> | FORNEY KENNETH D      | <b>Date:</b>  | 12/01/1983    | <b>Price:</b> | \$0 |
| <b>Type:</b>   | NON-ARMS LENGTH OTHER | <b>Deed1:</b> | /06632/ 00583 | <b>Deed2:</b> |     |
| <b>Seller:</b> |                       | <b>Date:</b>  |               | <b>Price:</b> |     |
| <b>Type:</b>   |                       | <b>Deed1:</b> |               | <b>Deed2:</b> |     |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2011 | 07/01/2012 |
|----------------------------|-------|------------|------------|
| <b>County</b>              | 540   | 98,500.00  | 0.00       |
| <b>State</b>               | 540   | 98,500.00  | 0.00       |
| <b>Municipal</b>           | 540   |            | 0.00       |

|                      |                   |                               |
|----------------------|-------------------|-------------------------------|
| <b>Tax Exempt:</b>   |                   | <b>Special Tax Recapture:</b> |
| <b>Exempt Class:</b> | TAX SALE PROPERTY | * NONE *                      |

802 Overbrook Road



Publication Date: June 09, 2011  
Publication Agency: Department of Permits & Development Management  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot



A horizontal scale bar with markings at 0, 40, and 80. The word "Feet" is written at the right end of the bar.

1 inch = 40 feet

2011-0358-A

CASE NAME 802 Overbrook Rd.  
CASE NUMBER 2011-0358-A  
DATE 7/24/11

NAME Hannum

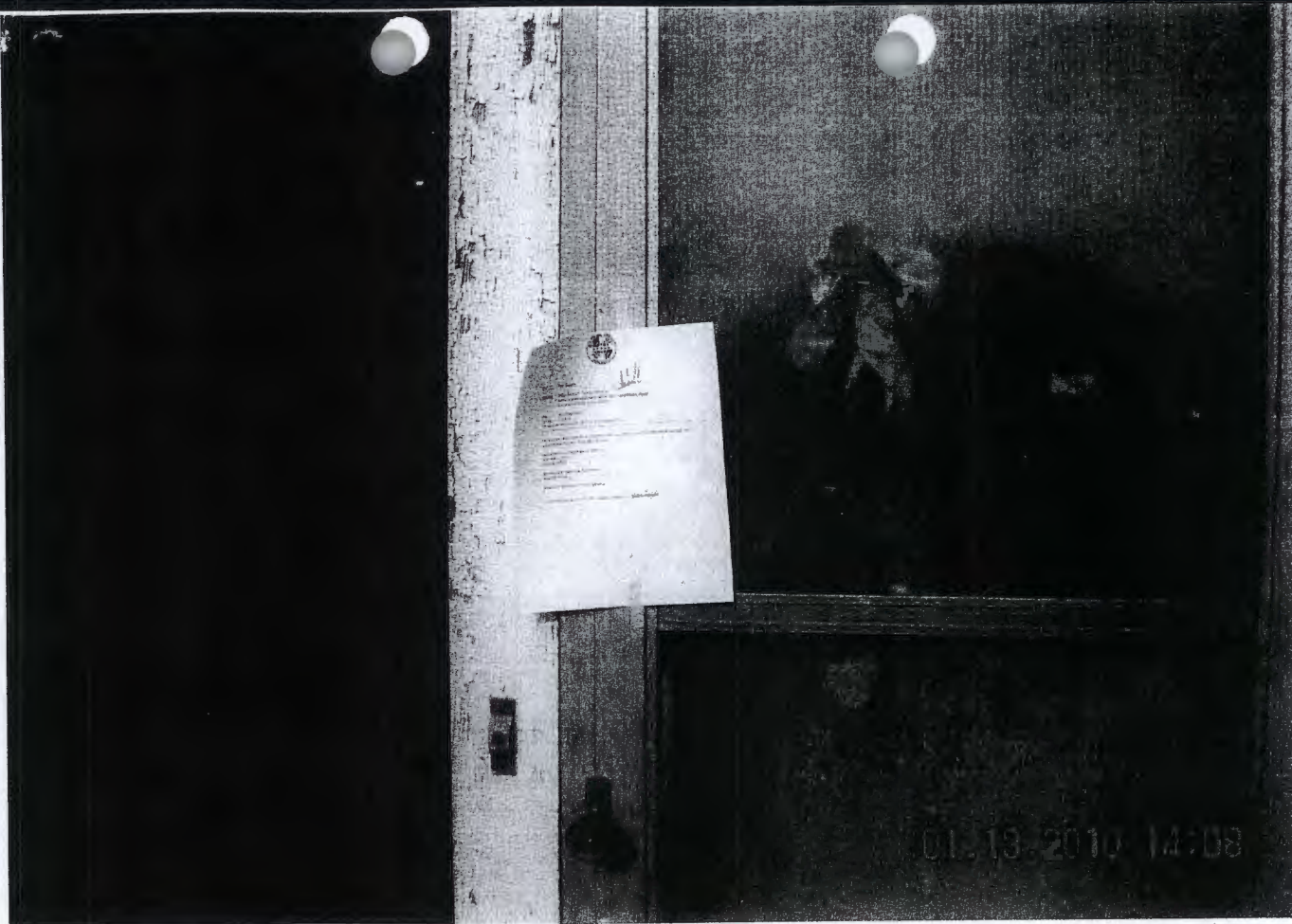
CITY, STATE, ZIP

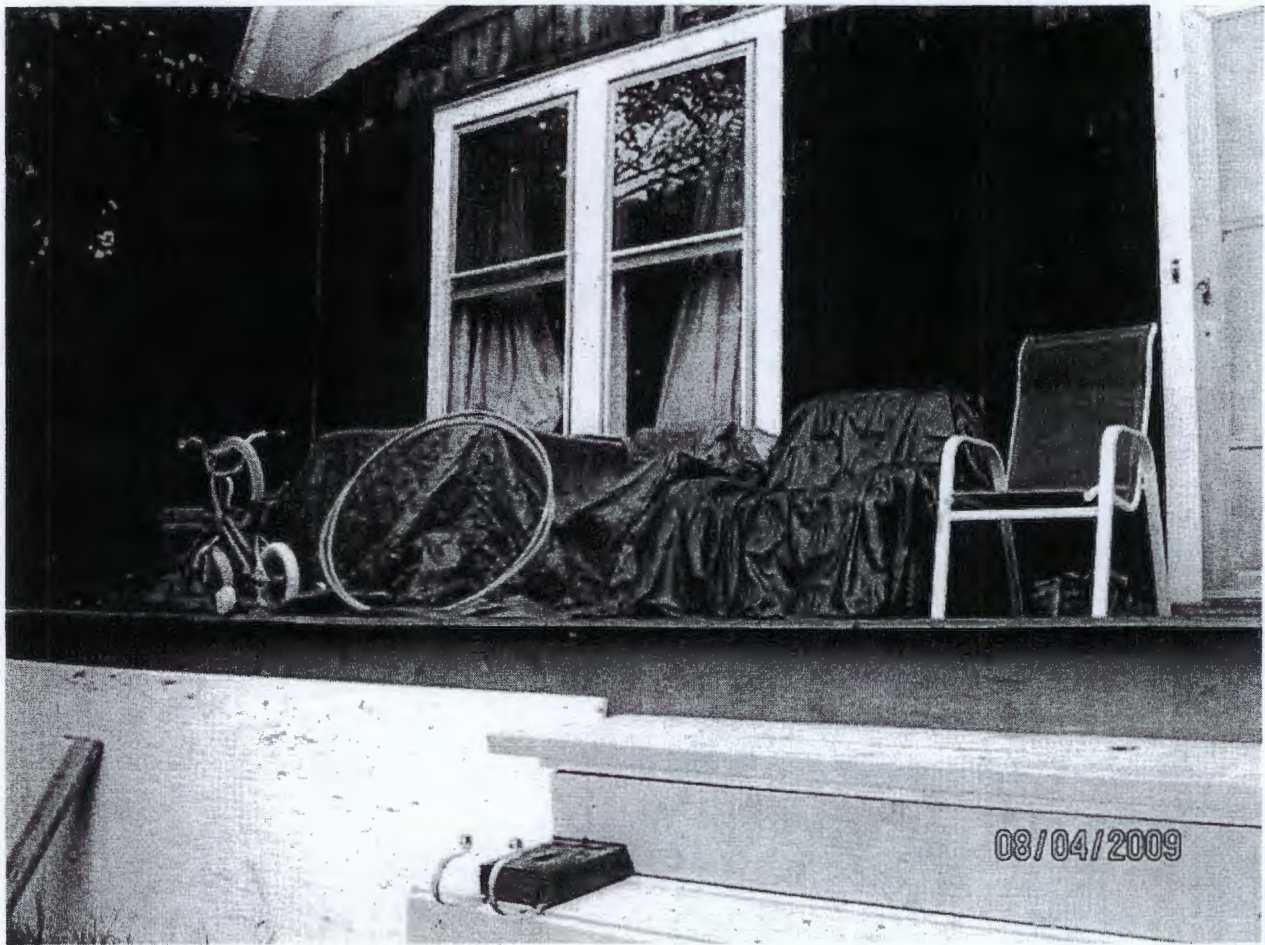
E-MAIL

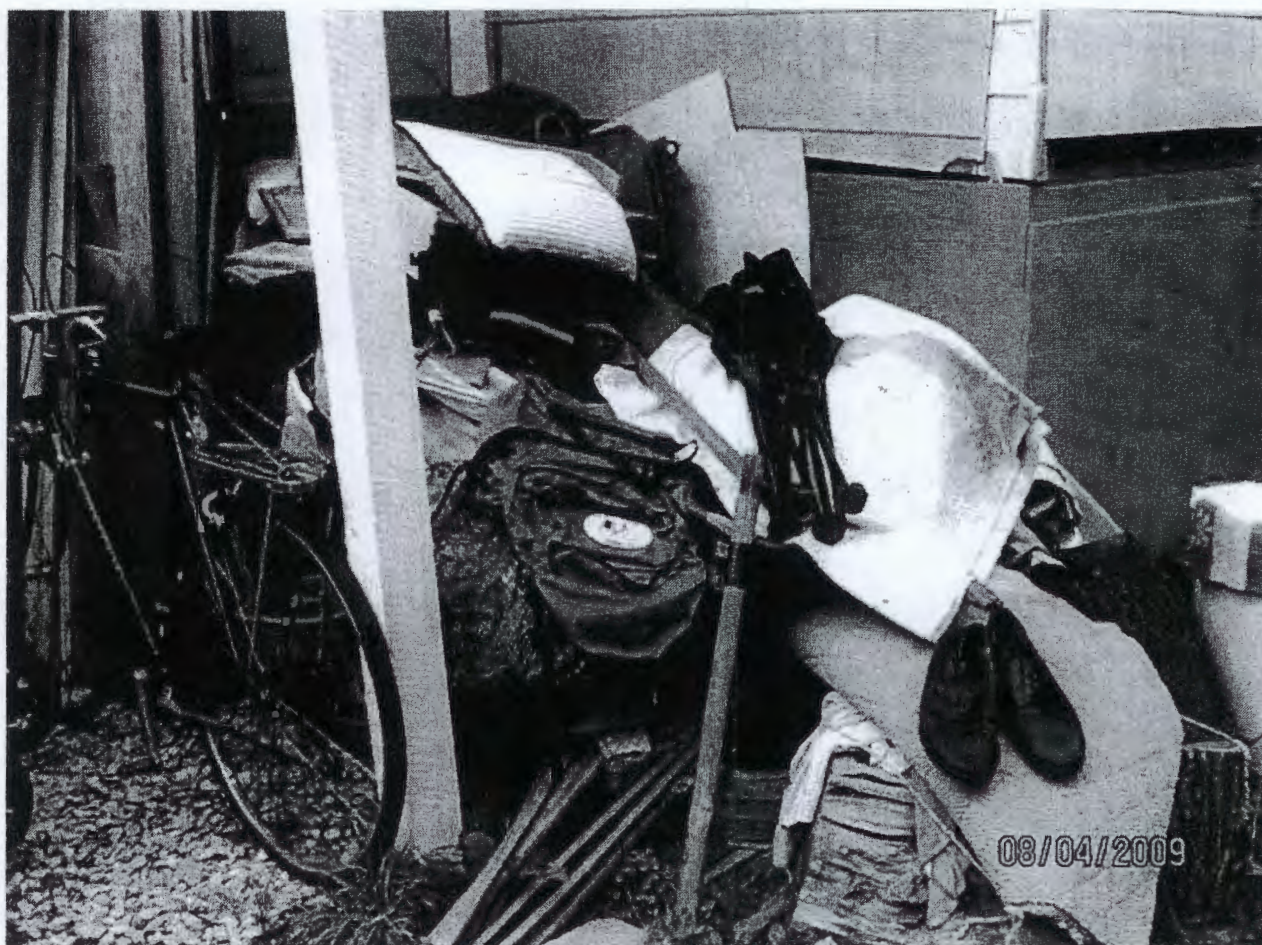
[illegible]

CASE NAME 802 Overbrook Rd.  
CASE NUMBER 2011-0358 -A  
DATE 7-21-11

[illegible]











804 Overbrook Road  
Baltimore, MD 21239

**PROTESTANT' S**

**EXHIBIT NO.**

1

July 21, 2011

Zoning Commissioner  
Baltimore County  
105 W Chesapeake Ave # 103  
Baltimore, MD 21204-4710

Subject: Opposition to proposed Petition for Variance at 802 Overbrook Road, Baltimore, MD 21239; Case No. 2011-0358-A

To Whom It May Concern,

I am submitting this letter in writing to formally oppose the Petition for Variance at 802 Overbrook Road, Baltimore, MD 21239. I am the adjacent property owner at 804 Overbrook Road.

The Petition for Variance submitted by Baltimore County, the property owner, state that the "[s]aid property was acquired via tax sale and improved with a structure in poor condition which necessitated the removal of same. Said lot does not meet the minimum lot size and setback requirements and cannot meet the current DR 5.5 zoning setback requirements needed to obtain a building permit. If the variance is not approved, then Baltimore County has a substandard lot that could not be developed and would be hard to market."

Below, please find a photo of the structure that was previously on the parcel.



Photo 1: Structure at 802 Overbrook Road prior to demolition.

As you can see by the photo, the previous structure on the property was of an adequate size and scale with the original lot size and setbacks of 10ft on each side of the property. The existing structure was listed as 1,100 sq. ft. In comparison, the square footage of the remaining houses on the 800 block of Overbrook Road are as follows:

800 Overbrook – 1,512 sq. ft.  
801 Overbrook – 930 sq. ft.  
802 Overbrook – 1,100 sq. ft.-property under consideration  
803 Overbrook – 856 sq. ft.  
804 Overbrook – 823 sq. ft.  
805 Overbrook – 1,369 sq. ft.  
806 Overbrook – 825 sq. ft.  
807 Overbrook – 988 sq. ft.

Each property listed was built with the original lot size and setbacks of 10ft. on each side of the property. Lot sizes for these homes range from 5,280 sq. ft. to 7,824 sq. ft. with 802 Overbrook listed at 5,952 sq. ft. The existing dimensions of the 802 Overbrook property are more than adequate to build a new single family home that is a size and scale appropriate for the existing character of the neighborhood. Given that there was a previous structure on the property that was an appropriate size and scale for the neighborhood, it is anticipated that any future owner of the property would easily be able to build a house within the existing lot size and setbacks. This Petition for Variance should be denied on the grounds that the property on which the potential structure will be placed is not unique, not unusual and not different from the surrounding properties. On this property there is no existing uniqueness that causes the zoning provision to impact more on the subject property than on the surrounding properties. Nor are the difficulties or hardship peculiar to the subject property in contrast with other properties in the zoning district. Any 2011 standards applied in zoning this property are not appropriate to an existing and intact neighborhood built in the 1920's/1930's. The existing setbacks work in creating a harmonious and livable community.

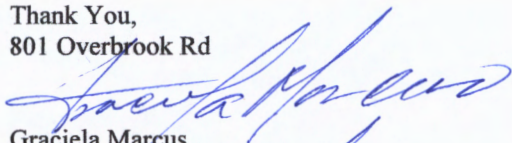
Additionally, Baltimore County bears some responsibility for the lack of an existing structure. If Baltimore County had enforced their own building and zoning codes on the former owner of 802 Overbrook Road, the structure may not have deteriorated to the point of condemnation. The County was lax in taking enforcement action against this property for numerous years resulting in not only losing the tax income from the property and the potential for a rehabilitated structure with taxpaying owners but also in wasting the time and money of the County enforcement staff. Numerous complaints were made to code enforcement, police enforcement and animal control over many years about this property. Had the enforcement officers been empowered to move forward with the enforcement of existing building, tax and animal control codes, there would likely be a house on the property and this variance would be unnecessary. Below please find a photo of the existing conditions at the house in 2010.

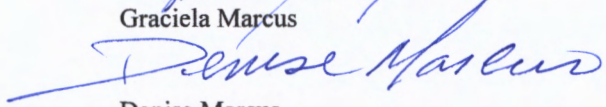
July 20, 2011

To whom it may concern,

We the neighbors of the lot at 802 Overbrook Rd , oppose the Petition for Variance. The lot is in no way unique to the other lots and therefore the code that has been applied to the other homes in the area should be applied to this property. The community sees no reason to have a new home built larger in scale to the others surrounding it. We value the distance that we have to our neighbors and oppose any change to the zoning on 802 Overbrook Rd.

Thank You,  
801 Overbrook Rd

  
Graciela Marcus

  
Denise Marcus

**PROTESTANT' S**

**EXHIBIT NO.** 2



# Permits & Development Management Daily Worksheet Report

Report Criteria:  
Employee(s): EE0000093 to EE0000093  
Scheduled Date(s): 10/06/08 to 10/07/08  
PE Range: EN01 to EN04

|                  |                    |                       |                      |                    |                      |               |                     |                 |
|------------------|--------------------|-----------------------|----------------------|--------------------|----------------------|---------------|---------------------|-----------------|
| <u>Record ID</u> | <u>AS/400 Case</u> | <u>Assigned To</u>    | <u>Assigned Date</u> | <u>Received By</u> | <u>Received Date</u> | <u>Status</u> | <u>Hearing Date</u> | <u>ADC Grid</u> |
| CO0031948        | 07-2693            | Latoshia Rumsey-Scott | 09/11/2008           | Lisa Henson        | 04/11/2007           | Open - Normal | 09/30/08 12:00:00AM | 27E11           |

**Complaint Description:** DEFECTIVE ROOF, DOWNSPOUT & GUTTERS, JT&D, REOPEN - HOUSE IN DISREPAIR, VAETHS@GMAIL.COM

|                                                                         |                                                          |                     |
|-------------------------------------------------------------------------|----------------------------------------------------------|---------------------|
| <u>Facility:</u>                                                        | <u>Owner :</u>                                           | <u>Complainant:</u> |
| FA0061157<br>PDM 0906450240<br>802 OVERBROOK RD<br>BALTIMORE, MD, 21239 | FORNEY JAMES E<br>802 OVERBROOK RD<br>BALTIMORE MD 21239 |                     |

**PETITIONER'S**

**EXHIBIT NO. 1**

## Daily Activity Details

|                      |                       |                      |                |                   |               |
|----------------------|-----------------------|----------------------|----------------|-------------------|---------------|
| <u>Serial Number</u> | <u>Inspector</u>      | <u>Activity Date</u> | <u>Service</u> | <u>Result</u>     | <u>Action</u> |
| DA0000118            | Latoshia Rumsey-Scott | 09/15/2008           | REINSPECTION   | OUT TO CONTRACTOR | MONITOR       |

Inspector Notes: \*\* 09/15/08 awaiting contractor cleanup

## Violation Details

**Violation Record ID:** IV0000206      **Comply By:** 10/07/2008      **Complied On:**      **Status:** 05  
**Program Category/Section Source:** BCC Public Health, Safety, Environment - Nuisances/BCC      **Violation Description** Garbage, Rubbish, Trash, Manure-Storage  
**Correction Text:** Cease the storage of any garbage, rubbish, trash, or manure that may become a food source for rats.  
**Violation Text:** Sec. 13-7-310(a): A person may not place, leave, dump, or allow to accumulate any garbage, rubbish, trash, or manure in an improved or vacant building or premises, or on any open lot or alley so that the garbage, rubbish, trash, or manure may become food for rats or a rat harborage.  
**Violation Comment:**

**Violation Record ID:** IV0000207      **Comply By:** 10/07/2008      **Complied On:**      **Status:** 05  
**Program Category/Section Source:** BCC Public Health, Safety, Environment - Nuisances/BCC      **Violation Description** Lumber, Boxes, Bricks, Etc.-Accumulation  
**Correction Text:** Stack or pile on open racks lumber, boxes, bricks, etc. 18 inches above the ground.  
**Violation Text:** Sec. 13-7-312(a)(2): A person may not accumulate or allow the accumulation of lumber, boxes, barrels, cans, leaves, brush, tree limbs, bricks, stones, containers, or similar materials on any premises, improved or vacant, or on any open lot or alley if the accumulation is conducive to a rat harborage unless piled or stacked on open racks that are elevated at least 18 inches above the ground.  
**Violation Comment:** Awaiting Contractor Clean up

|                      |                       |                      |                |                   |                 |
|----------------------|-----------------------|----------------------|----------------|-------------------|-----------------|
| <u>Serial Number</u> | <u>Inspector</u>      | <u>Activity Date</u> | <u>Service</u> | <u>Result</u>     | <u>Action</u>   |
| DA0001437            | Latoshia Rumsey-Scott | 09/23/2008           | REINSPECTION   | NOT IN COMPLIANCE | CITATION ISSUED |

Inspector Notes: \*\*\* 09/22/08 CITATION ISSUED HEARING SCHEDULED FOR 9 AM 09/30/08. PSTD & MAILED. P/U 09/28/08. LRS\*\*\*\*

## Violation Details

**Violation Record ID:** IV0001975      **Comply By:**      **Complied On:**      **Status:** 05  
**Program Category/Section Source:** BCZR Density Residential/DR      **Violation Description** Unlicensed Motor Vehicle - Not Permitted See 428  
**Correction Text:** Vehicle allowed for 15 days per calendar year then must be tagged, placed inside an enclosed garage or removed.  
**Violation Text:** Sec. 428: Not Permitted in DR zones.  
**Violation Comment:**



# Permits & Development Management Daily Worksheet Report

Report Criteria:  
Employee(s): EE0000093 to EE0000093  
Scheduled Date(s): 10/06/08 to 10/07/08  
PE Range: EN01 to EN04

Comment Details

| Type                  | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AS/400<br>PROBLEM 1-4 | AS/400: ***4/12/07, CITATION WRITTEN - HEARING 4/18/07, P/U 4/16/07 TO INSPECT BEFORE HEARING, SENT COPIES TO COMPL, POSTED PROP, SEE FILE 06-2548, AWG/CP*** **4/24/07 FINAL ORDER SENT TO JAMES FORNEY FILE TO A GRIFFIN /JF**<br>#292508 FILE TO A GRIFFIN /JF**<br>INV 292634, FILE TO AWG/CP*** **8/6/07 FINAL ORDER SENT TO JAMES FORNEY FILE TO A GRIFFIN /JF**<br>DISREPAIR /LMH***<br>P/U 10/26/07, CR/CP***<br>ISSUED - HEARING 12/4/07, PROP HAS NOT IMPROVED MUCH, REQUEST MADE TO CONTACT ME REGARDING DATE COMPLETED, PERMIT IN WINDOW IS NOT SIGNED/NOT ISSUED PROPERLY, P/U 11/15/07, CR/CP***<br>PHOTOS BEFORE HEARING, CR/CP***<br>WEEK, P/U 12/10/07 TO CHECK FOR ORDER, CR/CP***<br>12/20/07 FOR ORDER, CR/CP***<br>***12/12/07, LIEN \$10,000.00, CIVIL PENALTY, FILE TO CR/CP***<br>ISSUED INCLUDE O/D & J/Y, CR/CP***<br>KEEP GOING UNTIL COMPLIANCE IS REACHED, CR/CP***<br>1/30/08, LRS/CJ***<br>PER LAST HEARING, P/U 3/1/08 FOR PRE HEARING INSPECTION, P/U 3/1/08, LRS/CJ*** ON DOCKET FOR 2/26/08 /JF**<br>02/29/08 FINAL ORDER IMPOSES \$10,000.00 PENALTY. P/U 03/15/08 TO CHECK FOR APPEAL. LRS***<br>FORNEY /JF**<br>*** 03/04/08 IF APPEAL HAS NOT BEEN FILED. HOLD OFF TO SEE IF LIENS ARE PAID AT TAX SALE. LRS***<br>*** 05/01/08 NO APPEAL ON FILE. AWAITING TAX SALE. LRS***<br>OWES \$41,000.00 WHICH WAS NOT PAID BY 05/30/08. P/U 06/09/08 TO CHECK FOR NEW OWNER. LRS***<br>MAKE REPAIRS AND CLEAN PROPERTY OF DEBRIS AS NOTED IN THE LAST HEARING ORDER. LRS<br>/JF**<br>6/24/08 LETTER SENT /JF**<br>7/15/08, OWNER APPEARED ALONG W/NEIGHBOR, LRS/VR***<br>ORDER RECEIVED, \$26,000.00 IMPOSED, ORDERED TO CLEAN PROPERTY ON THE OUTSIDE W/ POLICE ESCORT. FILE TO GF TO SET UP CONTRACTOR.<br>LRS***<br>(GF).<br>OFFICER, & MR. MOHLER, MR. MOHLER SPOKE W/ OWNER OF PROPERTY WHO HAS PROMISED TO START REPAIRS WITHIN 30 DAYS(PORCH REPAIR WINDOWS) AND COMPLETE SHINGLE REPAIR BY 60 DAYS ,PER MR MOHLER HE WILL ALLOW ITEMS( WOOD, WINDOWS, SHINGLES, ETC) TO REMAIN BECAUSE MR FORNEY HAS PROMISED TO MAKE REPAIRS MR FORNEY ALSO STATED THAT HE WILL REMOVE SOME OF THE CATS FROM PROPERTY BY 07/28/08. ARC REMOVED SMALL AMOUNT OF DEBRIS, SUCH AS NEWSPAPERS AND CARDBOARD. P/U 08/24/08 TO REINSPECT. LRS***<br>08/26/08 PER MIKE MOHLER. RESEND CONTRACTOR TO PROPERTY. GAVE TO GF. LRS*** |

AS/400  
OWNER INFO

Owner Information: JAMES E FORNEY

TAX SALE # 2404

Mileage:



## Code Inspections & Enforcement Complaint Details Report

| <u>Record ID</u> | <u>AS/400 Case Number</u> | <u>Assigned To</u>    | <u>Received Date</u> | <u>Received By</u> | <u>Status</u> | <u>Hearing Date</u> | <u>ADC Grid</u> |
|------------------|---------------------------|-----------------------|----------------------|--------------------|---------------|---------------------|-----------------|
| 00031948         | 07-2693                   | Latoshia Rumsey-Scott | 04/11/2007           | Lisa Henson        | Open - Normal |                     | 27E11           |

**Complaint Description:** DEFECTIVE ROOF, DOWNSPOUT & GUTTERS, JT&D, REOPEN - HOUSE IN DISREPAIR, VAETHS@GMAIL.COM

Property:

0061157  
M 0906450240  
2 OVERBROOK RD  
BALTIMORE, MD, 21239

Owner:

FORNEY JAMES E  
802 OVERBROOK RD  
BALTIMORE MD 21239

Complainant:

Activity Details

| <u>Number</u> | <u>Inspector</u>      | <u>Activity Date</u> | <u>Service</u> | <u>Result</u>     | <u>Action</u> |
|---------------|-----------------------|----------------------|----------------|-------------------|---------------|
| 00000118      | Latoshia Rumsey-Scott | 09/15/2008           | REINSPECTION   | OUT TO CONTRACTOR | MONITOR       |

Inspector Notes: \*\* 09/15/08 awaiting contractor cleanup

Violation Details

|                                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                              |                                          |                     |  |                |    |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------|---------------------|--|----------------|----|
| <u>Violation Record ID:</u>             | IV0000206                                                                                                                                                                                                                                                                                                                                                                                                 | <u>Comply By:</u>            | 09/22/2008                               | <u>Complied On:</u> |  | <u>Status:</u> | 05 |
| <u>Program Category/Section Source:</u> | BCC Public Health, Safety, Environment - Nuisances/BCC                                                                                                                                                                                                                                                                                                                                                    | <u>Violation Description</u> | Garbage, Rubbish, Trash, Manure-Storage  |                     |  |                |    |
| <u>Correction Text:</u>                 | Cease the storage of any garbage, rubbish, trash, or manure that may become a food source for rats.                                                                                                                                                                                                                                                                                                       |                              |                                          |                     |  |                |    |
| <u>Violation Text:</u>                  | Sec. 13-7-310(a): A person may not place, leave, dump, or allow to accumulate any garbage, rubbish, trash, or manure in an improved or vacant building or premises, or on any open lot or alley so that the garbage, rubbish, trash, or manure may become food for rats or a rat harborage.                                                                                                               |                              |                                          |                     |  |                |    |
| <u>Violation Comment:</u>               |                                                                                                                                                                                                                                                                                                                                                                                                           |                              |                                          |                     |  |                |    |
| <u>Violation Record ID:</u>             | IV0000207                                                                                                                                                                                                                                                                                                                                                                                                 | <u>Comply By:</u>            | 09/22/2008                               | <u>Complied On:</u> |  | <u>Status:</u> | 05 |
| <u>Program Category/Section Source:</u> | BCC Public Health, Safety, Environment - Nuisances/BCC                                                                                                                                                                                                                                                                                                                                                    | <u>Violation Description</u> | Lumber, Boxes, Bricks, Etc.-Accumulation |                     |  |                |    |
| <u>Correction Text:</u>                 | Stack or pile on open racks lumber, boxes, bricks, etc. 18 inches above the ground.                                                                                                                                                                                                                                                                                                                       |                              |                                          |                     |  |                |    |
| <u>Violation Text:</u>                  | Sec. 13-7-312(a)(2): A person may not accumulate or allow the accumulation of lumber, boxes, barrels, cans, leaves, brush, tree limbs, bricks, stones, containers, or similar materials on any premises, improved or vacant, or on any open lot or alley if the accumulation is conducive to a rat harborage unless piled or stacked on open racks that are elevated at least 18 inches above the ground. |                              |                                          |                     |  |                |    |
| <u>Violation Comment:</u>               | Awaiting Contractor Clean up                                                                                                                                                                                                                                                                                                                                                                              |                              |                                          |                     |  |                |    |



# Code Inspections & Enforcement Complaint Details Report

## Comment Details

pe

/400 PROBLEM 1-4

### Comments

AS/400: \*\*\*4/12/07, CITATION WRITTEN - HEARING 4/18/07, P/U 4/16/07 TO INSPECT BEFORE HEARING, SENT COPIES TO COMPL, POSTED PROP, SEE FILE 06-2548, AWG/CP\*\*\* \*\*4/24/07 FINAL ORDER SENT TO JAMES FORNEY FILE TO A GRIFFIN /JF\*\*. \*\*4/30/07 LIEN \$2,500.00 CIVIL PENALTY INV #292508 FILE TO A GRIFFIN /JF\*\*. \*\*7/24/07 ON DOCKET FOR 8/1/07 FILE TO A GRIFFIN /JF\*\*. \*\*\*7/27/07, LIEN \$12,000.00, CIVIL PENALTY, INV 292634, FILE TO AWG/CP\*\*\* \*\*8/6/07 FINAL ORDER SENT TO JAMES FORNEY FILE TO A GRIFFIN /JF\*\*. \*\*\*9/21/07 REOPEN - HOUSE IN DISREPAIR /LMH\*\*\* \*\*9/26/07, 6 LIENS, PHOTOS TAKEN & RECORDED, FILE NOT IN LIGHT RAIL, LIEN TO BEIMPOSED, FILE TO RSW, P/U 10/26/07, CR/CP\*\*\* \*\*10/1/07, LIEN \$13,600.00, CIVIL PENALTY, INV 292796, FILE TO CR/CP\*\*\* \*\*10/29/07, NEW CITATION ISSUED - HEARING 12/4/07, PROP HAS NOT IMPROVED MUCH, REQUEST MADE TO CONTACT ME REGARDING DATE COMPLETED, PERMIT IN WINDOW IS NOT SIGNED/NOT ISSUED PROPERLY, P/U 11/15/07, CR/CP\*\*\* \*\*11/23/07, PROP SAME STATUS, CAMERA FULL, P/U 11/28/07 TO TAKE PHOTOS BEFORE HEARING, CR/CP\*\*\* XXXXXXXXXXXXXXXX \*\*\*11/29/07, SEVERAL PHOTOS, HEARING NEXT WEEK, P/U 12/10/07 TO CHECK FOR ORDER, CR/CP\*\*\* \*\*12/7/07, PROP STILL IN DISREPAIR, LIEN TO BE IMPOSED, P/U 12/20/07 FOR ORDER, CR/CP\*\*\* \*\*12/10/07 FINAL ORDER SENT TO JAMES FORNEY /JF\*\*. \*\*12/12/07, LIEN \$10,000.00, CIVIL PENALTY, FILE TO CR/CP\*\*\* \*\*12/20/07, LIEN IMPOSED, P/U 1/20/08 TO CHECK PROGRESS, IF NEW CITATION ISSUED INCLUDE O/D & J/Y, CR/CP\*\*\* \*\*12/27/07, CIVIL PENALTY OF \$10,000 IMPOSED, P/U 1/27/08, ISSUE NEW CITATION & KEEP GOING UNTIL COMPLIANCE IS REACHED, CR/CP\*\*\* \*\*1/28/08, REINSPECT ON 1/30/08 TO HAVE MG ON INSPECTION W/LRS, P/U 1/30/08, LRS/CJ\*\*\* \*\*2/4/08, LUMBER, FURNITURE, PALES, O/D, T.J&D, HOUSE IN DEIREPAIR, CITATION ISSUED PER LAST HEARING, P/U 3/1/08 FOR PRE HEARING INSPECTION, P/U 3/1/08, LRS/CJ\*\*\* ON DOCKET FOR 2/26/08 /JF\*\*. \*\*02/29/08 FINAL ORDER IMPOSES \$10,000.00 PENALTY. P/U 03/15/08 TO CHECK FOR APPEAL. LRS\*\*\* \*\*03/04/08 IF APPEAL HAS NOT BEEN FILED. HOLD OFF TO SEE IF LIENS ARE PAID AT TAX SALE. LRS\*\*\* \*\*05/01/08 NO APPEAL ON FILE. AWAITING TAX SALE. LRS\*\*\* \*\*06/02/08 AWAITING TAX SALE WHICH IS 06/03/08 PER CLERK, OWNER OWES \$41,000.00 WHICH WAS NOT PAID BY 05/30/08. P/U 06/09/08 TO CHECK FOR NEW OWNER. LRS\*\*\* \*\*06/10/08 CITATION ISSUED FOR FAILURE TO MAKE REPAIRS AND CLEAN PROPERTY OF DEBRIS AS NOTED IN THE LAST HEARING ORDER. LRS \*\*\*6/10/08 ON DOCKET FOR 7/8/08 /JF\*\*. \*\*06/13/08 REQUEST FOR HEARING DATE CHANGE TO 06/24/08. LRS\* \*\*6/13/08 HEARING RESCHEDULED TO 6/24/08 LETTER SENT /JF\*\*. TOTAL CIVIL PENALTYS AS OF 06/24/08 \$48,100.00 \*\*6/23/08, PHOTOS FOR HEARING, P/U 7/15/08, OWNER APPEARED ALONG W/NEIGHBOR, LRS/VR\*\*\* \*\*6/27/08 FINAL ORDER SENT TO JAMES FORNEY /JF\*\*. \*\*07/01/08 FINAL ORDER RECEIVED, \$26,000.00 IMPOSED, ORDERED TO CLEAN PROPERTY ON THE OUTSIDE W/ POLICE ESCORT. FILE TO GF TO SET UP CONTRACTOR. LRS\*\*\* XXXXXXXXXXXXXXXX \*\*\*07/01/08 APPEAL DEADLINE IS 07/14/08. LRS\* \*\*07/17/08 REINSPECT GW6497 ARC (GF): \*\*07/21/08 PROPERTY WILL BE CLEANED 07/24/08 AM 10 AM. LRS\*\*\* \*\*07/24/08 10:15, MET W/EARL OF ARC, POL OFFICER, & MR. MOHLER, MR. MOHLER SPOKE W/ OWNER OF PROPERTY WHO HAS PROMISED TO START REPAIRS WITHIN 30 DAYS(PORCH REPAIR W/ WINDOWS) AND COMPLETE SHINGLE REPAIR BY 60 DAYS, PER MR MOHLER HE WILL ALLOW ITEMS( WOOD, WINDOWS, SHINGLES, ETC) TO REMAIN BECAUSE MR FORNEY HAS PROMISED TO MAKE REPAIRS MR FORNEY ALSO STATED THAT HE WILL REMOVE SOME OF THE CATS FROM PROPERTY BY 07/28/08. ARC REMOVED SMALL AMOUNT OF DEBRIS, SUCH AS NEWSPAPERS AND CARDBOARD. P/U 08/24/08 TO REINSPECT. LRS\*\*\* \*\*08/26/08 PER MIKE MOHLER. RESEND CONTRACTOR TO PROPERTY. GAVE TO GF. LRS\*\*\*

### Comments

Owner Information: JAMES E FORNEY

TAX SALE # 2404

pe

/400 OWNER INFO

ileage:

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 802 OVERBOOK ROAD

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

SUBDIVISION NAME IDLEWYLDE Section-A

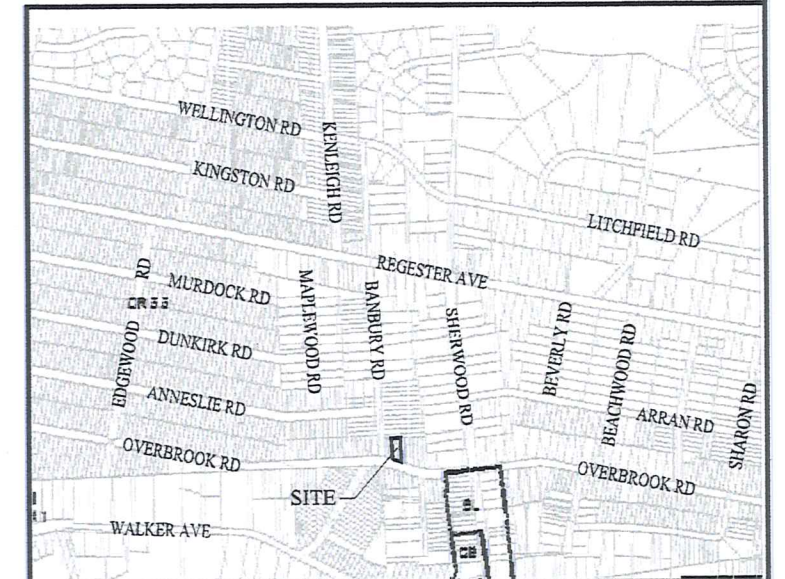
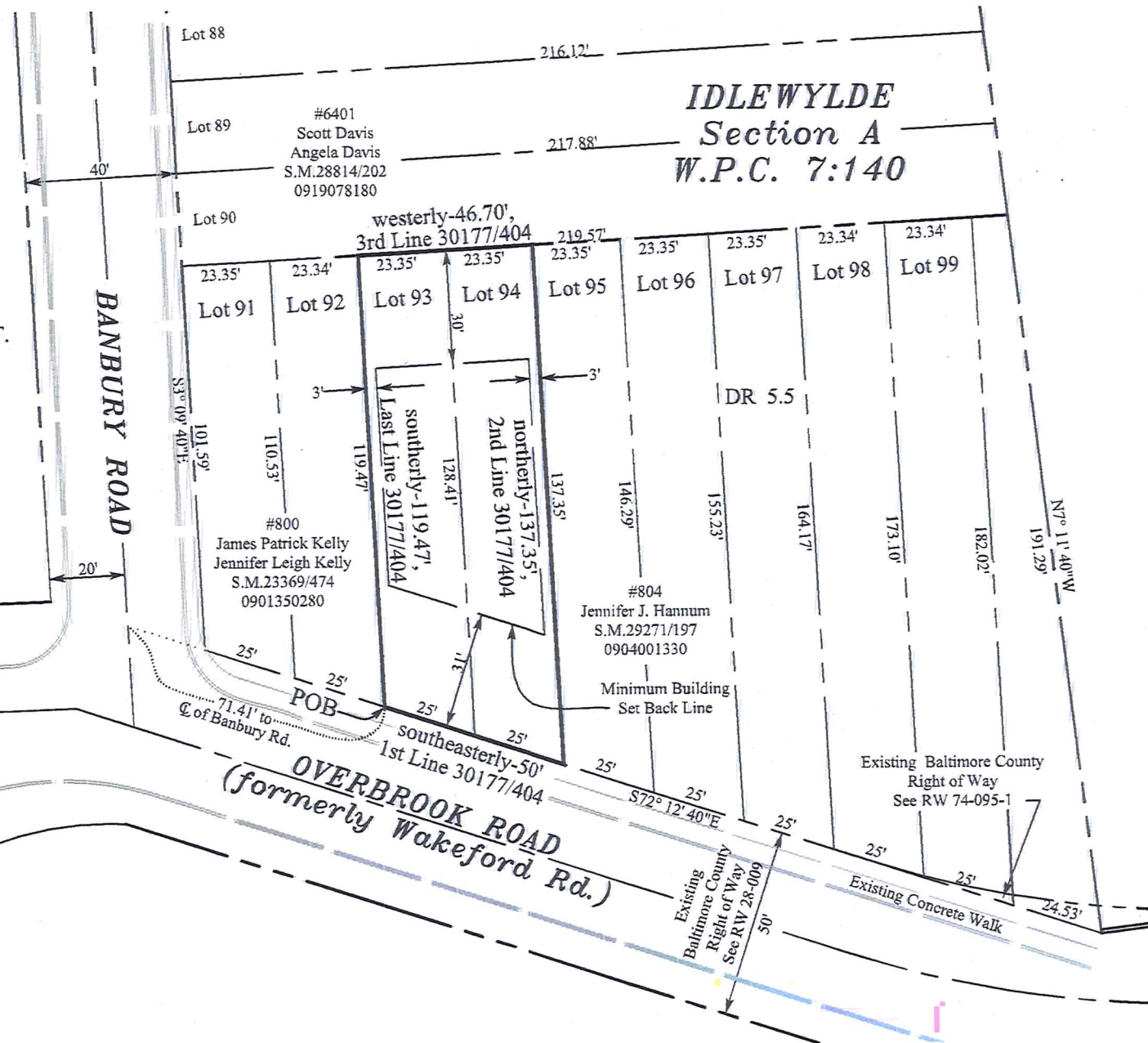
PLAT BOOK# 7 FOLIO# 140 LOT# 93,94 SECTION A

OWNER BALTIMORE COUNTY, MARYLAND

## RELIEF REQUESTED

VARIANCES FROM THE FOLLOWING SECTIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS:

1. FROM § 1B02.3 C1 - FOR A MINIMUM NET LOT AREA OF 5,997 SQ. FT. IN LIEU OF THE REQUIRED 6,000 SQ. FT.
2. FROM § 1B02.3 C1 - FOR A MINIMUM LOT WIDTH OF 46.7' IN LIEU OF THE REQUIRED 55'.
3. FROM § 1B02.3 C1 - FOR A SIDE YARD SETBACKS OF 3' IN LIEU OF THE REQUIRED 10'.



VICINITY MAP  
SCALE: 1" = 1000'

## LOCATION INFORMATION

ELECTION DISTRICT 9  
COUNCILMANIC DISTRICT 5  
1" = 200' SCALE MAP #080A1  
ZONING DR 5.5  
LOT SIZE 0.138 Ac. +/- 5997 Sq. Ft.  
ACREAGE SQUARE FEET

|                              | PUBLIC                              | PRIVATE                             |
|------------------------------|-------------------------------------|-------------------------------------|
| SEWER                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| WATER                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| CHESAPEAKE BAY CRITICAL AREA | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 100 YEAR FLOOD PLAN          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| HISTORIC PROPERTY/ BUILDING  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| PRIOR ZONING HEARING         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

PETITIONER'S  
EXHIBIT NO. 2



NORTH

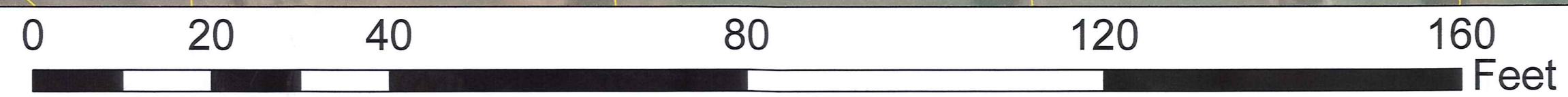
PREPARED BY BALTIMORE COUNTY, MARYLAND

SCALE OF DRAWING: 1" = 40'

ZONING OFFICE USE ONLY  
REVIEWED BY ITEM# CASE#



802 Overbrook Rd



Ref Ex #3

NOW KNOWN  
AS  
OVERBROOK

802 OVERBROOK RD

