

3/16/16

12-238-SHA

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0039

September Term, 2014

ZEKARIAS CHAKA

v.

TOWSON MANOR VILLAGE
COMMUNITY ASSOCIATION, et al.

Krauser, C.J.,
Reed,
*Zarnoch, Robert A.,

JJ.

Opinion by Reed, J.

Filed: March 16, 2016

*Zarnoch, Robert A., J., participated in the conference of this case while an active member of this Court; he participated in the adoption of this opinion as a retired, specially assigned member of this Court.

**This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

On October 19, 2012, the Board of Appeals of Baltimore County (hereinafter “the Board”), in a *de novo* review of an Administrative Law Judge’s decision, denied the appellant, Zekarias Chaka’s, request for variance relief for the undersized lot located at 327 Hillen Road, Towson, Maryland 21286 (hereinafter “the Property”). The appellant filed a petition for judicial review with the Circuit Court for Baltimore County, which affirmed the Board of Appeals’ decision on February 7, 2014. This timely appeal followed.

The appellant, filing *pro se*, presents a total of four questions for our review.¹ However, the legal standards governing appellate review of administrative board decisions limit our consideration to the following question:

1. Whether substantial evidence exists in the record to support the Board’s factual determinations and justify its decision to deny the appellant’s request for variance relief?

We answer this question in the affirmative and, therefore, affirm the Board’s decision.

¹ The questions presented by the appellant in his brief are as follows:

1. Did the board correctly deny the appellant’s petition for variance according to Baltimore County section 304.1 standards?
2. Did the Board correctly determine that the lot is not unique even though the lot has six corners that are not shared by the other properties in the subdivision?
3. Was the Board correct [in] determining that a purchase of [a] non-conforming lot to the zoning rule constitutes self-inflicted hardships? Or does purchasing [a] non-conforming lot to the zoning rule stop the right of variance relief for that lot?
4. Did the petitioner cause the lot not to conform to the Baltimore County zoning rule?

FACTUAL AND PROCEDURAL BACKGROUND

The appellant acquired the Property, a two thousand six hundred and thirty-five (2,635) square-foot lot consisting entirely of unimproved land, on November 11, 2011, for \$6,000.00. The Property occupies the northeast corner of the intersection dividing Faimount Avenue and Aigburth Avenue as well as Hillen Road and E. Towsontown Boulevard. The appellant desires to build a house on the Property measuring twenty-seven and a half (27.5) feet by twenty-six (26) feet and allowing a rear setback of seven (7) feet, which is shorter than the statutorily required fifty (50) feet. Prior to the appellant's purchase of the Property, Baltimore County condemned a portion of the original lot,² causing it to become undersized. On March 30, 2012, the appellant filed a petition for a special hearing and for a zoning variance to approve an undersized lot and a rear setback deficiency.

A hearing was held before Administrative Law Judge (hereinafter "ALJ") John Beverungen, who granted the appellant's petition upon the condition subsequent that the appellant receive the positive recommendation of the Baltimore County Design Review Panel. The Towson Manor Village Community Association and the Greater Towson Council of Community Associations (hereinafter "the appellees") appealed the ALJ's decision, citing concerns about the Property's ability to accommodate a "reasonably-sized house" as well as its location on the corner of a busy intersection.

The parties appeared before the Board for a *de novo* hearing on August 15, 2012. The appellant testified that Baltimore County had indicated its willingness to sell him

² The condemnation, ordered on December 2, 1985, eliminated seven hundred and nine (709) square feet from the original lot.

additional land so that the Property would be in compliance with the size requirements of the zoning ordinance, but that he chose not to pursue that option because it still would not resolve the setback deficiency. The appellant also testified he was aware the Property was undersized at the time of purchase.

In support of his petition for a variance, the appellant presented to the Board a prior decision of the Deputy Zoning Commissioner to grant a variance for a nineteen (19) foot setback in lieu of the fifty (50) foot requirement for the lot immediately to the east of the Property.³ In addition, the appellant presented email correspondence in which Stephen E. Weber, Chief of the Baltimore County Division of Traffic Engineering, indicated that his agency would approve the appellant's proposed driveway location.

The appellees presented the recommendation of Andrea Van Arsdale, Director of the Baltimore County Department of Planning, who, citing similar concerns to those of the appellees, opposed the special hearing request and variance.

The Board found in favor of the appellees, agreeing with the Department of Planning's contention that the proposed dwelling would be "uncharacteristically small for the neighborhood" and "over-crowd the property." Additionally, the Board denied the appellant's request for a variance, specifically finding the Property was not unique and therefore not deserving of a variance.

³ Administrative Law Judges have since replaced the Zoning Commissioner and Deputy Zoning Commissioner in decisions pertaining to, *inter alia*, zoning and variances, as well as "special hearing" cases. See BALT. CNTY CODE § 3-12-103-05 (2011).

The Board also found that the appellant failed to establish the practical difficulty prong because his own admission that he knew the lot was undersized prior to purchase rendered any claimed hardship self-imposed.

The appellant petitioned for judicial review by the Circuit Court for Baltimore County, which found substantial evidence supporting the Board's decision and thus affirmed the same.

DISCUSSION

I. Parties' Contentions

The appellant contends the Circuit Court for Baltimore County applied the incorrect regulation. The appellant relies on Baltimore County Zoning Regulation (hereinafter "BCZR") § 304.1, which contains a conjunctive list of requisite criteria for the construction of a dwelling on an undersized lot. The appellant asserts his compliance with each of the criterion in § 304.1 nullifies his need to comply with BCZR § 307.1. The latter section, which the circuit court applied, describes the limited circumstances in which the zoning commissioner—now the ALJ—and the Board may grant variances.

In the alternative, the appellant argues his petition demonstrates the special circumstances and unreasonable hardship necessary for the Board to grant a variance. The appellant suggests the Property is unique in shape compared to the other properties in the neighborhood. Additionally, the appellant contends the Board made an erroneous conclusion of law when determining his hardship was self-imposed.

The appellees counter that substantial evidence supports the decision of the Board, which is presumed to be an expert in the area of zoning issues. The appellees contend the

Board’s experience and expertise allowed it to weigh the evidence presented at the hearing, make the appropriate factual determinations, and correctly deny the appellant’s petition.

II. Standard of Review

“The scope of judicial review of administrative fact-finding is a narrow and highly deferential one.” *Trinity Assembly of God of Balt. City, Inc. v. People’s Counsel for Balt. Cnty.*, 407 Md. 53, 78 (2008) (citing *People’s Counsel for Balt. Cnty. v. Loyola Coll. in Md.*, 406 Md. 54, 66 (2008)). “When reviewing the decision of a local zoning body, such as the Board, we evaluate directly the agency decision, and, in so doing, we apply the same standards of review as the circuit court.” *Trinity Assembly*, 407 Md. at 78 (quoting *Loyola Coll.*, 406 Md. at 66). The Court of Appeals has explained the standard as follows:

In judicial review of zoning matters, including special exceptions and variances, “the correct test to be applied is whether the issue before the administrative body is ‘fairly debatable,’ that is, whether its determination is based upon evidence from which reasonable persons could come to different conclusions.” For its conclusion to be fairly debatable, the administrative agency overseeing the variance decision must have “substantial evidence” on the record supporting its decision.

White v. North, 356 Md. 31, 44 (1999) (citations omitted).

III. Analysis

We shall hold that because the Board applied the zoning statutes correctly, there is no erroneous legal conclusion allowing reversal. We explain.

Pursuant to the BCZR, the Board may not grant a variance unless it finds that the land in question is unique and causes the landowner to face practical difficulty or unreasonable hardship. *See* BCZR § 307.1, *infra*. Furthermore, the difficulty or hardship

must not be self-imposed. *See Richard Roeser Prof'l Builder, Inc. v. Anne Arundel Cnty.*, 368 Md. 294, 314 (2002). In the case *sub judice*, the appellant's claimed hardship is the undersized nature of the Property. We recognize that this type of hardship is not considered to be self-imposed *per se*, even when the owner of the land in question is charged with knowledge of the zoning violation at the time of purchase. *See Id.* (explaining that the rule precluding an individual who purchases land with knowledge of an existing zoning violation from obtaining a variance is "more strictly applied in 'use variance' cases than in cases of 'area variances[.]'" (quoting *McLean v. Soley*, 270 Md. 208, 215 (1973))). However, because the Board denied the appellant's petition for a variance based on its preliminary factual determination that the Property was not unique, we need not determine whether the appellant's claimed hardship was self-imposed. As we proceed with our analysis, we do so recognizing that "the correct test to be applied is whether the issue . . . [of uniqueness] is 'fairly debatable,' that is, whether [the Board's] determination is based upon evidence from which reasonable persons could come to different conclusions." *White*, 356 Md. at 44 (quoting *Sembly v. County Bd. of Appeals*, 269 Md. 177, 182 (1973)).

Lots located in Density Residential Zone 10.5, such as the Property addressed herein, require a minimum net lot area of three thousand (3,000) square feet with a minimum rear yard depth of fifty (50) feet. BCZR § 1B02.3(C)1. There does, however, exist an exception wherein

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 . . . if:

(A) Such lot shall have been duly recorded . . . 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 within these regulations.

Id. at § 304.1 (emphasis added). In addition to the requirements of § 1B02.3(c)1, *supra*, the Office of Administrative Hearings and the Board of Appeals are permitted to grant variances

[o]nly 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 of Baltimore County would result in practical difficulty or unreasonable hardship. . . . Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area . . . regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare.

Id. at § 307.1. However, “[t]he general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.” *Trinity Assembly*, 407 Md. at 79 (quoting *Cromwell v. Ward*, 102 Md. App. 691, 703 (1995)).

Those petitioning for variance relief must first demonstrate the property is unique, that it “ha[s] an inherent characteristic not shared by other properties in the area.” *Trinity Assembly*, 407 Md. at 81 (quoting *Lewis v. Dept. of Natural Res.*, 377 Md. 382, 434 (2003)). Once a property’s “uniqueness” is established, the petitioner must then show a connection between the unique characteristics and the “manner in which the zoning law hurts the landowner or user.” *Trinity Assembly*, 407 Md. at 82.

The appellant’s contention that he is entitled to build as he chooses because the Property currently conforms to Section 304.1 is misguided. Section 304.1 states that “a

one-family detached or semidetached dwelling *may* be erected on a[n undersized lot]” if the lot adheres to all the conditions enumerated therein. That section is not, however, the be-all and end-all. Rather, Section 304.1 is the precursor that, if fully complied with, can trigger the discretionary power accorded by Section 307.1, and the latter, as the circuit court correctly noted, “has [been] interpreted . . . to require both . . . special circumstances and practical difficulty to exist prior to the variance being granted.” Cir. Ct. Mem. Op. at 6 (citing *Cromwell*, 102 Md. App. at 698). In fact, the appellees do not contend that the appellant is statutorily barred by Section 304.1 from building on the Property. Instead, they express their concerns regarding the aesthetic and other negative impacts the appellant’s proposed construction on the Property would have on neighboring properties and the community as a whole. These concerns touch directly upon Section 307.1’s mandate that a variance shall be granted “only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare.”

As we indicated *supra*, the decision whether to grant a variance under Section 307.1 is a two-step process. First, it must be determined that the lot is unique; and second, there must be a finding that the lot’s uniqueness results in practical difficulty and/or unreasonable hardship. *See Cromwell*, 102 Md. App. at 694-95. We have explained that

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 have 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 other similar restrictions.

Therefore, the circuit court was correct in finding that “[t]he Board properly held that the Property at issue was not unique merely based upon the size of the lot.” Cir. Ct. Mem. Op. at 7.

In determining the necessity of a Special Hearing to construct a dwelling on the undersized lot, the Board weighed the approval of the Division of Traffic Engineering against the opposition by the Department of Planning and agreed with the latter. The Board considered testimony and physical evidence and found the Property is not unique based on its size alone, and therefore not deserving of a variance. *See* BCZR § 307.1. In the hearing before the Board, the appellant failed to establish that the Property contained an inherent characteristic distinguishing it from neighboring lots. *See, e.g., Trinity Assembly*, 407 Md. at 82.

“It is a clearly established rule in the law of zoning that a court may not substitute its judgment for that of the Zoning Board.” *Stansbury v. Jones*, 372 Md. 172, 182 (2001) (quoting *Dorsey Enters., Inc. v. Schpak*, 219 Md. 16, 23 (1959)). Because the issues before the board were “fairly debatable,” *see White*, 356 Md. at 44 (1999) (citations omitted), and because substantial evidence supports the Board’s finding that the Property is not unique, we affirm.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**

3/14/14

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
ZEKARIAS CHAKA

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
NO. : 03-C-13-000412

IN THE MATTER OF:
ZEKARIAS CHAKA – LEGAL OWNER
FOR SPECIAL HEARING AND VARIANCE
FOR PROPERTY LOCATED AT
NE/COR OF HILLEN ROAD AND
FAIRMOUNT AVENUE
(327 HILLEN ROAD)

9TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 12-238-SPHA

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CLERK OF CIRCUIT COURT
BALTIMORE COUNTY

* * * * *

**PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
OF BALTIMORE COUNTY**

No. 12-238-SPHA

March 30, 2012 Petition for Special Hearing to approve an undersized lot and Petition for Variance to permit a proposed dwelling to have a rear yard setback as close as 7 feet in lieu of the required 50 feet filed by Zekarias Chaka, Legal Owner/Petitioner.

April 10, 2012 Entry of Appearance filed by People's Counsel for Baltimore County.

April 26, 2012 Certificate of Publication in newspaper

April 24, 2012 Certificate of Posting.

April 12, 2012 ZAC Comments.

May 14, 2012 Hearing held before the Administrative Law Judge

Exhibits submitted at hearing before the Administrative Law Judge:

Petitioner's Exhibit No.

- 1 – Site Plan
- 2 – Letter from Charles Smart dated 3/28/12
- 3 – Condemnation Inquisition dated 12/17/85
- 4 – Email from Stephen Weber, Chief of Division of Traffic Engineering for Baltimore County to Petitioner dated 5/14/12
- 5 – Location Drawing dated 2005
- 6 – Findings of Fact and Conclusions of Law in case no: 09-059-A

May 15, 2012 Findings of Fact and Conclusions of Law issued by the Administrative Law Judge wherein GRANTING the requested Special Hearing and Variance relief.

June 15, 2012 Notice of Appeal filed by Edward T. Kilcullen, Jr., President of Towson Manor Village Community Association, Protestant/Appellant.

August 15, 2012 Board convened for hearing.

Exhibits submitted at hearing before the Board of Appeals:

Petitioner's Exhibit No.

- 1 – Court Inquisition with plat and Short Release dated December 17, 1985.
- 2 – Plat showing property that could be sold to Petitioner
- 3 – Aerial photograph of area
- 4 – Plat showing Historic District

- 5 – Email from Stephen Weber, Chief of Division of Traffic Engineering for Baltimore County to Petitioner indicating approval of proposed driveway location.
- 6 – Exhibits presented to the Administrative Law Judge at previous hearing. (See above.)

Protestants' Exhibit No.

- 1 – Aerial Photograph of lot
- 2A – Photograph westbound from Hillen Road
- 2B – Photograph northbound from Aigburth Avenue
- 2C – Photograph of street signs at intersection
- 2D – Photograph looking southbound from Fairmount Avenue
- 2E – Photograph looking westbound from rear access road
- 2F – Photograph of utility box at northwest corner of lot
- 2G – Photograph looking eastbound from Fairmount Avenue showing utility box and power lines
- 2H – Photograph looking eastbound from Hillen Road – Fairmount Avenue intersection and showing power lines
- 2I – Photograph looking eastbound on Hillen Road
- 2J – Photograph looking westbound from lot
- 2K – Photograph looking southbound from Hillen Road
- 2L – Photograph looking northbound from Hillen Road
- 2M – Photograph looking eastbound from Towsontown Blvd
- 3 – Lot-Land Agent Synopsis (with notes)
- 4 – Interoffice Correspondence from Andrea Van Arsdale, Director of Department of Planning opposing the Petition for Special Hearing and Variance.
- 5 – Residential Listings Summary Report showing lot sizes of properties sold.

September 25, 2012	Board convened for Public deliberation.
October 19, 2012	Final Opinion and Order issued by the Board in which the Petitions for Special Hearing and Variance were DENIED
November 16, 2012	Motion Memorandum to Board of Appeals filed by Zekarias Chaka, Legal Owner/Petitioner.
December 17, 2012	Ruling on Petitioner's Motion for Reconsideration issued by Board wherein the Motion was dismissed.

January 11, 2013 Petition for Judicial Review filed in the Circuit Court for Baltimore County by Zekarias Chaka, Legal Owner/Petitioner.

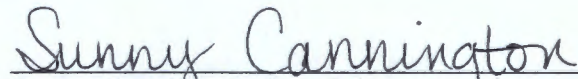
January 15, 2013 Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.

January 17, 2013 Certificate of Compliance sent to all parties and interested persons.

March 14, 2013 Transcript of testimony filed.

March 14, 2013 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.



Sunny Cannington, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Ave.
Towson, Maryland 21204
410-887-3180

c: Zekarias Chaka
 Edward T. Kilcullen, Jr., President/Towson Manor Village Community Association
 Paul Hartman
 Office of People's Counsel
 Lawrence M. Stahl, Managing Administrative Law Judge
 Arnold Jablon, Director/Department Permits, Approvals and Inspections
 Andrea Van Arsdale, Director/Department of Planning
 Vincent Gardina, Director/Department of Environmental Protection and Sustainability
 Nancy C. West, Assistant County Attorney
 Michael Field, County Attorney

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BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF

* IN THE CIRCUIT COURT

* FOR BALTIMORE COUNTY

ZEKARIAS CHAKA

* Case No.: 03 C 13 000412

* * * * *

MEMORANDUM OPINION

This matter came before the Court on December 20, 2013 on the Petition for Judicial Review filed by Zekarias Chaka ("the Petitioner") seeking review of the decision of the Baltimore County Board of Appeals ("the Board") dated October 19, 2012 denying Petitioner's Request for Special Hearing and Variance. The Court has considered the record of the proceedings below together with the legal argument presented on December 20, 2013 in ruling on this appeal. For the reasons stated in this Memorandum Opinion, the decision of the Board is affirmed.

I. Procedural History

On March 30, 2012, the Petitioner filed a Petition for Special Hearing and a Petition for Variance for property located at 327 Hillen Road in Baltimore County ("the Property"). The Petitioner sought approval of an undersized lot, along with a variance to approve reduction of the rear setback to 7 feet, in lieu of the 50 foot requirement.

Following appropriate notice and publication, a public hearing was held before the Office of Administrative Hearings. No protestants or other interested parties appeared. However comments were filed by the Zoning Advisory Committee ("ZAC") noting opposition to the proposal. The ZAC noted the proposed lot would be "uncharacteristically small for the subject neighborhood and would have little to no front, side or rear yard." Additionally, the ZAC claimed the driveway associated with the proposed dwelling would create safety concerns, as it would be directly on a corner without any traffic sign or device. Finally, the ZAC contented that

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the proposed setback variance would leave little to no usable rear yard, in direct conflict with development policies.

A hearing was held before Administrative Law Judge ("ALJ") John Beverungen, who granted both the request to approve an undersized lot and the variance to reduce the rear yard setback to 7 feet. However the ALJ "impose[d] as a condition subsequent to the relief granted herein the positive recommendation of the [Design Review Panel ("DRP")]. In other words, if the Petitioner is unable to obtain a positive recommendation from the DRP, the zoning relief granted herein shall be deemed rescinded."

II. Proceedings Before the Board

A timely appeal was filed by the Towson Manor Village Community Association, expressing their belief that the parcel was not suitable for development. A *de novo* hearing was held before the Board on August 15, 2012.

The Property is located at the intersection of Hillen Road and Fairmount Avenue in Zone DR 10.5 in Towson. The Petitioner testified that he purchased the Property in 2011 following a condemnation proceeding that allowed the County to obtain a portion of the original lot to construct a curve around the road intersection at that location. The Property consists of 2,635 square feet of unimproved land. The Petitioner was aware that the Property was undersized at the time of purchase.

The Petitioner testified concerning his plan to construct a 27 ft. 5 in. by 26 ft. home on the Property. The Petitioner's proposal would place the rear of the house only 7 feet from the property line, instead of the required 50 feet. The Petitioner testified that he needed both approval of the undersized lot along with the setback variance to proceed with the construction.

Representatives of the Towson Manor Village Community Association, the Aigburth Manor Association of Towson, and the Greater Towson Council of Community Associations appeared to oppose the Petitions. All expressed concerns that the lot was too small for the proposed construction, and also commented on concerns with traffic and the proposed placement of a driveway on the Property.

Following the August 15, 2012 hearing, the Board denied the Petitioner's requests for special hearing and variance relief. The Board rejected the ALJ's conditioned approval, noting that the DRP is a separate process, not a condition of zoning relief. The Board agreed with the assessment by the Department of Planning that "the proposed construction of a dwelling on the undersized lot would be uncharacteristically small for the neighborhood and would have very little yard space and would over-crowd the property." (Board Opinion, p.5). The Board also agreed with their concern that the location of the proposed driveway would be hazardous due to its proximity to the curve of Fairmount and Hillen Roads. The Board further held the Petitioner was not entitled to a variance, as there was no showing of practical difficulty as required for a variance since the Petitioner purchased the lot aware of the problems posed by the size and location. (Board Opinion, p. 6).

The Petitioner filed a Motion for Reconsideration, which was denied on December 17, 2012. A timely Petition for Judicial Review was filed on January 11, 2013.

III. Standard of Review

On appeal from the decision of an administrative agency, including review of a zoning decision, the determination below should be affirmed if it is not based upon an error of law, and if the agency's conclusions are reasonably based upon the record. *See, People's Counsel v. Maryland Marine*, 316 Md. 491, 196-197 (1989) and cases cited therein. This standard prohibits

a reviewing court from substituting its judgment for the expertise of the administrative agency. That deference, however, is not accorded if the reviewing court determines that the decision below is based upon an erroneous conclusion of law. *See, Belvoir Farms v. North*, 355 Md. 259, 267-268 (1999) and cases cited therein.

In order for a reviewing court to uphold the decision of an administrative board, the Court must determine whether reasoning minds reasonably could have reached the factual conclusions made by the board. *See Eberle v. Bell*, 103 Md. App. 160, 166 (1975) and cases cited therein. The reviewing court, however, must not simply substitute its factual determinations for that of the board or agency. *See, Supervisor of Assessments v. Ely*, 272 Md. 77 (1974).

As noted by the Court of Appeals in the zoning context, "It is a clearly established rule in the law of zoning that a court may not substitute its judgment for that of the Zoning Board." *Stansbury v. Jones*, 372 Md. 172, 182 (2002)(citations omitted). Indeed, "the zoning agency is considered to be the expert in the assessment of the evidence, not the court." *Bowman Group v. Moser*, 112 Md. App. 694, 699 (1996), *cert. denied*, 344 Md. 568 (1997).

In *White v. North*, 356 Md. 31, 44 (1999), the Court clarified the process of judicial review in zoning and stated:

In judicial review of zoning matters, including special exceptions and variances, "the correct test to be applied is whether the issue before the administrative body is 'fairly debatable,' that is, whether its determination is based upon evidence from which reasonable persons could come to different conclusions." For its conclusion to be fairly debatable, the administrative agency overseeing the variance decision must have "substantial evidence" on the record supporting its decision.

IV. Legal Analysis

The Petitioner alleges that the Board of Appeals incorrectly applied the law of special hearing and variance in its analysis of hardship and uniqueness. The Petitioner claims he was not aware that the lot was undersized when purchased in 2011, and therefore his case should not be

categorized as a self-inflicted hardship. Additionally, the Petitioner claims that denial of the relief requested would result in practical hardship, in that it would destroy any reasonable use of the Property. The Petitioner argues that the lot previously contained a residence, and still contains a water meter. Finally, the Petitioner argues that the Property configuration and size are unique, but not “uncharacteristically” small, as it is only 365 square feet short of the requirement.

There is substantial evidence in the record to support the Board’s findings of fact. Although the Petitioner argues on appeal that he was unaware of the undersized nature of the Property, that claim is contradicted by his testimony before the Board. The Petitioner was specifically asked:

Chair: When you purchased the lot, were you made aware that it was an undersized lot?

Mr. Chaka: Yes and I already got all information and already contacted the acquisition land.

Chair: Do you know what the size of your lot is?

Mr. Chaka: Yes, I have the plan, the site plan. Its twenty-six hundred something square foot.

Chair: And do you know what a standard lot size is supposed to be?

Mr. Chaka: Yes, three thousand square feet.

(Board Transcript, pp. 6-7). Additionally, the Petitioner testified that the County had indicated they would consider selling him additional property so the lot would not be undersized. (Board Transcript, p. 8). Essentially, the Plaintiff testified that would not resolve the issue, as he would still have a setback problem.

As stated by the Court of Appeals in *Friends of the Ridge v. Baltimore Gas and Electric*, 352 Md. 645, 650-651 (1999), zoning ordinances in residential districts typically establish dimensional minimums (e.g., lot size, distances between structures, or the height of structures),

density restrictions, or ancillary restrictions, (e.g., parking or building requirements). One focus of these ordinances is to restrict development on undersized parcels.

BCZR 307.1 is in accord with the general variance law and states that the Board may grant variances:

... 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 of Baltimore County would result in practical difficulty or unreasonable hardship.

Variances are not favored under the law and are presumed to be in conflict with the regulations.

As stated in *Cromwell v. Ward*, 102 Md. App. 691, 703 (1995):

The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.

The Court of Special Appeals has interpreted § 307.1 to require both the special circumstances and practical difficulty to exist prior to the variance being granted. *See Cromwell v. Ward*, 102 Md. App. 691, 698 (1995). “However, as is clear from the language of the... ordinance, the initial factor must be established before the practical difficulties, if any, are addressed... It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...” *Id.*

The Court of Appeals recently reaffirmed the requirements to establish the unique nature of the property in *Trinity Assembly of God of Baltimore City, Inc. v. People's Counsel for Baltimore County, et al.*, 407 Md. 53 (2008). As stated in *Trinity*:

[T]he ‘unique’ aspect of a variance requirement does not refer to the extent of improvements on the property, or upon the neighboring property. ‘Uniqueness of a property for zoning purposes requires that the subject property have 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 similar restrictions.

See also, *Mueller v. People's Counsel*, 177 Md. App. 43 (2007).

The decision of whether to grant a variance under either provision is a two-step process. The first requires a determination of whether the property, in and of itself, is “unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provisions to impact disproportionately upon that property.” *Cromwell v. Ward*, 102 Md. App. 691, 694 (1995). If that “uniqueness” does not exist, no variance may be granted. If it does, then the second hurdle is to determine whether practical difficulty and/or unreasonable hardship result from the disproportionate impact of the zoning ordinance caused by the property’s unique quality. *Cromwell, supra.* at 694-695.

In *Cromwell, supra.*, the Court of Appeals stressed that uniqueness is a condition relating to the characteristics of the property itself, and not to impact of the zoning restrictions. As the Court stated:

[I]n the zoning context the “unique” aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon the neighboring property. “Uniqueness” of a property for zoning purposes requires that the subject property have 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 other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls.

Cromwell, supra. at 710.

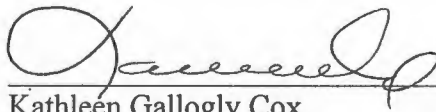
The Board properly held that the Property at issue was not unique merely based upon the size of the lot. There is no characteristic inherent in the land that renders it unique. As the Board further observed, even if the property were unique, no “practical difficulty” has been established other than barriers that were self-imposed. Accordingly, the Board’s factual findings on the

variance request are supported by the record. The Board properly considered the law governing the variance request. Accordingly the Board's denial of the request for variance must be affirmed.

V. Conclusion

For the reasons set forth, there clearly is substantial evidence that supports the decision of the Board of Appeals to deny the Petitioner's request for special hearing and variance relief following a full and fair hearing on the merits. For the reasons set forth herein, the Board of Appeals decision must be AFFIRMED.

2/7/14
Date


Kathleen Gallogly Cox
Judge

Clerk: Please send copies to all parties.

True Copy Test
JULIE L. ENSOR, Clerk
Per 
Assistant Clerk

2/7/14

IN THE MATTER OF

ZEKARIAS CHAKA

* * * * *

* IN THE CIRCUIT COURT

* FOR BALTIMORE COUNTY

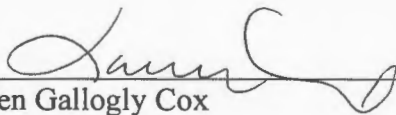
* Case No.: 03-C-13-0412

ORDER

For the reasons stated in this Court's Memorandum Opinion dated January 2014, it is ORDERED this 7th day of February, 2014 that the opinion dated October 19, 2012 by the Board of Appeals of Baltimore County denying the Petitioner, Zekarias Chaka's request for special hearing and variance relief is hereby AFFIRMED.

2/7/14

Date



Kathleen Gallogly Cox
Judge

Clerk: Please send copies to all parties.

RECEIVED
MAR 11 2014

BALTIMORE COUNTY
BOARD OF APPEALS

cc' A. French
Z Chaka
BOA

FILED FEB 18 2014



CIRCUIT COURT FOR BALTIMORE COUNTY
Julie L. Ensor
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

03/08/14

Case Number: 03-C-13-000412 AA OTH
Date Filed: 01/11/2013
Status: Closed/Inactive
Judge Assigned:
Location :
CTS Start : 01/11/13 Target : 07/10/14

In The Matter Of Zekarias Chaka

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Administrative Agency	12-238-SPHA
Case Folder ID	C13000412V01

RECEIVED

MAR 11 2014

**BALTIMORE COUNTY
BOARD OF APPEALS**

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PET 001	Chaka, Zekarias	Party ID: 1839470	CT DO 02/19/14	01/11/13
	Mail: 55 Mountain Green Circle Windsor Mill, MD 21244	01/11/13		01/11/13 RC
ADA 001	Board Of Appeals Of Baltimore County	Party ID: 1839486	CT DO 02/19/14	01/11/13
	Mail: Jefferson Bldg, Suite 203 105 W. Chesapeake Avenue Towson, MD 21204	01/11/13		01/11/13 RC
ITP 001	Towson Manor Village Community Assn	Party ID: 1852688	CT DO 02/19/14	02/20/13

Mail: 100 Maryland Ave
Towson, MD 21286

09/10/13

09/10/13 CMS

Attorney: 0016705 Frank, Arthur M
The Law Offices Of Arthur M. Frank, P.A.
101 East Chesapeake Ave
Ste 100
Towson, MD 21204-4399
(410)446-1800

Appear: 02/19/2014

02/19/14

CALENDAR EVENTS

Date	Time	Fac	Event Description	Text SA	Jdg Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec			

12/20/13	09:30A	CR15	Civil Non-Jury Trial	Y	KGC	01 /01	KGR
	Held/Concluded		12/20/13 E K.Cox	Y			
Stenographer(s): Court Smart							

DISPOSITION HISTORY

Disp Date	Disp Code	Description	Stage Code	Description	Activity User	Date
02/19/14	DO	Decree or Order	CT	AFTER TRIAL/HEARING	EMH	02/19/14

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00001000	Petition for Judicial Review	01/11/13	01/11/13	PET001	TBA	02/19/14	RC EMH
00001001	Opposition to Petition for Judicial Review	02/15/13	02/20/13	ITP001	TBA	02/19/14	JLW EMH
00002000	Certificate of Compliance	01/17/13	01/23/13	ADA001	TBA	02/19/14	RC EMH
00003000	Transcript of Record from Adm Agency	03/14/13	03/21/13	ADA001	TBA	02/19/14	RC EMH
00004000	Notice of Transcript of Record Sent	03/21/13	03/21/13	ADA001	TBA	03/21/13	RC
00005000	Notice of Transcript of Record Sent	03/21/13	03/21/13	PET001	TBA	03/21/13	RC
00006000	Memorandum	06/18/13	07/03/13	PET001	TBA	07/03/13	LC
00007000	Scheduling Order	09/12/13	09/12/13	000	TBA	09/12/13	KGR

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00008000	Open Court Proceeding December 20, 2013. Hon. Kathleen G. Cox. Hearing had in re: Administrative Appeal. Opinion to be filed.	12/20/13	12/20/13	000	KGC	02/19/14	KJR EMH
00009000	Attorney Appearance Filed	02/19/14	02/19/14	ITP001	TBA	02/19/14	EMH EMH
00010000	Memorandum opinion affirming decision of BOA	02/18/14	02/19/14	000	KGC Affirmed	02/19/14	EMH EMH
00011000	Order affirming decision the the BOA	02/18/14	02/19/14	000	KGC Affirmed	02/19/14	EMH EMH
00012000	DOCKET ENTRIES SENT BOARD OF APPEALS	03/08/14	03/08/14	000	TBA		AEF

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1ANS	1st Answer Tickle	CLOSED	02/15/13	0	no	no		MOPP D	1	001
1YRT	One Year Tickle (Jud	CLOSED	01/11/14	365	no	no		DAAA D	1	000
SLIL	Set List - Informati	CLOSED	02/19/14	0	no	no		DAAF D	9	000
SLMR	Set List For Motions	CANCEL	03/12/13	25	no	no		MOPP D	1	001
SLTR	Set List For Trial	CANCEL	02/15/13	0	yes	no		1ANS T	1	001
SLTR	Set List For Trial	CANCEL	03/14/13	0	yes	no		DTRA D	3	000
SLTR	Set List For Trial	Done	09/06/13	0	yes	yes			0	000

DIFFERENTIATED CASE MANAGEMENT**TRACKS AND MILESTONES**

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 09/12/13 Order Date : 09/12/13
Start Date : 09/12/13 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(	09/27/13	02/19/14	CLOSED	
All Motions (excluding Motions in Limine	11/10/13	02/19/14	CLOSED	
TRIAL DATE is	12/20/13	12/11/13	12/20/13	REACHED

PUBLIC NOTE TITLES

- 1) ASSIGNMENT NOTES 3/21/13

ACCOUNTING SUMMARYNON-INVOICED OBLIGATIONS AND PAYMENTS

Date	Rcpt/Initials	Acct Desc	Oblig	Payment	Total MOP	Balance
01/11/13	201300000871/KM	1101 CF-Civil Fil	.00	80.00	-80.00 CK	-80.00
01/11/13	201300000871/KM	1265 MLSC	.00	55.00	-55.00 CK	-135.00
01/11/13		1265 MLSC	55.00	.00	55.00	-80.00
02/15/13		1101 CF-Civil Fil	80.00	.00	80.00	.00

Invoice Due Date: 02/28/14 INVOICE# 2014000556/SAP TOTAL: \$10.00 STATUS: Invoice Mailed
PARTY : Zekarias Chaka
MAIL-TO: Zekarias Chaka

Invoice Created on 02/28/14

Invoice Mailed on 02/28/14

Date	Rcpt/Initials	Acct Desc	Oblig	Payment	Total MOP	Balance
02/28/14		1500 Appearance F	10.00	.00	10.00	10.00

Case #:	F	De filed:
03-C-13-000412	01	01/11/2013

Case Type:
Administrative Agency Appeal



In The Matter Of Zekarias
Chaka

Petitioner: Zekarias Chaka

C13000412V01



**CIRCUIT COURT
FOR
BALTIMORE COUNTY**

E

DATE	COURT MINUTES
12/20/17	Hon. KGC H/H in re: Administrative Appeal.
	Opinion to be filed

1/17/13
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
ZEKARIAS CHAKA

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
NO. : 03-C-13-000412

IN THE MATTER OF:
ZEKARIAS CHAKA – LEGAL OWNER
FOR SPECIAL HEARING AND VARIANCE
FOR PROPERTY LOCATED AT
NE/COR OF HILLEN ROAD AND
FAIRMOUNT AVENUE
(327 HILLEN ROAD)

9TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 12-238-SPHA

* * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Zekarias Chaka
55 Mountain Green Circle
Windsor Mill, MD 21244

Edward T. Kilcullen, Jr., President
Towson Manor Village Community
Association
100 Maryland Avenue
Towson, MD 21286

'13 JAN 17 AM 11:30

Paul Hartman
18 ½ Cedar Avenue
Towson, MD 21286

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

Lawrence M. Stahl, Managing
Administrative Law Judge
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, MD 21204

Arnold Jablon, Director
Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

Andrea Van Aresdale, Director
Department of Planning
The Jefferson Building, Ste 100
105 W. Chesapeake Avenue
Towson, MD 21204

Vincent Gardina, Director
Department of Environmental Protection and
Sustainability
The Jefferson Building, Ste 400
105 W. Chesapeake Avenue
Towson, MD 21204

Nancy C. West, Assistant County Attorney
Office of Law
Historic Courthouse
400 Washington Avenue
Towson, MD 21204

Michael Field, County Attorney
Office of Law
Historic Courthouse
400 Washington Avenue
Towson, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 17th day of January, 2013 a copy
of the foregoing Certificate of Compliance has been mailed to the individuals listed above.

Sunny Cannington
Sunny Cannington, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3180



Board of Appeals of Baltimore County

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

January 17, 2013

Zekarias Chaka
55 Mountain Green Circle
Windsor Mill, MD 21244

Edward T. Kilcullen, Jr., President
Towson Manor Village Community
Association
100 Maryland Avenue
Towson, MD 21286

RE: Petition for Judicial Review
Circuit Court Case No.: 03-C-13-000412
In the Matter of: Zekarias Chaka
Board of Appeals Case No.: 12-238-SPHA

Dear Messrs Chaka and Kilcullen:

Notice is hereby given, in accordance with the Maryland Rules that a Petition for Judicial Review was filed on January 11, 2013 by Zekarias Chaka, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

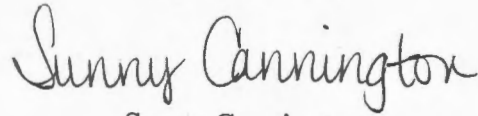
In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Zekarias Chaka, having taken the appeal, is responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

Courtsmart was the official record of the hearings before the Board. The disk(s) will be copied by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rule 16-406d(B) which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request.

Please be advised that the ORIGINAL transcripts must be provided to the Board of Appeals no later than MARCH 4, 2013 so that they may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,



Sunny Cannington
Legal Secretary

Enclosure
Duplicate Original

cc: Paul Hartman
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Office of Planning
Arnold Jablon, Director/Permits, Approvals and Inspections
Michael Field, County Attorney

1/15/13

CIRCUIT COURT FOR BALTIMORE COUNTY
Julie L. Ensor
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-13-000412

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
Jefferson Bldg, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED
JAN 15 2013

BALTIMORE COUNTY
BOARD OF APPEALS

1/15/13

RECEIVED

JAN 15 2013

BALTIMORE COUNTY
BOARD OF APPEALS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

PETITION OF [name] ZEKARIAS CHAKA
[address]

FOR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County
[name and address
of administrative agency
that made the decision]

CIVIL ACTION

No.

03-C-13-412

IN THE CASE OF Petition for Special hearing
and Variance
[caption of agency proceeding]

CASE NUMBER: 12-238-SPHA
[including agency case number]

PETITION FOR JUDICIAL REVIEW

PETITIONER, ZEKARIAS CHAKA [name], hereby requests judicial
review of the decision of Board of Appeals of Baltimore County [name of person
rendering the decision and the name of the agency making the decision], dated 12/17/2012
on behalf of the Edward T. KilCullen, Jr.
[department and agency opposing petitioner] in the above captioned matter. Petitioner was
a party to the case below.

[Signature]
[Signature of petitioner]

Petitioner's Name printed: ZEKARIAS CHAKA
Petitioner's Address: 55 Mountain Green circle
Windsor Mill, MD 21244
Petitioner's Telephone: (410) 944-4094

RWC

Zekarias Chaka
55 Mountain Green Circle
Windsor Mill, MD 21244

January 11, 2013

RE: Denial for Petition for Special hearing and
Petition for variance
Case No.: 12-238-SPHA

327 Hillen Rd: NE Corner of Hillen Rd and Fairmount Ave
9th Election District, 5th Councilmanic District

In The Circuit Court for Baltimore county, Maryland
401 Bosley Avenue, Towson MD 21204

Judicial Review appeal Against Board of Appeal Baltimore County Decision

1. The Board erred in the application law of the variance and special hearing in the hardships analysis and in its agreement with the department of planning including the approved driveway by the public works and traffic engineering department.

The board's decision in the self-inflicted hardship analysis was a misinterpreting of the Baltimore County's variance law. In the board's reference "*Court Cromwell, supra, judge Cathell noted:*" only refers that self-inflicted hardships, makes variance meaningless which I agree, but it didn't refers to what qualifies for self-inflicted hardships. In the Board's application of the self-inflicted hardships, it would have made variance law to be abandoned for any land acquired after the 30th of March 1955, since any applicant will qualify for the self-inflicted hardships categories.

"Self-created or self-inflicted hardship arises through a property owners actions, such as the owners construction that did not conform to zoning set back restrictions(see: Add Soil, Inc. v. County Commissioner's of Queen Anne's County, 307 Md. 307, 513 A. 2d 893 (1986)) and not through zoning and development restrictions that pertain to the site. The types of hardship that are considered self-created do not arise from purchase or knowledge of zoning restrictions when purchased but from those actions which the landowner himself took that create the hardship after the purchase."

I acquired the lot in November 11, 2011 from the owner, based on the info of the deed and the Bureau of land Acquisition's record, since Bureau of land Acquisition Department has condemned and taken the 702 sq. ft., of the frontage of the lot in 1985. The deed record calculates around 3600 sq. ft. before it was condemned, while the Bureau of land Acquisition's record indicates in my calculation of the lot to be around 2951 sq. ft., also expecting the lot to be even or above 3000 sq. ft. in assumption that Baltimore County would have calculated and left the minimum requirement of the zoning. This is not as a proof that the lot should have been 2951 sq. ft. since after all the survey result came in as 2635 sq. ft. But I am pointing that the Board has misunderstood and stated that I admitted that I knew the lot is undersized when I bought it. I have expected the lot to be possibly undersized or not, before it was surveyed; it is that I just want to state the fact, even though it could be still a gamble from me the possibility of being undersized before I bought it.

But my argument is that the Board has applied the law of the variance and special hearing wrongly focusing on me than the land. I assume to have technically the same right as the previous owners. I am not a less owner than the person who owned the property in 1985. The deed specifies that I have the same right as the previous owners that I took over as it is. In the Board's view it should have only matter the land, since I have the same basic right as the owner in 1985. If the previous owner in 1985 had applied, would it be granted? Or what would be the finding, as it is not self-inflicted. But to me it is, as if I do not have the same right as the previous owner.

Also, in the scenario admitted that I knew the lot is undersized, should have not matter, because the grant for the land is not to be for me forever, but to the land, it is forever.

Uniqueness relates to practical hardship, which refers strictly to the land and not to the personal circumstances of the owner. I only justified the practical hardships for the reasonable use of the lot, not for any accessories or convenience; denial due to my circumstances in this case, only destroys the reasonable use of the lot. I didn't have any choice in the use of the land, rather than build smaller house to yield necessary yards. The lot has been used as resident before, which still have a water meter on it as of now. In fact, this lot is in DRP zone for its African American East Towson Community Historical Value, which indicates the subdivision was created 100 years ago. It will be difficult to comply with the zoning rule established in the area to be eligible for relief of Baltimore county section 304.1

"SECTION 304. Use of Undersized Single-Family Lots

[BCZR 1955; Bill No. 47-1992]

§ 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."

In the above quote a self-inflicted hardships were implied that the owner shouldn't own adjoining land which is difficult to justify hardships of course, but also in the quote, it mentions if the property, SUCH LOT SHALL HAVE BEEN DULY RECORDED EITHER BY DEED OR IN A VALIDLY APPROVED SUBDIVISION PRIOR TO MARCH 30, 1955; that the subdivision of Relief Association is created long before 1955. In the quote owners are not mentioned or implied, rather strictly about the land which it is valid in the deed or subdivision.

Additionally, the land uniqueness is existed before it was even condemned by Baltimore county, in that the land rear property line narrows around 327 Hillen Rd requiring variance, even though most of the house in the subdivision needs variance at the rear, it is just 327 Hillen rd. are more affected by the diagonal line narrowing the property depth from the rear. Also, Baltimore County's action shouldn't affect the reasonable use of the lot; the lot's frontage has been sacrificed for the good of the community road improvement, while the land needs relief to be used for its original reasonable use as it was used before.

2. The board agreed with the Planning Department's opinion without considering the zoning setback requirements and the Baltimore County procedure that public works division of traffic engineering procedure of driveway issues

In the case of the comment by planning the lot to be uncharacteristically small, it is only 365 sq. ft. missing. The Planning has commented negatively to the front and the sides of the plan while my plan has complied with the zoning rule. And most importantly, at least four of the immediate adjacent houses have only 10 ft. in their front yard. But the planning didn't have a negative comment two years ago when giving its opinion to 333 Hillen rd. for the ten feet setback. My plan doesn't have a problem at front and the sides, besides, my plan at the front of Hillen rd.; it is around 14 ft. due to the diagonal shape at front requiring 10 ft. setback. The rear would still have a problem of setback if it was condemned by Baltimore County or not, (undersized or not). Also, the proposed house only occupies 715 sq. ft. which is 27.2% of the 2635 sq. ft. lot. But in the support of that also, it has a vacant empty area of abandoned Maryland and Pennsylvania Rail

Road, to be clear of any possible obstruction or block to any adjacent properties. In this subject the consistency of the Planning department comment should have been discredited by the Board just like the Administrative Law Judges decision. The Administrative Law Judge has considered my case against the Planning's comment one by one and decided according to the Baltimore county variance law. The ALJ's decision states, the lot has been established before the zoning was introduced, which the ALJ granted according to section 304.1 quoted above.

The driveway has been approved by Division of Traffic Engineering. The department of planning actually gets recommendation from traffic and engineering department for approval if it is in a questionable or complicated situation. Unfortunately the department of planning conflicted itself by their comment with the traffic and engineering department, but again the board agreed with the planning decision while the right department for this matter was the traffic and engineering department.

"Bureau of Traffic Engineering and Transportation Planning"

"Transportation Planning - provides technical assistance to the Department of Planning; evaluates and recommends specific projects in anticipation of future transportation, land use and economic development needs."

In Addition, if it comes to only driveway problem factor, the house could be built without a driveway. There are many commercial parking available for lease in the area and that should not be a factor to deny the grant.

Conclusion

The lot needs zoning variance and special hearing as special circumstances exist. The lot is unique in its inherent characteristic shape which the rear property line narrows toward west causing practical difficulty for reasonable use of the lot. The lot is and the subdivision has been established long before March 30, 1955. The lot complies with the requirement of the front and sides setbacks except the rear. The driveway is approved by the rightly authorized traffic and engineering departments. The house only occupies 27.2% of the lot. Also the lot has a house erected on it before and the water meter still exit as of now.

12/17/12

IN THE MATTER OF THE
THE PETITION OF
ZEKARIAS CHAKA - LEGAL OWNER
FOR A SPECIAL HEARING AND VARIANCE
ON THE PROPERTY LOCATED AT
NE/COR OF HILLEN RD AND FAIRMOUNT AVE
(327 Hillen Road)

9th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 12-238-SPHA
*

* * * * *

RULING ON PETITIONER'S MOTION FOR RECONSIDERATION

On November 16, 2012 Petitioner filed a "Motion Memorandum to Board of Appeal." This Memorandum was filed within thirty (30) days of the Board's decision in the above case. Therefore, the Board will consider the Memorandum as a Motion for Reconsideration.

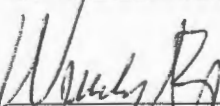
The Board has reviewed this Memorandum and finds that it raises no new issues which were not considered by the Board in its original decision. In addition, it raises certain issues which could have been raised before the Board at the previous hearing.

The Board will not consider the Motion for Reconsideration and will only rule that it be dismissed.

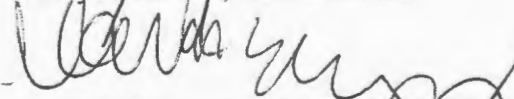
IT IS THEREFORE ORDERED THIS 17th day of December, 2012 that the Motion for Reconsideration filed in this matter is **DISMISSED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

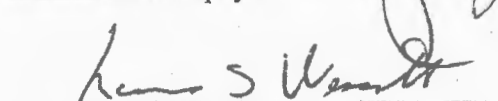
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Wendy A. Zerwitz, Panel Chairman



Maureen E. Murphy



Lawrence S. Wescott



Board of Appeals of Baltimore County

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

December 17, 2012

Zekarias Chaka
55 Mountain Green Circle
Windsor Mill, MD 21244

RE: *In the Matter of: Zekarias Chaka – Legal Owner/Petitioner*
Case No.: 12-238-SPHA

Dear Mr. Chaka:

Enclosed please find a copy of the final Ruling on Petitioner's Motion for Reconsideration issued this date by the Board of Appeals of Baltimore County in the above subject matter.

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

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

c: Edward T. Kilcullen, Jr., President/Towson Manor Village Community Association
Paul Hartman
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

11/17/12

Zekarias Chaka
55 Mountain Green Circle
Windsor Mill, MD 21244

RECEIVED

NOV 16 2012

BALTIMORE COUNTY
BOARD OF APPEALS

November 17, 2012

Board of Appeals of Baltimore County
105 West Chesapeake Avenue Suite 203
Towson, MD, 21204

RE: In The Matter of: Zekarias Chaka
Case No.: 12-238-SPHA
327 Hillen Rd: NE Corner of Hillen Rd and Fairmount Ave
9th Election District, 5th Councilmanic District

RE: Petition for Special Hearing
Petition for Variance

Motion Memorandum to Board of Appeal

This Motion of Memorandum is to correct a misunderstanding in the hearing communication, and also for overruled arguments by the Board, in the case.

Misunderstanding of Miscommunication

I wish to clarify a possible misunderstanding of a communication in the testimony and evidence section of the Board of decision. I have never intended to use in support of my position, of the 333 Hillen Rd decision, of the Deputy of Zoning Commissioner in case number 2009-0059-A in the matter of Ryan Yaffe as my main case, rather, It was only used as the a reference in the ALJ (Exhibit 6). When I was asked if I wanted to use the granted decision, I was referring to use the 327 Hillen Rd decision of ALJ with the documents including exhibit 6 of 333 Hillen Rd. I want to clarify this because, in the Board's decision and opinion, it has covered over a page of comparisons between 327 and 333 Hillen road. I know it is *de novo* hearing starting as new evidence, but the ALJ's record is still in record, documented as information, and that is what I wanted to use as my arguments.

Also, I didn't admit the lot is undersized by the condemnation of Baltimore County, but I have stated and agreed that the lot is 2482 sq. ft. in the State Department of Assessments & Taxation (SDAT) after, the appellant stated of the lot size being controversial with the tax assessments record. I was echoing that to express the size in the tax record is wrong, in fact I have expressed also, and that we have evidence as it is proved not to be 2482 sq. ft. which was listed in the tax assessments. I bought the lot based on the Bureau of Land Acquisition and the deed records (Exhibit 1). The Bureau of Land Acquisition record of the lot estimates the lot being around 2962 sq. ft. and the deed record calculates that the lot is over 3600 sq. ft. (Exhibit 1.1), which the deed doesn't show the condemned part that Bureau of Land Acquisition has taken away. The estimate has even given me more assumption that Baltimore County would actually calculates

and leaves 3000 sq. ft. to not affect the lots minimum requirements, and I expected the lot will possibly be exactly 3000 sq. ft. or more when surveyed by the professional surveyor. After I bought the lot, and surveyed, the result did not actually justify my expectation because of the starter angle changed to S86°E, even though the deed record has it as S81°E which affected the outcome of the lot size to be less than expected. So, would like to express the fact again I bought the lot knowing it is estimated according the record of the Bureau of Land Acquisition and the deed record, which matches each other's record. But I have suspected it will possibly be 2962 sq. ft. or more.

Overviewed arguments

Also, The Board didn't cover the main arguments of the lot instead overviewed arguemented reasons as listed below:

1. ALJ's Decision and Opinion
2. Design Review Panel
3. Self-Inflict Hardships and uniqueness
4. The Driveway and Department of Planning Comment

1. ALJ's Decision and Opinion

I have requested to use, the ALJ's decision of 327 Hillen road as my argument case while at the hearing. The ALJ's decision detailed its decision and opinion with the department of planning comments against my petition in every aspect of its understanding and explained why agreed and why it didn't agree before granting with DRP condition. The board generally agreed without detail and didn't give reasons why and what part of the lot is small and also in what sq. ft. it is missing to affect the overall lot.

2. Design Review Panel

I have provided the DRP required area maps; to express that this area has different circumstances in deciding this matter, which the requirement itself is a witness that this subdivision was established long before 1955. I should have done the DRP first before the zoning; the ALJ has stated that in the decision and opinion that I need the positive recommendation from DRP. But, there is not a procedure that guides residents to go for DRP. After gathering information from the zoning, I didn't have any knowledge of the DRP existence. Even, zoning department didn't have any knowledge of DRP existence as well. I found about DRP existence, one week before ALJ's hearing day. I was granted by the ALJ with the condition of Positive DRP recommendation which is a sensible decision when considering the DRP procedure. In this matter, the ALJ decision matches the procedure, even though the ALJ doesn't have the authority to require by the law, it has to make sure it is acceptable for his decision to be binding with the DRP. The Board stated "if the applicant elects not to go through the development process, the Design Review Panel has the authority to accept the plan and modify it in anyway and recommendations of the panel are final and binding" and according to the DRP documents it is not final. It rather states, "The DRP acts in a technical consulting capacity; its recommendations are binding on the Administrative Law Judge (ALJ) and county agencies", (Exhibit 2).

If the Board considers the DRP recommendation has more impact in its decision, the Board could have had recommended the hearing to go to DRP procedure and come back for the hearing

again. But the DRP could still be flexible to work in the limited area as well, since its goal is more of elevation than dimension.

The east Towson is African American historic community that should be judged by different circumstances, and for the community it is their pride as their historical residence, this could be possibly viewed as overlooking that community. 327 Hillen road lot had a house on it before, and also there is a water meter exists as of now, it is in the tax bill as well to proof it (Exhibit 2.1).

3. Self-Inflicted Hardship and uniqueness

I have explained in the miscommunication or misunderstanding section that I knew the lot was listed in the tax assessment as 2482 sq. ft., but I knew for sure it was wrong when I bought the lot. If it comes as burden to me I bought knowing it is possibly 2962 sq. ft., could be a risk taking fault, that I was hopeful that Bureau of Acquisition department would have calculated and left 3000 sq. ft..

In the board reference "*Court Cromwell, supra, judge Cathell noted:*" only refers that self-inflicted hardships, makes variance meaningless which I agree, but it didn't refers to what qualifies for self-inflicted hardships. I didn't do anything to the lot; I have only showed the inability to make reasonable use of the land, which is a clear hardship that relates to the uniqueness of the land. The only thing happened to the lot, that Baltimore County condemned and taken away for the road improvement, which in return only affected the mathematical calculation of the lot, but technically nothing has changed, it still need variance due to its inherent uniqueness (Exhibit 3). The condemnation only affected the lot by 6.44' of the rear setback if assumed the lot has not been condemned. Also, the condemnation has only helped Baltimore County to improve the road, which is applaud able to the lot in sacrificing its frontage, but the lot needs a relief in return to be used for reasonable use again as it was used once before. Additionally, in the scenario admitted that I knew the lot is undersized, shouldn't even matter, because the grant for the land is not to be for me forever, but to the land, it is forever.

Uniqueness relates to practical hardship, which refers strictly to the land and not to the personal circumstances of the owner. I only justified the practical hardship for the reasonable use; denial due to my circumstances in this case, only destroys the reasonable use of the lot. I didn't have any choice in the use of the land, rather than build smaller house to yield necessary yards.

4. The Driveway and Department of Planning Comment

I don't think the department of planning would have opposed the driveway if it has known it has been approved by Division of Traffic Engineering. The department of planning actually gets recommendation from traffic and engineering department for approval if it is in a questionable or complicated situation, but unfortunately the department of planning didn't consider requesting traffic and engineering department for their recommendation of 327 Hillen Road (Exhibit 4). In Addition, if it comes to only driveway problem factor, the house could be built without a driveway. There are many commercial parking available for lease in the area.

In the case of the comment by planning the lot to be uncharacteristically small, it is only 365 sq. ft. missing. Besides it didn't even matter if it was less or not, the lot has everything required at front and the sides. And most importantly, all adjacent houses have only 10 ft. in their front yard. The rear would still have a problem of setback if it was condemned or not, (undersized or not). Also, the proposed house only occupies 715 sq. ft. which is 27.2% of the 2635 sq. ft. lot. But in

the support of that also, it has a vacant empty area of abandoned Maryland and Pennsylvania Rail Road, to be clear of any possible obstruction or block to any adjacent properties.

Conclusion

The lot needs zoning variance as special circumstances exist. The lot is unique in its inherent characteristic shape which the rear property line narrows toward west causing practical difficulty for reasonable use of the lot. The lot has the minimum requirements of the front and sides setbacks. The driveway is approved by the rightly authorized traffic and engineering departments. The house only occupies 27.2% of the lot. Also the lot has a house erected on it before.

123508



Location Drawing

Scale: 1" = 30'

This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, dwellings or other existing or future improvements nor does this plat purport to reflect setbacks or other distances with any specific level of accuracy. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. The approximate location of the dwelling is shown in relation to the apparent property lines for the property known as

327 Hillen Road
Baltimore County, Maryland

Nelson & Matthews 3/21/05

Ruxton Design Corporation

8422 Bellona Lane
Suite 300

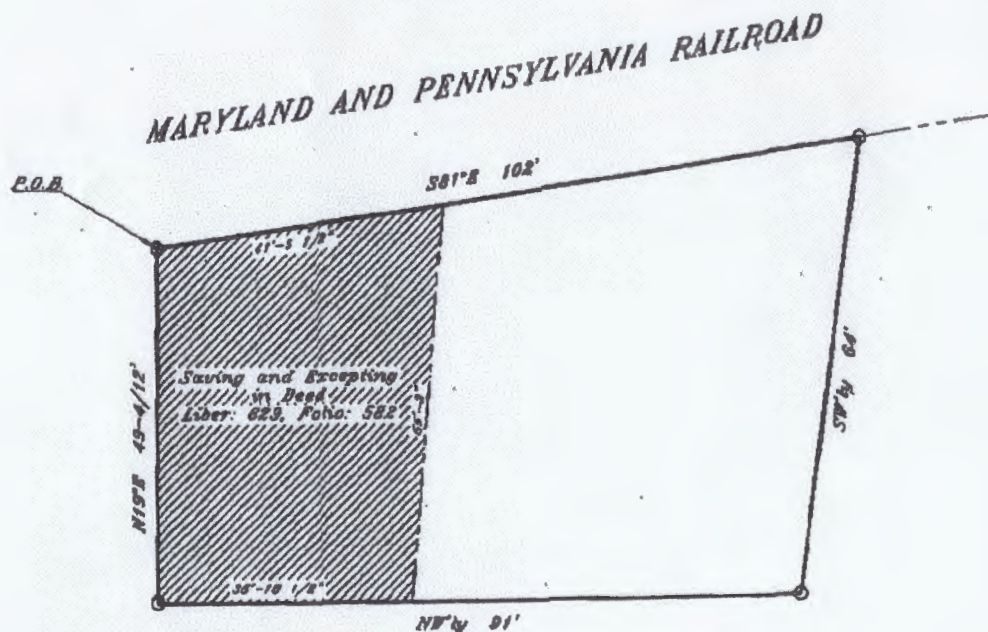
Towson, Maryland 21204

410-823-5000

410-823-0115 fax

rdc@ruxtondesign.com

www.ruxtondesign.com



HILLEN ROAD

03/21/2005

15:06

RUXTON DESIGN + DRAFTING

NO. 583

0001

Exhibit 1

EXHIBIT

LIBERTY 065 FOLIO 003

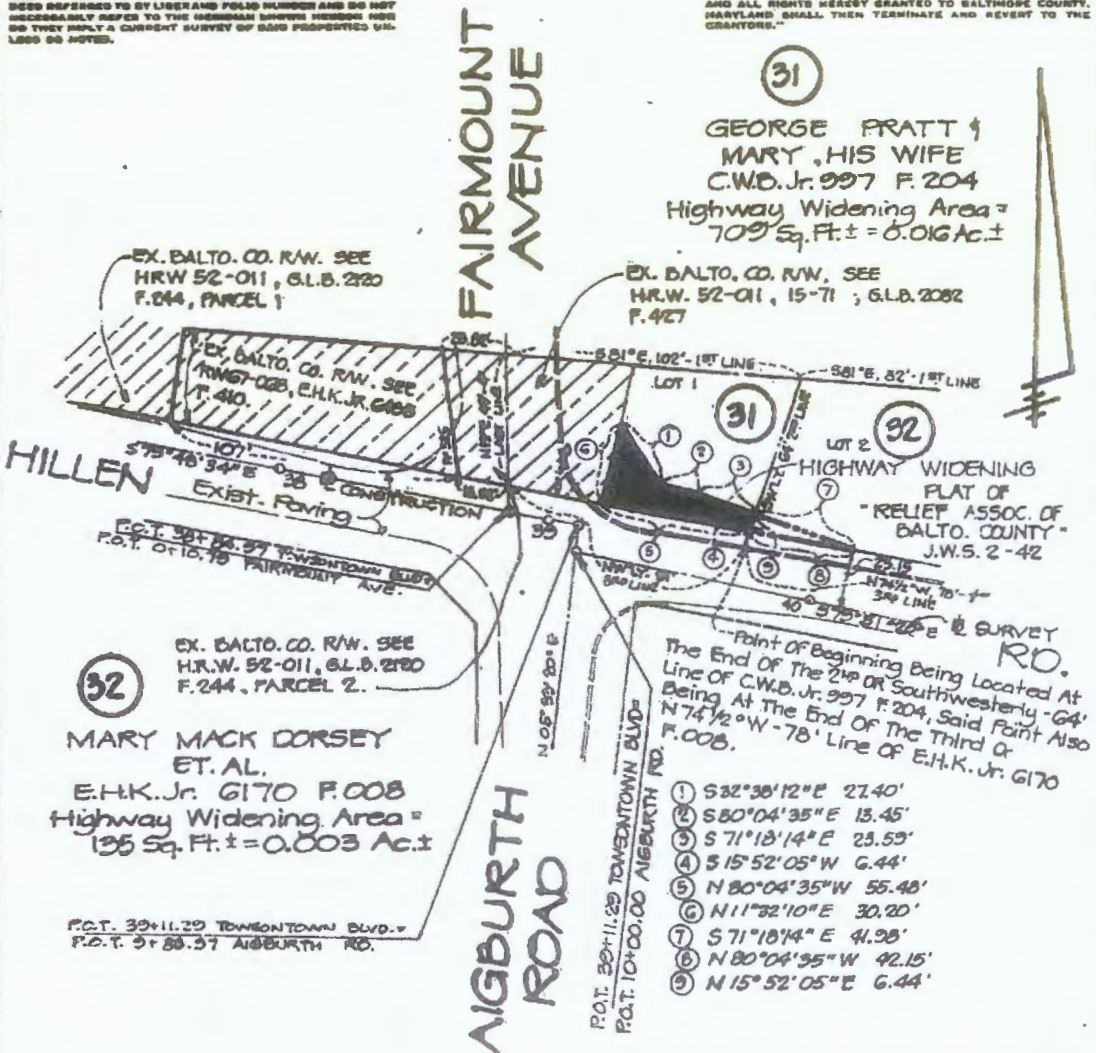
1 VERTICAL LETTERING DENOTES EXISTING PROPERTY LINES.

2 SLANT LETTERING DENOTES PROPOSED CHANGES TO PROPERTIES.

3 ALL AREAS FOUND BY PLANNIMETER, UNLESS OTHERWISE NOTED.

THIS PLAT IS COMPILED FROM DEEDS AND SURVEYS. THE CORNERS AND DISTANCES SHOWN ON PROPERTIES ADJOINING THE PROPOSED RIGHT OF WAY ARE THOSE CONTAINED IN THE DEED REFERRED TO BY LIBRARY FOLIO NUMBER AND DO NOT NECESSARILY REFLECT THE HIGHEST KNOWN HEIGHT NOR DO THEY IMPLY A CURRENT SURVEY OF SAID PROPERTIES UNLESS SO NOTED.

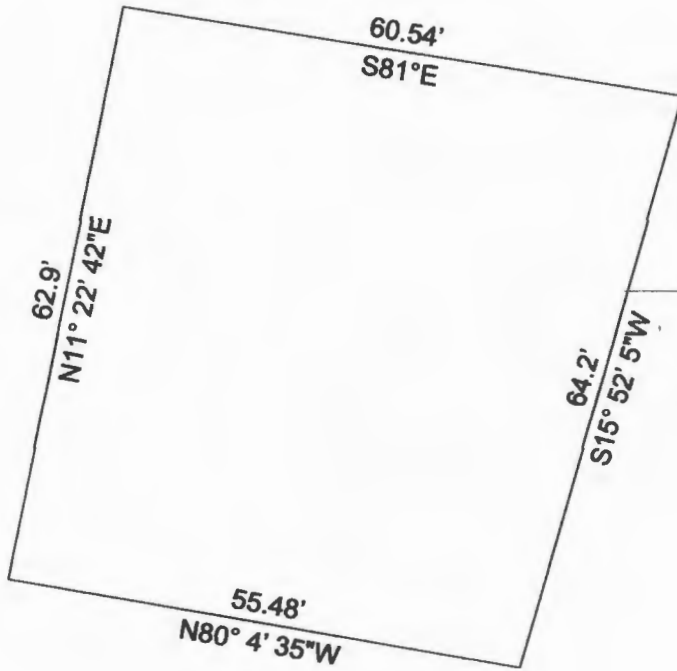
"A TEMPORARY EASEMENT AREA TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION FOR THE PURPOSE OF CREATING THE NECESSARY SUPPORTING SLOPES, AND ALL RIGHTS HERETO GRANTED TO BALTIMORE COUNTY, MARYLAND, SHALL THEN TERMINATE AND REVERT TO THE GRANTORS."



BALTIMORE COUNTY		DEPARTMENT OF PUBLIC WORKS		BUREAU OF LAND ACQUISITION	
SCALE: 1" = 50'	SHEET OF	PLAT TO ACCOMPANY ACQUISITION OF		DISTRICT NO. 0C4	
CONSULTING ENGINEER OR SURVEYOR		AREA TO BE ACQUIRED		POSITION SHEET NO. 37 NE 4	
DATE	FILE NO.	EXISTING COUNTY R.W.		CONSTRUCTION PLAN NO.	
APPROVED		SLOPE AREA		FEDERAL PROJECT NO.	
DATE		TEMPORARY CONSTRUCTION AREA		MARYLAND PROJECT NO.	
BUREAU OF LAND ACQUISITION		ACQUIRED FROM		B.C. JOB ORDER NO. 5-221-3	
APPROVED		RECORDED		RW 67-068-16	
DATE					
DIVISION OF DRAFTING					
APPROVED					
DATE					
DRAWN	CHECKED				

(Exhibit 1.1)

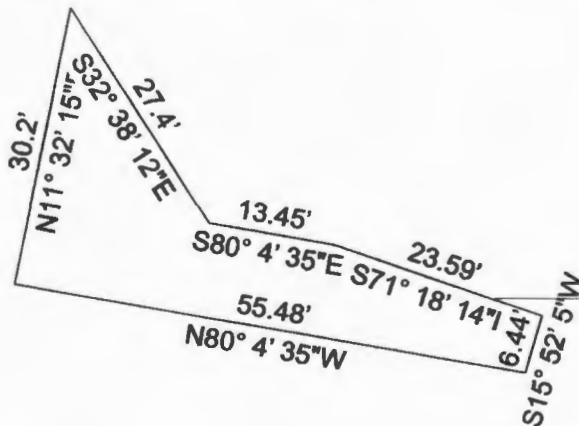
327 Hillen Rd 1" = 20'
Calculated According To
The Records



The Deed Before Condemned
By Baltimore county
3643.21 sq ft



After Condemned by
Baltimore County
2962.1 sq ft



condemned by Baltimore county
708.908 sq ft

AUTHORITY

The Baltimore County Design Review Panel (DRP) is established by Section 32-4-203 of the Baltimore County Code. The **DRP acts in a technical consulting capacity, and its recommendations are binding on the Hearing Officer and on county agencies unless the Hearing Officer or agencies find that the DRP's actions constitute an abuse of its discretion or are unsupported by the documentation and evidence presented.**

PURPOSE

The goal of the DRP is to encourage design excellence through the application of design guidelines contained in the Master Plan, the Comprehensive Manual of Development Policies, adopted community plans and/or Section 260 of the Baltimore County Zoning Regulations, as applicable.

SCOPE

Design review is conducted for all development located within designated design review areas and for alternative site design projects. "Development," for purposes of the DRP review, includes a minor subdivision but does not include a Planned Unit Development. In addition, "development" includes both new construction and a substantial addition or change to an existing development plan, as determined by the Office of Planning.

A new dwelling proposed for a residential single lot of record within a designated residential design review area is reviewed by the DRP. An addition to a dwelling that is more than 50% of the gross square footage of the existing dwelling is also to be reviewed. The gross square footage calculation includes an attached garage, storage areas and/or the basement, if present.

For residential development, the panel may increase the residential setback requirements for the proposed project.

In the designated commercial design review areas, only commercial projects are reviewed. In residential design review areas, only residential projects are reviewed. Alternative site design projects are reviewed by the DRP regardless of location within the county.

COMPOSITION

The DRP consists of a standing panel of nine professional members who are knowledgeable in matters of design. The panel is comprised of architects, landscape architects and other design professionals, as well as a revolving panel of residential members. For proposed development in residential design review areas, the DRP consists of at least two professional members and one residential member.

APPOINTMENT

The professional members are appointed by the County Executive and confirmed by the County Council. One of the professional members is appointed by the County Executive to serve as the DRP's chairperson. For a proposed development in a residential design review area, the County Council representative appoints a resident member to serve on the panel to review that project. This member must be a resident of the council district where the development is proposed.

TENURE

The tenure of the DRP members is three years. Members are eligible for reappointment but may not serve more than two consecutive terms.

(Exhibit 2.1)

20

PANEL SS1001

DATE: 12/22/11

WATER METER INQUIRY

TIME: 12:42:00

PROP NR: 09-16-750170 (09)

PROP DESC: PT LT 1 .057 AC

OWNER: DIPASQUALE RICHARD JOHN

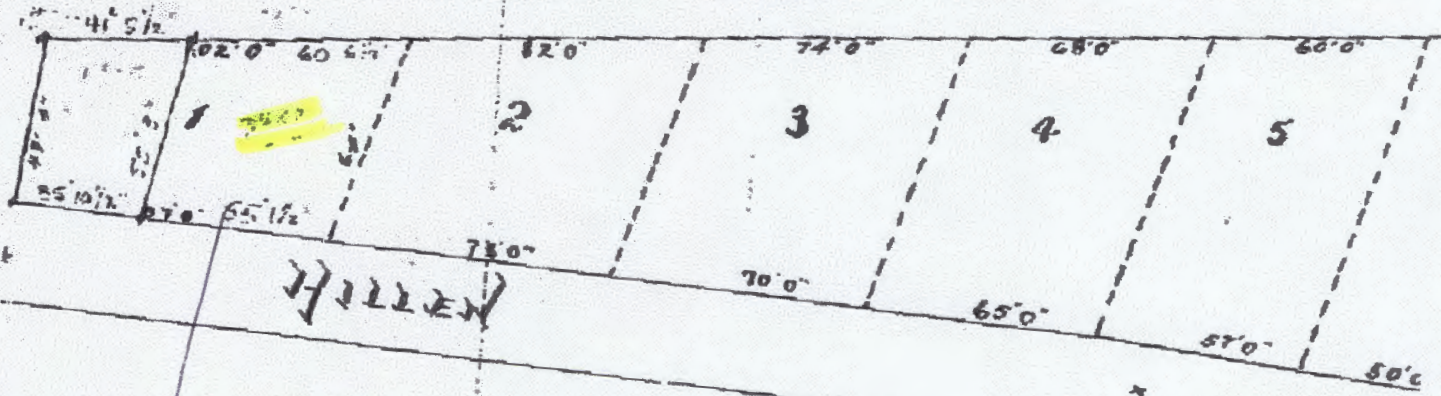
METER ACCOUNT NUMBER	METER RATE OMIT SIZE CODE CODE	ADDRESS/LOCATION	PERCENT DELETE TO BILL CODE	CHARGE
04-128012-00-4	58 51 NC	327 HILLEN RD	1.000	98.11

ACCOUNT TOTAL METERS: 1

ACCOUNT TOTAL WDC: 98.11

Exhibit 3)

CENTRE LINE OF



PLAT

J.W.S. NO 2 PART 1-42

OF
THE LAND

BEING TO THE

DEF ASSOCIATION

OF
IMORE COUNTY MD.

Filed
Test!

(Exhibit 4)

[Street Light Program](#)
[Traffic Calming](#)
[Disabled Parking Signs and Parking Lot](#)
[Layouts](#)
[Sign Installation and Procedure Manual](#)
[Frequently Asked Questions](#)
[Traffic Intersection Data](#)
[Public Works Overview](#)

Department of Public Works

Print

[Home](#) > [Agency Directory](#) > [Public Works](#) > [Traffic Engineering](#) > [Overview](#)

Bureau of Traffic Engineering and Transportation Planning

111 W. Chesapeake Avenue, Rm 326
Towson, MD 21204
410-887-3554
Fax: 410-887-5784
E-mail: trafficeng@baltimorecountymd.gov

W. William Korpman, III
Bureau Chief

This Bureau plans for anticipated County-Wide transportation needs and ensures a safe, efficient operation of the Baltimore County highway system. It is divided into several divisions:

[Traffic Engineering](#) - maintains traffic regulations, develops traffic control needs and detours.

[Street Light Program](#) - handles requests for new or upgraded street lighting on existing or proposed County roadways.

[Transportation Planning](#) - provides technical assistance to the [Department of Planning](#); evaluates and recommends specific projects in anticipation of future transportation, land use and economic development needs.

[Traffic Signal](#) - installs and maintains all traffic signals, flashers, and signal systems along the County highway system and some of those on the State highway system in Baltimore County.

[Traffic Sign & Roadway Marking](#) - installs and maintains County traffic signs, paints and marks County roadways.

[Traffic Calming](#) - program for slowing traffic on residential roadways.

Other Items of Interest

[Traffic Intersection Data](#)
View traffic volume counts of certain Baltimore County intersections.

[Road Projects](#)
Get information about major projects in your council district, such as road closures, bridge repairs, water or sewer line repairs or installations, etc. Subscribe to receive Community Updates.

Revised March 29, 2012

Was This Page Helpful?

Page Rating Excellent Good Average Poor Very Poor

10/19/12
IN THE MATTER OF
ZEKARIAS CHAKA/LEGAL OWNER - APPLICANT
NE CORNER OF Hillen Rd and Fairmount Ave.
327 Hillen Road
9th Election District, 5th Councilmanic District

RE: Petition for Special Hearing
Petition for Variance

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CBA Case No.: 12-238-SPHA

* * * * *

OPINION

This case comes to the Board on an appeal from Towson Manor Village Community Association, from a decision of the Administrative Law Judge (ALJ), dated May 15, 2012 on a Petition for Special Hearing and Petition for Variance filed by Legal Property Owner, Zekarias Chaka, which was granted with certain conditions. Petitioner sought relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to permit an undersized lot approximately two thousand six hundred thirty-five (2,635) square feet, in lieu of three thousand (3,000) square feet, which was granted; and relief pursuant to Section 1B02.3.C.1 of the BCZR to permit a proposed dwelling to have a rear yard setback as close as seven (7) feet in lieu of the required fifty (50) feet, which was granted.

A *de novo* hearing was held before the Board on August 15, 2012. Petitioner, Zekarias Chaka was not represented and appeared *pro se*. David Koska appeared *pro se*. Towson Manor Village Community Association was represented by Edward T. Kilcullen, Jr., President. Oral argument was taken on August 15, 2012 at the close of the hearing

and no closing briefs were submitted. A Public Deliberation was held on September 25, 2012.

Background

The testimony and evidence revealed that subject property is approximately two thousand six hundred thirty-five (2,635) square feet unimproved in Zone DR 10.5. The Petitioner acquired that property in 2011. He intends to construct a dwelling on the lot. Prior to his purchasing the property, a portion of the lot had been condemned by Baltimore County for the purpose of making a curve around the intersection of Hillen Road and Fairmount Avenue, where the property is located. The Petitioner was aware of the fact the lot was undersized when he purchased the property. The Petitioner proposes to construct a dwelling of 27 ft. 5 in. by 26 ft.; the corner of the dwelling being 7 ft. from the property line, in lieu of the required 50 ft. The Petitioner seeks to have a Special Hearing to approve the undersized lot and also for a Variance to approve the 7 ft. set set-back in lieu of the required 50 ft. Although the lot is a small lot, Stephen Weber of the Division of Traffic Engineering, approved a 20 ft. wide driveway, access onto Fairmount Avenue. He stated: "We realize that the access is within the radius of the inner section, but given the fact that Fairmount Avenue is a very wide one-way street leading away from the intersection with Hillen Road and the lot constraints, we would approve the driveway location."

The Protestants submitted a Memorandum to Arnold Jablon from Andrea Van Arsdale, Director, Department of Planning, in which the Department opposed the Special

Hearing request for the undersized lot: "...the proposed lot is uncharacteristically small for the subject neighborhood and would have little or no front, side or rear yard. The lack of usable yard space is a direct conflict with the Comprehensive Manual Development Policies (CMDP) and a dwelling on this property would over-crowd the subject lot. This condition is also not consistent with the pattern of development in this portion of East Towson." The recommendation went on to state: "the driveway associated with the proposed dwelling is to be directly on the corner of Fairmount Avenue and Hillen Road. There are no stop signs or traffic signals at this intersection and a driveway at this location would create a safety concern for the residence of the proposed dwelling as well as those traveling on either aforementioned road."

The ALJ approved the Variance and the Special Hearing and he stated: "the relief granted herein shall be conditioned upon and subject to the Petitioner obtaining a positive recommendation of the Baltimore County Design Review Panel."

Testimony and Evidence

In support of his position, the Petitioner submitted the decision of the Deputy Zoning Commissioner (now known as the Administrative Law Judge), in case number 2009-0059-A, in the matter of Ryan Yaffe. Mr. Yaffe was granted permission to put a replacement dwelling with a side yard setback of five feet in lieu of the minimum required ten feet; a rear yard setback of 19 feet in lieu of the minimum 50 feet; and a rear yard setback of 10 feet in lieu of the minimum required 37 ½ feet for an open projection (porch).

Mr. Yaffe had presented his proposal to the Design Review Panel (DRP) for the CT district of Towson in accordance with Section 235 B.7 and 235 B.8 of the Baltimore County Zoning Regulations. The DRP had amended the proposed plat and then approved the plat with the required amendments.

The existing home on the property was in a state of deterioration and was need of replacement. The Design Review Panel had approved the project and the replacement dwelling could not meet all of the setbacks requirements of the Code and Zoning Regulations but appeared to be within the footprint of the old existing dwelling which had been constructed prior to the zoning regulations. The Deputy Zoning Commission therefore found that the imposition of zoning on the property disproportionately impacted the subject property as compared to others in the zoning district. Therefore the variance was approved for Mr. Yaffe's home which is located adjacent to the lot purchased by the Petitioner.

The difference between Mr. Yaffe's case and the Petitioner's case is that Mr. Yaffe took his plans before the Design Review Panel for the C.T. District of Towson and Mr. Yafee's property was not an undersized lot.

Decision

This property is located within the C.T. District of Towson, Maryland, therefore the Petitioners could have filed a request for exemption from the Development Plan Process with the Director of Permits, Approvals and Inspections

There seems to be some confusion as to the presentation of the plans to the Development Review Panel under Section 235 B.7 and Section 235 B.8 of the BCZP. This procedure is an alternative procedure, which may be utilized by the applicant rather than going through the development process. If the applicant elects not to go through the development process, the Design Review Panel has the authority to accept the plan and modify it in any way and the recommendations of the panel are final and binding. This was not done in the present case. ,

The ALJ conditioned his decision on a review by the Design Review Panel, however, there does not appear to be any authority for the ALJ to require that that be done by the Petitioner.

The Board notes that the Department of Planning opposed the Special Hearing request because the proposed construction of a dwelling on the undersized lot would be uncharacteristically small for the neighborhood and would have very little yard space and would over-crowd the property. In addition, the Department of Planning felt that the proposed driveway would present a hazard because of its location on the curve of Fairmount and Hillen Roads, despite the approval of the Division of Traffic Engineering. The Board agrees with the position of the Department of Planning.

The Board also finds that this variance should not be granted. This decision is based on the fact that the property is not unique. The Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691 (1995), stated:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear

from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...." Id. at 698.

In requiring a pre-requisite 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 other similar restrictions.... Id. at 710.

The fact that the lot is smaller than the rest of the lots in the neighborhood does not make it unique.

In addition, so that the record may be clear, we further find that, even assuming *arguendo* that the subject property was somehow determined to be unique, no showing of practical difficulty has been established. Any hardship which may be alleged by the Petitioner is one that is self-imposed. Petitioner admitted that he knew that the lot was an undersized lot when he purchased it and therefore he was responsible for the hardship. Moreover, the law is clear that self-inflicted hardship cannot form the basis for a claim of practical difficulty. Speaking for the Court in *Cromwell*, *supra*, Judge Cathell noted:

Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively, not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted. *Cromwell*, at 722

ORDER

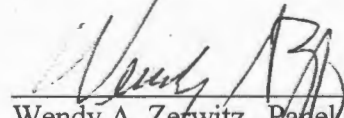
THEREFORE, IT IS THIS 19th day of October, 2012 by the
Board of Appeals of Baltimore County

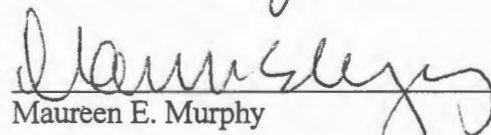
ORDERED that the Petitioners Request for Special Hearing relief filed seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to approve to permit an undersized lot approximately two thousand six hundred thirty-five (2,635) square feet, in lieu of three thousand (3,000) square feet, be and the same is hereby **DENIED**; and it is further

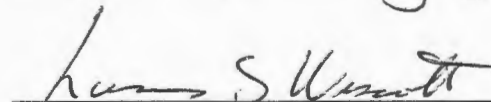
ORDERED that the Petitioners requested for a Variance relief pursuant to Section 1B02.3.C.1 of the BCZR to permit a proposed dwelling to have a rear yard setback as close as seven (7) feet in lieu of the required fifty (50) feet, is **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wendy A. Zerwitz, Panel Chair


Maureen E. Murphy


Lawrence S. Wescott



Board of Appeals of Baltimore County

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

October 19, 2012

Zekarias Chaka
55 Mountain Green Circle
Windsor Mill, MD 21244

Edward T. Kilcullen, Jr., President
Towson Manor Village Community
Association
100 Maryland Avenue
Towson, MD 21286

RE: *In the Matter of: Zekarias Chaka – Legal Owner - Petitioner*
Case No.: 12-238-SPHA

Dear Messrs Chaka and Kilcullen:

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

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

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Paul Hartman
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

5/15/12

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

NE corner of Hillen Road and
Fairmount Avenue
9th Election District
5th Council District
(327 Hillen Road)

Chaka Zekarias
Petitioner

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

CASE NO. 2012-0238-SPHA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Chaka Zekarias. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Administrative Law Judge should approve an undersized lot. The Petitioner is also seeking variance relief from Section 1B02.3.C.1, to permit a proposed dwelling to have a rear yard setback as close as 7 feet in lieu of the required 50. 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 public hearing held for this case was Petitioner Chaka Zekarias. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Department of Planning, dated April 26, 2012, indicating opposition. That comment is as follows:

ORDER RECEIVED FOR FILING

Date 5-15-12

By [Signature]

"The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning opposes the petitioner's special hearing request for an undersized lot. The proposed lot is uncharacteristically small for the subject neighborhood and would have little to no front, side or rear yard. The lack of useable yard space is a direct conflict with the Comprehensive Manual of Development Policies and a dwelling on this property would overcrowd the subject lot. This condition is also not consistent with the pattern of development in this portion of East Towson.

The driveway associated with the proposed dwelling is to be directly on the corner of Fairmount Avenue and Hillen Road. There are no stop signs or traffic signals at this intersection and a driveway at this location would create a safety concern for the residents of the proposed dwelling as well as those traveling on either aforementioned road.

Any residential construction on East Towson is subject to review by the Baltimore County Design Review Panel (DRP). To date, architectural elevations have not been submitted to the Department of Planning for review or approval nor has an application been submitted to appear before the Design Review Panel. The following note should be added to any plans for development/improvement associated with this property:

"The proposed development is within the East Towson Design Review Panel Area. Contact the Department of Planning (410) 887-3480 to discuss Design Review Panel scheduling, requirements, process and submissions. Proposed house plans, elevations and materials shall be reviewed and approved by the Design Review Panel prior to the issuance of any building permits."

Additionally, the Department of Planning opposes the petitioner's variance request to permit a proposed dwelling to have a rear yard setback as close as 7 feet from the property line in lieu of the required 50 feet. The front and side yards are already significantly compromised by the proposed dwelling and driveway configuration. The proposed significant reduction of the rear yard would leave little to no useable rear yard on the subject lot and as stated before this condition is in direct conflict with the Comprehensive Manual of Development Policies and is undesirable.

Note to Parties Involved: The decision and any comments from the DRP are binding on the Hearing Officer (ALJ) therefore, it is advised that the review by the DRP should be conducted prior to the issuance of any order made by the Administrative Law Judge (Hearing Officer)".

Testimony and evidence revealed that the subject property is 2,635 square feet (unimproved) and zoned DR 10.5. Petitioner acquired the property in 2011, and would like to construct a dwelling on the lot. The property lies within the East Towson Design Review Area, and any construction on the site must be approved by the Design Review Panel (DRP). In terms

ORDER RECEIVED FOR FILING

2

Date 5-15-12

By [Signature]

of procedure, it appears the Petitioner should have first had the plan reviewed by the DRP, and then the zoning hearing should have been held in the Office of Administrative Hearings. Even so, and given the absence of community opposition (whether by letter or attendance at the hearing) the undersigned elected to hold the hearing to consider the zoning petitions.

The Petition for Special Hearing seeks approval of a lot 2,635 square feet in size, in lieu of the 3,000 square feet required by B.C.Z.R. § 1B02.3.C.1. Petitioner testified that Baltimore County, in or about 1985, instituted a condemnation proceeding whereby it took 709 square feet of the original lot for purposes of road widening (See Inquisition, Exhibit 3). Petitioner argued that this taking rendered the lot undersized, and that the actions of Baltimore County should not prevent him from developing the lot. Although the Department of Planning describes the lot as "uncharacteristically small" and fears a dwelling would "overcrowd the lot," the DR 10.5 zoning requires only a 3,000 square foot lot size, which is just 365 square feet larger than what exists now. Essentially, the Petitioner seeks a 10% reduction in lot size, which I do not believe is an unreasonable request, nor do I think the relief would negatively impact the surrounding community. In fact, neighbors adjoining Petitioner's lot indicated they believe a new single family dwelling would be an improvement over the vacant lot that now exists, which has become littered with debris and garbage. Exhibit 2. The Department of Planning also expressed concerns with the proposed driveway access to the lot, although the County's Division of Traffic Engineering indicated the proposed driveway was "acceptable as shown." See Exhibit 4.

Based on the evidence presented, I also find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, this lot was created

ORDER RECEIVED FOR FILING

Date 5-15-12

3

By [Signature]

long before the adoption of the B.C.Z.R, and the lot is only 55 feet deep. Exhibit 1. Thus, it would essentially be impossible to construct any dwelling on the lot and comply with the 50 foot rear setback.

In addition, Petitioner testified that the rear of his lot is wooded, and that the nearest dwelling is situated a good distance away and is separated from the subject property by a paved easement that had been used by the Maryland and Pennsylvania Railroad. In these circumstances, I do not believe that the setback relief would result in an overcrowded lot, nor would the proposed house be immediately adjacent to any other dwelling in the rear. Finally, former Deputy Zoning Commissioner Bostwick, in Case No. 2009-59-A (Exhibit 6), granted rear yard setback relief (19 feet in lieu of the required 50 feet) to the neighboring owner at 333 Hillen Avenue. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner, given that Petitioner would be unable to construct a dwelling on the lot.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. But at the same time, I agree with the Department of Planning that Petitioner's request should have been reviewed by the DRP prior to the zoning hearing. To ensure that the proposed development meets the applicable site design and architectural design requirements of the review area and the Comprehensive Manual of Development Policies (CMDP), I will impose as a condition subsequent to the relief granted herein the positive recommendation of the DRP. In other words, if the Petitioner is unable to obtain a positive recommendation from the DRP, the zoning relief granted herein shall be deemed rescinded.

ORDER RECEIVED FOR FILING

Date 5-15-12 4

By [Signature]

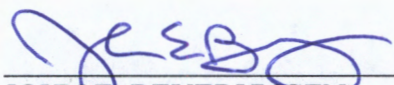
Pursuant to the advertisement, posting of the property and public hearing on these Petitions, and for the reasons set forth above, the special hearing and variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 15 day of May, 2012, by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an undersized lot (approximately 2,635 square feet in lieu of 3,000 square feet), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. Section 1B02.3.C.1, to permit a proposed dwelling to have a rear yard setback as close as 7 feet in lieu of the required 50, be and is hereby GRANTED.

The relief granted herein shall be conditioned upon and subject to the Petitioner obtaining the positive recommendation of the Baltimore County Design Review Panel.

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



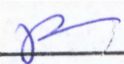
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 5-15-12

5

By 



KEVIN KAMENETZ
County Executive

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

May 15, 2012

CHAKA ZEKARIAS
55 MOUNTAIN GREEN CIRCLE
WINDSOR MILL MD 21244

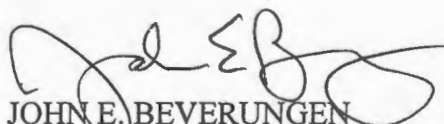
RE: Petition for Variance
Case No.: 2012-0238-A
Property: 327 Hillen Road

Dear Mr. Zekarias:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 327 Hillen Road which is presently zoned DR 10.5
Deed References: 31409/00339 10 Digit Tax Account # 0 9 1 6 7 5 0 1 7 0
Property Owner(s) Printed Name(s) ZEKARIAS CHAKA

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an undersized lot

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s) 1 B O 2.3. C.1 - to permit a proposed dwelling to have a rear yard setback as close as 7 feet in lieu of the required 50

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

I am not able to meet the rear setback according to the zoning, due to the lot being undersized. The lot has been undersized to 2635 SQ. by Baltimore County for road widening project in 1983; per LIBER 7065 FOLIO 803 attached copies. I am requesting a consideration for variance since the rear side of the lot is not a street or a house and wouldn't compromise any safety or affects the adjacent properties. But, the property is able to meet the front and the side setbacks according to the zoning requirements, and also the driveway is approved by Traffic Engineering and transportation Planning Division.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Date

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

ZEKARIAS CHAKA

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

55 Mountain Green Circle Windsor Mill Maryland
Mailing Address City State

21244 / 410-944-4094 / zchaka@hotmail.com
Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2012-0238-SPHA Filing Date 3,30,12

Do Not Schedule Dates:

Reviewer

REV. 10/4/11

Zoning Description of 327 Hillen Road

Beginning at the point on the north side of Hillen rd. which is 30' wide at the distance of 90' east of the centerline of the nearest improved intersecting street Fairmount Ave, 23.59' N71°18'14"W, then 13.45' N80°04'35"W, then 27.40' N32°38'12"W, then 24.60' N11°32'15E, then 60.54' S86°15'45"E, and then 55.18' S15°43'54"W to meet the starting point. Being Lot # 1, Block 9, in the subdivision of Relief Association as recorded in Baltimore county Plat Book # 2 Plat 42, containing 2635 sq. ft. Also known as 327 Hillen Road and located in the 9 Election District, 5 Councilmanic District.

Item # 0238

CERTIFICATE OF POSTING

Date: 4-24-12

RE: Case Number: 2012-0238-SPHA

Petitioner/Developer: Zekarias Chaka

Date of Hearing/Closing: May 14, 2012 11AM Monday

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 327 Hillen Rd

The signs(s) were posted on 4-24-12

(Month, Day, Year)

ZONING NOTICE

CASE # 2012-0238-SPHA

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

JEFFERSON BUILDING - ROOM 205

PLACE: 105 W. CHESAPEAKE AVE, TOWSON, MD 21204

DATE AND TIME: MONDAY, MAY 14, 2012 11AM

REQUEST: SPECIAL HEARING TO APPROVE
AN UNDERSIZED LOT. VARIANCE TO PERMIT
A PROPOSED DWELLING TO HAVE A REAR

SETBACK AS CLOSE AS 7 FEET IN LIEU OF
THE REQUIRED 50 FEET.

POSTPONEMENTS DUE TO WEATHER

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

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

No. **82109**

Date: **3/30/12**

PAID RECEIPT

BUSINESS ACTUAL TIME AM

3/30/2012 3/30/2012 09:34:14 2

NO. 005 MARTIN 001 000

RECEIPT NO. 005 3/30/2012 001

Dept 5 500 ZONING VERIFICATION

TR NO. 00109

Receipt tot \$150.00

\$150.00 0 1.00 00

Baltimore County, Md/1201

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

Total: **\$150⁰⁰**

Rec From:

For:

Zoning Hearings (Sph + Var)

case # 2012-0238-SPHA

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: # 2012-0238-SPHA
327 Hillen Road
N/e corner of Hillen Road
and Fairmount Avenue
9th Election District
5th Councilmanic District
Legal Owner(s): Zekarias
Chaka
Special Hearing: to ap-
prove an undersized lot.
Variance: to permit a pro-
posed dwelling to have a
rear setback as close as 7
feet in lieu of the required
50 feet.
Hearing: Monday, May
14, 2012 at 11:00 a.m. in
Room 205, Jefferson
Building, 105 West Chesa-
peake Avenue, Towson
21204.

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

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

4/376/April 26 302672

CERTIFICATE OF PUBLICATION

4/26/, 2012

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 4/26/, 2012.

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

J. Wilkinson

LEGAL ADVERTISING

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: # 2012-0238-SPHA

6732 Fox Meadow Road

2nd Election District-4th Councilmanic District

Legal Owner(s): Terry Woodfolk-Shird & Dana Shird

Special Hearing: to determine whether or not the Administrative Law Judge should approve a use permit for a Class A Group Child Care Center for a maximum of 12 children. **Variance:** to permit an existing fence (146 linear feet) with a height of 42 inches and a setback of 0 inches from the property line in lieu of the required 5 ft. and 20ft., property line setbacks respectively.

Hearing: Tuesday, July 31, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 07/633 July 10 304897

CERTIFICATE OF PUBLICATION

7/12/, 2012

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 7/10/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING



TOWSON MANOR VILLAGE COMMUNITY ASSOCIATION

June 15, 2012

Baltimore County Zoning Office
105 W. Chesapeake Avenue
Towson, MD 21204

Case Number: 2012-0238-A
327 Hillen Road, Towson, MD 21286

RECEIVED
JUN 15 2012
OFFICE OF ADMINISTRATIVE HEARINGS

To Whom It May Concern:

I am writing on behalf of the Towson Manor Village Community Association to appeal the ruling in the above-referenced case. The administrative law judge granted the owner's request to approve an undersized lot and granted a variance to permit a proposed dwelling to have a rear setback as close as 7 feet in lieu of the required 50 feet.

Towson Manor Village is a residential community that is bordered to the north by Hillen Road, so the property referenced above is immediately north of our community. The lot is an extremely small piece of property that will not be able to accommodate a reasonably-sized house. Further, the lot is at the corner of an extremely busy intersection with fast-moving vehicles coming from two directions. Immediately behind the property is the BGE power station. We believe that any structure built on the property will contribute to the traffic problems already occurring at this intersection. Further, given the location of the property – on a busy road, next to a power station, on a tiny lot – we fear it will be an undesirable location for most families to live and will likely become a cheap rental property.

Members of the Towson Manor Village Community Association had contacted County Councilman David Marks prior to the May 14th hearing to express our opposition to the zoning relief and variance request. We believe the property is not suitable for development and should the owner's request should not have been approved. We respectfully request that this decision be reconsidered.

Thank you for your consideration.

Sincerely,

Edward T. Kilcullen, Jr.
President

I was informed by Councilman David Marks' office that the deadline for filing the appeal was today, 6/15/12 and that the fee for the appeal was \$265.00.

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

No. **29684**

Date: **6-15-12**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				265.00
001	806	0000		6150				265.00

Total: **530.00**

Rec From: **TOWSON MANOR VILLAGE INC**

For: **CASE 2012-0238-SPHA**
(\$265 - SPECIAL HEARING FEE)

(\$265 - VARIABLE HEARING FEE)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME AM
 6/18/2012 6/15/2012 041432 2

REG #302 INV 01% JEE

RECEIPT # 782265 6/15/2012 0110

5 500 DURING VERIFICATION

0. 02904

Acpt Tot 4530.00

4530.00- 01 4.00 06

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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: 2012-0238-SPHA

Petitioner: Zekarias Chaka

Address or Location: 327 Hillen Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Zekarias Chaka

Address: 55 Mountain Green Ct.
Windsor Mill, MD

Telephone Number: 410 960 0479 Cell

Revised 2/17/11 DT

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 26, 2012 Issue - Jeffersonian

Please forward billing to:

Zekarias Chaka
55 Mountain Green Circle
Windsor Mill, MD 21244

410-944-4094

NOTICE OF ZONING HEARING

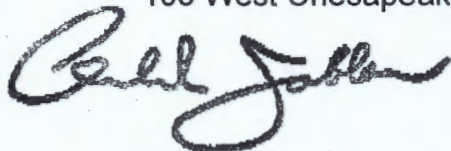
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0238-SPHA

327 Hillen Road
N/e corner of Hillen Road and Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Zekarias Chaka

Special Hearing to approve an undersized lot. Variance to permit a proposed dwelling to have a rear setback as close as 7 feet in lieu of the required 50 feet.

Hearing: Monday, May 14, 2012 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

April 18, 2012

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: 2012-0238-SPHA

327 Hillen Road

N/e corner of Hillen Road and Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Zekarias Chaka

Special Hearing to approve an undersized lot. Variance to permit a proposed dwelling to have a rear setback as close as 7 feet in lieu of the required 50 feet.

Hearing: Monday, May 14, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Zekarias Chaka, 55 Mountain Green Circle, Windsor Mill 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 28, 2012.**
- (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.



Board of Appeals of Baltimore County

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

June 27, 2012

NOTICE OF ASSIGNMENT

CASE #: 12-238-SPHA

IN THE MATTER OF: Zekarias Chaka

Legal Owner/Petitioner

327 Hillen Road / 9th Election District; 5th Councilmanic District

Re: Petition for Special Hearing to approve an undersized lot;
Petition for Variance to permit a proposed dwelling with a rear yard setback of 7 feet in lieu of the required 50 feet.

5/15/12 Order and Opinion issued by Administrative Law Judge wherein the requested relief was GRANTED.

ASSIGNED FOR:

WEDNESDAY, AUGUST 15, 2012, AT 10:00 A.M.

LOCATION:

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

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

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

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

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

Theresa R. Shelton, Administrator

c: Petitioner/Legal Owner

: Zekarias Chaka

Appellant

: Edward T. Kilcullen, Jr., President

Towson Manor Village Community Association

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

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

August 20, 2012

NOTICE OF DELIBERATION

CASE #: 12-238-SPHA

IN THE MATTER OF: Zekarias Chaka

Legal Owner/Petitioner

327 Hillen Road / 9th Election District; 5th Councilmanic District

Re: Petition for Special Hearing to approve an undersized lot;
Petition for Variance to permit a proposed dwelling with a rear yard setback of 7 feet in lieu of the
required 50 feet.

5/15/12 Order and Opinion issued by Administrative Law Judge wherein the requested relief was GRANTED.

Having concluded this matter on 8/15/12 a public deliberation has been scheduled for the following:

DATE AND TIME: TUESDAY, SEPTEMBER 25, 2012 at 9:00 a.m.

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

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

c: Petitioner/Legal Owner

: Zekarias Chaka

Appellant

: Edward T. Kilcullen, Jr., President

Towson Manor Village Community Association

Paul Hartmen

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

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

May 8, 2012

Zekarias Chaka
55 Mountain Green Circle
Windsor Mill MD 21244

RE: Case Number: 2012-0238 SPHA, Address: 327 Hillen Road

Dear Mr. Chaka:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 30, 2012. 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 "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

5-14 11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 26, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 327 Hillen Road

INFORMATION:

Item Number: 12-238

Petitioner: Zekarias Chaka

Zoning: DR 10.5

Requested Action: Special Hearing and Variance

RECEIVED

MAY 03 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning **opposes** the petitioner's special hearing request for an undersized lot. The proposed lot is uncharacteristically small for the subject neighborhood and would have little to no front, side or rear yard. The lack of useable yard space is a direct conflict with the Comprehensive Manual of Development Policies and a dwelling on this property would overcrowd the subject lot. This condition is also not consistent with the pattern of development in this portion of East Towson.

The driveway associated with the proposed dwelling is to be directly on the corner of Fairmount Avenue and Hillen Road. There are no stop signs or traffic signals at this intersection and a driveway at this location would create a safety concern for the residents of the proposed dwelling as well as those traveling on either aforementioned road.

Any residential construction on East Towson is subject to review by the Baltimore County Design Review Panel (DRP). To date, architectural elevations have not been submitted to the Department of Planning for review or approval nor has an application been submitted to appear before the Design Review Panel. The following note should be added to any plans for development/improvement associated with this property:

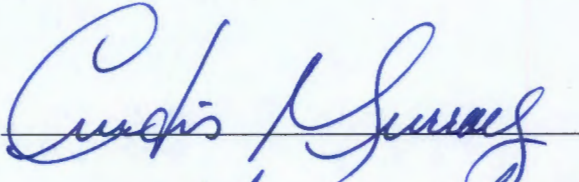
"The proposed development is within the East Towson Design Review Panel Area. Contact the Department of Planning (410) 887-3480 to discuss Design Review Panel scheduling, requirements, process and submissions. Proposed house plans, elevations and materials shall be reviewed and approved by the Design Review Panel prior to the issuance of any building permits."

Additionally, the Department of Planning **opposes** the petitioner's variance request to permit a proposed dwelling to have a rear yard setback as close as 7 feet from the property line in lieu of the required 50 feet. The front and side yards are already significantly compromised by the proposed dwelling and driveway configuration. The proposed significant reduction of the rear yard would leave little to no useable rear yard on the subject lot and as stated before this condition is in direct conflict with the Comprehensive Manual of Development Policies and is undesirable.

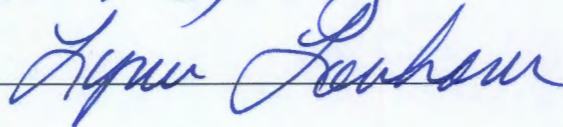
Note to Parties Involved: The decision and any comments from the DRP are binding on the Hearing Officer (ALJ) therefore, it is advised that the review by the DRP should be conducted prior to the issuance of any order made by the Administrative Law Judge (Hearing Officer).

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



Maryland Department of Transportation

Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 4-9-12

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

RE: Baltimore County
Item No 2012-0238-A -
Special Hearing Variance
Zekarias Chaka
327 Hillen Road.

Dear Ms. Lewis:

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. 2012-0238-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).

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 16, 2012
Item Nos. 2012-237, 238 and 240

DATE: April 12, 2012

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-04162012-NO COMMENTS.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
327 Hillen Road; N/E Corner of Hillen Road * OF ADMINISTRATIVE
And Fairmount Avenue *
9th Election & 5th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Zekarias Chaka *
Petitioner(s) * BALTIMORE COUNTY
* 2012-238-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.

RECEIVED

APR 10 2012

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to Zekarias Chaka, 55 Mountain Green Circle, Windsor Mill, MD 21244, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

June 21, 2012

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

CHAKA ZEKARIAS
55 MOUNTAIN GREEN CIRCLE
WINDSOR MILL MD 21244

RECEIVED
JUN 25 2012

Re: Case Number: 2012-0238-SPHA
Location: 327 Hillen Road

**BALTIMORE COUNTY
BOARD OF APPEALS**

Dear Mr. Zekarias:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 15, 2012. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
For Baltimore County

LMS:pz

- c: Edward T. Kilcullen, Jr., President, Towson Manor Village Community Association, 100 Maryland Avenue, Towson MD 21286-3233
Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Arnold Jablon, Director of Permits, Approvals and Inspections

APPEAL

Petition for Special Hearing and Variance

Case No.: 2012-0238-SPHA

327 Hillen Road

NE corner of Hillen Road and Fairmount Avenue
9th Election District, 5th Council District

Petition for Zoning Hearing for Special Hearing and Variance - accepted on March 30, 2012 by the Zoning Review Office (1 page)

Zoning Description of Property (1 page)

Notice of Zoning Hearing - dated April 18, 2012 (1 page)

Certification of Publication – *The Jeffersonian* newspaper - published on April 26, 2012 (1 page)

Certification of Posting by J. Lawrence Pilson, sign poster - posted April 24, 2012 (1 page)

Entry of Appearance by People's Counsel – April 10, 2012 (1 page)

Petitioner(s) Sign-In Sheet (1 page)

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – None

Zoning Advisory Committee Comments:

1. Department of Planning – April 26, 2012 (2 pages)
2. Bureau of Development Plans Review – April 12, 2012 (1 page)
3. Maryland Dept. of Transportation State Highway Administration – April 9, 2012 (1 page)

Petitioner's Exhibits:

1. Site Plan (1 sheet)
2. Letter of Support from Charles Smart dated March 28, 2012 (1 page)
3. Condemnation Inquisition (4 pages)
4. E-mail from Stephan Weber, Division of Traffic Engineering dated March 29, 2012 (2 pages)
5. 2005 Location Drawing (1 page)
6. Order in Case No. 2009-59-A (6 pages)

Protestant's Exhibits: N/A

Miscellaneous:

1. Novell GroupWise Task for June 14, 2012 – appeal period is up (1 page)
2. E-mail to Office of Administrative Hearings Staff dated June 15, 2012 Regarding Filing and Accepting of an Appeal on June 15, 2012 (appeal date was June 14, 2012) (2 pages)
3. Aerial View Zoning Map – color version (1 page)
4. Zoning Map (1 page)
5. E-mail from Vicki Nevy, Dept. of Planning - dated May 8, 2012 – Regarding Historic Area; property not within the boundaries of a historic district and not individually listed (1 page)

Cover Letter and Administrative Law Judge's Order decision – Granted with Condition – May 15, 2012 (6 pages)

Notice of Appeal Received on June 15, 2012 - filed by Towson Manor Village Community Association (1 page)

Cashier's Receipt #29684 – June 15, 2012 - \$265 fee for the Special Hearing and \$265 fee for the Variance – total of \$530

c: People's Counsel for Baltimore County
Baltimore County Board of Appeals
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director of Permits, Approvals and Inspections

APPEAL

Petition for Special Hearing and Variance

Case No.: 2012-0238-SPHA

327 Hillen Road

NE corner of Hillen Road and Fairmount Avenue

9th Election District, 5th Council District

- ✓ Petition for Zoning Hearing for Special Hearing and Variance - accepted on March 30, 2012 by the Zoning Review Office (1 page)
- ✓ Zoning Description of Property (1 page)
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- ✓ Certification of Posting by J. Lawrence Pilson, sign poster - posted April 24, 2012 (1 page)
- ✓ Entry of Appearance by People's Counsel - April 10, 2012 (1 page)
- ✓ Petitioner(s) Sign-In Sheet (1 page)

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None

RECEIVED

JUN 25 2012

BALTIMORE COUNTY
BOARD OF APPEALS

Zoning Advisory Committee Comments:

- ✓ 1. Department of Planning - April 26, 2012 (2 pages)
- ✓ 2. Bureau of Development Plans Review - April 12, 2012 (1 page)
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- ✓ 6. Order in Case No. 2009-59-A (6 pages)

Protestant's Exhibits N/A

Miscellaneous:

- ✓ 1. Novell GroupWise Task for June 14, 2012 - appeal period is up (1 page)
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✓ Cashier's Receipt #29684 – June 15, 2012 - \$265 fee for the Special Hearing and \$265 fee for the Variance – total of \$530

c: People's Counsel for Baltimore County
Baltimore County Board of Appeals
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director of Permits, Approvals and Inspections

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

RECEIVED

SEP 16 2013

BALTIMORE COUNTY
BOARD OF APPEALS

Board Of Appeals Of Baltimore County
Jefferson Bldg, Suite 203
105 W. Chesapeake Avenue
Towson MD 21204

Assignment Date: 09/12/13

Case Title: In The Matter Of Zekarias Chaka
Case No: 03-C-13-000412 AA

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Joy M Keller at (410) 887-3233.

You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 09/27/13
 2. All Motions (excluding Motions in Limine) are due by..... 11/10/13
 3. TRIAL DATE is..... 12/20/13
- Civil Non-Jury Trial; Start Time: 09:30AM; To Be Assigned; 1/2 HOUR ADMINISTRATIVE APPEAL

Honorable John Grason Turnbull II
Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponement must be submitted in writing with a copy to all counsel/parties involved. All requests for postponement must be approved by the Judge.

Settlement Conference (Room 507): All counsel and their clients **MUST** attend the settlement conference **in person**. All insurance representatives **MUST** attend this conference **in person** as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more information.)

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Civil Assignment Office at (410)-887-2660 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Voluntary Dismissal: Per Md. Rule 2-506, after an answer or motion for summary judgment is filed, a plaintiff may dismiss an action without leave of court by filing a stipulation of dismissal signed by all parties who have appeared in the action. The stipulation shall be filed with the Clerk's Office. Also, unless otherwise provided by stipulation or order of court, the dismissing party is responsible for all costs of the action.

Court Costs: All court costs **MUST** be paid on the date of the settlement conference or trial.

Camera Phones Prohibited: Pursuant to Md. Rule 16-109 b.3., cameras and recording equipment are strictly prohibited in courtrooms

and adjacent hallways. This means that camera cell phones should not be brought with you on the day of your hearing to the Courthouse.

cc: Towson Manor Village Community

cc: Zekarias Chaka

Issue Date 09/12/13

CIRCUIT COURT FOR BALTIMORE COUNTY
Julie L. Ensor
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

N O T I C E O F R E C O R D

Case Number: 03-C-13-000412 AA
Administrative Agency : 12-238-SPHA
C I V I L

In The Matter Of Zekarias Chaka

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 14th day of March, 2013.

Julie L. Ensor



Julie L. Ensor
Clerk of the Circuit Court, per Ruc

Date issued: 03/21/13

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
Jefferson Bldg, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED
MAR 22 2013

BALTIMORE COUNTY
BOARD OF APPEALS

CIRCUIT COURT FOR BALTIMORE COUNTY
Julie L. Ensor
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-13-000412

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
Jefferson Bldg, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED
MAR 22 2013

BALTIMORE COUNTY
BOARD OF APPEALS



Board of Appeals of Baltimore County

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

October 31, 2012

Zekarias Chaka
55 Mountain Green Circle
Windsor Mill, MD 21244

Re: In the matter of: Zekarias Chaka
Case No: 12-238-SPHA

Dear Mr. Chaka:

I am in receipt of your request for transcript in the above referenced matter. Please be advised that we have sent the recording to the typist listed below.

The typist has been instructed to contact you by phone upon receipt of the recording. She will be able to provide you with the estimated cost, required deposit, and projected completion date.

Please direct all payments and questions regarding the transcript to the typist listed below.

Very truly yours,

Sunny Cannington
Sunny Cannington

Typist: Christine Leary
Telephone #: 443-622-4898
Mailing Address: 9529 Fox Farm Road, Baltimore, MD 21236

Zekarias Chaka
55 Mountain Green Circle
Windsor Mill, MD 21244

June 13, 2013

RE: Petition for Special Hearing and Variance
Case No.: 03-C-13-000412 AA
Administrative Agency : 12-238-SPHA
CIVIL

In The Matter Of Zekarias Chaka

In The Circuit Court for Baltimore county, Maryland
401 Bosley Avenue, Towson MD 21204

Notice for special appeal

I would like to request a certificate to file an appeal to court of special appeal on the case number written above


ZEKARIAS CHAKA
3/14/2014

RECEIVED

MAR 14 2014

BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED AND FILED
2014 MAR 14 P 3:19
CLERK OF CIRCUIT COURT
BALTIMORE COUNTY

Debra Wiley - Re: Historic Area5-14
11AM
2012-0238-A

From: Vicki Nevy
To: Wiley, Debra
Date: 5/8/2012 12:17 PM
Subject: Re: Historic Area

It is not within the boundaries of a historic district and it is not individually listed.

>>> Debra Wiley 5/8/2012 11:48 AM >>>
Hi Vicki,

Can you tell me if the following address is located in an historic area:

327 Hillen Road

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - ZAC Comments - Distribution Mtg. of 4/2/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 4/9/2012 2:55 PM
Subject: ZAC Comments - Distribution Mtg. of 4/2/12

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.

2012-0237-A - 2814 Ohio Avenue
(Administrative Variance - Closing Date: None in data base as of 4/9)

2012-0238-A - 327 Hillen Road
No hearing date in data base as of 4/9

2012-0239-A - 3922 Chestnut Road - **CBCA & Floodplain**
No hearing date in data base as of 4/9

2012-0240-A - 397 Butler Road
No hearing date in data base as of 4/9

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Patricia Zook - Case 2012-0238-SPHA - pending appeal filing (appeal filing deadline of June 14 not June 15)

From: Patricia Zook
To: Adams, Sarah; Beverungen, John; Stahl, Lawrence; Wiley, Debra; Wille...
Date: 6/15/2012 3:00 PM
Subject: Case 2012-0238-SPHA - pending appeal filing (appeal filing deadline of June 14 not June 15)

Good afternoon -

The Towson Manor Association came in today to file an appeal on this case. He was told by Paula Houck in David Marks' office that the appeal deadline was today, June 15 and was also told the filing fee is \$265. Unfortunately, the correct appeal date was yesterday, June 14. The case is a special hearing and variance with an appeal filing fee of \$530, not \$265.

John was at lunch, Larry was off, Arnold was off, Theresa was off, so I could not check with anyone about accepting the appeal. I spoke with Kristen Lewis and Sunny Cannington and we all agreed that since Towson Manor Association was given wrong information twice by the Councilman's office that we should accept the appeal.

As of this moment, he has returned to his office to get another check for \$265. He did make a note on his appeal letter that he was given the date of June 14 and the amount of \$265 so that when the file is forwarded to the Board of Appeals it is not thrown out due to timeliness.

I would suggest that Larry contact Councilmember staff and request that they direct the appellant to our office to get the correct filing date and fee so that this does not occur again.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

Patricia Zook - 2012-0238-SPHA & 2012-0178-SPHA - appeal period up

From: Patricia Zook
To: Adams, Sarah; Wiley, Debra; Zook, Patricia
Date: 6/14/2012
Due: 6/14/2012
Subject: 2012-0238-SPHA & 2012-0178-SPHA - appeal period up

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



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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 - 0916750170****Owner Information**

Owner Name: CHAKA ZEKARIAS **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 55 MOUNTAIN GREEN CIR
BALTIMORE MD 21244- **Deed Reference:** 1) /31409/ 00339
2)

Location & Structure Information**Premises Address**

327 HILLEN RD
0-0000

Legal Description

PT LT 1 .057 AC
327 HILLEN RD
RELIEF ASSOCIATION OF B

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0070	0009	0891		0000			1	2	Plat Ref: 0002/0042

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		2,482 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	620	600		
Improvements:	0	0		
Total:	620	600	600	600
Preferential Land:	0			0

Transfer Information

Seller: DIPASQUALE RICHARD JOHN	Date: 11/18/2011	Price: \$6,000
Type: ARMS LENGTH VACANT	Deed1: /31409/ 00339	Deed2:
Seller: DIPASQUALE RICHARD J	Date: 11/26/2007	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /26414/ 00533	Deed2:
Seller: PRATT GEORGE .	Date: 10/02/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12417/ 00047	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:**Special Tax Recapture:****Exempt Class:**

NONE

Homestead Application Information

Homestead Application Status: No Application

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Zekarias Chaka

12-238-SPHA

DATE: September 25, 2012

BOARD/PANEL: Wendy A. Zerwitz, Panel Chair
 Lawrence S. Wescott
 Maureen E. Murphy

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Special Hearing to approve an undersized lot;
2. Petition for Variance to permit a proposed dwelling with a rear yard setback of 7 feet in lieu of the required 50 ft.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the evidence and testimony as presented at the hearing. They determined that the property does not meet the standards of uniqueness as defined in Cromwell v. Ward.
- The Board also determined that the property does not meet the Baltimore County Zoning Regulations, Section 304 and the Petitioner requires a variance in order to develop the property.
- The Board reviewed that the Petitioner purchased the property knowing it was an undersized lot. The Board determined that because the Petitioner knew the property was undersized when he purchased it, the situation becomes a self inflicted hardship.
- The Board reviewed that the Petitioner could have elected to have the property and proposed improvements reviewed by the Design Review Panel.

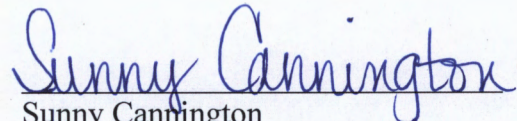
DECISION BY BOARD MEMBERS:

The Board determined that the Petitioner purchased the property knowing it was an undersized lot and therefore, the variance fails due to being a self inflicted hardship. Additionally, the Board determined the property did not meet the standard of uniqueness pursuant to Cromwell v. Ward.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the relief requested in the Petition for Special Hearing and Petition for Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County

Phone: 410-887-3180

Fax: 410-887-3182

To: Chris

From: Sunny Cannington, Legal Secretary

Date: October 26, 2012

Re: Transcripts
In the matter of: Zekarias Chaka
Case No: 12-238-SPHA

Enclosed please find the recording in the above referenced case for transcription. The panel for this matter was: Wendy A. Zerwitz, Panel Chairman; Lawrence S. Wescott, Exhibits (left); and Maureen E. Murphy, Courtsmart (right).

No attorneys were present in this matter. I have attached the Address List for this case in the event others appeared at the hearing.

Mr. Chaka has requested this transcript; his contact information is below. This matter is not presently on appeal.

Should you have any questions or problems, please do not hesitate to contact me.

Thank you.



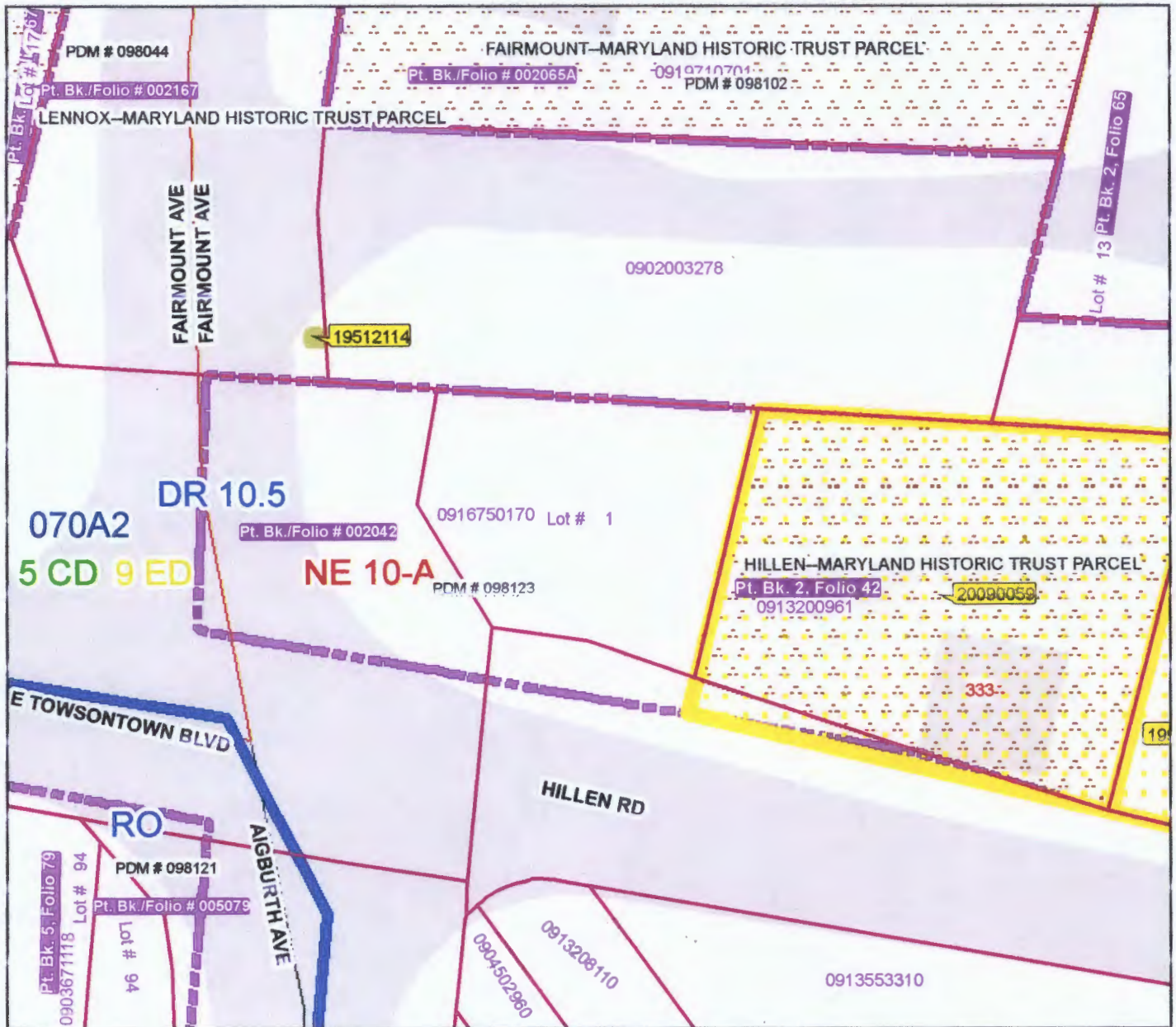
Sunny Cannington

Zekarias Chaka
55 Mountain Green Circle
Windsor Mill, MD 21244
410-960-0479

CASE NAME 327 Hillen Rd.
CASE NUMBER 2012-238-SHA
DATE 05/14/2012

[illegible]

327 Hillen Road (Lot 1)



Publication Date: March 30, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 30 60 Feet

1 inch = 30 feet

Item #0238



Case No: 12-238-SPHA Case Name: In re Matter Zachary Charles

Exhibit List

Party: PETITIONER Date: 8/15/12

Exhibit No:	Description:
✓ # 1	COURT EXQUISITION WITH PLAT ATTACHED & SALES RELEASE
✓ # 2	PLAT SHOWING PROPERTY THAT COULD BE SOLD TO PETITIONER.
✓ # 3.	Aerial photo of area. Lot #1 in question
✓ # 4.	PLAT showing historic District
✓ # 5	EMAIL FROM S. WEBER BAI Co. RE DRIVEWAY LOCATION
✓ # 6.	ALJ's file from below. (Exhibits from below)
VERIFIED BY <u>KRC</u> DATE: <u>8/15/12</u>	

WALSH, MICHAEL

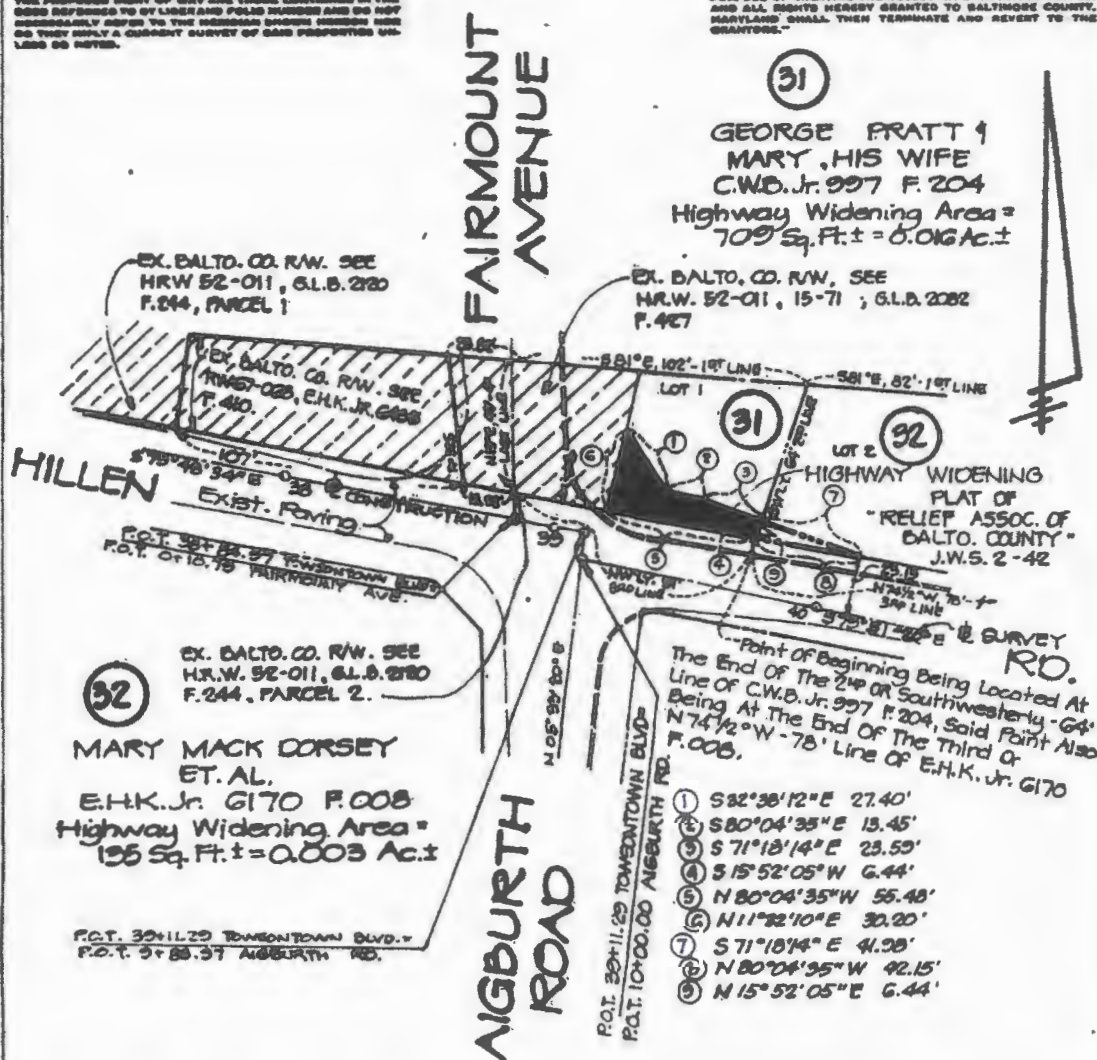
① **VERTICAL LIVING** CONCEPTS
DESIGNED FOR CITY LIVES.

**GLAY LETTERING CENTER PROPOSED
CHANGES TO PROPORTION**

③ ALL AREAS FOUND BY PLANNIMETER,
UNLESS OTHERWISE NOTED.

THIS PLAN IS COMPILED FROM DEEDS AND SURVEYS. THE
BOUNDARIES AND DISTANCES SHOWN ON PROPERTIES ADJOINING
THE PROPOSED RIGHT OF WAY ARE THOSE CONTAINED IN THE
DEEDS REFERENCED TO BY LEGAL AND FOLD NUMBER AND DO NOT
NECESSARILY REFER TO THE HIGHEST KNOWN NUMBER, NOR
DO THEY IMPLY A CURRENT SURVEY OF SAID PROPERTIES UNLESS
SO NOTED.

"A TEMPORARY EASEMENT AREA TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION FOR THE PURPOSE OF CREATING THE NECESSARY SUPPORTING SLOPE, AND ALL RIGHTS HEREBY GRANTED TO BALTIMORE COUNTY, MARYLAND SHALL THEN TERMINATE AND REVERT TO THE GRANTOR."



BALTIMORE COUNTY		DEPARTMENT OF PUBLIC WORKS		BUREAU OF LAND ACQUISITION																												
SCALE: 1"=50' SHEET OF		PLAT TO ACCOMPANY ACQUISITION OF		DISTRICT NO. 2C4																												
DATE _____				POSITION SHEET NO. 37 NE 4																												
APPROVED: <i>[Signature]</i> DATE _____		☐ AREA TO BE ACQUIRED ☒ SLOPE AREA ☒ TEMPORARY CONSTRUCTION AREA ☒ EXISTING COUNTY R W ☐ AREA TO BE RELEASED		CONSTRUCTION PLAN NO.																												
BUREAU OF LAND ACQUISITION APPROVED: <i>[Signature]</i> DATE 2-8-73		<table border="1"> <thead> <tr> <th>NO.</th> <th>ACQUIRED FROM</th> <th>RECORDED</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>4422</td> <td><i>[Signature]</i></td> </tr> <tr> <td>2</td> <td>4422</td> <td></td> </tr> <tr> <td>3</td> <td>4422</td> <td></td> </tr> <tr> <td>4</td> <td>4422</td> <td></td> </tr> <tr> <td>5</td> <td>4422</td> <td></td> </tr> <tr> <td>6</td> <td>4422</td> <td></td> </tr> <tr> <td>7</td> <td>4422</td> <td></td> </tr> <tr> <td>8</td> <td>4422</td> <td></td> </tr> </tbody> </table>		NO.	ACQUIRED FROM	RECORDED	1	4422	<i>[Signature]</i>	2	4422		3	4422		4	4422		5	4422		6	4422		7	4422		8	4422		FEDERAL PROJECT NO.	
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				RW G7-068-16																												

PET EX
#1



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Lot # 118

Lot # 120

Lot # 122

Lot # 104

Lot # 106

Lot # 108

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PDM # 098121

RO

21286

E TOWNSHOWN BLVD

5 CD

DR 10.5

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PB/F 002167
PDM # 098044

PDM # 098044

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Lot # 1

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0923000600

PB/F 002008

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091153701

0912401160

0904750840

0913553310

0913208110

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0902003278

0919710701

0902003261

PDM # 098102

PB/F 002065A

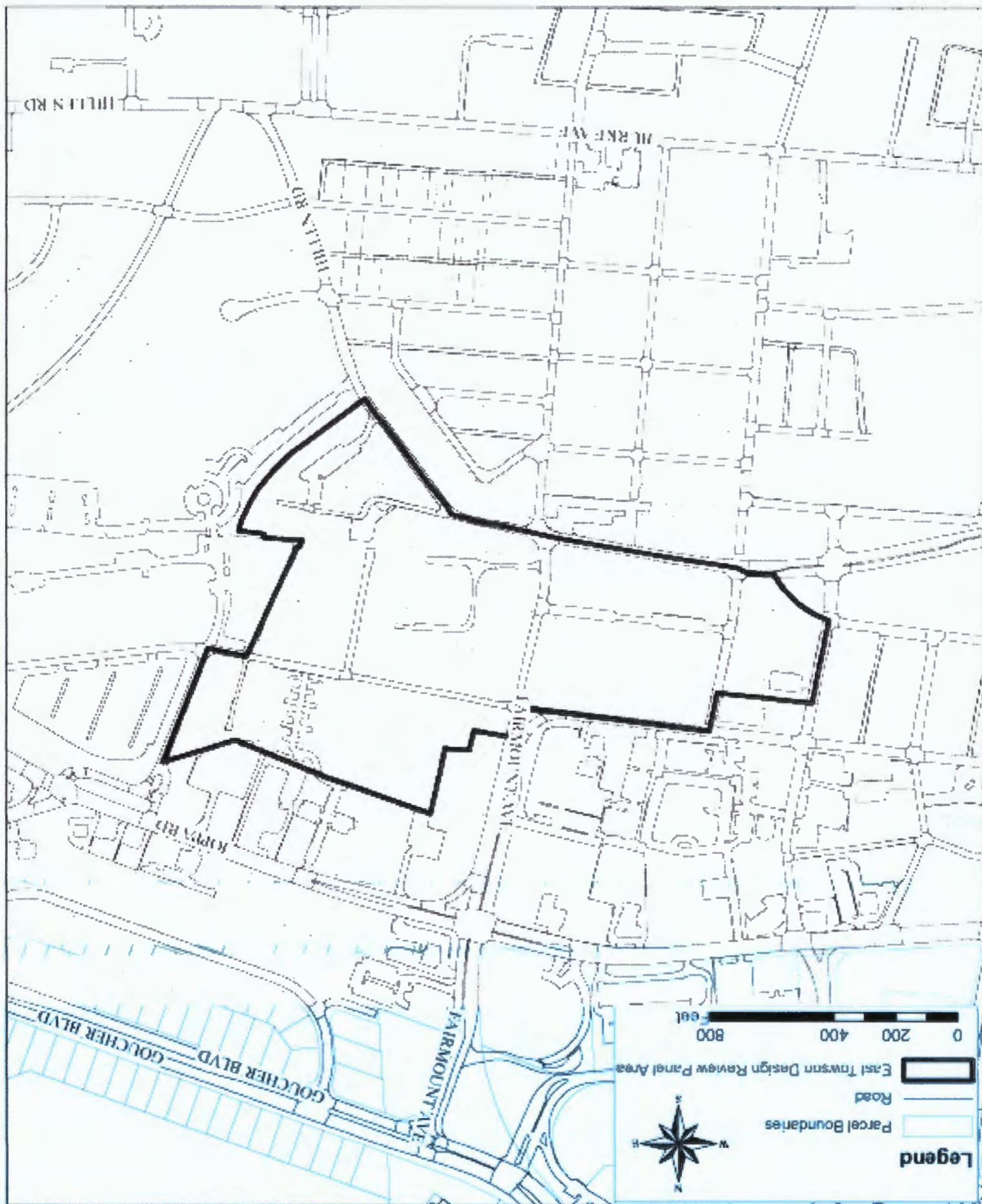
0908656120

0902003260

0908000730

0903770070

Sheet 4



zchaka Hotmail

From: "Stephen Weber" <sweber@baltimorecountymd.gov>
Date: Thursday, March 29, 2012 10:30 PM
To: "zchaka Hotmail" <zchaka@hotmail.com>
Subject: Re: 327 Hillen Rd

Mr. Chaka:

We have reviewed the plan listed as Lot 1, Plat of Relief Assoc. of Balto. Co. , #327 Hillen Rd, and find the 20-foot wide driveway access onto Fairmount Ave acceptable as shown. We realize that the access is within the radius of the intersection, but given the fact that Fairmount Ave is a very wide one-way street leading away from the intersection with Hillen Rd and the lot constraints, we would approve the driveway location.

Should you need anything further, please let me know.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204

(410) 887-3554>>> "zchaka Hotmail" <zchaka@hotmail.com> 3/29/12 12:33 PM >>>

Hello Steve, this is Zekarias Chaka that consult you a couple of times about the driveway for property 327 Hillen road. I would like to know if you are ok with my petition, mentioning the approval of Traffic Engineering and transportation Planning Division. Let me know if you are not ok with it, I am going to zoning tomorrow Friday morning @ 9am to file variance.

Pet # 5

5/14/2012

Case No.: 2012-238-SPHA

Exhibit Sheet

5/15/12
PS

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Letter from Mr. Charles	
No. 3	Condemnation Inquisition	
No. 4	Email Stephen Weber 3-29-12	
No. 5	2005 Location Drawing	
No. 6	Order Case# 2004-59-A	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

P.J.#
6-

Smart Charles

402 Fairmount Avenue

Towson, MD 21286

Dear Mr. Chaka:

I am happy that there is a process to build a new single family house at the vacant lot known as 327 Hillen Road in Towson, MD 21286. This is an improvement for the community to have a new house instead of vacant lot that has been inviting kids to throw trashes on to it sometimes. I have been picking up some of the trash to keep the neighborhood cleaner.

Charles Smart
3/28/12

PETITIONER' S

EXHIBIT NO.

2

BALTIMORE COUNTY, MARYLAND,
a body corporate and politic

v.

UNKNOWN HEIRS OF GEORGE PRATT
and
MARY PRATT, Deceased

IN THE
CIRCUIT COURT FOR
BALTIMORE COUNTY
13/336 #83C-46

INQUISITION

INQUISITION made and taken at Bar in the Circuit Court for Baltimore County, in the matter of Baltimore County, Maryland, a body corporate and politic, for the condemnation of the property hereinafter mentioned, witnesseth:

THAT, I, the Judge, whose name is hereunto subscribed and whose seal is hereunto affixed, hereby fix the damages which the Defendants will sustain by the taking, use and occupation of the following property:

Being a portion of all that parcel of land located in the 9th Election District of Baltimore County, Maryland, as shown on Plat #RW 5-221-3, attached hereto and made a part hereof, containing 0.016 of an acre ± (709 sq. ft.) in fee simple.

Upon the Stipulations executed by the parties hereto and filed in this case, I do find and determine that:

It is necessary for the Plaintiff to condemn the said property and that the damages sustained by the Defendants because of the taking of their fee simple interest and estate in and to the parcel of land hereinbefore particularly described and the property and rights as set forth in the Petition are the sum of

THREE THOUSAND THREE HUNDRED AND THIRTY-NINE DOLLARS
(\$3,339.00).

09317 C001 R02 109:08
01/05/86

This sum is inclusive of any and all interest that may have accrued or which may accrue on said sum.

That upon the payment of said sum to the Defendants, subject to the adjustment to the date payment is made to the Defendants, of all state

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE JR DATE 12-17-85

STATED DEPARTMENT OF
REVENUE & TAXATION

CLERK JR DATE 12-17-85

PETITIONER'S

EXHIBIT NO. 3

John Beverungen - Re: 327 Hillen Road

From: Stephen Weber
To: John Beverungen
Date: 05/14/12 4:06 PM
Subject: Re: 327 Hillen Road
CC: Debra Wiley; Edward Adams

John -

Below are the e-mails I've had dealing with this property. Admittedly, the entrance proposed out onto Fairmount Ave has certain undesirable features dealing with its proximity to the intersection and the large radius of the intersection on that NE corner causes the proposed driveway to actually encroach into the radius. However, Fairmount Ave at the proposed access point is one-way away from the intersection and because of its wide width provides for additional pavement area not only for negotiating in and out of the proposed driveway but also provides sufficient room to negotiate around any vehicle that would be going into or coming out of the driveway. Because the lot is extremely tight, the other option the property owner would have would be to exit onto Hillen Rd, which would be very undesirable. That road is rather narrow with significant volumes of 2-way traffic. Looking at the two potential access points for the lot, the access onto Fairmount Ave is by far the best access point, both from an overall safety aspect and also from the least disruptions to traffic flow in that area.

I hope that helps, but if you need anything further, please let me know.
 Steve

>>> John Beverungen 5/14/12 2:01 PM >>>

I had a zoning hearing today involving this property, which is owned by Chaka Zekarias. Mr. Zekarias told me--and showed me on his phone--that you sent to him an email dated 3-29-12, wherein you advised him that you could approve the location of the driveway proposed for a new dwelling he intends to construct on this site. If you are able, would you please forward to me a copy of that email, and any others you might have that also relate to that same issue.

Thanks,

John Beverungen

=====

>>> ZC <zchaka@hotmail.com> 3/30/12 9:52 AM >>>

Thank you, and also all cars coming toward Fairmount avenue are either from a stop sign or turning, making it safer. Again thank you for the recommendation and approval of the driveway.

On Mar 29, 2012, at 10:30 PM, "Stephen Weber" <sweber@baltimorecountymd.gov> wrote:

Mr. Chaka:

We have reviewed the plan listed as Lot 1, Plat of Relief Assoc. of Balto. Co. , #327 Hillen Rd, and find the 20-foot wide driveway access onto Fairmount Ave acceptable as shown. We realize that the access is within the radius of the intersection, but given the fact that Fairmount Ave is a very wide one-way street leading away from the intersection with Hillen Rd and the lot constraints, we would approve the driveway location.

Should you need anything further, please let me know.

Stephen E. Weber, Chief

P's EX. 4

PETITIONER'S

EXHIBIT NO. 5

123508



Location Drawing

Scale: 1" = 20'

This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, dwellings or other existing or future improvements nor does this plat purport to reflect reflects or other distances with any specific level of accuracy. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. The approximate location of the dwelling is shown in relation to the apparent property lines for the property known as

327 Hillen Road
Baltimore County, Maryland

Valerie L. Matthews

3/21/05

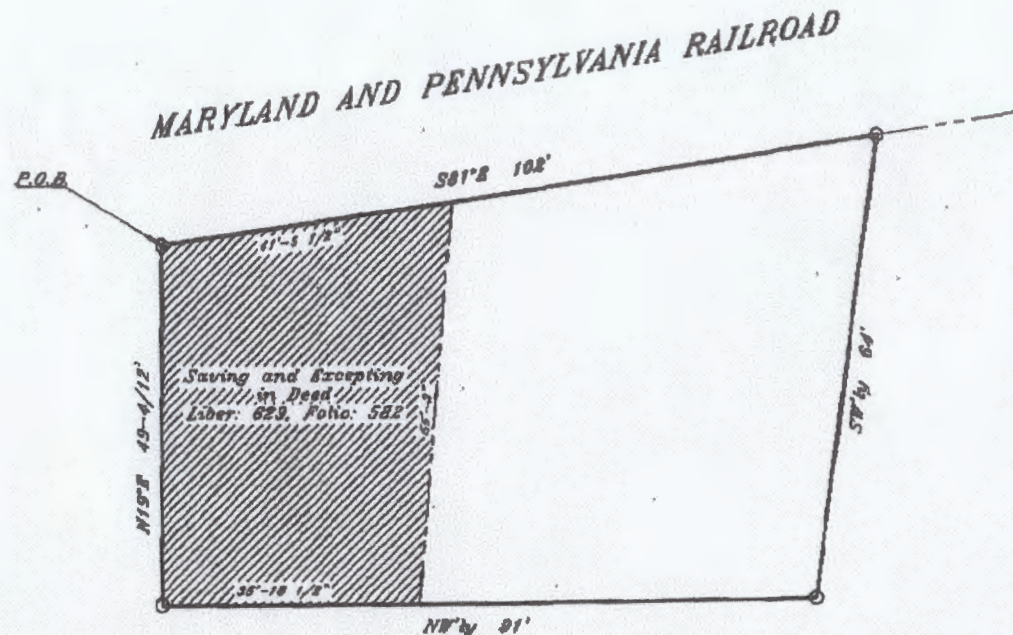
Ruxton Design Corporation

8422 Bellona Lane
Suite 300
Towson, Maryland 21204

410-823-5000
410-823-0115 fax

rdc@ruxtondesign.com

www.ruxtondesign.com



03/21/2005

15:06

RUXTON DESIGN + DALLAPRICE

NO. 583

0001

IN RE: PETITION FOR VARIANCE

NE side of Hillen Avenue, 90 feet S
of Fairmount Avenue
9th Election District
5th Councilmanic District
(333 Hillen Avenue)

Ryan Yaffe
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 2009-0059-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Ryan Yaffe. Petitioner is requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling with a side yard setback of five feet in lieu of the minimum required 10 feet; a rear yard setback of 19 feet in lieu of the minimum required 50 feet; and a rear yard setback of 10 feet in lieu of the minimum required 37½ feet for a proposed open projection (porch). The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Ryan Yaffe, and his father, Richard Yaffe. Stuart D. Kaplow, Esquire appeared and represented Petitioner. There were no Protestants or other interested persons in attendance at the hearing. The case was originally scheduled for October 14, 2008 at 2:00 PM. On that date, Petitioner and his attorney appeared. As a preliminary matter, the undersigned reviewed the file and determined that the property posting and publishing notice requirements had been met for the hearing, and that no Protestants or other interested persons attended the scheduled hearing. At that time, Petitioner's attorney, Mr. Kaplow, requested a postponement. Mr. Kaplow explained that Petitioner was proceeding through the Design Review Panel ("DRP") process and that the

PETITIONER' S

EXHIBIT NO. 6

Case No: 12-238-SPH Case Name: In Re 2PKARIAS CHAKA

Exhibit List

Party: PROTESTANT Date: 8/15/12

Exhibit No:	Description:
#1	PHOTO OF LOT. - APRIL
#2A-	Photo West End Front Making Lot
2B	North for Egleth
2C	ST signs at about
2D	look south for Front Ave. Purple left
2E	looking West from River across Rd.
2F	UTILITY Box on N.W. corner north E
2G	East End in Front the side Box
2H	East End in Hillen side parking
2I	East End in Hillen lot on left
2J	West End from lot
2K	South for Hillen to Egleth
2L	North End for Hillen to Front lot on right
2M	look East End for Tontine Blvd to lot
VERIFIED BY <u>KMC</u> DATE: <u>8/15/12</u>	

Case No: 12-238-SPHA Case Name: IN RE ZEKARAS CHAKA

Exhibit List

Party: PROTESTANT Date: 8/15/12

[illegible]

My Neighborhood

Share

Help

Get Data

BALTIMORE COUNTY, MARYLAND

Address 327 hillen road

Search

Example: 400 Washington Ave

My Neighborhood

CZMP 2012

Civic/Government

Economic

Historic

Environmental

Find Tile

Land Develop

Address Search Results

Address	Percent Match
327 HILLEN RD	100
333 HILLEN RD	64
337 HILLEN RD	64

Report Results

My Neighborhood

Print Results

Tax Account Number	0916750170	More >
Owner Name	CHAKA ZEKARIAS	
Tax Premise Address	327 HILLEN RD	
Tax Map	0070	
Parcel	0891	
Zoning	DR 10.5	More >
Elementary School District	Hampton ES	More >
Middle School District	Dumbarton MS	More >
High School District	Towson HS	More >
Fire Station Response Area	Towson	More >

Additional Information

Zoning Review Office FAQ
Office of Planning - Zoning Information
Board of Elections - Who Is My Representative
Maryland State Board of Elections
U.S. Census Bureau - American Fact Finder
Office of Planning - Demographic Research

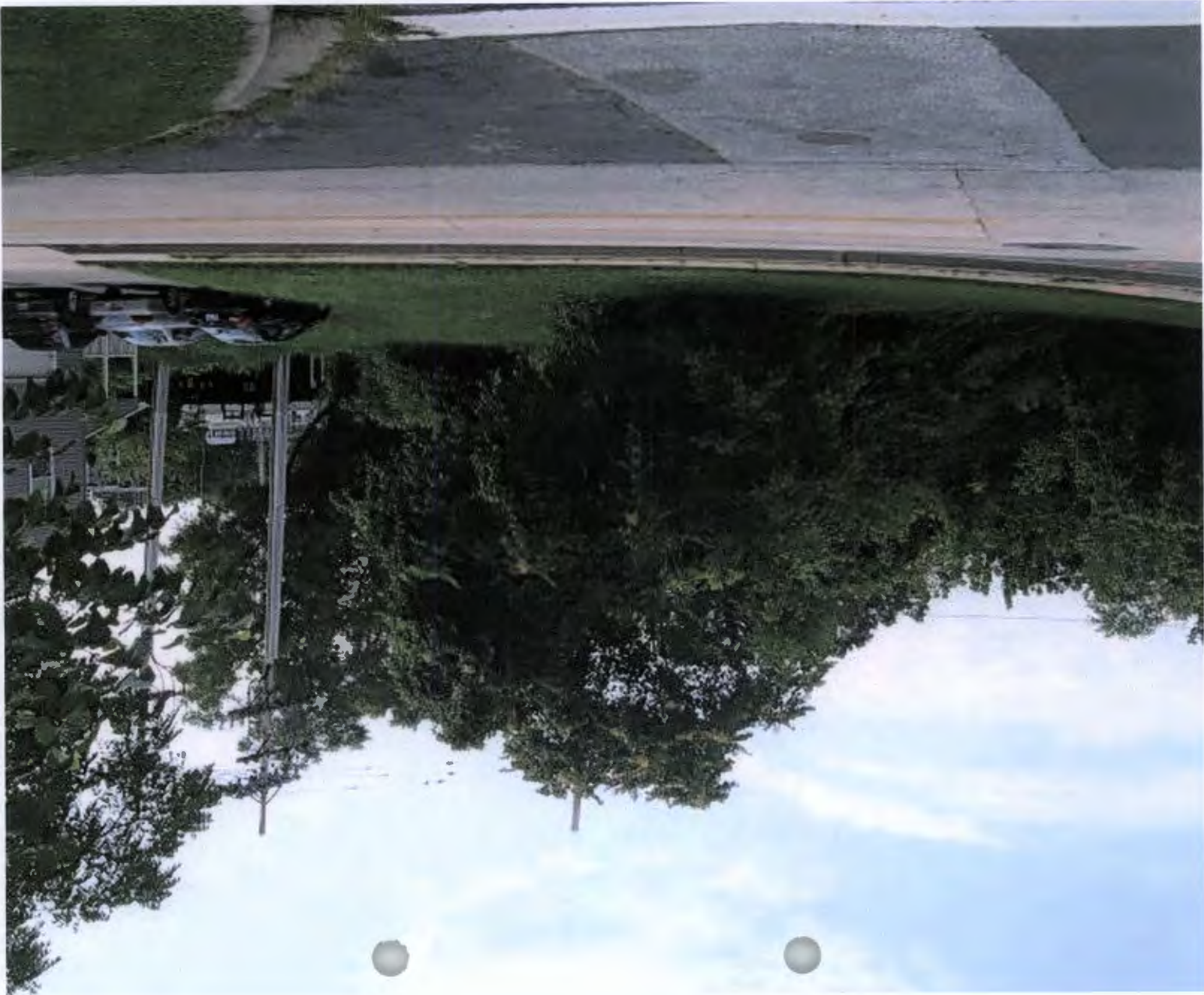


PROT
#2A

Westbound from Hillen



Northbound from Aigbourn



Plot
28

Plot 2c

Street sign showing multiple streets converging at
intersection



PK01
20

Southbound from Fairmount (lot on left)



Post 2E

Westbound from rear access road



Plot
25

Utility box at northwest corner of lot



PROT
25.

Eastbound from Fairmount showing utility box
and power lines immediately adjacent to property



Eastbound from Hillen/Fairmount intersection - showing
close proximity of power lines to property

Photo 2H



21
APR 21

Eastbound ~~on~~ on Hillen (lot on left)



8201
25

Westbound from lot



Southbound from Hillen (Aigbunth Road)



9001
K

22
2008

Northbound from Hillen (Fairmount Ave)



Eastbound from Townsend Blvd.



Post 24
28

No Photo
Available

**Status:** WITHDRN**Ownership:** Fee Simple, Sale
Auction: No**List Price:** \$25,000
Transaction Type: Standard Sale**Legal Sub:** RELIEF ASSN OF BALTO**Adv. Sub:** TOWSON**Total Taxes:** \$97**Lot-SF:** 2,482**Tax ID:** 04090916750170**Lot/Bock/Suare:** 1/**Liber/Folio:** 2/42**Exterior:****Lot Desc:****View Exposure:****Topograpy:****Present Use:** Land/Lot Only**Heating Fuel:** Other**Sewer/Septic:** Public Sewer**Special Permits:****Building Permits:** No Building Permits**Development Status:** Raw Land**Disclosures:** Other**Water Access:****Water Front:****Water View:****Clock Conveys:**

Remarks: SMALL CLEARED LOT IN TOWSON. TOTAL SQUARE FOOTAGE OF LOT IS 2,482. BUYER TO DETERMINE WITH BALTIMORE COUNTY IF LOT IS SUITABLE FOR BUILDING GIVEN THE TOTAL SQUARE FOOTAGE AND SET BACK REQUIREMENTS. GREAT OPPORTUNITY FOR THE RIGHT BUYER. THIS PROPERTY HAD A HOUSE ON IT MANY YEARS AGO BUT WAS SINCE TORN DOWN. PROPERTY NEXT DOOR SOLD FOR 1/18/2007 FOR \$265,000.

List Date: 16-Nov-2009**Update Date:** 12-Mar-2012**DOM-MLS:** 847**DOM-Prop:** 847**Listing Company:** RE/MAX AMERICAN DREAM**Show Instructions:** Show Anytime, Vacant**Vacation Prop:** No**Directions:** FAIRMOUNT AVENUE TO HILLEN. LOT IS IMMEDIATELY TO THE LEFT OF 337 HILLEN WHICH IS A NEWER COLONIAL HOME.**Listing Agent:** Jim Stephens**Agt Off:** (410) 529-7900**Alt. Agent:****Owner:** Seller**Sub Comp:** 0**Home:** (410) 440-4191**Buy Comp:** 1000**Broker Code:** RMAD1**Pager:** (410) 440-4191**Alt Agt Off:****Add'l:****Brkr Off:** (410) 529-7900**Cell:** (410) 440-4191**Alt Agt Home:****On Site:****Dual:** Y **DesR:** N **VarC:** N

PROT 3

**Status:** EXPIRED**Legal Sub:** RELIEF ASSN O**Adv. Sub:** TOWSON**Total Taxes:** \$59**Lot-SF:** 2,482**Tax ID:** 04090916750170**Lot/Bock/Suare:** 1/**Liber/Folio:** 2/42**Exterior:****Lot Desc:****View Exposure:****Topograpy:** Level**Present Use:** Other**Heating Fuel:** Other**Sewer/Septic:** Other**Special Permits:****Building Permits:** Unknown**Development Status:** Plat Recorded**Disclosures:** Expt-disclos/disclaim**Water Access:** No**Water Front:** No**Water View:** No**Dock Conveys:** No**Remarks:** BUYER IS TO DO ALL RESEARCH & LEGWORK. SELLER WILL NOT ACCEPT CONTRACTS CONTINGENT ON WELL, SEPTIC, BLDG PERMITS, OR THE LIKE...CALL AGENT PRIOR TO FAXING CONTRACT.**List Date:** 23-May-2002**Update Date:** 12-Apr-2005**DOM-MLS:** 821**DOM-Prop:** 1074**Listing Company:** RE/MAX ELITE REALTY**Show Instructions:** No Bndry Mark, No Sgn on Prop, Show Anytime, Vacant**Vacation Prop:** No**Directions:** N/A**Listing Agent:** Jim Stephens**Agt Off:** (410) 529-7900**Home:** (410) 440-4191**Broker Code:** RMEL1**Pager:** (410) 440-4191**Brkr Off:** (410) 931-9200**Cell:** (410) 440-4191**Alt. Agent:****Alt Agt Off:****Alt Agt Home:****Owner:** Public Record**On Site:****Sub Comp:** 1000**Buy Comp:** 1000**Add'l:** 0**Dual:** Y**DesR:** N**VarC:** N

*Past history of 327 Hillen
lot on market - notice
how long it has been vacant,
and that it was never
advertised as being
buildable*

\$20,000

n Type: Standard Sale**BM:** 27E7711F5**ites:**

/

tage:**ol:****ool:****ol:**

*ProTex
3*

Lot-Land Agent Synopsis

11-Aug-2012

327 HILLEN RD TOWSON, MD 21286-5424

1:19 pm



Status: WITHDRN

Ownership: Fee Simple, Sale
Auction:

List Price: \$20,000

Transaction Type: Standard Sale

Legal Sub: RELIEF ASSN OF BALTO

ADC Map/TBM: 27E7711F5

Adv. Sub: TOWSON

Area: N/A

Total Taxes: \$59

Tax Year: 2000

Building Sites:

Lot-SF: 2,482

Lot-Acres: 0.06

HOA Fee: /

Tax ID: 04090916750170

Road Frontage:

Lot/Bock/Suare: 1/

Elem School:

Liber/Folio: 2/42

Middle School:

Exterior:

High School:

Lot Desc:

View Exposure:

Topograpy:

Present Use: Other

Cooling Fuel: None

Heating Fuel: Other

Water: Other

Sewer/Septic: Other

Special Permits:

Building Permits: Other

Development Status: Raw Land

Disclosures: None

Water Access: No

Water Front: No

Water View: No

Dock Conveys: No

Remarks: CALL LA FOR DETAILS AND PLATS

List Date: 23-Aug-2001

Update Date: 01-Jan-2005

DOM-MLS: 149

DOM-Prop: 1074

Listing Company: CENTURY 21 HORIZON REALTY

Show Instructions: Call Office, No Sgn on Prop, Show Anytime, Vacant, 24 Hour Notice

Vacation Prop: No

Directions:

Listing Agent: Jim Butler

Broker Code: CHOR1

Brkr Off: (410) 882-0021

Agt Off:

Home: (410) 931-3989

Pager:

Cell: (443) 794-8154

Alt. Agent:

Alt Agt Off:

Alt Agt Home:

Owner: Private

On Site:

Sub Comp: 5%

Buy Comp: 5%

Add'l:

Dual: N DesR: N VarC: N

Lot-Land Agent Synopsis

327 HILLEN RD TOWSON, MD 21286-5424



© Copyright 2002 MRIS



Status: WITHDRN

Ownership: Fee Simple, Sale
Auction:List Price: \$20,000
Transaction Type: Standard Sale

Legal Sub: RELIEF ASSN OF BALTO

Adv. Sub: TOWSON

Total Taxes: \$59

Lot-SF: 2,482

Tax ID: 04090916750170

Lot/Bock/Suare: 1/

Liber/Folio: 2/42

Exterior:

Lot Desc:

View Exposure:

Topograpy:

Present Use: Other

Heating Fuel: Other

Sewer/Septic: Other

Special Permits:

Building Permits: Unknown

Development Status: Plat Recorded

Disclosures: Expt-disclos/disclaim

Water Access: No

Water Front: No

Water View: No

Dock Conveys: No

Remarks: CALL LISTING AGENT FOR PLAT. BUYER IS TO DO ALL LEGWORK. SELLER WILL NOT ACCEPT CONTRACTS
CONTINGENT ON BUILDING PERMITS OR THE LIKE.

List Date: 01-Feb-2002

Update Date: 01-Jan-2005

DOM-MLS: 104

DOM-Prop: 1074

Listing Company: LONG & FOSTER REAL ESTATE, INC.

Show Instructions: No Bndry Mark, No Sgn on Prop, Show Anytime, Vacant

Vacation Prop: No

Directions:

Listing Agent: Jim Stephens

Agt Off: (410) 529-7900

Alt. Agent:

Owner: Private Owner

Sub Comp: 1000

Home: (410) 440-4191

Buy Comp: 1000

Broker Code: LNG62

Pager: (410) 440-4191

Alt Agt Off:

Add'l:

Brkr Off: (410) 529-1900

Cell: (410) 440-4191

Alt Agt Home:

On Site:

Dual: Y DesR: N VarC: N

PROT
#3

Lot-Land Agent Synopsis

327 HILLEN RD TOWSON, MD 21286

**Status:** EXPIRED**Ownership:** Fee Simple, Sale
Auction:**List Price:** \$25,000
Transaction Type: Standard Sale
ADC Map/TBM: 27E7/**Legal Sub:** RELIEF ASSN OF BALTO**Adv. Sub:** RELIEF ASSN OF BALTO**Total Taxes:** \$87**Lot-SF:** 2,482**Tax ID:** 04090916750170**Lot/Bock/Suare:** 1/**Liber/Follo:** 2/42**Exterior:****Lot Desc:****View Exposure:****Topography:****Present Use:** Other**Heating Fuel:** None**Sewer/Septic:** Public Sewer**Special Permits:****Building Permits:** No to Obtain**Development Status:** Plat Recorded**Disclosures:** None**Water Access:****Water Front:****Cooling Fuel:****Water:** Public**Water View:****Dock Conveys:****Remarks:** Rare opportunity to acquire land in the City.**List Date:** 03-Jun-2008**Update Date:** 13-Dec-2008**DOM-MLS:** 193**DOM-Prop:** 193**Listing Company:** CENTURY 21 TRADEMARK REALTY, INC.**Show Instructions:** Call 1st-Lister, Show Anytime, Sign on Property**Vacation Prop:** No**Directions:** Take 695 Inner Loop to exit 27, Dunlany Valley Rd: follow to York Rd, MD45, left on Towsontown Blvd. Proceed for .3miles turns into Hillen Road.**Listing Agent:** Eugene Wright**Agt Off:** (301) 441-1100**Alt. Agent:****Owner:** Dipasquale**Sub Comp:** 4%**Home:** (301) 675-9958**Buy Comp:** 4%**Broker Code:** TRA1**Pager:****Alt Agt Off:****Add'l:****Brkr Off:** (301) 441-1100**Cell:** (301) 675-9958**Alt Agt Home:****On Site:****Dual:** Y **DesR:** Y **VarC:** N
 PROT
 #3


5-14 11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 26, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 327 Hillen Road

INFORMATION:

Item Number: 12-238

Petitioner: Zekarias Chaka

Zoning: DR 10.5

Requested Action: Special Hearing and Variance

RECEIVED

MAY 03 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning opposes the petitioner's special hearing request for an undersized lot. The proposed lot is uncharacteristically small for the subject neighborhood and would have little to no front, side or rear yard. The lack of useable yard space is a direct conflict with the Comprehensive Manual of Development Policies and a dwelling on this property would overcrowd the subject lot. This condition is also not consistent with the pattern of development in this portion of East Towson.

The driveway associated with the proposed dwelling is to be directly on the corner of Fairmount Avenue and Hillen Road. There are no stop signs or traffic signals at this intersection and a driveway at this location would create a safety concern for the residents of the proposed dwelling as well as those traveling on either aforementioned road.

Any residential construction on East Towson is subject to review by the Baltimore County Design Review Panel (DRP). To date, architectural elevations have not been submitted to the Department of Planning for review or approval nor has an application been submitted to appear before the Design Review Panel. The following note should be added to any plans for development/improvement associated with this property:

"The proposed development is within the East Towson Design Review Panel Area. Contact the Department of Planning (410) 887-3480 to discuss Design Review Panel scheduling, requirements, process and submissions. Proposed house plans, elevations and materials shall be reviewed and approved by the Design Review Panel prior to the issuance of any building permits."

PROT EX
#

Residential Listings Summary Report



Status	ML#	Address	List Price	BR	FB	HB	Lvl	Fpl	Gar	Bsmt	Acres	Age	DOMM/ DOMP	Adv Sub	Style/Type	TLA
Sold	BC7767818	405 Pennsylvania Ave, Towson	\$115,000	3	1	0	3.00	0	0	Y	0.23	89	30/451	East Towson	Detached/Farm House	1,268
Sold	BC7767653	500 Fairmount Ave, Towson	\$199,000	4	1	0	3.00	0	0	Y	0.15	134	132/554	East Towson	Detached/Farm House	2,336
Expired	BC7710676	405 Pennsylvania Ave E, Towson	\$115,000	3	1	0	3.00	0	0	Y	0.23	89	76/451	East Towson	Detached/Cottage	1,268
Withdrn	BC7710670	407 Pennsylvania Ave E, Baltimore	\$115,000	3	1	0	3.00	0	0	Y	0.23	89	0/345	East Towson	Detached/Farm House	1,254
Sold	BC7710651	407 Pennsylvania Ave E, Baltimore	\$115,000	3	1	0	3.00	0	0	Y	0.23	89	0/345	East Towson	Detached/Farm House	1,254
Expired	BC7710645	500 Fairmount Ave, Towson	\$199,000	4	1	0	3.00	0	0	Y	0.15	134	76/554	East Towson	Detached/Farm House	2,336
Sold	BC7454924	409 Pennsylvania Ave E, Baltimore	\$135,000	3	1	0	3.00	0	0	Y	0.23	89	264/345	East Towson	Detached/Farm House	1,254
Expired	BC7454877	407 Pennsylvania Ave E, Baltimore	\$115,000	3	1	0	3.00	0	0	Y	0.23	89	345/345	East Towson	Detached/Farm House	1,254
Expired	BC7454357	405 Pennsylvania Ave E, Towson	\$115,000	3	1	0	3.00	0	0	Y	0.23	89	345/451	East Towson	Detached/Cottage	1,268
Expired	BC7453992	500 Fairmount Ave, Towson	\$199,000	4	1	0	3.00	0	0	Y	0.15	134	346/554	East Towson	Detached/Farm House	2,336
Sold	BC7364585	419 Railroad Ave, Towson	\$47,900	2	1	0	2.00	0	0	N	0.04	109	69/110	East Towson	Detached/Colonial	840
Withdrn	BC7305198	408 Railroad Ave, Towson	\$239,000	3	1	1	3.00	0	0	N	0.08	2	321/321	East Towson	Detached/Colonial	1,268
Sold	BC4970497	256 Susquehanna Ave E, Towson	\$160,000	3	2	0	2.00	0	0	Y	0.04	69	14/14	East Towson	Attach/Row H/Other	960
Sold	BC4610146	408 Fairmount Ave, Towson	\$99,900	3	1	1	2.00	0	0	Y	0.17	112	40/40	East Towson	Detached/Other	1,117
Rented	BC4115782	405 Pennsylvania Ave E, Towson	\$600	3	1	0	2.00	0	0	Y	0.23	89	47/47	East Towson	Detached/Colonial	1,268
Sold	BC4099188	365 Hillen Rd, Towson	\$79,000	2	1	1	1.00	0	0	N	0.15	88	44/44	East Towson	Detached/Cottage	874
Withdrn	BC3092769	419 Railroad Ave, Towson	\$37,500	2	1	0	2.00	0	0	N	0.04	109	157/157	East Towson	Detached/Cottage	840
Sold	BC3042921	104 Willow Ave, Towson	\$119,900	3	1	0	2.00	0	0	Y	0.11	84	21/21	East Towson	Detached/Bungalow	1,283
Sold	BC2778758	542 Mcmanus Way #542, Baltimore	\$88,000	2	1	1	2.00	0	0	N	0.00	17	82/82	East Towson	Garden 1-4 F/Other	1,020
Withdrn	BC2771903	314 Lennox Ave #B, Baltimore	\$124,900	3	2	0	2.00	0	0	Y	0.31	13	120/120	East Towson	Detached/Colonial	1,620
Withdrn	BC2771847	314 Lennox Ave #A, Baltimore	\$124,900	3	2	0	2.00	0	0	Y	0.31	13	120/120	East Towson	Detached/Colonial	1,620
Withdrn	BC2336938	1625 Mussula Rd, Baltimore	\$700	2	1	0	2.00	0	2	Y	0.11	67	59/59	East Towson	Semi-Detached/Other	930
Sold	BC228530C	5 W1Llow Ave, Baltimore	\$75,799	3	1	1	2.00	0	0	Y	0.12		181/181	East Towson	Detached/Colonial	
Sold	BC2189894	1625 Mussula Rd, Baltimore	\$69,900	2	1	0	2.00	0	2	Y	0.11	67	310/534	East Towson	Semi-Detached/Other	930
Withdrn	BC102625C	323 Lennox, Baltimore	\$69,500	3	2	2	0.00	1	0	Y	0.10		1/1	East Towson	Detached/Cape Cod	2,176

#Pg 1
51-1

"East Towson" sold on multiple listings over past 20 years!

Courtesy of: Christia Raborn

Home: (410) 337-9300 Office: (410) 337-9300
Cell: (410) 963-0025 Email: chris.raborn@gmail.com
Company: RE/MAX Greater Metro
Office: (410) 337-9300 Fax: (410) 337-7368

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Information is believed to be accurate, but should not be relied upon without verification.
Accuracy of square footage, lot size and other information is not guaranteed.



County: BALTIMORE

Full Tax Record

11-Aug-2012

1:00 pm

Property Address: 333 HILLEN AVE. BALTIMORE MD 21286 5424

Legal Subdiv/Neighborhood: RELIEF ASSN OF BALTO

Condo/Coop Project:

Incorporated City:

Absent Owner: No

Owner Name: RYAN YAFFE

Company Owner:

Addtl:

Care of Name:

MAILING ADDRESS: 333 HILLEN RD, BALTIMORE, MD 21286 5424

LEGAL DESCRIPTION: PT LT 2 170 W EUDOWOOD AV RELIEF ASN OF BALTO CO

Mag/Dist #: 9

Lot: 2

Block/Square:

Election District: 9

Legal Unit #:

Grid: 9

Section:

Subdiv Ph:

Addl Parcel Flag#:

Map Suffix:

Suffix:

Parcel: 891

Historic ID:

Agri Dist:

Plat Folio:

Tax Map:

Map: 70

Sub-Parcel:

Plat Liber:

Tax Year 2011

Total Tax Bill: \$4,527

State/County Tax: \$3,920

Spec Tax Asmt: \$607

Front Foot Fee:

Tax Levy Year: 2011

Tax Rate: 1.21

ASSESSMENT

Year Assessed

2012

2011

2010

Use

DEED

Transfer Date

26-Aug-2008

03-Jun-1980

AURELIA MACK MACK MAR
/ MARY MACK MACK EDNA

PROPERTY DESCRIPTION

Year Built: 2009

Irregular Lot:

Land Use Code: Residential

Property Class: 111

Zoning Desc:

Prop Use: RESIDENTIAL WITH BASEMENT

Site Influence:

Building Use:

Lot Description:

Topography:

Sidewalk:

Pavement:

t/Block: 490,900/1015

11

ard:

ription:

age: 1

STRUCTURE DESCRIPTION

Section 1

Section 2

Section 3

Section 4

Section 5

Construction:

Story Type:

2B

Description:

Dimensions:

Area:

2,520

560

560

Foundation:

Ext Wall: Siding - Alum/Viny

Stories: 2

Total Building Area:

Patio/Deck Type:

Sq Ft:

Balcony Type:

Sq Ft:

Attic Type:

Sq Ft:

Rooms:

Bedrooms:

Full Baths: 2

Half Baths: 1

Baths: 2.50

Other Rooms:

Other Amenities:

Appliances:

Gas:

Electric:

Heat: Heat Pump(s)

Water: Public

Fireplace Type:

Bsmt Type: Not Specified

Bsmt Tot Sq Ft: 1,260

Bsmt Fin Sq Ft:

Bsmt Unfin Sq Ft:

Air Conditioning: Combined System

Interior Floor:

Outbuildings:

Sewer: Public

Underground:

of Dormers: 10

Year Remodeled:

Model/Unit Type: STANDARD UNIT

Base Sq Ft:

Sq Ft: 520

Sq Ft:

Fireplaces:

Garage Type: Built In

Garage Const.:

Garage Sq Ft: 560

Garage Spaces:

Fuel:

Walls:

Tax Record Updated: 11-May-2012

Courtesy of: Christia Raborn

Home: (410) 337-9300

Office: (410) 337-9300

Cell: (410) 963-0025

Email: chris.raborn@gmail.com

Company: RE/MAX Greater Metro

Office: (410) 337-9300

Fax: (410) 337-7368

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Information is believed to be accurate, but should not be relied upon without verification.

Accuracy of square footage, lot size and other information is not guaranteed.



County: BALTIMORE

Full Tax Record

11-Aug-2012

1:00 pm

Property Address: 339 HILLEN RD. BALTIMORE MD 21286 5424

Legal Subdiv/Neighborhood: RELIEF ASSN OF BALTO

Condo/Coop Project:

Incorporated City:

Absent Owner: No

Owner Name: C JOSE WHYE

Company Owner:

Addtl:

Care of Name:

MAILING ADDRESS: 339 HILLEN RD, BALTIMORE, MD 21286 5424

LEGAL DESCRIPTION: 339 HILLEN RD RELIEF ASSN OF BALTO

Mag/Dist #: 9

Lot: 4

Block/Square:

Election District: 9

Legal Unit #:

Grid: 9

Tax Map:

Section:

Subdiv Ph:

Addl Parcel Flag/#:

Map: 70

Map Suffix:

Suffix:

Parcel: 891

Sub-Parcel:

Historic ID:

Agri Dist:

Plat Folio:

Plat Liber:

Tax Year 2011

Total Tax Bill: \$1,640

City Tax:

Tax Levy Year: 2011

State/County Tax: \$1,410

Refuse:

Tax Rate: 1.21

Spec Tax Assmt: \$231

Exempt Class:

Homestd/Exempt Status:

Front Foot Fee:

Tax Class:

Mult. Class:

ASSESSMENT

Year Assessed

Total Tax Value

Land

Improvement

Land Use

2012

\$116,300

\$83,500

\$32,800

2011

\$116,300

\$83,500

\$41,140

2010

\$124,640

\$83,500

\$41,140

DEED

Deed Liber: 16504

Deed Folio: 274

Transfer Date

Price

Grantor

Grantee

12-Jun-2002

\$50,000

SCOTT, ODESSA E

WHYE, C JOSE

11-Jul-1986

\$0

WHYE ODESSA E

SCOTT ODESSA E

PROPERTY DESCRIPTION

Year Built: 1913

Zoning Code:

Census Tract/Block: 490,900/1015

Irregular Lot:

Square Feet: 5,544

Acreage: 0.13

Land Use Code: Residential

Plat Liber/Folio: /

Property Card:

Property Class: 111

Quality Grade: BELOW AVERAGE

Road Description:

Zoning Desc:

Xfer Devel.Right:

Road Frontage: 1

Prop Use: RESIDENTIAL NO BASEMENT

Site Influence:

Topography:

Building Use:

Sidewalk:

Lot Description:

Pavement:

STRUCTURE DESCRIPTION

Section 1

Section 2

Section 3

Section 4

Section 5

Construction:

Story Type:

2

Description:

Dimensions:

Area:

944

84

Foundation:

Roofing: Shingle - Composite

of Dormers:

Ext Wall: Siding - Alum/Viny

Style: Standard Unit

Year Remodeled:

Stories: 2

Units: 1

Model/Unit Type: STANDARD UNIT

Total Building Area:

Living Area: 944

Base Sq Ft:

Patio/Deck Type:

Sq Ft:

Porch Type: Open

Sq Ft: 84

Balcony Type:

Sq Ft:

Pool Type:

Sq Ft:

Attic Type:

Sq Ft:

Roof Type:

Rooms:

Fireplace Type:

Fireplaces:

Bedrooms:

Bsmt Type:

Garage Type:

Full Baths: 1

Bsmt Tot Sq Ft:

Garage Const.:

Half Baths:

Bsmt Fin Sq Ft:

Garage Sq Ft:

Baths: 1.00

Bsmt Unfin Sq Ft:

Garage Spaces:

Other Rooms:

Air Conditioning:

Other Amenities:

Interior Floor:

Appliances:

Outbuildings:

Gas:

Heat: Space Heater

Sewer: Public

Fuel:

Electric:

Water: Public

Underground:

Walls:

Tax Record Updated : 11-May-2012

Courtesy of: Christia Raborn

Home: (410) 337-9300

Office: (410) 337-9300

Cell: (410) 963-0025

Email: chris.raborn@gmail.com

Company: RE/MAX Greater Metro

Office: (410) 337-9300

Fax: (410) 337-7368

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County: BALTIMORE

Full Tax Record

11-Aug-2012

1:00 pm

Property Address: HILLEN RD. UNKNOWN MD

Legal Subdiv/Neighborhood: RELIEF ASSN OF BALTO

Incorporated City:

Owner Name:

Addtnl:

Condo/Coop Project:

Absent Owner: Yes

Company Owner: MOUNT CALVARY AFRICAN MET

Care of Name:

MAILING ADDRESS: P O BOX 20416, BALTIMORE, MD 21286 5453**LEGAL DESCRIPTION:** CHAR EX 400 E EUDOWOOD RD RELIEF ASSN OF BALTO CO

Mag/Dist #: 9

Lot: 21

Block/Square:

Election District: 9

Legal Unit #:

Grid: 9

Section:

Subdiv Ph:

Addl Parcel Flag/#:

Tax Map:

Map Suffix:

Suffix:

Parcel: 891

Map: 70

Historic ID:

Agri Dist:

Plat Folio:

Sub-Parcel:

Plat Liber:

Tax Year 2011**Total Tax Bill: \$662**

City Tax:

Tax Levy Year: 2011

State/County Tax: \$662

Refuse:

Tax Rate: 1.21

Spec Tax Assmt:

Exempt Class: 700

Homestd/Exempt Status:

Front Foot Fee:

Tax Class:

Mult. Class:

ASSESSMENT

<u>Year Assessed</u>	<u>Total Tax Value</u>	<u>Land</u>	<u>Improvement</u>	<u>Land Use</u>
2012	\$54,600	\$54,600	\$0	
2011	\$54,600	\$78,500	\$0	
2010	\$78,500	\$78,500	\$0	

DEED Deed Liber: 12068 Deed Folio: 483

<u>Transfer Date</u>	<u>Price</u>	<u>Grantor</u>	<u>Grantee</u>
07-Mar-1997	\$0	METRO HOUSING INC	MOUNT, CALVARY AFRICAN, METHOD
22-May-1992	\$27,000	PARKER CARVERETTA	METRO HOUSING INC

PROPERTY DESCRIPTION

Year Built:

Zoning Code:

Census Tract/Block: /

Irregular Lot:

Square Feet: 5,460

Acreage: 0.13

Land Use Code: Commercial

Plat Liber/Folio: /

Property Card:

Property Class: C000

Quality Grade:

Road Description:

Zoning Desc:

Xfer Devel.Right:

Road Frontage:

Prop Use: EXEMPT COMMERCIAL

Site Influence:

Topography:

Building Use:

Sidewalk:

Lot Description:

Pavement:

STRUCTURE DESCRIPTION

	<u>Section 1</u>	<u>Section 2</u>	<u>Section 3</u>	<u>Section 4</u>	<u>Section 5</u>
Construction:					
Story Type:					
Description:					
Dimensions:					
Area:					
Foundation:		Roofing:		# of Dormers:	
Ext Wall:		Style:		Year Remodeled:	
Stories:		Units: 0		Model/Unit Type:	
Total Building Area:			Living Area:	Base Sq Ft:	
Patio/Deck Type:	Sq Ft:		Porch Type:	Sq Ft:	
Balcony Type:	Sq Ft:		Pool Type:	Sq Ft:	
Attic Type:	Sq Ft:		Roof Type:		
Rooms:		Fireplace Type:		Fireplaces:	
Bedrooms:		Bsmt Type:		Garage Type:	
Full Baths:		Bsmt Tot Sq Ft:		Garage Const.:	
Half Baths:		Bsmt Fin Sq Ft:		Garage Sq Ft:	
Baths:		Bsmt Unfin Sq Ft:		Garage Spaces:	
Other Rooms:			Air Conditioning:		
Other Amenities:			Interior Floor:		
Appliances:			Outbuildings:		
Gas:	Heat:		Sewer:	Fuel:	
Electric:	Water: Public		Underground:	Walls:	

Tax Record Updated: 11-May-2012

Courtesy of: Christia Raborn

Home: (410) 337-9300

Office: (410) 337-9300

Cell: (410) 963-0025

Email: chris.raborn@gmail.com

Company: RE/MAX Greater Metro

Office: (410) 337-9300

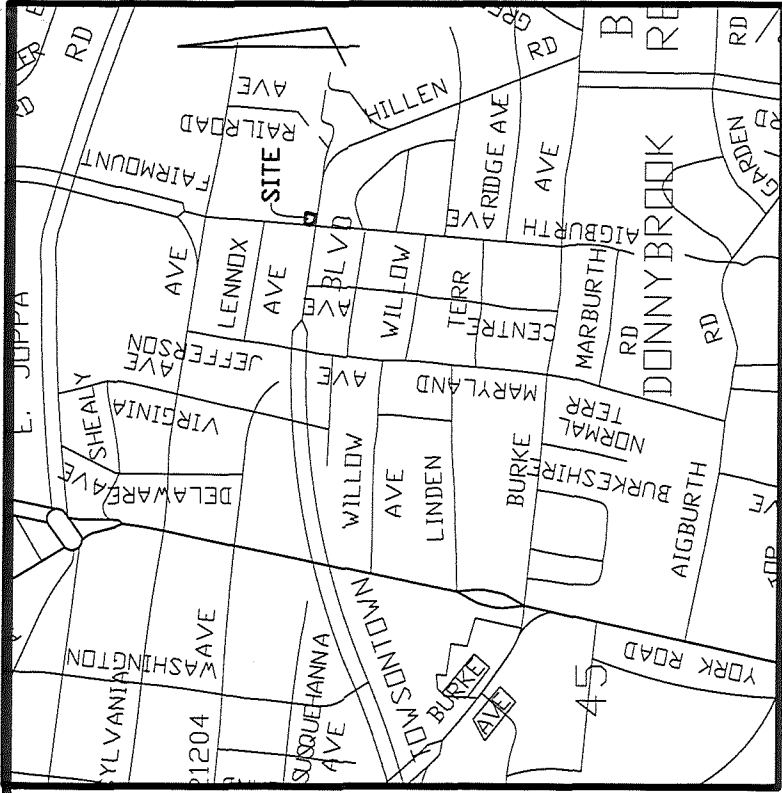
Fax: (410) 337-7368

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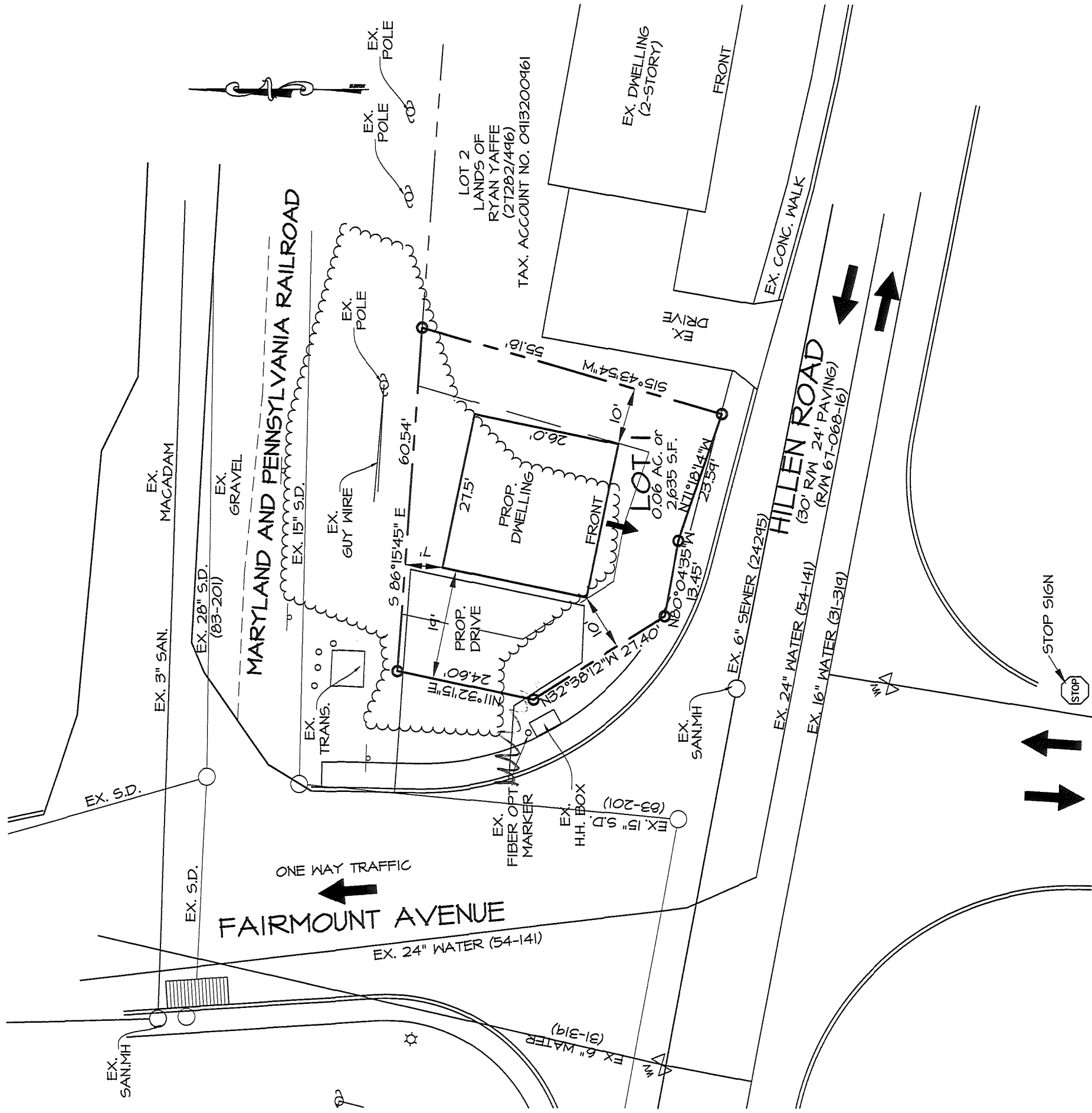


ZONING HEARING FOR VARIANCE (X) FOR SPECIAL HEARING
ADDRESS (55 MOUNTAIN GREEN CIRCLE) OWNER NAME (ZEKARIAS CHAKA)
SUBDIVISION NAME (RELIEF ASSOCIATION) LOT# (1) BLOCK# (9) SECTION (N/A)
PLAT BOOK# (2) FOLIO# (42) 10 DIGIT TAX# (09-16-750170) DEED REF.# (31409/00339)

ZONING MAP#.....070A2
SITE ZONED.....DR 10.5
ELECTION DISTRICT.....9
COUNCIL DISTRICT.....5
LOT AREA ACREAGE.....0.06 AC.±
OR SQUARE FEET.....2635 SQ. FT.
HISTORIC?.....NO-Yes
IN CBCA?.....NO
IN FLOOD PLAIN?.....NO
UTILITIES?.....YES
WATER.....PUBLIC
SEWER.....PUBLIC
PRIOR HEARING?.....NO
IF SO CASE#.....N/A
AND ORDER RESULT.....N/A
VIOLATION CASE INFO.....N/A



VICINITY MAP
SCALE: 1" = 1000'



DATE: 3/18/2012

SCALE: 1" = 20'

JOB NUMBER: 01108

Wilson Deegan & Associates, Inc.

SURVEYORS * ENGINEERS
2309 Bel Air Road - Suite A
Fallston, Maryland 21041

PHONE: (410) 843-3700 FAX: (410) 871-0700

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE

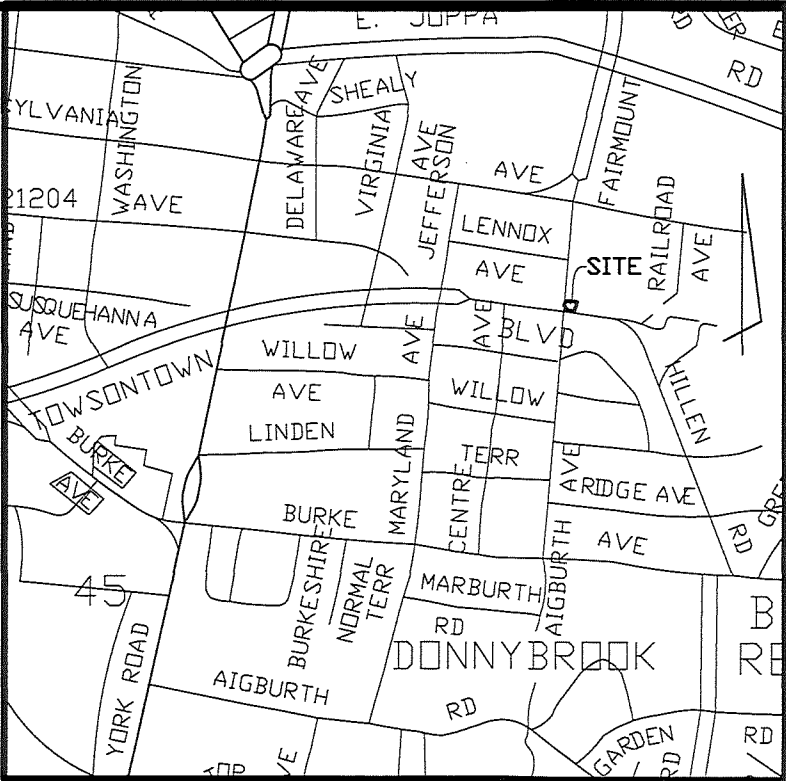
LOT 1
PLAT OF

RELIEF ASSOCIATION
OF BALTIMORE COUNTY
(PLAT BOOK 2 FOLIO 42)

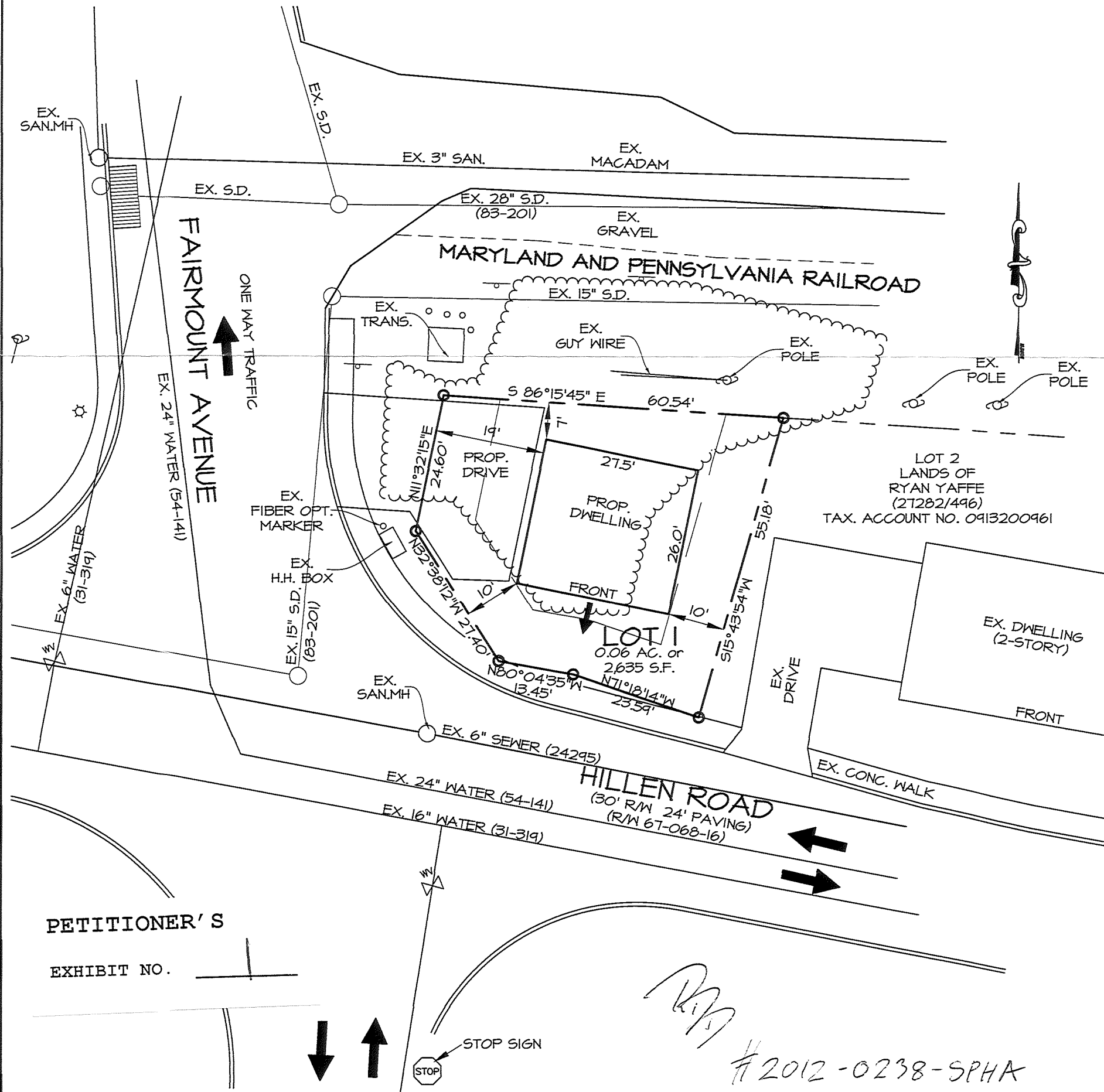
#327 HILLEN ROAD
4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

ZONING HEARING FOR VARIANCE (X) FOR SPECIAL HEARING
ADDRESS (55 MOUNTAIN GREEN CIRCLE) OWNER NAME (ZEKARIAS CHAKA)
SUBDIVISION NAME (RELIEF ASSOCIATION) LOT# (1) BLOCK# (9) SECTION (N/A)
PLAT BOOK# (2) FOLIO# (42) 10 DIGIT TAX# (09-16-750170) DEED REF.# (31409/00339)

ZONING MAP#..... 070A2
SITE ZONED..... DR 10.5
ELECTION DISTRICT..... 9
COUNCIL DISTRICT..... 5
LOT AREA ACREAGE..... 0.06 AC.±
OR SQUARE FEET..... 2635 SQ. FT.
HISTORIC?..... ~~NO~~ ~~Yes~~ No
IN CBCA?..... NO
IN FLOOD PLAIN?..... NO
UTILITIES?..... YES
WATER..... PUBLIC
SEWER..... PUBLIC
PRIOR HEARING?..... NO
IF SO CASE#..... N/A
AND ORDER RESULT..... N/A
VIOLATION CASE INFO..... N/A



VICINITY MAP
SCALE: 1" = 1000'



DATE: 3/18/2012
SCALE: 1" = 20'
JOB NUMBER: 01108

Wilson Deegan & Associates, Inc.
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2309 Bel Air Road - Suite A
Fallston, Maryland 21047
PHONE: (410) 893-3700 FAX: (410) 877-0700

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
LOT 1
PLAT OF
RELIEF ASSOCIATION
OF BALTIMORE COUNTY
(PLAT BOOK 2 FOLIO 42)
#327 HILLEN ROAD
9TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND