

12/16/14

IN THE MATTER OF
PALMETTO GROUP, INC - LEGAL OWNER
OLYMPIA PROPERTIES, INC - CONTRACT
PURCHASER
PETITION FOR VARIANCE FOR THE PROPERTY
LOCATED AT 1414 WALNUT AVENUE

3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 13-015-A

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Zak and Gabrielle Shirley, Joel Eagle, Mark Hall, Carole Quirk, Jon Considine, William Scott, III, Mary Byrne, and Rita Smith of a decision of the Administrative Law Judge dated September 27, 2012 in which the requested zoning relief was denied and Motion for Reconsideration Opinion and Order dated November 2, 2012, in which the Motion was granted and the requested zoning relief was granted.

WHEREAS, the Board is in receipt of a Request to Withdraw Petition filed by J. Neil Lanzi, Esquire on behalf of Palmetto Group, Inc., Petitioner (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner requests that the Petition for Variance that is the subject matter of this appeal be withdrawn and dismissed without prejudice,

IT IS THEREFORE ORDERED this 16th day of December, 2014 by the Board of Appeals of Baltimore County that the Petition for Variance filed in Case No. 13-015-A be and the same is hereby **WITHDRAWN AND DISMISSED**, and that the Administrative Law Judge's Orders dated September 27, 2012 and November 2, 2012, including any and all relief granted therein, is rendered **null and void**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



David L. Thurston, Chairman



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 16, 2014

J. Neil Lanzi, Esquire
J. Neil Lanzi, P.A.
PNC Bank Building, Suite 617
409 Washington Avenue
Towson, Maryland 21204

RE: *In the Matter of: Palmetto Group, Inc. – Legal Owner*
Olympia Properties, Inc. – Contract Purchaser/Lessee
Case No: 13-015-A

Dear Mr. Lanzi:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Carnington
Administrator

KLC/tam
Enclosure

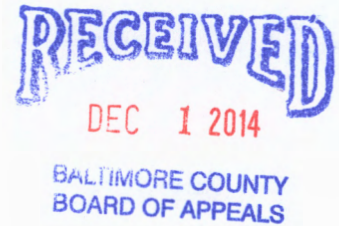
c: Eric L. Bérns/Palmetto Group, Inc.
Sam Tenenbaum/Olympia Properties, Inc.
Aharon Feluelson
Thomas J. Hoff
William W. Scott, III
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Zak and Gabrielle Shirley
Joel Eagle
Mark Hall
Carole Quirk, Jon Considine
Mary Byrne
Rita Smith
John E. Beverungen, Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

J.Neil Lanzi - Attorney at Law
Melody Russell - Paralegal



Fred L. Coover - Of Counsel*
*Also admitted in District of Columbia



December 1, 2014

SENT VIA FAX (410) 887-3182
Board of Appeals for Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Attn: Krysundra "Sunny" Cannington, Administrator

Re: Case No. 13-015-A
In the Matter of: Palmetto Group, Inc./1414 Walnut Avenue

Dear Ms. Cannington:

This letter will confirm our telephone conversation today regarding the appeal hearing set for the above referenced case on Tuesday, December 2, 2014 at 9:30 a.m. As counsel for the Appellee/Petitioner/Applicant, I have been instructed to not proceed with this de novo appeal.

Accordingly, by this letter, Petitioner hereby withdraws its Petition for Zoning Variance previously approved by the Administrative Law Judge by Order dated November 2, 2012. I apologize for any inconvenience to the members of the Board for this late notice. The decision was just made over the holiday weekend.

Should you require anything further, please do not hesitate to contact me.

Very truly yours,

J. Neil Lanzi

JNL\mlr
cc: Office of People's Counsel

Krysundra Cannington - Palmetto Group, Inc. Case No. 13-015-A

From: Peoples Counsel
To: Cannington, Krysundra
Date: 8/29/2014 2:53 PM
Subject: Palmetto Group, Inc. Case No. 13-015-A
CC: Zak.Shirley@dlapiper.com; nlanzi@lanzilaw.com

August 29, 2014

Krysundra Cannington
Administrator, County Board of Appeals for Baltimore County
Re: Palmetto Group, Inc., Case No. 13-015-A

Dear Ms. Cannington,

Appellant Zak Shirley called me this week, informed me of the County Board of Appeals' August 5 letter pertinent to lack of prosecution, and today sent me a copy of the letter.

Our office entered its appearance at the Administrative Law Judge level. Upon appeal by Mr. Shirley and others, the petitioners (not the appellants) requested a postponement. Before that, our office had communications with various parties and did a fair amount of work. We are still interested in the case.

Because the delay was occasioned by petitioners, the lack of prosecution is obviously attributable to the petitioners. The burden, therefore, is on petitioners to proceed with the petition on the de novo appeal. I infer from your letter on behalf of the Board that if the petitioners do not proceed within the stated deadline to request the case be reactivated, then Palmetto Group, Inc., et al's petition will be dismissed. This will be, as your letter states, in the form of an Order of Dismissal of Petition for Lack of Prosecution. The Order would also state that the Administrative Law Judge's November 2, 2012 "Motion for Reconsideration Opinion and Order" granting the variances is null and void.

Please note that if petitioners respond timely and affirmatively and ask that the case be active again. our office is ready to try the case. We would also oppose any further requests for postponement by petitioners. Based on my conversation with Zak Shirley, my impression is that he will be ready try the case as well.

We are sending a copy of this e-mail to Neil Lanzi, attorney for Petitioners, and Zak Shirley, one of the appellants, who is also an attorney. We trust that Mr. Shirley is in touch with the other appellants, as he appears to be the lead appellant.

Sincerely, Peter Max Zimmerman



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 5, 2014

J. Neil Lanzi, Esquire
PNC Bank Building, Ste 617
409 Washington Avenue
Towson, MD 21204

Zak and Gabrielle Shirley
1417 Walnut Avenue
Baltimore, MD 21209

Joel Eagle
1404 Walnut Avenue
Baltimore, MD 21209

Mark Hall
1410 Walnut Avenue
Baltimore, MD 21209

Re: In the matter of: Palmetto Group, Inc. – Legal Owners
Olympia Properties, Inc – Contract purchasers/Lessee
Case No.: 13-015-A

Dear Messrs Lanzi, Eagle, Hall, and Mr. and Mrs. Shirley:

The above referenced matter was postponed by the Board of Appeals on January 9, 2013.

To date, the Board of Appeals has not been contacted with regards to rescheduling the matter, nor has a Petition to Withdrawal the Appeal/Petition been received. This matter is still pending before the Board. Please contact this office upon receipt of this letter if you intend to proceed. If there is no response filed to this letter after the expiration of 30 days from the date of this Notice, an Order of Dismissal of Petition for lack of prosecution will be entered in the above-captioned matter. Upon receipt of a request filed at any time before 30 days after date of this Notice, the Board, for good cause, may defer entry of the Order of Dismissal for the period and on the terms it deems proper.

Thank you for your time and assistance. I remain,

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Multiple Originals

From: Krysundra Cannington
To: Neil Lanzi
Date: 2/11/2014 11:23 AM
Subject: Palmetto Group, LLC 13-015-A

Good morning Neil,

Please advise as to the status of this matter. It appears this matter was postponed in January of 2013 pending the completion of the DRC case.

Thank you.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
(410) 887-3180

Confidentiality Statement

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KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 12, 2012

J. Neil Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson, Maryland 21204

RE: APPEAL TO BOARD OF APPEALS
Case No. 2013-0015-A
Location: 1414 Walnut Avenue

RECEIVED
DEC 12 2012

**BALTIMORE COUNTY
BOARD OF APPEALS**

Dear Mr. Lanzi:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 27, 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:dlw

- c: ☒ Baltimore County Board of Appeals
People's Counsel for Baltimore County
Arnold Jablon, Director, Department of Permits, Approvals, and Inspections
Sam Tenenbaum, 3600 Labyrinth Road, J3, Baltimore, MD 21215
Eric L. Bers, P.O. Box 841, Ellicott City, MD 21041
Aharon Feivelson, 6605 Park Heights Avenue, Unit T1, Baltimore, MD 21215
Thomas J. Hoff, 512 Virginia Avenue, Towson, MD 21286
Peggy Squitieri, RRLRAIA, P.O. Box 204, Riderwood, MD 21139
Joel M. Eagle, 1404 Walnut Avenue, Baltimore, MD 21209
Zak and Gabrielle D. Shirley, 1417 Walnut Avenue, Baltimore, MD 21209
Mark A. Hall, 1410 Walnut Avenue, Baltimore, MD 21209
Carol Quirk and Jon Considine, 1409 Walnut Avenue, Baltimore, MD 21209
William W. Scott, III, 1411 Walnut Avenue, Baltimore, MD 21209
Mary Byrne, 1406 Walnut Avenue, Baltimore, MD 21209
Rita Smith, 1408 Walnut Avenue, Baltimore, MD 21209

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468

www.baltimorecountymd.gov

APPEAL

**Petition for Variance
(1414 Walnut Avenue)
3rd Election District – 2nd Councilmanic District
Legal Owner: Palmetto Group, Inc.
Contract Purchaser/Lessee: Olympia Properties, Inc.
Case No. 2013-0015-A**

Petition for Variance (July 20, 2012)

Zoning Description of Property

Notice of Zoning Hearing (August 20, 2012)

Certificate of Publication (The Jeffersonian – September 6, 2012)

Certificate of Posting (September 4, 2012) by Martin Ogle

Entry of Appearance by People's Counsel (August 2, 2012)

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Site Plan
2. Plan showing photo locations
3. Plan with Design Review Area
4. Color Photos 4A-C
5. Color Photos 5A-P
6. Plat
7. Photo – sample house
8. Eric Bers letter
9. Ed Adams letter

Protestant(s) Exhibits - None

Miscellaneous (Not Marked as Exhibits) – Letters & E-mails

Administrative Law Judge Order (DENIED – September 27, 2012)

Request for Motion for Reconsideration – October 25, 2012 by J. Neil Lanzi, Esq.

Petitioner(s) Sign-in Sheet – Hearing on Motion - None

Citizen(s) Sign-in Sheet - Hearing on Motion - None

Administrative Law Judge Order on Motion (Granted w/Conditions – November 2, 2012)

Notice of Appeal on Motion - November 26, 2012 from Zak & Gabrielle Shirley, Joel Eagle & Mark Hall

Additional signatures for Appeal on Motion - from community members on November 27, 2012 and December 3, 2012

APPEAL

Petition for Variance
(1414 Walnut Avenue)
3rd Election District – 2nd Councilmanic District
Legal Owner: Palmetto Group, Inc.
Contract Purchaser/Lessee: Olympia Properties, Inc.
Case No. 2013-0015-A

- ✓ Petition for Variance (July 20, 2012)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (August 20, 2012)
- ✓ Certificate of Publication (The Jeffersonian – September 6, 2012)
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- ✓ Entry of Appearance by People's Counsel (August 2, 2012)
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- ✓ 4. Color Photos 4A-C
- ✓ 5. Color Photos 5A-P
- ✓ 6. Plat
- ✓ 7. Photo – sample house (3)
- ✓ 8. Eric Bers letter
- ✓ 9. Ed Adams letter

Protestant(s) Exhibits (None)

- ✓ Miscellaneous (Not Marked as Exhibits) – Letters & E-mails
- ✓ Administrative Law Judge Order (DENIED – September 27, 2012)
- ✓ Request for Motion for Reconsideration – October 25, 2012 by J. Neil Lanzi, Esq.
- ✓ Petitioner(s) Sign-in Sheet – Hearing on Motion (None)
- ✓ Citizen(s) Sign-in Sheet – Hearing on Motion (None)
- ✓ Administrative Law Judge Order on Motion (Granted w/Conditions – November 2, 2012)
- ✓ Notice of Appeal on Motion – November 26, 2012 from Zak & Gabrielle Shirley, Joel Eagle & Mark Hall
- ✓ Additional signatures for Appeal on Motion – from community members on November 27, 2012 and December 3, 2012

Address List

Petitioners:

J. Neil Lanzi, Esquire
PNC Bank Building, Ste 617
409 Washington Avenue
Towson, MD 21204

Eric L. Bers
Palmetto Group, Inc
P.O. Box 841
Ellicott City, MD 21041

Sam Tenenbaum
Olympia Properties, Inc.
3600 Labyrinth Road, Unit J3
Baltimore, MD 21215

Aharon Feluelson
6605 Park Heights Avenue
Baltimore, MD 21215

Thomas J. Hoff
512 Virginia Avenue
Towson, MD 21286

Protestants/Appellants:

Zak and Gabrielle Shirley
1417 Walnut Avenue
Baltimore, MD 21209

Joel Eagle
1404 Walnut Avenue
Baltimore, MD 21209

Mark Hall
1410 Walnut Avenue
Baltimore, MD 21209

Carole Quirk
Jon Considine
1409 Walnut Avenue
Baltimore, MD 21209

William W. Scott, III
1411 Walnut Avenue
Baltimore, MD 21209

Mary Byrne
1406 Walnut Avenue
Baltimore, MD 21209

Rita Smith
1408 Walnut Avenue
Baltimore, MD 21209

Interoffice:

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

11/2/12

IN RE: PETITION FOR VARIANCE

(1414 Walnut Avenue)

Palmetto Group, Inc., *Legal Owner*

Olympia Properties, Inc.,

Contract Purchaser/Lessee

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0015-A

* * * * *

MOTION FOR RECONSIDERATION
OPINION AND ORDER

Now pending is Petitioners' motion for reconsideration, which was timely filed on October 25, 2012. In that motion, Petitioners indicate that subsequent to the September 27, 2012 Order¹ in the above case, the engineer (Thomas Hoff) discovered some additional information that is relevant to the "uniqueness" issue herein.

Specifically, Mr. Hoff states that in constructing a "tee turnaround" for emergency and sanitation vehicles using Walnut Avenue, Baltimore County "took" (presumably through its condemnation authority or as an exaction in the development of 1416 Walnut Avenue) 941 square feet of property which had previously belonged to Lot 7, the subject property under consideration. See Motion, ¶¶ 11-16. According to Mr. Hoff, this "taking" has not only rendered Lot 7 the smallest lot on Walnut Avenue, but the remaining lot is irregularly shaped, rather than rectangular or square. Motion, ¶¶ 13-14. Both of these facts/attributes can be seen on the revised plat dated October 24, 2012, bearing Mr. Hoff's seal. In addition, and as noted by counsel, the County highway deed and construction drawings are matters of public record, and I therefore do not believe it is necessary to convene a hearing or take additional testimony on this point.

¹ In that opinion, it was stated that the RRLRAIA (Ms. Peggy Squitieri) opposed the request for variance relief. This was incorrect. As Ms. Squitieri reminded me in an e-mail dated October 14, 2012, her Association "did not take a position for or against this particular case."

ORDER RECEIVED FOR FILING

Date 11-2-12

By SW

Having reviewed the September 27, 2012 Order in this case, I believe that Petitioners' arguments have merit, and I will grant the motion. With respect to variance relief under B.C.Z.R. § 307, the Order states that the subject property is not unique, but "is similar in size, shape and topography to the adjoining lots." Order, pp. 4-5. In light of the information provided in Petitioners' motion, that finding is no longer true.

Following the County "taking" for the roadway, the property consists of 6,469 square feet, making it the smallest lot in the neighborhood. Motion, ¶¶ 13-14. In addition, with the "tee turnaround" carved out of the property, the resulting configuration of Lot 7 (as shown on the Baltimore County sewer drawing) is undoubtedly unique and unlike the shape of other lots in the area. This type of uniqueness, as noted in *North vs. St. Mary's Co.*, 99 Md. App. at 512, entitles a property owner to variance relief.

THEREFORE, IT IS ORDERED, this 2nd day of November, 2012, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 304.1.B and 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- (1) To allow an undersized lot of 6,469 square feet in lieu of the required 20,000 square feet,
- (2) To allow a minimum lot width of 50' in lieu of the required 100',
- (3) To allow a minimum side yard of 8' in lieu of the required 15', and
- (4) To allow a minimum sum of side yard widths of 16' in lieu of the required 40', and
- (5) To allow a minimum front yard depth of 10' in lieu of the required 40', pursuant to B.C.Z.R. § 1B02.3.C.1,

be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

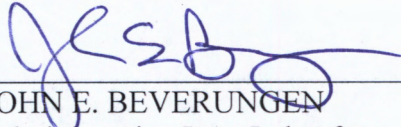
ORDER RECEIVED FOR FILING

Date 11-2-12

By kw

1. The Petitioners may apply for any appropriate permits and may be granted same upon receipt of this Order. However the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
2. Compliance with the ZAC comments of DOP, dated September 5, 2012, which are attached hereto and incorporated herein.

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:dlw

ORDER RECEIVED FOR FILING

Date 11-2-12

By dlw



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 2, 2012

J. Neil Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson, Maryland 21204

RE: **Motion for Reconsideration** - Petition for Variance
Case No.: 2013-0015-A
Property: 1414 Walnut Avenue

Dear Mr. Lanzi:

Enclosed please find a copy of the Motion for Reconsideration Opinion and Order 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,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Sam Tenenbaum, 3600 Labyrinth Road, J3, Baltimore, MD 21215
Eric L. Bers, P.O. Box 841, Ellicott City, MD 21041
Aharon Feivelson, 6605 Park Heights Avenue, Unit T1, Baltimore, MD 21215
Peggy Squitieri, RRLRAIA, P.O. Box 204, Riderwood, MD 21139
Joel M. Eagle, 1404 Walnut Avenue, Baltimore, MD 21209
Zak Shirley, 1417 Walnut Avenue, Baltimore, MD 21209
Mark A. Hall, 1410 Walnut Avenue, Baltimore, MD 21209

10/25/12

**IN RE: PETITION FOR VARIANCE
(1414 Walnut Avenue)**

Palmetto Group, Inc.
Legal Owner
Olympia Properties, Inc.
Contract Purchaser/Lessee

Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2013-0015-A

* * * * *

MOTION FOR RECONSIDERATION

Palmetto Group, Inc., Legal Owner and Olympia Properties, Inc., Contract Purchaser/Lessee, by their counsel, J. Neil Lanzi, Esquire and J. Neil Lanzi, P.A., pursuant to Appendix G, Rule 2(K) of the Baltimore County Zoning Regulations, respectfully requests the Administrative Hearing Officer to reconsider the Decision as rendered in the Opinion and Order dated September 27, 2012 and for reasons states:

1. Palmetto Group, Inc. ("Palmetto") is the Legal Owner of the property known as 1414 Walnut Avenue in Baltimore County, Maryland (the "Property").
2. Olympia Properties, Inc. ("Olympia") is the Contract Purchaser/Lessee of the property known as 1414 Walnut Avenue.
3. The Petitioners requested variance relief from Sections 304.1B and 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) to allow an undersized lot of 7,410 square feet in lieu of the required 20,000 square feet; (2) to allow a minimum lot width of 50 feet in lieu of the required 100 feet; (3) to allow a minimum side yard of 8 feet in lieu of the required 15 feet; and (4) to allow a minimum sum of side yard widths of 16 feet in lieu of the required 40 feet.

4. The uncontradicted testimony in evidence before the Hearing Officer was the intended use for the DR2 zoned Property was the construction of a single family home.

5. The Baltimore County Council provided for the residential use in the DR2 zone as a “by right” principal use by Council Bill 100 approved in 1970.

6. The uncontradicted testimony of Petitioners expert, Thomas J. Hoff, landscape architect and zoning consultant, was that without the requested variances, the Property could not be used for the permitted residential purpose as provided in the BCZR.

7. Thomas J. Hoff also testified the Property consisted of 7,410 square feet as shown on **Petitioner’s Hearing Exhibits 1, 2 and 3.**

8. Eric Bers testified as the President of Palmetto and also as the individual owner of the adjacent property known as 1416 Walnut Avenue.

9. Eric Bers’ uncontradicted testimony was that in order to obtain Baltimore County approval for the construction of his residence at 1416 Walnut Avenue, Baltimore County required that the water and sewer line be extended up Walnut Avenue with connections for not only 1416 Walnut Avenue but also for a future residence at 1414 Walnut Avenue.

10. Eric Bers also testified without contradiction that Baltimore County required the construction of a “tee turnaround” as a condition for approval of the construction of his residence at 1416 Walnut Avenue.

11. That the undersigned, nor Petitioner’s expert, Thomas J. Hoff, were aware that the “tee turnaround” required by Baltimore County for the construction of the residence on 1416 Walnut Avenue was located in front of the subject Property and had formerly been part of the Property.

12. That 941 square feet of the Property was effectively “taken” by Baltimore County for the required “tee turnaround” needed for emergency and sanitation vehicles.

13. After the “taking” the remaining net land of the Property consists of only 6,469 square feet and the Property is not the typical rectangle or square shape of the other lots in the neighborhood.

14. The Property is the smallest property on Walnut Avenue with the next closest lot on the northwest side of Walnut Avenue consisting of 8,668 square feet shown as Lot No. 2 on the 1912 Subdivision Plat attached hereto as **Exhibit 1** and the SDAT record attached hereto as **Exhibit 1(a)**.

15. That attached hereto as **Exhibits 2 and 3** respectively, are the sewer and water plans as approved by Dennis Kennedy of the Baltimore County Department of Public Works on September 29, 2005, which plans provided for the water/sewer extension on Walnut Avenue complete with the “tee turnaround” required before the permits would be issued for the property known as 1416 Walnut Avenue.

16. That attached as **Exhibit 4** is the County Highway Deed with Exhibit A reflecting the 941 square feet of the Property being conveyed to Baltimore County.

17. That as a result of the County “taking” of a portion of the Property an additional variance is necessary, specifically: Variance from Section 1B02.3C.1 of the BCZR to allow a minimum front yard depth of 10 feet in lieu of the required 40 feet. This setback reflects the distance from the edge of the “tee turnaround” area to be the edge of the proposed building envelope allowing for a residence.

18. The County "taking" of the Property also causes variance request number one to be revised to reflect the following relief: "Variance to allow an undersized lot of 6,469 square feet in lieu of the required 20,000 square feet".

19. That attached as **Exhibit 5** is site plan prepared by Thomas J. Hoff demonstrating the tee turnaround, the original Property area, the current Property area and the proposed building envelope with the 10 foot front yard setback.

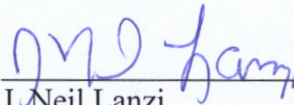
20. That attached as **Exhibit 6** is the "Second Revised Plat to Accompany Petition for Zoning Variances" reflecting the new and revised variances, "tee turnaround" area and new building envelope.

21. That attached to this Motion as **Exhibit 7** is an Affidavit as signed by Thomas J. Hoff, landscape architect and zoning consultant, confirming the size of the subject Property before the Baltimore County "taking" for the "tee turnaround", the size and irregular shape of the Property as it exists today and the proposed new variance.

21. The attached exhibits are public record and, with the Affidavit, document the actions of Baltimore County changing the size and shape of the Property thereby resulting in the uniqueness of the subject Property for purposes of obtaining variance approval.

WHEREFORE, Petitioners respectfully requests:

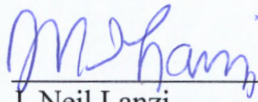
1. The Administrative Hearing Officer to reconsider the decision denying the variances requested; and
2. Grant Petitioners all variance relief requested; and
3. Provide such other and further relief as is necessary.



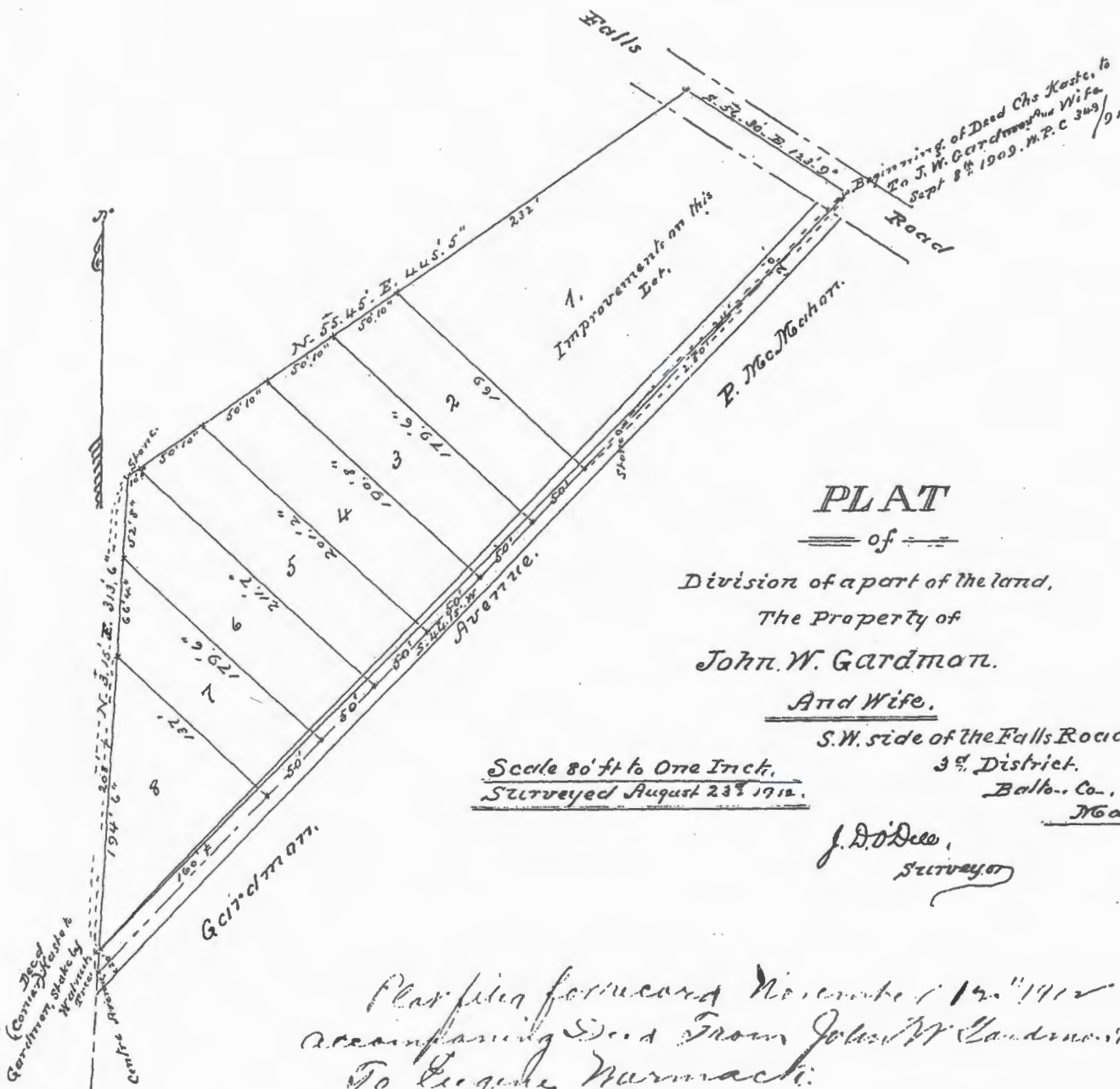
J. Neil Lanzani
J. Neil Lanzani, P.A.
409 Washington Avenue
Towson, MD 21204
(410) 296-0686

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of October, 2012, a copy of the foregoing Motion For Reconsideration was mailed, postage prepaid, to Arnold Jablon, Director, Baltimore County Department of Permits, Approvals and Inspections, County Office Building, Suite 105, 111 West Chesapeake Avenue, Towson, Maryland 21204, Peter Max Zimmerman, Esquire, Office of People's Counsel for Baltimore County, 105 West Chesapeake Avenue, Room 204, Towson, Maryland 21204, Sam Tenenbaum, 3600 Labyrinth Road, J3, Baltimore, Maryland 21215, Peggy Squitieri, Executive Director RRLRAIA, P.O. Box 204, Riderwood, Maryland 21139, Joel M. Eagle, 1404 Walnut Avenue, Baltimore, Maryland 21209, Zak Shirley, 1417 Walnut Avenue, Baltimore, Maryland 21209, Mark A. Hall, 1410 Walnut Avenue, Baltimore, Maryland 21209.



J. Neil Lanzani



PLAT

Division of a part of the land,
The Property of
John W. Gardman.
And Wife.

S.W. side of the Falls Road,
3^d District.
Baltimore Co.,
Md.

Scale 80' ft to One Inch.
Surveyed August 23rd 1912.

J. D. Deane,
Surveyor

Plat filed for record November 14th 1912
accompanying Deed from John W. Gardman, et al
to Eugene Warrnack.
Test: William F. Eiler
Clerk

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

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

Account Identifier:

District - 03 Account Number - 0320000953

Owner Information

Owner Name: EAGLE JOEL M Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 1404 WALNUT AVE
BALTIMORE MD 21209-2117 Deed Reference: 1) /17449/ 00606
2)

Location & Structure Information

Premises Address
1404 WALNUT AVE
0-0000

Legal Description
1404 WALNUT AVE
GARDMONS PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0069	0021	0976		0000			2	2	Plat Ref: 0004/0018

Special Tax Areas Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1928	1,612 SF	8,668 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
<u>Land</u>	92,660	92,600		
<u>Improvements:</u>	136,660	91,200		
<u>Total:</u>	229,320	183,800	183,800	183,800
<u>Preferential Land:</u>	0			0

Transfer Information

<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
SEDONA PROPERTIES, LLC	01/28/2003	\$179,900
<u>Type:</u> ARMS LENGTH IMPROVED	<u>Deed1:</u> /17449/ 00606	<u>Deed2:</u>
<u>Seller:</u> BANKERS TRUST COMPANY OF	<u>Date:</u> 06/27/2002	<u>Price:</u> \$41,000
<u>Type:</u> ARMS LENGTH IMPROVED	<u>Deed1:</u> /16578/ 00687	<u>Deed2:</u>
<u>Seller:</u> GORHAM SHIRLEY MAE	<u>Date:</u> 04/01/2002	<u>Price:</u> \$62,900
<u>Type:</u> ARMS LENGTH IMPROVED	<u>Deed1:</u> /16267/ 00141	<u>Deed2:</u>

Exemption Information

<u>Partial Exempt Assessments</u>	<u>Class</u>	07/01/2012	07/01/2013
<u>County</u>	000	0.00	
<u>State</u>	000	0.00	
<u>Municipal</u>	000	0.00	0.00

Tax Exempt: Special Tax Recapture:
Exempt Class: NONE

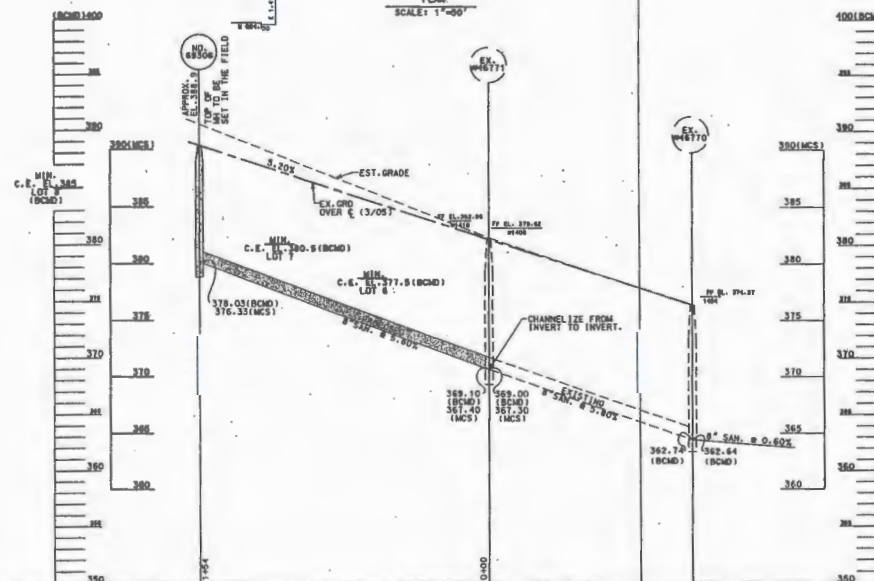
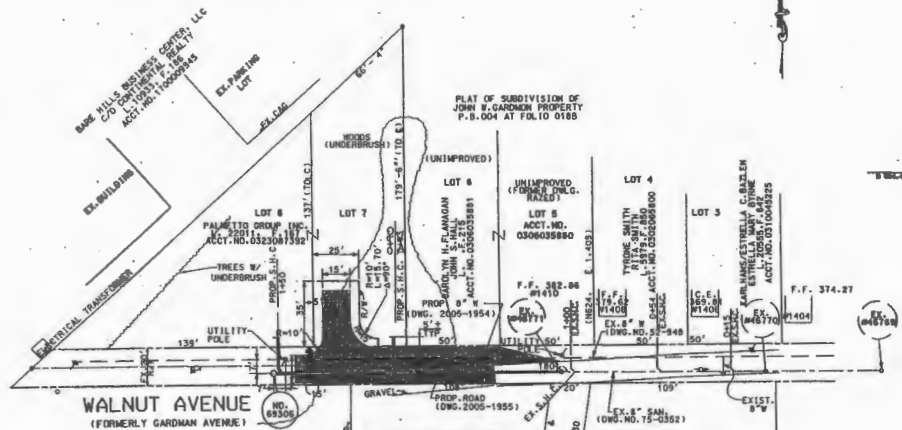
Homestead Application Information

Homestead Application Status: Approved 09/18/2008

EXISTING WATER MAIN DWG. 1952-0948.
EXISTING SEWER MAIN DWG. 1976-0352.
NO GAS SERVICE.
EXISTING ROAD DWG. 8-5, 1952-0471.
PROPOSED WATER MAIN DWG. 2005-1954.
PROPOSED ROAD DWG. 2005-1955

1. THE CONTRACTOR SHALL MAINTAIN, REPAIR, AND/OR REPLACE ALL EXISTING SEDIMENT CONTROL DEVICES ENCOUNTERED AND REMOVED OR REPAIR OR REPLACE CONSTRUCTION EROSION CONTROL DEVICES AND AS SHOWN ON THE APPROVED SEDIMENT CONTROL PLAN INCLUDED AS PART OF THE CONTRACT DOCUMENTS. ALL SUCH ESTIMATES SHALL BE REVIEWED AND APPROVED BY THE COUNTY BEFORE LEAVING THE SITE AT THE END OF EACH WORKING DAY. THE COST OF PERFORMING ALL SUCH EROSION CONTROL DEVICES SHALL BE PAID FOR BY LUMP SUM AS MAINTENANCE AND REPAIR OF SEDIMENT CONTROL DEVICES.
2. ALL WORK UNDER THIS CONTRACT SHALL BE PERFORMED BY THE CONTRACTOR IN CONJUNCTION WITH THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT PROJECT NO. 314-CUN00-04.
3. ALL CONSTRUCTION SHALL BE ACCOMPLISHED IN ACCORDANCE WITH BALTIMORE COUNTY BOARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION, DATED FEB. 2000, AS AMENDED.
4. UNLESS OTHERWISE NOTED, THE BID LINE FOR EXCAVATION SHALL BE SUBGRADE UNLESS OTHERWISE NOTED. ESTABLISHED GRADE UNDER TIEP AREAS, AND EXISTING GRADE ALONG EXISTING PAVING.
5. THE DEVELOPER WILL PLACE DOADS TO SUBGRADE FOR THE FULL WIDTH OF THE RIGHT-OF-WAY BEFORE INSTALLATION OF THE UTILITIES.
6. THE DEVELOPER WILL BE RESPONSIBLE FOR GRADING WITHIN EASEMENT AREAS WHERE UTILITIES ARE TO BE INSTALLED BEFORE THE NOTICE TO PROCEED WILL BE ISSUED.
7. THE CONTRACTOR WILL NOTIFY MISS UTILITY AT (800)-257-7777 AT LEAST 48 HOURS PRIOR TO STARTING EXCAVATION.
8. THE TOPS OF ALL MANHOLES, INLETS, CLEANOUTS WITHIN THE ROAD RIGHT SHALL BE BUILT TO FINAL GRADE UNDER THIS CONTRACT.
9. FULL TRENCH COMPACTON IS REQUIRED FOR A MINIMUM DISTANCE OF 20" ON EACH SIDE OF ALL CROSSINGS AND WITHIN THE ROAD RIGHT OF WAY.
10. THE CONTRACTOR WILL USE EXTREME CAUTION DURING EXCAVATION AND/OR TRENCHING OF ANY OF THE UTILITIES SHOWN ON THE PLANS. ALL UTILITIES WILL BE FULLY PROTECTED FROM DAMAGE OR INTERRUPTION.
11. THE SUBJECT PROPERTY IS NOT SERVED BY ANY GAS MAINS.
12. TRENCH REPAIR AS PER STANDARD DETAIL R-38.
13. THE CONTRACTOR WILL EXTEND ALL HOUSE CONNECTIONS 8' INSIDE THE PROPERTY LINE, SEE STANDARD DETAIL 3-12A.
14. CONTRACTOR SHALL MAINTAIN TRAFFIC AT ALL TIMES.

IN MY PROFESSIONAL OPINION, THIS PLAN IS SEALED AND CERTIFIED THAT THE RIGHT(S) OF WATS AND EASEMENT(S) SHOWN HEREON, CONFORM IN ALL MATERIAL RESPECTS TO THE RIGHT(S) OF WAY AND EASEMENT(S) SHOWN ON THE RECORD PLAT OF SUBDIVISION OF "PLAT OF DIVISION OF A PART OF THE LAND, THE PROPERTY OF JOHN W. GARDMAN AND WIFE" RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK 04, FOLIO 0188.



B.M. HUB NO. X-7005 EL. 358.09 (BC)
1/2" IRON BAR IN PAVING EL. 356.39 (MCS)
EASTSIDE FALLS ROAD @
COPPER HILL ROAD (OPPOSITE
WALNUT AVENUE).

COORDINATES:
NORTH
(BCMD)
30977.59 W 11208.44
(MCS)
825.111.120 E 1.408.784.340

DESIGN AND DRAWING BASED ON
MARTLAND COORDINATE SYSTEM -
HAD 83/91 HORIZONTAL AND
NAD 1988 VERTICAL DATUM.

[illegible]

EXHIBIT 2

1. The contractor will maintain, repair, and/or replace any existing adjacent control devices encountered and disturbed during the course of construction under the contract and as shown on the drawings and the contract plan included as part of the contract documents. At the end of each day, all such disturbed devices will be repaired, or replaced, before leaving the work sites. The cost of performing all such work, including materials, will be paid for by lump sum bid for maintenance and control devices.
2. All work under this contract will be performed by the contractor in accordance with Baltimore County Soil Conservation District Permit No. 314-City-04-04.
3. All construction shall be accomplished in accordance with Baltimore County Standard Specifications for Construction (FEB.2009, as amended) and Baltimore City Standard Details, where noted.
4. Unless otherwise noted, the bid line for excavation will be subgrade under proposed roads, established grade under turf areas, and existing grade along existing pavement.
5. Full trench compaction is required for a minimum distance of 20' on each side of all excavations, extending to the existing finished road right-of-way.
6. Only Baltimore City personnel will operate existing valves or new valves after they are placed in service. The contractor will notify the Baltimore County Inspector to arrange a shutdown with the City at least four days prior to the proposed shut-down. The Inspector in the field is unavailable, call the Baltimore County Engineer at (410)387-3351.
7. Main to have 4' cover based on the established grade unless otherwise noted.
8. The contractor for meter installation will notify Baltimore City, Bureau of Water and Wastewater, (410) 386-1683, 72 hours before starting work.
9. The contractor will discharge the chlorinated flush water into a sanitary sewer. The maximum discharge rate will be 80 g.p.m.; meter will be installed in pipe at 6" ID.
10. The contractor for the main extension will notify Baltimore City, Bureau of Water and Wastewater, (410) 386-1683, 72 hours before starting work.
11. The contractor will notify Mile Utility at 1-(800) 255-7377 at least 48 hours prior to starting excavation.
12. The water meters will be supplied by the Baltimore City, Department of Public Works. The meter must be placed at a grade at least 18" above the ground surface and Development Management prior to meter pick-up. Call (410) 394-0110 for meter pick-up. Delivery and installation are the responsibility of the contractor. The cost of the meter will be paid by the owner.
13. The service lead will be flushed prior to meter installation.
14. Restrainted joints will be restraint glands, Mega Lug, or approved equal.
15. The meter vaults will conform with Baltimore City Standard Detail BC 840-01.
16. Where 2 feet of clearance cannot be obtained between pipes and structures, sand backfill shall be placed as directed by the engineer in the field.
17. Water services meters will not be installed in either roadways or driveways.
18. The contractor shall notify the meter shop, (410) 394-0110, at least one (1) week prior to pick-up of the meter.
19. Meters designated to a specific location or address shall not be relocated without permission from the Bureau.
20. The contractor will use extreme caution during excavation and/or installation of all work shown on these plans. All utilities will be fully protected first stoppage or interruption.
21. Valves on fire hydrant leads will be tied to the main line tee or outlet with two, 1/2" diameter threaded

1. The existing features and obstructions shown herein are for the convenience of the contractor and are not warranted by the Howe Engineering Associates, Inc., or the Owner as correct. The Owner warrants that the information shown on this plan was obtained from the Owner or all such information to his own satisfaction prior to beginning work.

2. The Contractor shall be responsible for determining the location and location and depth of existing utilities to be crossed or connected to prior to excavating trenches.

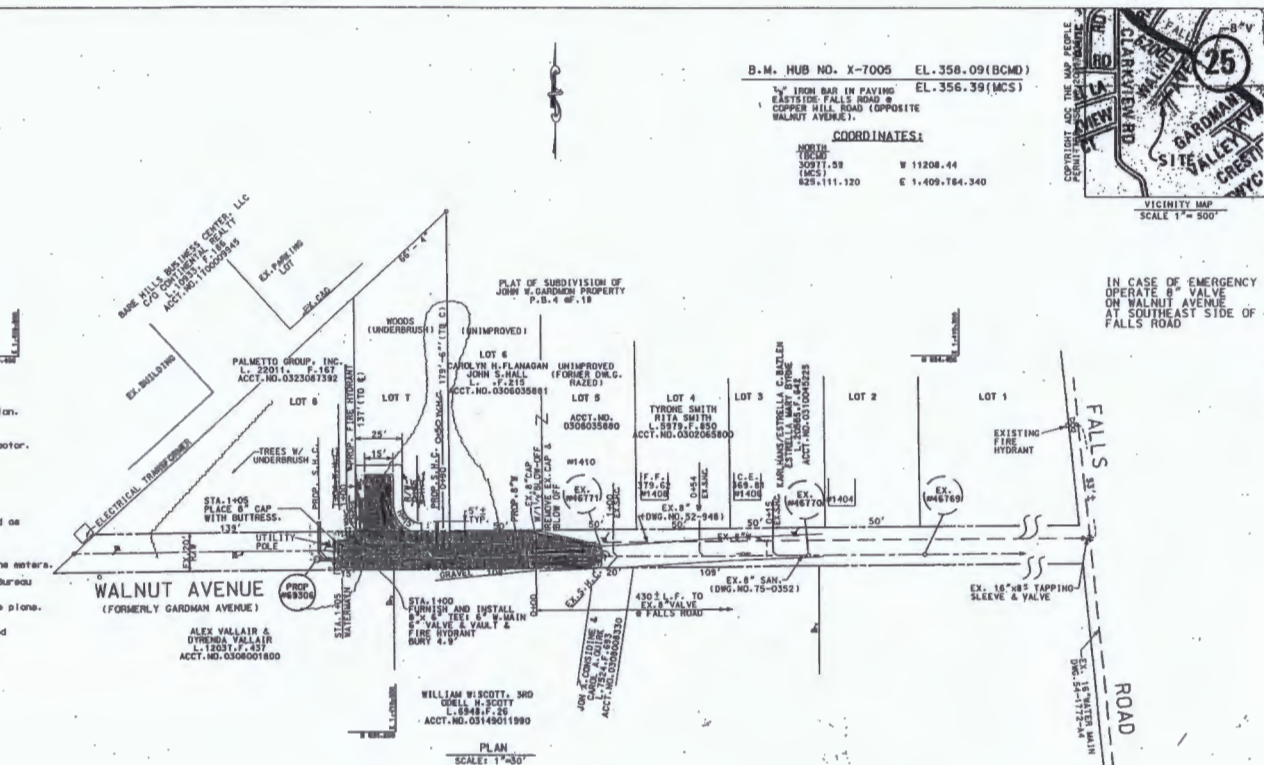
3. All existing manholes and structures to be connected to shall be at least 12" above the elevation of the ground over than proposed final grade. This interim grade will be adjusted to elevation 6.2 over the roof contrast.

4. The contractor shall observe and regulations governing work under and adjacent to overhead power lines.

5. The contractor is solely the responsibility of the contractor.

6. Street signal shall be in accordance with Baltimore County Standard Detail R-368.

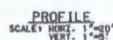
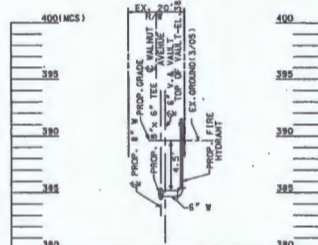
In my professional opinion, this plan is sealed & certified that the right(s) of ways and easement(s) shown hereon, conform in all material respects to the right(s) of way and easement(s) shown on the record Plat Of Subdivision Of "Plat Of Division Of A Part Of The Land, The Property Of John W. Gordon And Wife" recorded in the Land Records of Baltimore County in Plat Book 4, Folio 188.



<u>BILL OF MATERIALS</u>		
QUANTITY	DESCRIPTION	SIZE
105 L.F.	DUCTILE IRON PIPE	8"
7.5 L.F.	DUCTILE IRON PIPE	6"
1 EA.	VALVE AND YALVE	8"
1 EA.	VALVE	6"
7.5 L.F.	COPPER WATER SERVICE	
1 EA.	TEE	8"x6"
1 EA.	PIRE HYDRANT	8"
1 EA.	SLEEVE AND SPACER	8"
2 EA.	SINGLE WATER SERVICE	3/4"

STATION	P.G.L.	ELEV.
0+00		381.1
0+25		382.4
0+50		383.7
0+75		385.0
1+00		386.3
1+25		387.6
1+50		388.9
1+75		390.2
2+00		391.5

REFERENCE DRAWINGS	
EXISTING WATER	MAIN DWG. 1952-0948.
EXISTING SEWER	MAIN DWG. 1975-0352.
NO GAS SERVICE	
EXISTING ROAD	DWG. B-5, 1952-0471.
PROPOSED SEWER	MAIN DWG. 2005-1953.
PROPOSED ROAD	DWG. 2005-1955.

[illegible]

PROJECT NO.	DATE	BY	SCALE	1. DUCTILE IRON PIPE
P. & A. NO. 88		42"-HBT		TO 15' CLASS 54 (THICKNESS 0.315")
N/A			PLAN: AS SHOWN	2. NORMAL OPERATING PRESSURE 50 PSI
SHOWN ON MAP	POSITION	ANNEY	PROFILE	3. DUCTILE IRON FITTINGS
75-334	31 NW 6			4. GATES IN CLAY 150'
				5. WATER IN CLAY 150'
				6. EXPOSE 30'
OWNER	WATER	REVISION BALTIMORE CITY		DEPARTMENT OF PUBLIC WORKS
APPROVED		DATE	DATE	DATE

PUBLIC WORKS	BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION		CWO 50788
	S ^D WATER MAIN AND FIRE HYDRANT		
DIRECTOR	WALNUT AVENUE		400' SOUTHERLY ON WALNUT AVENUE FROM FALLS ROAD SUBSTATION HARD RAIL EL. SUBJECT NO. 2-2

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM HAD 83/91 HORIZONTAL AND NAVD 1988 VERTICAL DATUM	CONTRACT NO. 05284 RAO
	JOB ORDER NO. 203-0111-1124
	SHEET 1 OF 1 DWG. NO.
	2005-1954
	FILE NO.

Code: 05-RW-05-131-1
J.O. 5-1-7520
Item 1 (H)
Election Dist.: 3

COUNTY HIGHWAY DEED

THIS DEED, Made this 13th day of September, in the year 2006, by
THE PALMETTO GROUP, INC. of Howard County, State of Maryland, Grantor.

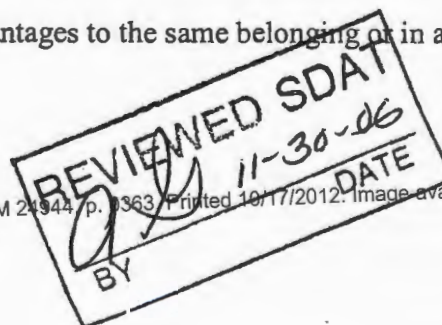
WITNESSETH, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Grantor does grant and convey unto BALTIMORE COUNTY, MARYLAND, a body corporate and politic, its successors and assigns, in fee simple, for public highway and any other governmental purposes, all that lot of ground situate, lying and being in the Third Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

Being that parcel of land identified and shown on the Baltimore County Bureau of Land Acquisition Drawing, which is attached hereto and identified as "Exhibit A to County Highway Deed", and incorporated herein, as follows:

"Right of Way to be Conveyed to Baltimore County, MD", consisting of 0.02 acres (941.50 square feet) of land, more or less.

BEING a portion of the property which by Deed dated June 2, 2005 was granted and conveyed by Elvie G. Wright unto The Palmetto Group, Inc. and recorded among the Land Records of Baltimore County in Liber 22011, Folio 167.

TOGETHER with the appurtenances and advantages to the same belonging or in anywise appertaining.



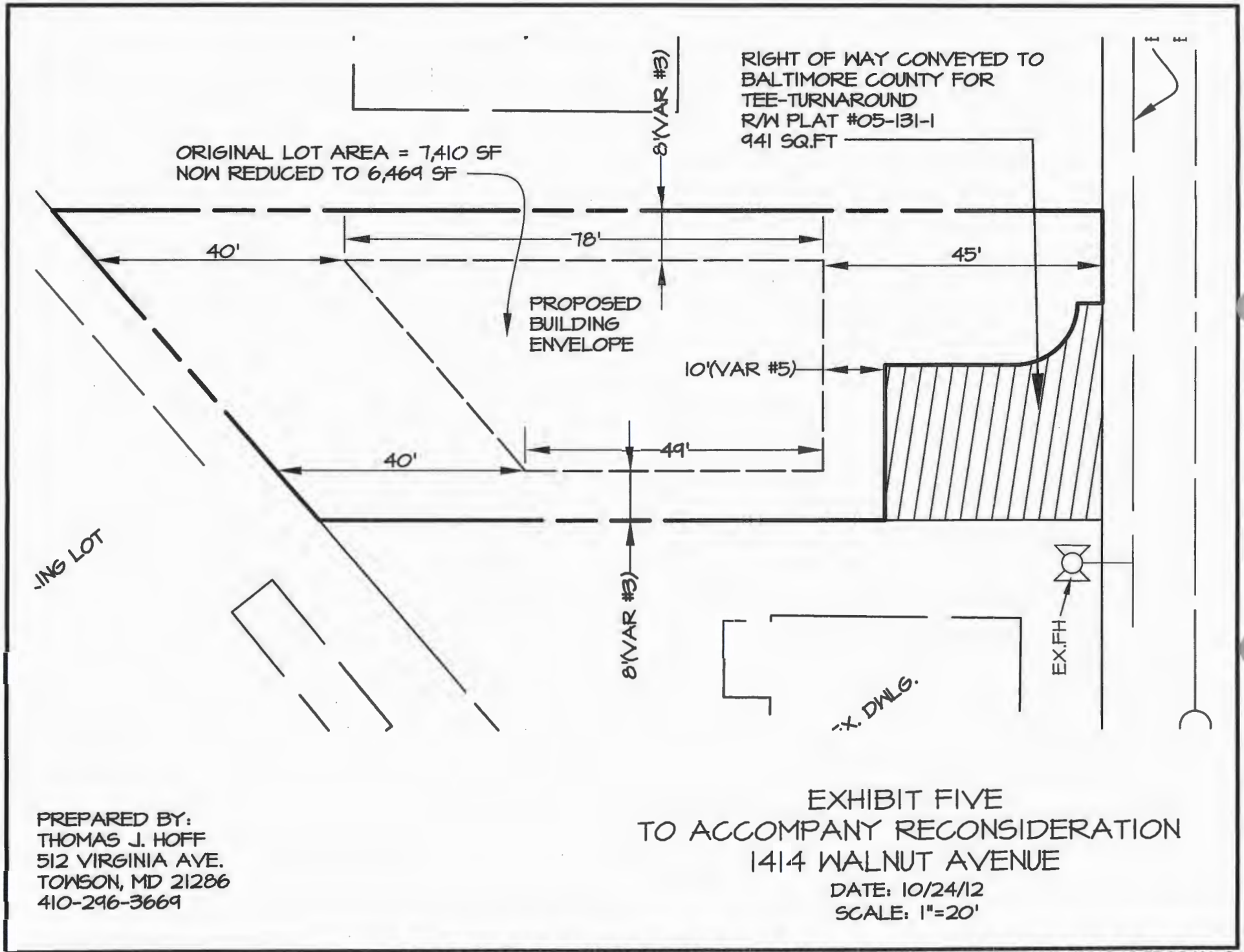


EXHIBIT 5



VICINITY MAP
SCALE: 1" = 500'

SITE DATA:
TOTAL SITE AREA = 0.404 SF, 0.25 AC±
EXISTING ZONING - DR-2
ZONING MAP #4805 & 7TH
EXISTING USE - VACANT
PROPOSED USE - SINGLE FAMILY DETACHED HOUSE

ZONING HEARINGS:
THERE HAVE BEEN NO PRIOR ZONING CASES ON THIS PROPERTY.
THERE ARE NO ZONING VIOLATIONS CURRENT ON THIS PROPERTY.

DEVELOPMENT HISTORY:
THERE HAS BEEN NO JSPG, CRG, DRC OR DEVELOPMENT PLAN ON THIS
PROPERTY.

BASIC SERVICE MAPS:
THERE ARE NO EXISTING OR IMPENDING FAILURES ON BASIC SERVICES FOR THIS SITE.

OWNER:
PALMETTO GROUP, INC.
PO BOX 841
ELLICOTT CT, MD 21041
DEED REF 22011/67
TAX #0523061942

GENERAL NOTES:

1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND PLATS.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS.

ZONING RELIEF REQUESTED:

VARIANCE #1 - SECTION 3004.1.B. AND SECTION 10023.C.1. - VARIANCE TO ALLOW AN UNDERSIZED LOT OF 0.444 SQUARE FEET IN LIEU OF THE REQUIRED 30,000 SQUARE FEET.
VARIANCE #2 - SECTION 3004.1.B. AND SECTION 10023.C.1. - VARIANCE TO ALLOW A MINIMUM LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 100 FEET.
VARIANCE #3 - SECTION 10023.C.1. - VARIANCE TO ALLOW A MINIMUM SIDE YARD OF 0 FEET IN LIEU OF THE REQUIRED 15 FEET.
VARIANCE #4 - SECTION 10023.C.1. - VARIANCE TO ALLOW A MINIMUM SUM OF SIDE YARD WIDTHS OF 16 FEET IN LIEU OF THE REQUIRED 40 FEET.
VARIANCE #5 - SECTION 10023.C.1. - VARIANCE TO ALLOW A MINIMUM FRONT YARD OF 10 FEET IN LIEU OF THE REQUIRED 40 FEET.

PLANNING NOTE:
THE PROPOSED DEVELOPMENT IS WITHIN THE RIDGTON
RIDERHOOD-LAKE ROLAND DESMAN REVENUE PANEL AREA. CONTACT
JENNIFER HUBERT IN THE DEPARTMENT OF PLANNING (402-597-3480) TO
DISCUSS DESMAN REVENUE PANEL SCHEDULING, REQUIREMENTS, PROCESS
AND SUBMISSIONS. PROPOSED HOUSE PLANS, ELEVATIONS AND
MATERIALS SHALL BE REVIEWED AND APPROVED BY THE DESMAN
REVENUE PANEL.

2nd REVISED PLAT TO ACCOMPANY
PETITION FOR VARIANCES
1414 WALNUT AVENUE
LOT 7, JOHN W GARDMON PLAT, 4/18
3rd ELECTION DISTRICT, 2nd COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOMSON, MARYLAND 21286
410-296-5668 FAX 410-825-5881

SCALE: 1"=20'
DATE: 07/20/12
JOB NO.: 0542-01
DESIGNED: TJH
DRAWN: TJH

REVISIONS:
4/24/12 - REVISED TO ADD PLANNING NOTE.
10/24/12 - REVISED TO ADD TER-TURNAROUND, CHANGE
BLDG ENVELOPE & ADD FRONT SETBACK VARIANCE

DRAWING NUMBER:
Z-1

SHEET 1 OF 1

AFFIDAVIT – EXHIBIT 7

I Thomas J. Hoff of Thomas J. Hoff Landscape Architects, Land Development Consultants, located at 512 Virginia Avenue, Towson, Maryland 21286 hereby certify and affirm the following:

That I am a registered landscape architect and have been licensed since 1981. I have testified as an expert landscape architect and land use consultant on numerous occasions in Baltimore County. I have reviewed the following Baltimore County records associated with the properties known as 1414 Walnut Avenue and 1416 Walnut Avenue. The records are attached as exhibits to Petitioners' Motion for Reconsideration and include the following:

1. Baltimore County approved water plan.
2. Baltimore County approved sewer plan.
3. Baltimore County approved right of way deed and plat.

I have also prepared a modified site plan as Exhibit 5 for the property known as 1414 Walnut Avenue which reflects the Baltimore County approved and required "tee turnaround" which documents the square footage of 1414 Walnut Avenue as 7,410 square feet prior to the Baltimore County required "tee turnaround" and 6,469 square feet after the installation of the Baltimore County required turnaround. The net effect on the property known as 1414 Walnut Avenue is the loss of 941 square feet thus making 1414 Walnut Avenue unique in that it is now by far the smallest lot on the Northwest side of Walnut Avenue (next smallest is Lot 2/1404 Walnut Avenue at 8,668 square feet) and the lot configuration is no longer a rectangle or square as are the other lots in the neighborhood. As a result of the County taking the 941 square feet, a front yard setback variance is necessary as shown on Exhibit 5 and the Second Revised Plat to Accompany Petition for Variances attached to the Motion for Reconsideration as Exhibit 6. Exhibit 6 also includes the necessary revision to the first variance request where it changes the lot size relief from 7,410 square feet to 6,469 square feet in lieu of the required 20,000 square feet.

I certify that the above statements are true and correct.

10/25/12
Date


Thomas J. Hoff, Landscape Architect

IN RE: PETITION FOR VARIANCE
(1414 Walnut Avenue)

Palmetto Group, Inc.
Legal Owner
Olympia Properties, Inc.
Contract Purchaser/Lessee

Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2013-0015-A

* * * * *

ORDER

Upon Consideration of the Motion for Reconsideration of Palmetto Group, Inc. and Olympia Properties, Inc., Petitioners, and any response thereto, it is this _____ day of _____, 2012, that Petitioners' request for Reconsideration of the Decision and Order rendered September 27, 2012 be and is hereby Granted; and

IT IS FURTHER ORDERED that the relief requested in the Petition for Variance and the modified variance request as contained in the Motion for Reconsideration be and is hereby Granted.

Administrative Law Judge

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
PNC BANK BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

J. Neil Lanzi
—
OF COUNSEL
Fred L. Coover*

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

Reply to Towson

October 25, 2012

Hand-Delivered

John E. Beverungen, Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue
Suite 103
Towson, MD 21204

RECEIVED

OCT 25 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Petition for Variance
Case No. 2013-0015-A
Property Address: 1414 Walnut Avenue

Dear Mr. Beverungen:

On behalf of my clients, Palmetto Group, Inc. and Olympia Properties, Inc., I am filing the enclosed Motion for Reconsideration to the September 27, 2012 Opinion and Order entered in the above referenced case. A proposed Order is also enclosed with the Motion along with revised property descriptions. It is my understanding under the rules of the Administrative Hearing Officer that the Motion stays the deadline to file an appeal in this case.

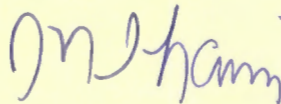
Please note that the newly discovered information results in the necessity for one additional variance and a revision to the area variance, variance number one. Should you determine a hearing on the Motion is necessary as allowed by Rule 4 of Appendix G, please advise so that I may make sure my clients and their expert are available. If additional plan circulation through the County agencies, posting or advertising is necessary, please also advise.

October 25, 2012

Page Two

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Neil Lanzi".

J. Neil Lanzi

JNL\mlr

cc: Palmetto Group, Inc.
Olympia Properties, Inc.
Arnold Jablon, Director
Peter Max Zimmerman, Esquire
Sam Tenenbaum
Peggy Squiteri, Executive Director
Joel M. Eagle
Zak Shirley
Mark A. Hall

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

October 24, 2012

Description of 1414 Walnut Avenue to Accompany Petition for Variances, 3rd Election District, 2nd Councilmanic District

BEGINNING FOR THE SAME at a point on the west side of Walnut Avenue (20' R/W), 488 feet more or less southwest of the centerline of Falls Road.

Thence binding on the west side of Walnut Avenue,

- 1) South 44 degrees 53 minutes 50 seconds West 15 feet, thence,
- 2) North 45 degrees 06 minutes 10 seconds West 4 feet, thence,
- 3) By a curve to the right with a radius of 10 feet and a length of 15.70 feet, subtended by the chord South 89 degrees 53 minutes 50 seconds West 14.14 feet, thence,
- 4) North 45 degrees 06 minutes 10 seconds West 21 feet, thence,
- 5) South 44 degrees 53 minutes 50 seconds West 25 feet thence leaving Walnut Avenue,
- 6) North 45 degrees 06 minutes 10 seconds West 92 feet, thence,
- 7) North 04 degrees 20 minutes 50 seconds East 66 feet, thence,
- 8) South 45 degrees 06 minutes 10 seconds East 169 feet, to the place of beginning.

Containing 0.15 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



9/27/12

IN RE: PETITION FOR VARIANCE
(1414 Walnut Avenue)
Palmetto Group, Inc., *Legal Owner*
Olympia Properties, Inc.,
Contract Purchaser/Lessee
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2013-0015-A**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner, Palmetto Group, Inc. and Olympia Properties, Inc., contract purchaser (the "Petitioners"). The Petitioners are requesting Variance relief from §§ 304.1.B and 1B02.3.C.1 the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- (1) To allow an undersized lot of 7,410 square feet in lieu of the required 20,000 square feet,
- (2) To allow a minimum lot width of 50' in lieu of the required 100',
- (3) To allow a minimum side yard of 8' in lieu of the required 15', and
- (4) To allow a minimum sum of side yard widths of 16' in lieu of the required 40'.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support for this case was Sam Tenenbaum, Eric L. Bers, Aharon Feivelson, and Thomas J. Hoff, Landscape Architect, who prepared the site plan. J. Neil Lanzi, Esquire attended and represented the Petitioners. Appearing in opposition to the request was Peggy Squitieri, RRLRAIA, Joel M. Eagle, Zak Shirley, and Mark A. Hall. It is to be noted that letters were received in opposition to the request from Zak and Gabrielle Shirley, adjacent

ORDER RECEIVED FOR FILING

Date 9-27-12

By aw

neighbors at 1417 Walnut Avenue, and Veronica Piskor, President of the Pleasant View Civic Association. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Development of Planning (DOP) on September 7, 2012, indicating the following:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner's request involves placing a significantly smaller residential structure in between two larger residential structures, which is not the most desired scenario for site design.

However, this department recognizes the fact that the proposed dwelling would likely be consistent with the development pattern of existing older homes in the neighborhood, and the placement between 1416 Walnut Avenue and 1410 Walnut Avenue would be uniform in character amongst the aforementioned lots. The potential development of similar undersized lots also on Walnut Avenue could possibly bring a sense of neighborhood character and consistent development pattern for the remaining undersized lots on Walnut Avenue.

Due to varying housing styles and lot sizes on Walnut Avenue, the Department of Planning does not oppose the petitioner's request subject to further review and approval by the Baltimore County Design Review Panel (DRP).

Prior to any decision/order by the Administrative Law Judge (ALJ) of Baltimore County the proposed project must go before the Design Review Panel for review and approval. Pursuant to Section 32-4-203.i.2 of the Baltimore County Code the disposition of the DRP is binding on the decision of the ALJ.

To date the Department of Planning has not received architectural elevations that address the architectural requirements of the Ruxton Riderwood-Lake Roland Design Review Panel Area.

The petitioner shall add a note to the plan stating the following:

The proposed development is within the Ruxton Riderwood- Lake Roland Design Review Panel Area. Contact Jenifer Nugent in 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 DRP.

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Date 9-27-12

By [Signature]

Testimony and evidence revealed that the subject property is 7,410 square feet (0.17 acres) and is zoned DR 2. The Petitioners propose to construct a modest single-family dwelling on a small (undersized) lot and need variance relief to do so.

The Petitioners presented the testimony of Thomas Hoff, a landscape architect who was accepted as an expert witness. Mr. Hoff described the property, and indicated the lot in question was created by plat nearly 100 years ago. See Exhibit 6. Mr. Hoff indicated that in over 40 years of experience working on zoning and development matters, he had never seen a scenario like this, where a 50' wide lot, created on a 100-year old plat, had remained vacant. Mr. Hoff opined that the property was therefore "unique", and that the Petitioners would suffer a hardship if relief were denied, since they would be unable to use the property for its intended purposes. In response to a question on cross examination, Mr. Hoff stated that the DR 2 designation "distorts" the zoning on this lot.

Aharon Feivelson, the president of Olympia, LLC, testified that he is the contract purchaser, and has invested nearly \$300,000 to this point in an effort to construct a home on this site. Mr. Feivelson stated that the home would be well designed and high quality, and he submitted a photo of a recent home his firm had constructed. Exhibit 7. Eric Bers, the president of Palmetto, also testified and he indicated he owns the subject property and also owns the house at 1416 Walnut Avenue, which he has been renting to tenants. Mr. Bers explained that Baltimore County required him to make approximately \$100K in road and sewer improvements before he was issued a permit to construct a single-family dwelling at 1416 Walnut Avenue. See Exhibit 9.

Thereafter, several neighbors testified in opposition to the Petition, citing traffic and quality of life concerns. Though each resident expressed unique concerns, they all believed that

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Date 9-27-12

By [Signature]

the Petitioners were attempting to squeeze a house on a small lot, and that their property values and quality of life would decline as a result.

As the Court of Special Appeals has noted, the B.C.Z.R. provides two avenues whereby the owner of an undersized lot can seek to construct a dwelling on a parcel not in compliance with current zoning standards. The first is provided by B.C.Z.R. § 304, which governs "Use of Undersized Single-Family Lots." This section is distinct from the general variance provision at § 307, and does not require a showing of uniqueness or hardship. Mueller v. Balto. Co., 177 Md. App. 43, 87 (2007).

But the Petitioners cannot succeed under § 304, because they do not satisfy all of the elements of B.C.Z.R. § 304 A, B and C. Specifically, the Petitioners cannot satisfy subsection B, which requires the applicant to comply with all other height and area regulations (other than lot area and width). It is undisputed that the Petitioners cannot satisfy the side yard regulations set forth at § 1B02.3.C. Thus, the Petitioners must satisfy the variance standards under B.C.Z.R. § 307, as articulated in Cromwell v. Ward, 102 Md. App. 691 (1995) and similar cases.

Based upon the testimony and evidence presented, I will deny the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have not met this test.

Under Maryland law, uniqueness means that the subject property has "inherent characteristics not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors" North v. St. Mary's Co., 99 Md. App. At 512. I do not

ORDER RECEIVED FOR FILING

Date 9-27-12

By [Signature]

believe the subject property is "unique" in this sense, and it is similar in size, shape and topography to the adjoining lots shown on Exhibit 6. Mr. Hoff emphasized the fact that this lot was created by a 100-year old plat and is still vacant, but I do not think these factors concern the inherent, physical characteristics of the property itself. Mr. Hoff also discussed the slope and narrowness of the lot, but there is no indication in the record that the slope of the subject property is any greater than that of adjoining lots, and as noted above, the other lots are also narrow (50').

I agree with Mr. Hoff that the DR 2 designation has "distorted" the zoning on this lot. And to address such scenarios, the County Council enacted B.C.Z.R. § 304, which is a "grandfather provision that protects a landowner from a change in the zoning laws" under certain circumstances. Mueller, 177 Md. App. at 84. As noted above however, the Petitioners cannot satisfy the three conditions required by that regulation. While I do believe that certain equitable factors militate in the Petitioners favor (including the infrastructure investment made in connection with the construction of 1416 Walnut Avenue), the OAH is given only limited authority to grant variances, and I do not believe that the Petitioners are entitled to variance relief under B.C.Z.R. § 307.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioners' variance request should be denied.

THEREFORE, IT IS ORDERED, this 27th day of September, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 304.1.B and 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- (1) To allow an undersized lot of 7,410 square feet in lieu of the required 20,000 square feet,
- (2) To allow a minimum lot width of 50' in lieu of the required 100',

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Date 9-27-12

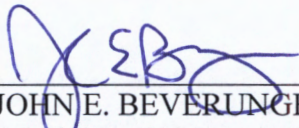
5

By [Signature]

- (3) To allow a minimum side yard of 8' in lieu of the required 15', and
- (4) To allow a minimum sum of side yard widths of 16' in lieu of the required 40',

be and is hereby DENIED.

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



JOHN E. BEVERLINGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

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Date 9-27-12

By DLW



KEVIN KAMENETZ
County Executive

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

September 27, 2012

J. Neil Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson, Maryland 21204

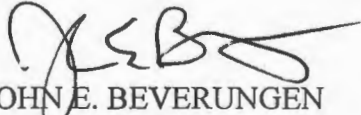
RE: Petition for Variance
Case No.: 2013-0015-A
Property: 1414 Walnut Avenue

Dear Mr. Lanzi:

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:dlw
Enclosure

c: Sam Tenenbaum, 3600 Labyrinth Road, J3, Baltimore, MD 21215
Eric L. Bers, P.O. Box 841, Ellicott City, MD 21041
Aharon Feivelson, 6605 Park Heights Avenue, Unit T1, Baltimore, MD 21215
Peggy Squitieri, RRLRAIA, P.O. Box 204, Riderwood, MD 21139
Joel M. Eagle, 1404 Walnut Avenue, Baltimore, MD 21209
Zak Shirley, 1417 Walnut Avenue, Baltimore, MD 21209
Mark A. Hall, 1410 Walnut Avenue, Baltimore, MD 21209



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 1414 WALNUT AVE.

which is presently zoned DR-2

Deed References: 22011/167

10 Digit Tax Account # 0323087392

Property Owner(s) Printed Name(s) PALMETTO GROUP, INC.

(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

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

3. X a **Variance** from Section(s)

SEE ATTACHED

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)

TO BE PRESENTED AT HEARING

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:

Olympia Properties Inc
Name- Type or Print

[Signature]
Signature

3600 Labyrinth Rd Unit J3 Baltimore MD
Mailing Address City State

21215, 410 4936169
Zip Code Telephone # Email Address

Attorney for Petitioner:

TO BE DETERMINED PRIOR TO HEARING

Name- Type or Print

[Signature]
Signature

Date
Mailing Address City State

By
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Palmetto Group Inc.
Name #1 - Type or Print Name #2 - Type or Print

[Signature]
Signature #1 Signature #2

PO BOX 841, ELLICOTT CITY, MD
Mailing Address City State

21041, 443-759-6736
Zip Code Telephone # Email Address

Representative to be contacted:

THOMAS J. HOFF

Name - Type or Print

[Signature]
Signature

512 VIRGINIA AVE. TOWSON, MD
Mailing Address City State

21286, 410-296-3669, tom@thomasjhoff.cc
Zip Code Telephone # Email Address

CASE NUMBER 2013-0015-XA Filing Date 7/20/12

Do Not Schedule Dates: _____ Reviewer JS

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

July 20, 2012

1414 Walnut Avenue
Variances Requested:

Variance #1 – Section 304.1.B. and Section 1B02.3.C.1. – Variance to allow an undersized lot of 7,410 square feet in lieu of the required 20,000 square feet.

Variance #2 – Section 304.1.B. and Section 1B02.3.C.1. – Variance to allow a minimum lot width of 50 feet in lieu of the required 100 feet.

Variance #3 – Section 1B02.3.C.1. – Variance to allow a minimum side yard of 8 feet in lieu of the required 15 feet.

Variance #4 – Section 1B02.3.C.1. – Variance to allow a minimum sum of side yard widths of 16 feet in lieu of the required 40 feet.

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

July 20, 2012

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THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

July 20, 2012

Description of 1414 Walnut Avenue to Accompany Petition for Variances, 3rd Election District, 2nd Councilmanic District

BEGINNING FOR THE SAME at a point on the west side of Walnut Avenue (20' Private R/W), 488 feet more or less southwest of the centerline of Falls Road.

Thence binding on the west side of Walnut Avenue,

- 1) South 44 degrees 53 minutes 50 seconds West 50 feet, thence leaving Walnut Avenue,
- 2) North 45 degrees 06 minutes 10 seconds West 127 feet, thence,
- 3) North 04 degrees 20 minutes 50 seconds East 66 feet, thence,
- 4) South 45 degrees 06 minutes 10 seconds East 169 feet, to the place of beginning.

Containing 0.17 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



2013-0615-XA

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: 2013-0015-XA

Petitioner: PALMETTO GROUP, INC

Address or Location: 1414 WALNUT AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: OLYMPIA PROPERTIES

Address: 3600 LABYRINTH RD, UNIT J3

BALTIMORE, MD 21215

Telephone Number: 410-493-6169

**CASHIER'S
VALIDATION**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 4, 2012 Issue - Jeffersonian

Please forward billing to:
Olympia Properties
3600 Labyrinth Road, Unit J3
Baltimore, MD 21215

410-493-6169

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: 2013-0015-XA

144 Walnut Avenue

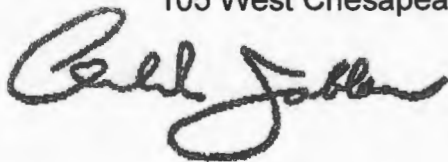
W/s Walnut Avenue (20 ft. private right-of-way), 488 ft. SW of centerline of Falls Road
3rd Election District – 2nd Councilmanic District

Legal Owners: Palmetto Group, Inc.

Contract Purchaser: Olympia Properties

Variance to allow an undersized lot of 7410 sq. ft. in lieu of the required 20,000 sq. ft.; to allow a minimum lot width of 50 ft. in lieu of the required 100 ft.; to allow a minimum side yard of 8 ft. in lieu of the required 15 ft.; to allow a minimum sum of side yard widths of 16 ft. in lieu of the required 40 ft.

Hearing: Monday, September 24, 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.

9/24
11 AM
25**Debra Wiley - ZAC Comments - Distribution Mtg. of 7/30**

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 8/14/2012 12:01 PM
Subject: ZAC Comments - Distribution Mtg. of 7/30

Good Morning,

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.

2013-0006-SPHA - 8227 Liberty Road
Hearing: 9/17 @ 10 AM

2013-0013-XA - 3716 Washington Blvd.
Hearing: 9/5 @ 10 AM

2013-0014-A - 341 Worton Road
No hearing in data base as of 8/14

2013-0015-A - 1414 Walnut Ave.
No hearing in data base as of 8/14

2013-0016-A - 901 Monaghan Ct.
Administrative Variance - Closing Date: 8/20

2013-0017-SPH - 119 Main St.
No hearing in data base as of 8/14

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

(24 11am

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

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[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 03 Account Number - 0323087392

Owner Information

Owner Name: PALMETTO GROUP INC **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: PO BOX 841
ELLCOTT CITY MD 21041-0841 **Deed Reference:** 1) /22011/ 00167
2)

Location & Structure InformationPremises Address

WALNUT AVE
0-0000

Legal Description

.148AC PT LT 7
NWS WALNUT AVE
GARDMAN JOHN

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0069	0021	0976		0000			7	2	
									Plat Ref: 0004/0018

Town NONE
Ad Valorem Tax Class

Special Tax Areas

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		6,463 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	63,350	63,300		
Improvements:	0	0		
Total:	63,350	63,300	63,300	63,300
Preferential Land:	0			0

Transfer Information

Seller: WRIGHT ELVIE G	Date: 06/10/2005	Price: \$126,000
Type: ARMS LENGTH VACANT	Deed1: /22011/ 00167	Deed2:
Seller: WRIGHT VERN, JR	Date: 04/05/1991	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08750/ 00261	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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



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

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District - 03 Account Number - 0323087392



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

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

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

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

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[GroundRent](#)
[Registration](#)

Account Identifier:

District - 03 Account Number - 0308008750

Owner Information

Owner Name: SHIRLEY GABRIELLE D **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 1417 WALNUT AVE
BALTIMORE MD 21209- **Deed Reference:** 1) /31794/ 00304
2)

Location & Structure Information

Premises Address **Legal Description**
1417 WALNUT AVE .185 AC
BALTIMORE 21209- SES ALTAMONT AV
SW OF FALLS RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0079	0003	0266		0000				2	

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2012	3,250 SF	8,000 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	200,000	200,000		
Improvements:	291,700	291,700		
Total:	491,700	491,700	491,700	491,700
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
ENVISION LAND - I LLC	03/08/2012	\$499,999
Type: ARMS LENGTH MULTIPLE	Deed1: /31794/ 00304	Deed2:
Seller: PORTRAIT-GRANT PARTNERSHIP LLP	Date: 06/20/2011	Price: \$120,000
Type: ARMS LENGTH MULTIPLE	Deed1: /30930/ 00437	Deed2:
Seller: VALLAIR ALEX	Date: 12/30/2005	Price: \$185,000
Type: ARMS LENGTH MULTIPLE	Deed1: /23155/ 00054	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
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

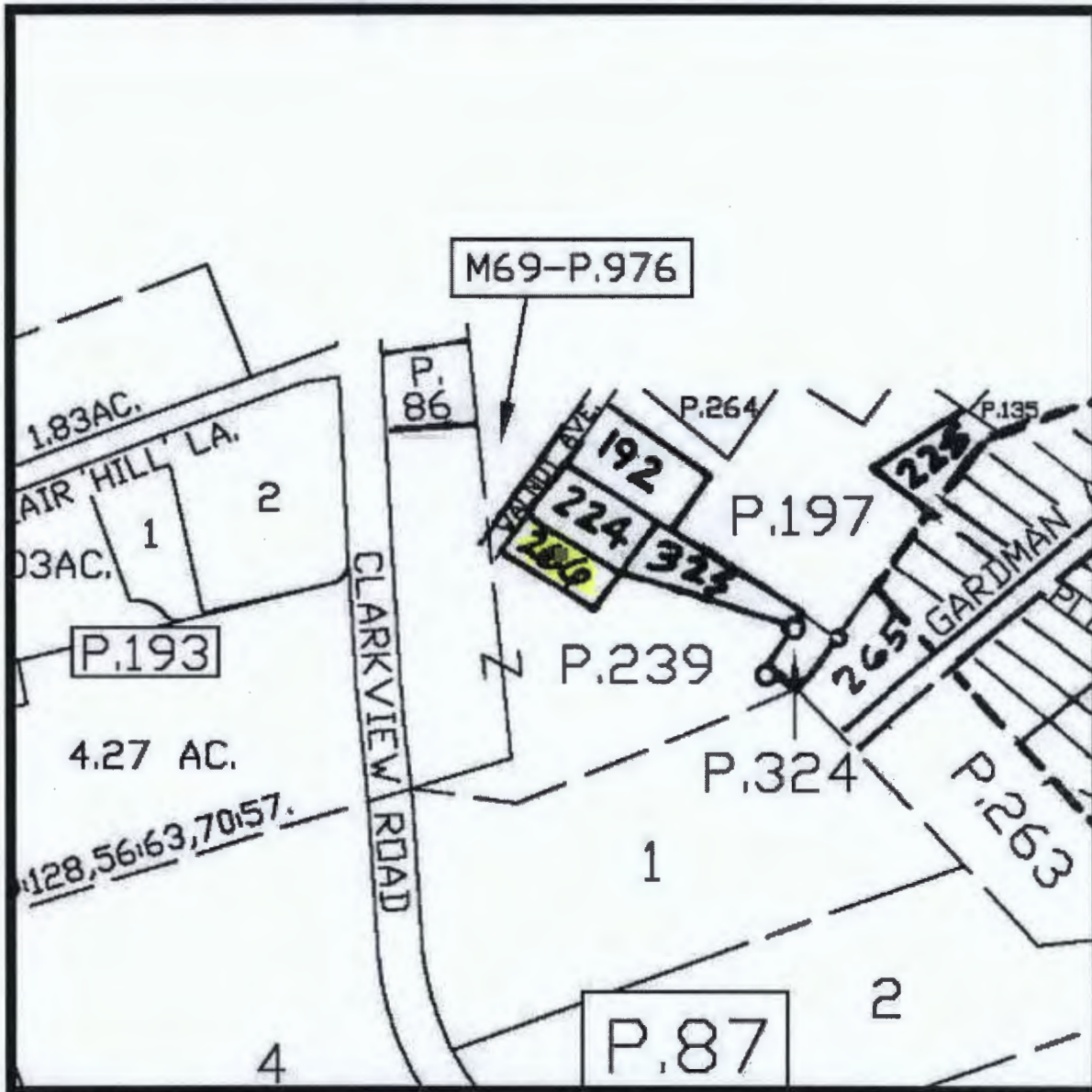
Homestead Application Status: Approved 06/12/2012



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

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District - 03 Account Number - 0308008750



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Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

9/24 11AM

CASE NO. 2013- 6015-ACHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8-8</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>9-7</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>8-2</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
<u>9-20</u>	ADJACENT PROPERTY OWNERS ^① Zak and Gabrielle Shirley 1417 Walnut Ave. (Oppose)	
<u>⑤ Veronica Pijor, President Pleasant View Curious</u>		
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>9-4</u> <u>The Jeffersonian</u>	
SIGN POSTING	Date: <u>9-4</u> by <u>Ogle</u> <u>20 days</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: <u>Please See Balbo. Co. Design Review Panel</u> <u>Rev (attached) and DOR ZAC Comment -</u> <u>1st pg. - last paragraph - "Prior to any ..."</u>		

John F. H.

(1) The Director of Permits, Approvals and Inspections shall:

(i) Ensure that a concept plan, Development Plan, or any action or review associated with the plans is efficiently processed by all county agencies; and

(ii) Facilitate the processing of the plans referred to the other agencies.

(2) The Director may not alter the action or decision of a county agency, including any decision relating to the approval, disapproval, or revocation of a permit.

(b) *Adoption of regulations.* In accordance with the requirements of Article 3, Title 7 of the Code, the County Administrative Officer or the County Administrative Officer's designee may adopt regulations governing the processing of a concept plan, Development Plan, or action or review associated with a plan.

(1988 Code, § 26-218) (Bill No. 4, 1992, § 2; Bill No. 79-01, § 2, 7-1-2004; Bill No. 122-10, §§ 12, 30, 1-16-2011)

§ 32-4-203. BALTIMORE COUNTY DESIGN REVIEW PANEL.(a) *In general.*(1) A Development Plan is subject to review under this section if the proposed development is located in a design review area identified on the map adopted under § 32-4-204 of this subtitle.

(2) For purposes of this section, a proposed development includes a minor subdivision, but does not include a Planned Unit Development.

(3) For purposes of this section, a proposed development means a development consisting of new construction or a substantial addition or change to an existing Development Plan, as determined by the Department of Planning.

(4) (i) In the case of a residential single lot of record, any new dwelling unit shall be reviewed by the Panel.

(ii) This does not apply to any addition to a dwelling unit unless the addition is more than 50% of the gross square footage of the existing dwelling.

(b) *Panel established.*

(1) There is a Baltimore County Design Review Panel.

(2) In order to encourage design excellence, the Panel shall act in a consulting and advisory capacity to the agencies involved in the interagency process for reviewing Development Plans under § 32-4-226 of this subtitle.(c) *Objective for assessment.*

(1) The Panel shall apply the policies in the Comprehensive Manual of Development Policies and in the Master Plan in assessing whether a proposed plan:

(i) Demonstrates a satisfactory spatial, visual, and functional relationship to the topographic characteristics, the natural features, and the built features of the site as well as the surrounding features of the site;

(ii) Gives primary design consideration to the visual and functional integration of streetscapes, pedestrian pathways, playgrounds, recreational amenities, and parks;

(iii) Demonstrates that streets and sidewalks are laid out as safe and convenient linkages and that parking becomes a positive design element that contributes to the overall image of the site;

(iv) Demonstrates that buildings, parking garages, and other accessory structures are spatially and visually integrated and suitable to their surroundings in proportion, massing and type, materials and colors, signage, and other elements of urban design; and

(v) Demonstrates that plant materials are selected and sited to define the site, provide a theme or image appropriate to the development, frame views, enhance architecture and street characteristics, develop continuity of adjacent open spaces, improve the micro-climate, provide transition between dissimilar uses, screen the objectionable views and uses, reduce noise level and glare, and provide seasonal colors and other visual amenities.

(2) (i) For a proposed residential development located in a design review area identified on the map adopted under § 32-4-204 of this subtitle, the Panel shall apply the design standards in sections 260.2 through 260.6 of the Baltimore County Zoning Regulations and any standards identified in a community plan that has been adopted by the County Council as part of the Master Plan.

(ii) In addition, the Panel may increase the residential setback requirements applicable to the proposed development.

(3) If the Panel review generates a comment regarding landscaping for a plan, including lots of record, the applicant shall prepare a landscape plan. This plan shall be prepared and sealed by a licensed landscape architect and reviewed and approved by the county landscape architect.

(d) *Membership; appointment.*

(1) The Panel shall consist of a standing panel of nine members who by profession or experience are knowledgeable in matters of design, including architects, landscape architects, and other design professionals (the professional members), and a revolving panel of resident members (the resident members) who shall serve on specific review panels, designated under subsection (h) of this section, as authorized.

(2) (i) The County Executive shall appoint the nine professional members subject to County Council confirmation.

(ii) The County Council shall appoint the resident members, each of whom shall be a resident of the Councilmanic District in which a review panel is formed to review a residential development.

(3) The County Executive shall designate one professional member to serve as Chairman of the Panel.

(e) *Term of office.*

(1) The term of a Panel member is 3 years.

(2) A member is eligible for reappointment, but may not serve more than two consecutive terms.

(f) *Executive secretary.* The Director of Planning, or the Director's designee, shall serve as the non-voting executive secretary to the Panel.

(g) *Fees.*

(1) The County Administrative Officer shall set fees to adequately cover the cost of the Panel's review activities.

(2) The County Administrative Officer shall submit the proposed fees to the County Council in accordance with § 3-1-202 of the Code.

(h) *Review panel; notice of meetings.*

(1) (i) The chairman shall designate three professional members of the Panel to serve as a review panel for the purpose of reviewing a nonresidential Development Plan.

(ii) For the purpose of reviewing a residential development plan proposed to be located in a Design Review Area identified on the map adopted under § 32-4-204 of this subtitle, the chairman shall designate two professional members of the Panel to serve on the review panel, and the County Council shall appoint a resident member to serve as the third Panel member.

(iii) The Council's appointment shall be made by letter within seven days after notification from the Department of Planning that a residential design review panel is to be appointed.

(2) The Panel shall provide notice of meetings in accordance with the procedures contained in the Comprehensive Manual of Development Policies.

(3) The Panel shall hold its meetings open to the public.

(i) *Recommendation submitted to Hearing Officer; exception; time limit.*

(1) The Review Panel shall consult and advise upon each Development Plan submitted and, except in the case of a plan processed under § 235.B.8. of the Baltimore County Zoning Regulations, shall make a recommendation to the Hearing Officer within the time required by § 32-4-226(d) of this subtitle.

(2) The Panel's recommendation is binding on the Hearing Officer, and on the agencies under subsection (l) of this section, unless the Hearing Officer or agencies find that the Panel's actions constitute an abuse of its discretion or are unsupported by the documentation and evidence presented.

(3) The Panel's recommendation is not binding on the Hearing Officer, or on the agencies under subsection (l), for a development plan for a property in the Towson Business Core that is not reviewed under the alternate process of § 235.B.8. of the Baltimore County Zoning Regulations.

(j) *Failure to make a recommendation.* The failure of the Panel to make a recommendation does not prevent the plan from being processed.

(k) *Recommendation as a condition for approval of a plan.* The Hearing Officer may impose a recommendation of the Panel as a condition for approval of a Development Plan.

(l) *Recommendation considered by agencies.* If a Development Plan or Hearing Officer's hearing is not required, the Directors of the Department of Planning, the Department of Permits, Approvals and Inspections and the Department of Environmental Protection and Sustainability or their designees shall consider any recommendations of the Panel and may impose the recommendation as a condition of approval before either approval of a Development Plan or the issuance of a permit, whichever occurs first.

(1988 Code, § 26-219) (Bill No. 12-93, § 1, 4-5-1993; Bill No. 79-01, § 2, 7-1-2004; Bill No. 17-03, § 1, 5-3-2003; Bill No. 75-03, § 9, 7-1-2004; Bill No. 56-04, § 1, 6-11-2004; Bill No. 108-05, § 1, 10-30-2005; Bill No. 119-05, § 1, 12-23-2005; Bill No. 122-10, §§ 12, 30, 1-16-2011; Bill No. 38-11, § 3, 8-25-2011; Bill No. 55-11, §§ 1, 2, 10-16-2011)

§ 32-4-204. DESIGN REVIEW AREAS.

(a) *Designation of Design Review Areas.* The Baltimore County Council may designate areas of the county in which Development Plans are subject to review by the design review panel.

(b) *Map process.* Design Review Areas shall be designated on a map to be adopted by the Council.

(c) *Nonresidential plans.* A nonresidential Development Plan is subject to review under this section if the proposed development is located in any of the following areas that are described by map in the Comprehensive Manual of Development Policies:

(1) The Towson Master Plan Urban Design Study Area, except that the design of any high performance building, as defined in Article 11, Title 2 of the Code, is not subject to review if it is part of a development plan located in the Towson Commercial Revitalization District;

(2) The Essex Revitalization Area;

(3) The Catonsville Revitalization Area;

(4) The Arbutus Revitalization Area; or

(5) The Pikesville Revitalization Area.

(d) *Residential plans.*

(1) Residential Design Review Areas are limited to properties that lie within the boundaries of a community plan that has been adopted by the County Council as part of the Baltimore County Master Plan.

(2) A residential single lot of record that is within a Design Review Area and that existed prior to June 11, 2004 may be approved by the chairman of the Panel, if the owner presents a written letter of support from a recognized community association in the Design Review Area, and if the area planner

Exemption).

(Bill No. 120-04, 2, 12-19-2004)

Editor's notes:

Section 3 of Bill No. 120-04 provides that the County Government Team shall report to the County Council, County Executive and the Planning Board on the effectiveness of the Renaissance Redevelopment Pilot Program on June 30 of each year.

Section 4 of Bill No. 120-04 provides this Act shall take effect on December 19, 2004 and shall be abrogated at the end of five years without the necessity of further action by the County Council; provided, however, this Act shall continue to have force and effect for an applicant with an approved final development plan under 430A.8 of the Baltimore County Zoning Regulations, provided that the applicant obtains building permits and begins substantial construction within one year after the abrogation of this Act, and this Act will continue to apply through any modifications of the pattern book under 430A.12 of the Baltimore County Zoning Regulations.

Section 1 of Bill No. 99-09 amends Section 4 of Bill No. 120-04 to provide that this Act, having been passed by an affirmative vote of five members of the County Council, shall take effect December 19, 2004. It shall remain effective for a period of not more than ten years and, at the end of not more than ten years, without further action required by County Council, this Act shall be abrogated and of no further force and effect provided, however, that this Act shall continue to have force and effect for an applicant with an approved final development plan under Section 430A.8 of the Baltimore County Zoning Regulations, provided that the applicant obtains building permits and begins substantial construction within one year after the abrogation of this Act, and this Act will continue to apply through any modifications of the pattern book under Section 430A.12 of the Baltimore County Zoning Regulations.'

Section 2 of Bill No. 99-09 provides that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on February 1, 2010 and shall apply retroactively to December 19, 2009.

SUBTITLE 2. DEVELOPMENT REVIEW AND APPROVAL PROCESS

PART I. DEVELOPMENT AND DESIGN

§ 32-4-201. IN GENERAL.

Except as provided in §§ 32-4-105, 32-4-106, and 32-4-107 of this title, an approved Development Plan is required for a development and a plat is required for a subdivision.

(1988 Code, § 26-201) (Bill No. 8-96, § 3, 3-23-1996; Bill No. 79-01, § 2, 7-1-2004)

§ 32-4-202. DEVELOPMENT MANAGEMENT.

- (a) *Management by the Department of Permits, Approvals and Inspections.*

9/24
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 5, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1414 Walnut Avenue

INFORMATION:

RECEIVED

Item Number: 13-015

SEP 07 2012

Petitioner: Palmetto Group Inc.

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: DR 2

Requested Action: Variance

To permit:

- An undersized lot of 7,410 square feet in lieu of the required 20,000 square feet;
- A minimum lot width of 50 feet in lieu of the required 100 feet;
- A minimum side yard setback of 8 feet in lieu of the required 15 feet;
- A minimum sum of side yard widths of 16 feet in lieu of the required 40 feet.

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner's request involves placing a significantly smaller residential structure in between two larger residential structures, which is not the most desired scenario for site design.

However, this department recognizes the fact that the proposed dwelling would likely be consistent with the development pattern of existing older homes in the neighborhood, and the placement between 1416 Walnut Avenue and 1410 Walnut Avenue would be uniform in character amongst the aforementioned lots. The potential development of similar undersized lots also on Walnut Avenue could possibly bring a sense of neighborhood character and consistent development pattern for the remaining undersized lots on Walnut Avenue.

Due to varying housing styles and lot sizes on Walnut Avenue, the Department of Planning does not oppose the petitioner's request subject to further review and approval by the Baltimore County Design Review Panel (DRP).

Prior to any decision/order by the Administrative Law Judge (ALJ) of Baltimore County the proposed project must go before the Design Review Panel for review and approval. Pursuant to Section 32-4-203.i.2 of the Baltimore County Code the disposition of the DRP is binding on the decision of the ALJ.

ORDER RECEIVED FOR FILING

Date 11-2-12

By ISW

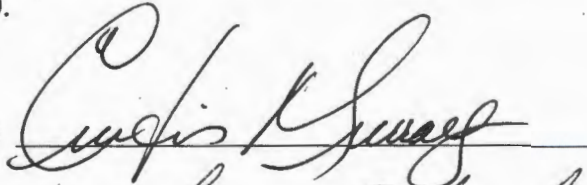
To date the Department of Planning has not received architectural elevations that address the architectural requirements of the Ruxton Riderwood-Lake Roland Design Review Panel Area.

The petitioner shall add a note to the plan stating the following:

The proposed development is within the Ruxton Riderwood- Lake Roland Design Review Panel Area. Contact Jenifer Nugent in 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 DRP.

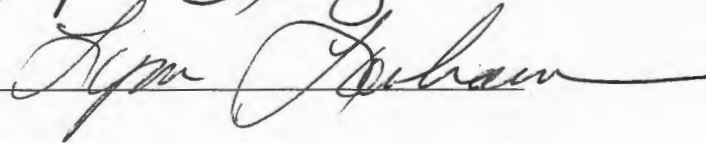
For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared by:



Division Chief:

AVA/LL: CM



ORDER RECEIVED FOR FILING

Date 11-2-12

By ISW

CERTIFICATE OF POSTING

RE: Case No 2013-0015-XA

Petitioner/Developer OLYMPIA
PROPERTIES, TOM HOFF

Date Of Hearing/Closing: 9/24/12

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 1414 WALNUT AVENUE

This sign(s) were posted on September 4, 2012
Month, Day, Year

Sincerely,

Martin Ogle 9/4/12
Signature of Sign Poster and Date

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

ZONING NOTICE

CASE # 2013-0015-XA

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

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

DATE AND TIME: MONDAY, SEPTEMBER 24, 2012
AT 11:00 A.M.

REQUEST:

VARIANCE TO ALLOW AN UNDERSIZED LOT OF 780 SQ. FT.
IN LIEU OF THE REQUIRED 20,000 SQ. FT.; TO ALLOW A
MINIMUM LOT WIDTH OF 50 FT. IN LIEU OF THE REQUIRED
100 FT.; TO ALLOW A MINIMUM SIDE YARD OF 8 FT. IN LIEU
OF THE REQUIRED 15 FT.; TO ALLOW A MINIMUM SUM OF
SIDE YARD WIDTHS OF 16 FT. IN LIEU OF THE REQUIRED
40 FT.

DISPENSMENTS DUE TO WEATHER AND OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY
TO CANCEL A HEARING. CALL 410-327-2900

DO NOT REMOVE THIS SIGN AND POST THE HEARING DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

matatich 9/4/12

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: #2013-0015-XA

1414 Walnut Avenue
W/s Walnut Avenue (20 ft. private right-of-way), 488 ft. SW
of centerline of Falls road
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Palmetto Group, Inc.
Contract Purchaser: Olympia Properties

Variance: to allow an undersized lot of 7410 sq. ft. in lieu of the required 20,000 sq. ft.; to allow a minimum lot width of 50 ft. in lieu of the required 100 ft.; to allow a minimum side yard of 8 ft. in lieu of the required 15 ft.; to allow a minimum sum of side yard widths of 16 ft. in lieu of the required 40 ft.
Hearing: Monday, September 24, 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 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 09/600 September 4 872576



501 N. Calvert Street, Baltimore, MD 21278

September 6, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on September 4, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

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

No. 29694

Date: 11/26/12

PAID RECEIPT

BUSINESS ACTUAL TIME TRM
 11/26/2012 11/26/2012 10:30:00 4
 REG WSD6 WALKIN TTAY TST
 >>RECEIPT # 675922 11/26/2012 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	804	000		6150				265.00

Dep 5 528 ZONING VERIFICATION

CR # 029694

Recpt Tot \$265.00

\$265.00 CR \$1.00 CA

Baltimore County, Maryland

Total: 265.00.

Rec From: Zak Shirley - Appeal

.- 405 - 308 - 1475

For: 2013-0015-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

August 20, 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: 2013-0015-XA

144 Walnut Avenue

W/s Walnut Avenue (20 ft. private right-of-way), 488 ft. SW of centerline of Falls Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Palmetto Group, Inc.

Contract Purchaser: Olympia Properties

Variance to allow an undersized lot of 7410 sq. ft. in lieu of the required 20,000 sq. ft.; to allow a minimum lot width of 50 ft. in lieu of the required 100 ft.; to allow a minimum side yard of 8 ft. in lieu of the required 15 ft.; to allow a minimum sum of side yard widths of 16 ft. in lieu of the required 40 ft.

Hearing: Monday, September 24, 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: Olympia Properties, 3600 Labyrinth Road, Unit J3, Baltimore 21215
Palmetto Group, Inc., P.O. Box 841, Ellicott City 21041
Thomas Hoff, 512 Virginia Avenue, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., SEPTEMBER 5, 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

December 17, 2012

NOTICE OF ASSIGNMENT

CASE #: 13-015-A

IN THE MATTER OF: *Palmetto Group, Inc. - LO;*
Olympia Properties, Inc. - Contract Purchaser/Lessee
1414 Walnut Avenue / 3rd Election District; 2nd Councilmanic District

11/2/12 – ALJ Order on Reconsideration in which Application for Undersized Lot(s) was APPROVED with restrictions per § 304, BCZR.

ASSIGNED FOR: WEDNESDAY, JANUARY 23, 2013 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: Appellants

: Zak and Gabrielle Shirley
: Joel Eagle
: Mark Hall
: Carole Quirk, Jon Considine
: William W. Scott, III
: Mary Byrne
: Rita Smith

Counsel for Property Owners /Applicants
Property Owners /Applicants
Contract Purchaser/Lessee

: J. Neil Lanzi, Esquire
: Palmetto Group, Inc., Eric L. Bers
: Olympia Properties, Inc., Sam Tenenbaum

Aharon Feluelson
Thomas J. Hoff

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

John E. Beverungen, Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

Will be
up-assigned



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 9, 2013

NOTICE OF POSTPONEMENT

CASE #: 13-015-A

IN THE MATTER OF: *Palmetto Group, Inc. - LO;*
Olympia Properties, Inc. - Contract Purchaser/Lessee
1414 Walnut Avenue / 3rd Election District; 2nd Councilmanic District

11/2/12 – ALJ Order on Reconsideration in which Application for Undersized Lot(s) was
APPROVED with restrictions per § 304, BCZR.

**This matter was assigned to Wednesday, January 23, 2013
and has been postponed. The matter will be RE-ASSIGNED.**

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: Appellants

: Zak and Gabrielle Shirley
: Joel Eagle
: Mark Hall
: Carole Quirk, Jon Considine
: William W. Scott, III
: Mary Byrne
: Rita Smith

Counsel for Property Owners /Applicants
Property Owners /Applicants
Contract Purchaser/Lessee

: J. Neil Lanzi, Esquire
: Palmetto Group, Inc., Eric L. Bers
: Olympia Properties, Inc., Sam Tenenbaum

Aharon Feluelson
Thomas J. Hoff

Office of People's Counsel
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Nancy West, Assistant County Attorney

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Andrea Van Arsdale, Director/Department of Planning
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

October 3, 2014

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

13-015-A

Palmetto Group, Inc. - LO;
Olympia Properties, Inc. - Contract Purchaser/Lessee
1414 Walnut Avenue
3rd Election District; 2nd Councilmanic District

11/2/12 – ALJ Order on Reconsideration in which Application for Undersized Lot(s) was APPROVED with restrictions per § 304, BCZR.

ASSIGNED FOR: TUESDAY, DECEMBER 2, 2014 at 9:30 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.

Krysundra "Sunny" Cannington
Administrator

c: Appellants

: Zak and Gabrielle Shirley
: Joel Eagle
: Mark Hall
: Carole Quirk, Jon Considine
: William W. Scott, III
: Mary Byrne
: Rita Smith

Counsel for Property Owners /Applicants
Property Owners /Applicants
Contract Purchaser/Lessee

: J. Neil Lanzi, Esquire
: Palmetto Group, Inc., Eric L. Bers
: Olympia Properties, Inc., Sam Tenenbaum

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John E. Beverungen, Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

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

September 20, 2012

Palmetto Group Inc
P O Box 841
Ellicott City, MD 21041

RE: Case Number: 2013-0015 XA, Address: 1414 Walnut Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 20, 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 "W" and "C".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Thomas J. Hoff, 512 Virginia Avenue, Towson, MD 21286
Olympia Properties, 3600 Labyrinth Road, Unit J3, Baltimore MD 21215

9/24
11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 5, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1414 Walnut Avenue

INFORMATION:

Item Number: 13-015

Petitioner: Palmetto Group Inc.

Zoning: DR 2

Requested Action: Variance

RECEIVED

SEP 07 2012

OFFICE OF ADMINISTRATIVE HEARINGS

To permit:

- An undersized lot of 7,410 square feet in lieu of the required 20,000 square feet;
- A minimum lot width of 50 feet in lieu of the required 100 feet;
- A minimum side yard setback of 8 feet in lieu of the required 15 feet;
- A minimum sum of side yard widths of 16 feet in lieu of the required 40 feet.

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner's request involves placing a significantly smaller residential structure in between two larger residential structures, which is not the most desired scenario for site design.

However, this department recognizes the fact that the proposed dwelling would likely be consistent with the development pattern of existing older homes in the neighborhood, and the placement between 1416 Walnut Avenue and 1410 Walnut Avenue would be uniform in character amongst the aforementioned lots. The potential development of similar undersized lots also on Walnut Avenue could possibly bring a sense of neighborhood character and consistent development pattern for the remaining undersized lots on Walnut Avenue.

Due to varying housing styles and lot sizes on Walnut Avenue, the Department of Planning does not oppose the petitioner's request subject to further review and approval by the Baltimore County Design Review Panel (DRP).

Prior to any decision/order by the Administrative Law Judge (ALJ) of Baltimore County the proposed project must go before the Design Review Panel for review and approval. Pursuant to Section 32-4-203.i.2 of the Baltimore County Code the disposition of the DRP is binding on the decision of the ALJ.

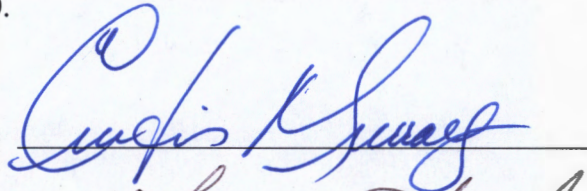
To date the Department of Planning has not received architectural elevations that address the architectural requirements of the Ruxton Riderwood-Lake Roland Design Review Panel Area.

The petitioner shall add a note to the plan stating the following:

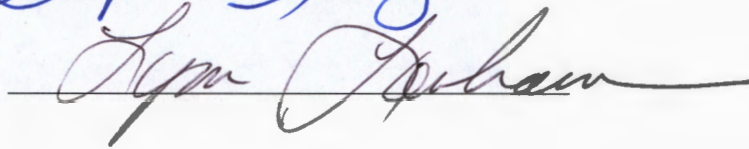
The proposed development is within the Ruxton Riderwood- Lake Roland Design Review Panel Area. Contact Jenifer Nugent in the Department of Planning (410-887-3480) to discuss Design Review Panel scheduling, requirements, process and submissions. Proposed house plans, elevations and materials shall be reviewed and approved by the DRP.

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

Prepared by:

A handwritten signature in blue ink, appearing to read "Curtis R. Savage", written over a horizontal line.

Division Chief:
AVA/LL: CM

A handwritten signature in black ink, appearing to read "Lynn T. Hawn", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 08, 2012

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 13, 2012
Item Nos. 2013-0015, 0016, and 0017.

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-08132012-NO COMMENTS.doc

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



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

Date: 8-2-12

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

RE: Baltimore County
Item No. 2013-0015-A
Variance
Palnetto Group Inc.
1414 Walnut Avenue.

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. 2013-0015-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 blue 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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
1414 Walnut Avenue; W/S Walnut Avenue,
(20' private right-of-way) 488' SW c/line Falls Rd* OF ADMINISTRATIVE
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): Palmetto Group Inc * HEARINGS FOR
Contract Purchaser(s): Olympia Properties, Inc * BALTIMORE COUNTY
Petitioner(s) *
* 2013-015-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

AUG 03 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 2nd day of August, 2012, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Hoff, 512 Virginia Avenue, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 9, 2013

J. Neil Lanzi, Esquire
PNC Bank Building, Ste 617
409 Washington Avenue
Towson, MD 21204

Re: In the Matter of: Palmetto Group, Inc.
1414 Walnut Avenue
Case No.: 13-015-A

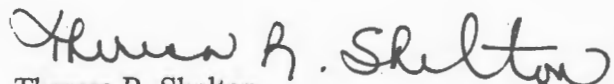
Dear Mr. Lanzi:

I am in receipt of your request for postponement dated January 3, 2013. This letter is to advise you that your request for a postponement of the hearing scheduled for Wednesday, January 23, 2013 @ 10:00 a.m. has been granted.

Enclosed is the Notice of Postponement. The matter will be re-assigned to a mutually agreed date in the future.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,


Theresa R. Shelton
Administrator

Encl: Notice of Postponement

cc(w/Encl.): Peter Max Zimmerman, People's Counsel for Baltimore County (via Hand Delivery)
Zak and Gabrielle Shirley
Joel Eagle
Mark Hall
Carole Quirk, Jon Considine
William W. Scott, III
Mary Byrne
Rita Smith
Palmetto Group, Inc., Eric L. Bers
Olympia Properties, Inc., Sam Tenenbaum

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
PNC BANK BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

Reply to Towson

January 3, 2013

Board of Appeals for Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Attn: Teresa Shelton, Administrator



Re: Case NO. 13-015-A
In the Matter of : Palmetto Group, Inc./1414 Walnut Avenue

Dear Ms. Shelton:

This case is presently set for hearing on Wednesday, January 23, 2013 at 10:00 a.m. As counsel for the petitioners/applicants, I respectfully request this case be postponed as I have a previously scheduled vacation.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink that appears to read "J. Neil Lanzi".

J. Neil Lanzi

JNL\mlr

cc: Office of People's Counsel
Zac and Gabrielle Shirley
Joel Eagle
Mark Hall
Carole Quirk
John Considine
William W. Scott, III
Mary Byrne
Rita Smith
Peggy Squitieri



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

September 2, 2014

Hand-Delivered
Krysundra "Sunny" Cannington, Administrator
County Board of Appeals of Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
SEP 02 2014

BALTIMORE COUNTY
BOARD OF APPEALS

Re: Palmetto Group, Inc
Case No.: 2013-015-A

Dear Ms. Cannington:

This follows my e-mail dated August 29, 2014. Upon further review of the totality of circumstances, it appears reasonable for the County Board of Appeals to set this matter in for hearing at such time as the Board finds convenient. This will provide all the parties an opportunity to evaluate the case properly, determine their positions, and proceed in open hearing.

Sincerely,

A handwritten signature in blue ink that reads "Peter Max Zimmerman".

Peter Max Zimmerman

cc: J. Neil Lanzi, Esquire, attorney for Petitioner
Zac Shirley, 1417 Walnut Avenue, Baltimore, Maryland 21209
Joel Eagle, 1404 Walnut Avenue, Baltimore, MD 21209
Mark Hall, 1410 Walnut Avenue, Baltimore, Maryland 21209

From: Krysundra Cannington
To: Counsel, Peoples; Neil Lanzi; zak.shirley@dlapiper.com
BC David Thurston
Date: 9/3/2014 11:28 AM
Subject: Palmetto Group, Inc.

Good morning Counsel,

This email is to confirm the receipt of Mr. Zimmerman's letter requesting this matter be scheduled for a hearing, dated September 2, 2014.

Please note, I advised Mr. Shirley when we spoke a couple of weeks ago, that he had until the end of September to make a decision with regard to his appeal.

Pursuant to my conversation with Mr. Lanzi today, he is still discussing this matter with his client.

Please be advised that I will follow up with Mr. Lanzi and Mr. Shirley at the end of September to determine whether to set this matter for a hearing, as requested by Mr. Zimmerman.

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

Thank you.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
(410) 887-3180

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BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

Phone: 410-887-3180

Fax: 410-887-3182

To: Sunny Cannington, Administrator

From: Tammy McDiarmid, Legal Secretary

Date: August 8, 2014

Re: In the Matter of: Palmetto Group, Inc.
Case No.: 13-015-A

Joel Eagle called regarding the status letter that you sent. He and his neighbors are still opposed to building on the undersized lot. I advised that he needs to send us something in writing. He is going to speak with Zak Shirley over the weekend and they will send something.

He expressed frustration that the ALJ originally denied the request, and then approved after the filing of a Motion for Reconsideration.

He asked how long the Palmetto Group has to build on the lot? Does the approval expire if nothing is done within a certain time frame?

He and his neighbors do intend to proceed with the appeal process if Palmetto Group intends to build on the undersized lot.

jsc

Debra Wiley - Re: 1414 Walnut Avenue - Petition for Variance Case No. 2013-0015-A

From: John Beverungen
To: Ruxton-Riderwood-Lake Roland Area Improvement Association
Date: 10/5/2012 9:57 AM
Subject: Re: 1414 Walnut Avenue - Petition for Variance Case No. 2013-0015-A
CC: Debra Wiley; Neil Lanzi

Ms. Squitieri,

I apologize for that inaccuracy, and your correspondence and this reply will be added to the case file to correct the record and reflect that your Association took no position on the case.

John Beverungen

>>> "Ruxton-Riderwood-Lake Roland Area Improvement Association" <rrlraia@comcast.net> 10/04/12 4:45 PM >>>
Judge Beverungen,

RE: Order and Opinion for Petition for Variance
Case No.: 2013-0015-A (1414 Walnut Avenue)

In my position as executive director of The Ruxton-Riderwood-Lake Roland Area Improvement Association, I often attend zoning hearings that involve properties that lie within our boundaries. Our board sometimes decides to support or oppose a particular case, however, most times I am there merely as an interested party and to offer a degree of insight and advice to our residents and members. The latter was the case in the subject hearing and I would like to clarify that The Ruxton-Riderwood-Lake Roland Area Improvement Association did not take a position for or against this particular case. Please indicate this in the case file and on the Order and Opinion which will be posted on your website.

Thank you very much.

Peggy Squitieri
Executive Director
The Ruxton-Riderwood-Lake Roland Area Improvement Association

cc: J. Neil Lanzi, Esq.. (Counsel for the Petitioner)

Administrative Hearings - 1414 Walnut Avenue - Petition for Variance Case No. 2013-0015-A

From: "Ruxton-Riderwood-Lake Roland Area Improvement Association" <rrlraia@comcast.net>
To: <jbeverungen@baltimorecountymd.gov>
Date: 10/4/2012 4:45 PM
Subject: 1414 Walnut Avenue - Petition for Variance Case No. 2013-0015-A
CC: <Administrativehearings@baltimorecountymd.gov>, "Neil Lanzi" <nlanzi@lan...>

Judge Beverungen,

RE: Order and Opinion for Petition for Variance
Case No.: 2013-0015-A (1414 Walnut Avenue)

In my position as executive director of The Ruxton-Riderwood-Lake Roland Area Improvement Association, I often attend zoning hearings that involve properties that lie within our boundaries. Our board sometimes decides to support or oppose a particular case, however, most times I am there merely as an interested party and to offer a degree of insight and advice to our residents and members. The latter was the case in the subject hearing and I would like to clarify that The Ruxton-Riderwood-Lake Roland Area Improvement Association did not take a position for or against this particular case. Please indicate this in the case file and on the Order and Opinion which will be posted on your website.

Thank you very much.

Peggy Squitieri
Executive Director
The Ruxton-Riderwood-Lake Roland Area Improvement Association

cc: J. Neil Lanzi, Esq.. (Counsel for the Petitioner)

Administrative Hearings - Walnut Ave. Appeal 2013-0015-A, additional signatures

From: Zak Shirley <wzs2101@columbia.edu>
To: administrativehearings <administrativehearings@baltimorecountymd.gov>
Date: 12/3/2012 8:26 AM
Subject: Walnut Ave. Appeal 2013-0015-A, additional signatures
Attachments: Appeal signatures.pdf

Good morning,

As we discussed last week, I have collected additional signatures and addresses of people in the neighborhood who wish to be added to the appeal. Attached please find the signatures of:
Carol Quirk and Jon Considine (I think I've already sent you this page, but I wanted to be certain)
William Scott III

Mary Byrne

Rita Smith

If you have questions or need anything else please don't hesitate to contact me. Thank you so much for all your help!

Zak Shirley

405-308-1475

RECEIVED

DEC - 3 2012

OFFICE OF ADMINISTRATIVE HEARINGS

For the foregoing reasons, we the undersigned residents of Walnut Avenue urge the County Board of Appeals to deny the requests for variance made in Case #2013-0015-A.

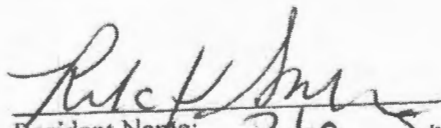
Sincerely.

Zak Shirley
1417 Walnut Ave.
Baltimore, MD 21209

Gabrielle D. Shirley
1417 Walnut Ave.
Baltimore, MD 21209

Joel Eagle
1404 Walnut Ave.
Baltimore, MD 21209

Mark Hall
1410 Walnut Ave.
Baltimore, MD 21209


Resident Name: *R. + S. Smith*
Resident Address: *1408 Walnut Ave*
21209

Cc: Neil Lanzi, Esq.
Suite 420, Parkside Bldg.
10500 Little Patuxent Pkwy
Columbia, MD 21044

Administrative Hearings - Re: Walnut Ave. Appeal

From: Administrative Hearings
To: Shirley, Zak
Date: 11/28/2012 11:45 AM
Subject: Re: Walnut Ave. Appeal

Good Morning,

You can continue to acquire signatures until the 30-day appeal period is due, which is December 3rd. If you would please just reflect the case number in the subject line (2013-0015-A), that would be very beneficial and a lot quicker for us to assure it's placed in the correct file.

Please let me know if you need anything further. Have a great day !

>>> Zak Shirley <wzs2101@columbia.edu> 11/27/2012 2:49 PM >>>

Hi Debbie,

Nice to speak with you today. Attached is the signature of one of our neighbors who also wanted to be included. As I mentioned on the phone, some of the other neighborhood residents also want to be involved but haven't yet signed and returned the letter. When they do can I send the signatures to you here? There may be up to three additional people. I don't want to make your job more difficult, so I'm happy to handle this in whatever way is most appropriate and convenient for you, just let me know. Thanks again for all of your help!

Zak Shirley

Administrative Hearings - Walnut Ave. Appeal

From: Zak Shirley <wzs2101@columbia.edu>
To: <administrativehearings@baltimorecountymd.gov>
Date: 11/27/2012 2:49 PM
Subject: Walnut Ave. Appeal
Attachments: signaturepage.pdf

Hi Debbie,

Nice to speak with you today. Attached is the signature of one of our neighbors who also wanted to be included. As I mentioned on the phone, some of the other neighborhood residents also want to be involved but haven't yet signed and returned the letter. When they do can I send the signatures to you here? There may be up to three additional people. I don't want to make your job more difficult, so I'm happy to handle this in whatever way is most appropriate and convenient for you, just let me know.

Thanks again for all of your help!

Zak Shirley

RECEIVED

NOV 7 2012

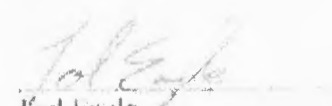
OFFICE OF ADMINISTRATIVE HEARINGS

For the foregoing reasons, we the undersigned residents of Walnut Avenue urge the County Board of Appeals to deny the requests for variance made in Case #2013-0915-A.

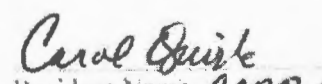
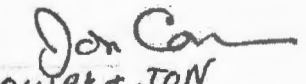
Sincerely,


Zak Shirley
1417 Walnut Ave.
Baltimore, MD 21209

Gabrielle D. Shirley
1417 Walnut Ave.
Baltimore, MD 21209


Joel Eagle
1404 Walnut Ave.
Baltimore, MD 21209

Mark Hall
1410 Walnut Ave.
Baltimore, MD 21209

 
Resident Name: CAROL QUIRK + JON
Resident Address: CONSIDINE
1409 Walnut Ave
Baltimore, MD 21209

Cc: Neil Farni, Esq.
Suite 420 Parkside Bldg.
10500 Little Patuxent Pkwy
Columbia, MD 21044

Administrative Hearings - Fwd: 1414 Walnut Ave Zoning Case: 2013-0015A

From: Vee Pea <veronimous@yahoo.com>
To: "jbeverungen@baltimorecountymd.gov" <jbeverungen@baltimorecountymd.gov>, ...
Date: 9/21/2012 10:44 AM
Subject: Fwd: 1414 Walnut Ave Zoning Case: 2013-0015A
Attachments: 1414 Walnut Zoning 9-21-12.pdf

Honorable Judge Beverungen:

Please accept this letter regarding the subject Zoning Case. We would appreciate it if this was placed in the case file or otherwise considered as part of the hearing testimony. Thank you for the opportunity to express our concerns about the requested varaince.

Veronica Piskor, President

Pleasant View Civic Association

410-337-2623

veronimous@yahoo.com

RECEIVED

SEP 21 2012

OFFICE OF ADMINISTRATIVE HEARINGS

*The Pleasant View Civic Association
In Historic Bare Hills*

RECEIVED

SEP 21 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Courthouse
Bosley Ave
Towson MD 21204

RE: 1414 Walnut Avenue
Zoning Case 2013-0015-A

Honorable Judge Beverungen:

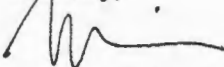
I am writing in regards to the rezoning application for the property at 1414 Walnut Avenue in Bare Hills. With all due respect, the Pleasant View Civic Association **opposes** the requested variance. The contract purchaser/applicant is attempting to squeeze a residence between existing houses on a lot that is nearly one third the size required by zoning. The variance request would allow:

- A lot of 7,410 square feet in lieu of the required 20,000 square feet.
- A lot width of 50 feet in lieu of the required 100 feet.
- A side yard of 8 feet in lieu of the required 15 feet
- A side yard widths of 16 feet in lieu of the required 40 feet.

The local community opposes this variance, and this neighboring community association supports their position. Although we generally support infill development that meets the required setbacks, lot size and community context, we must oppose this variance request. Development of this narrow property will negatively affect the existing properties with a new residence within 8 feet of their side property line, jeopardizing their privacy and viewshed. In addition, Walnut Avenue is a very narrow roadway, with little or no opportunities for vehicles to pass. The entrance to Walnut Avenue from Falls Road is especially narrow and steep, with historic properties on both sides of the roadway prohibiting the expansion of this sole access to the property. Neighbors have reported an increase in vehicles on this narrow roadway and a recent head-on collision, since previous infill development occurred in the same area as this property. Furthermore, because the applicant is a contract purchaser, there does not appear to be a hardship in this case. The lot in question was rezoned some years ago to preserve the character of the area, we urge the hearing Commissioners to reject this variance and support the local communities by upholding the current zoning restrictions.

Thank you for the opportunity to express our concerns. If you should have any questions or comments, feel free to contact me at 410-337-2623 or via email at veronimous@yahoo.com.

Sincerely,



Veronica Piskor, President
Pleasant View Civic Association

Cc: Vicki Almond - 2nd District Councilwoman
~~Peggy Squitieri - RRLRAIA~~

From: "Neil Lanzi" <nlanzi@lanzilaw.com>
To: "Krysundra Cannington" <kcannington@baltimorecountymd.gov>
Date: 2/11/2014 4:32 PM
Subject: RE: Palmetto Group, LLC 13-015-A

Hi Sunny:

I will check with the client and engineer and get back to you.

Thanks,

Neil

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

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Tuesday, February 11, 2014 11:23 AM
To: Neil Lanzi
Subject: Palmetto Group, LLC 13-015-A

Good morning Neil,

Please advise as to the status of this matter. It appears this matter was postponed in January of 2013 pending the completion of the DRC case.

Thank you.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
(410) 887-3180

Confidentiality Statement

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From: "Neil Lanzi" <nlanzi@lanzilaw.com>
To: "Theresa Shelton" <tshelton@baltimorecountymd.gov>
Date: 3/15/2013 5:06 PM
Subject: RE: Palmetto Group and Amended Reclass dates

Theresa:

This case cannot be scheduled yet as the property owner will be submitting plans to the Design Review Panel. That process takes a few months which will delay our hearing before the Board. If I did not advise you of this information earlier, I apologize. Thank you for the update and holding those dates. There is no need to hold those dates now.

Have a good weekend.

Neil

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

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]
Sent: Friday, March 15, 2013 4:58 PM
To: nlanzi@lanzilaw.com
Subject: Palmetto Group and Amended Reclass dates

Good Evening:

Could you please call me at 410-887-3180 when you have a few minutes to refresh my memory on the Palmetto Group? Right now I have it holding until May, but received a call from Mr. Shirley and told him I would get back to him with an update. Thank you.

Amended Reclass dates: I will hold the following dates open on the Board's docket for the hearing on the Reclass. The dates being held are:

Tuesday, April 16, 2013 @ 11 am
Thursday, April 18, 2013 @ 11 am

From: Theresa Shelton
To: nlanzi@lanzilaw.com
Date: 4/30/2013 11:31 AM
Subject: Palmetto Group / 13-015-A

Neil, Good Morning:

Just a status check on the progress of the above captioned appeal with regard to the DRC. It came up on my tickler for May to check with you.

Just let me know if I need to put this out for a couple more months.

Thank you for your time.

Theresa
Semper Fi

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

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

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

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in error, please immediately notify the sender.

From: Theresa Shelton
To: nlanzi@lanzilaw.com
Date: 3/15/2013 4:57 PM
Subject: Palmetto Group and Amended Reclass dates

Good Evening:

Could you please call me at 410-887-3180 when you have a few minutes to refresh my memory on the Palmetto Group? Right now I have it holding until May, but received a call from Mr. Shirley and told him I would get back to him with an update. Thank you.

Amended Reclass dates: I will hold the following dates open on the Board's docket for the hearing on the Reclass. The dates being held are:

Tuesday, April 16, 2013 @ 11 am
Thursday, April 18, 2013 @ 11 am
Tuesday, April 30, 2013 @ 10 am
Wednesday, May 8, 2013 @ 10 am

Please advise if any of these dates will work for your calendars. Once again. Thank you.

Theresa
Semper Fi

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

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

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

Confidentiality Statement

Zach Shirley

13-015-A

410-580-

work 4792

Palmetto Group

Hold in-active

~~Design Review Panel~~

Design Review Panel
Process.

Per. Neil Lanji

2/25/13

Kanji
Walnut Ave

4/23, 24, 25

Looks like only
need one day.

May go DRG
may get bumped
waiting to hear
from client.

November 26, 2012

County Board of Appeals
Suite 203, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED

NOV 26 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Case #2013-0015-A

To Whom It Concerns:

We write to appeal the recent decision by the Office of Administrative Hearings to grant the variance request by Palmetto Group, Inc. ("**Palmetto**") and Olympia Properties, Inc. (together with Palmetto, the "**Developers**") for the property located at 1414 Walnut Avenue in Baltimore County ("**Lot 1414**") entered on November 2, 2012.

In early September 2012, the Developers filed a Request for Variance on Lot 1414 (the "**Original Request**"). A hearing was held on September 24, 2012 (the "**Hearing**") after which the Original Request was denied on September 27, 2012 (the "**Original Order**") on the basis that the Developers failed to establish that Lot 1414 was unique. The Original Request was denied despite evidence presented at the Hearing that Baltimore County required a "tee turnaround" and other infrastructure improvements on Lot 1414 at the time the neighboring home located at 1416 Walnut Avenue ("**Lot 1416**") was built. Subsequently, on October 25, 2012 the Developers filed a motion for reconsideration (the "**Motion for Reconsideration**") in which with the Developers merely re-presented the original facts without presenting any information that was not previously considered at the Hearing. On November 2, 2012, the Motion for Reconsideration was granted. The resulting order issued by Judge Beverungen (the "**Revised Order**") failed to address key legal requirements for the granting of a variance as well the legitimate safety and welfare concerns presented by members of the community at the Hearing, considerations that were central to the Original Order and set forth in greater detail in our letter dated September 20, 2012 (the "**September Letter**") incorporated herein by reference.

We therefore urge the County Board of Appeals to reverse the Revised Order and deny the variance requested by the Developers on the grounds that (1) the Revised Order failed to address the second prong of the *Cromwell* analysis; (2) injury to public health, safety, and general welfare was not addressed in the Revised Order; (3) the Revised Order violates proper legal procedure for obtaining a variance; (4) the Motion for Reconsideration did not present any information that was not considered at the Hearing; and (5) The Community Concerns for Uniformity and Appearance Must be Addressed.

(1) The Revised Order Failed to Address the Second Prong of the *Cromwell* Standard.

Under the *Cromwell* Test laid out by the Maryland Court of Special Appeals in 1995, a variance request requires a two-step analysis: (1) a finding that the property is unique and (2) if variance relief is denied, petitioner will experience a practical difficulty or hardship. *Cromwell v. Ward*, 102 Md.App. 691, 694 (Md. Ct. Spec. App 1995). While the Revised Order discussed the first prong of the *Cromwell* standard in great detail there was no discussion of the second prong of the *Cromwell* Test. The second element of the *Cromwell* Test requires an examination of what hardship the requesting party will suffer if the variance is not granted. The longstanding rule in Maryland is clear: unique conditions and hardships that have been caused or created by the property owner will preclude relief by variance. *Salisbury Board of Zoning Appeals v. Bounds*, 240 Md. 547, 554-55 (1965).

“There is uniform application of the [rule barring relief] in those cases in which there has been an act on the part of the property owner or his predecessor which has physically so affected the property as to *create a unique circumstance* or which in itself *created either a practical difficulty or hardship* in conforming to the restrictions of the ordinance.” *Id.* (emphasis added). Such is the case here. Even if Lot 1414 is deemed to be “unique,” Palmetto is directly responsible for the unique size and shape of Lot 1414, having decided in 2006 to concede to the Baltimore County requirement for a “tee turnaround” in order to allow the development of the adjacent lot, Lot 1416. In doing so, Palmetto knowingly created an undersized and misshapen lot. They cannot now claim entitlement to a variance on that very basis.

Additionally, any “hardship” suffered by Palmetto if the variance request is denied is self-imposed. Palmetto purchased two adjoining lots on Walnut Avenue and was well aware of the size and shape of each. Nonetheless, Lot 1414 was not incorporated into the development of Lot 1416. Palmetto cannot now plead ignorance with respect to its decision to sell Lot 1416, leaving itself with an undersized parcel of land. This situation could easily have been avoided. Many homes surrounding Lot 1414 were built on multiple lots to satisfy the zoning laws and the owners of those homes should not suffer for Palmetto’s poor business judgment *See* September Letter, Section 3(b).

(2) The Revised Order Did Not Address Public Health and Safety Concerns.

Under the Baltimore County Zoning Regulations (B.C.Z.R.) §307.1, Administrative Law Judges shall only have the power to grant variances that are “...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.” Here, the Revised Order was based entirely upon the uniqueness of Lot 1414 without taking into account these preliminary and mandatory considerations.

By granting the Motion for Reconsideration, the community now faces increased traffic congestion due to the inevitable construction and increased population density. At the Hearing and in the September Letter, various members of the Walnut Avenue community presented legitimate concerns for the public safety and welfare of the neighborhood. Walnut Avenue is a dead-end street and is the only ingress and egress to the neighborhood. It is a single lane asphalt road that is not wide enough to permit two cars to pass at the same time. This problem is exacerbated by the fences and trees which line the first 100 feet of Walnut Avenue off of Falls Road preventing movement to the side of the road in many places. Any additional traffic on this already over-utilized road will only add to the dangerous conditions and compromise the safety of neighborhood residents and children. Even during routine deliveries and street maintenance residents of Walnut Avenue are prevented from using the road and/or accessing their homes. Please see Section 1 of the September Letter for further discussion.

As a preliminary matter, Judge Beverungen should have considered the public health and safety arguments presented by the Walnut Avenue community before any evaluation of the uniqueness of Lot 1414. Given the risk of injury to the public health, safety and general welfare, the Developers' Motion for Reconsideration was improperly granted.

(3) The Revised Order Violates Proper Legal Procedure for Obtaining a Variance.

The Motion for Reconsideration contained a request for an additional variance to allow a minimum front yard depth of 10 feet in lieu of the required 40 feet (the "***Additional Variance***"). The proper procedure for obtaining a variance from height or area requirements is set forth in Article 32, Subtitle 3 of the Baltimore County Code (the "**BCC**"). BCC §32-3-302 requires a public hearing for variance petitions where the zoned lot is not owner occupied and further outlines specific procedures for giving notice to the surrounding neighborhood. Specifically, a variance must be noticed:

- (i) By conspicuously posting the notice on the property for a period of at least 20 days before the date of the hearing;
- (ii) By a notice in at least one newspaper of general circulation at least 20 days before the hearing; and
- (iii) By posting notice on the county's internet website.

BCC §32-3-302(b)(1). None of these procedures, including the requirement for a public hearing, were followed by the Developers in connection with their request for the Additional Variance or required by Judge Beverungen. Thus, the Additional Variance was granted without notice and without input from the surrounding community and in violation of the zoning regulations.

As previously discussed in Section (1) above, strong community opposition exists in connection with the construction of a home on this undersized lot and the opportunity to present these opposing viewpoints should have been afforded in connection with the

Developers' request for the Additional Variance. Since the Additional Variance constitutes a new variance request by the Developers, the community was entitled to a hearing as a matter of right under the BCC.

(4) The Motion for Reconsideration Failed to Provide Any Information that was not Previously Considered at the Hearing.

A motion for reconsideration may be granted under Appendix G of the Baltimore County Code. However the Maryland Court of Appeals has held that similar statutes contain an implicit requirement of "good cause" in order to grant a motion for reconsideration. *Zoning Appeals Board v. McKinney*, 174 Md. 551 (1938). Good cause is typically defined as "fraud, surprise, mistake or inadvertence" as to the facts as originally presented. *Id.* at 564. In the Motion for Reconsideration, the Developers made no such showing. On the contrary, all of the "newly discovered information" presented by the Developers was readily available at the time of the Hearing and was presented and discussed at length at the Hearing. For example, the presence of the "tee turnaround" on Lot 1414 and the additional requirements imposed on Eric Bers by Baltimore County during his initial development of Lots 1414 and 1416 were well documented in the public record and were discussed extensively at the Hearing. See ¶¶ 9-10 and Exhibit 4 of Developers' Motion for Reconsideration; see Exhibit A and Exhibit B attached hereto and presented by the Developers at the Hearing which clearly indicate (A) discussion of required improvements and (B) the presence of the "tee turnaround".

The assertion that the Developers' attorney and expert were unaware of the location of the "tee turnaround" at the time of the Original Request and the Hearing (see ¶11, Developers' Motion for Reconsideration) is contradicted by their own Exhibits and the testimony of Mr. Bers presented at the Hearing, both of which clearly indicate the presence and location of the "tee turnaround." Therefore, the Motion for Reconsideration was little more than a restatement of the same facts presented in the Original Request, affording the Developers an unjustified second bite at the apple.

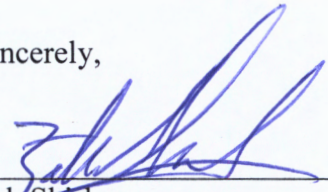
(5) The Community Concerns for Uniformity and Appearance Must be Considered.

At the Hearing various members of the community expressed concern for the preservation of Walnut Avenue's appearance and décor. In this respect, the numbers speak for themselves. The Developers, who initially requested an area variance for 7,410 sq. ft. in lieu of the required 20,000 sq. ft., are now requesting an area variance for 6,469 sq. ft., a 68% reduction in the requirement. In addition, the requested front yard variance is a 75% reduction from the required 40 ft. to 10 ft. Finally, the requested lot width is a 50% reduction from the required 100 ft. to 50 ft. These are not minor variances and no structure adjacent to Lot 1414 has been built with anything approaching this level of accommodation. The resulting structure will not fit in the style or "feel" of the community as discussed in Section 2 of the September Letter.

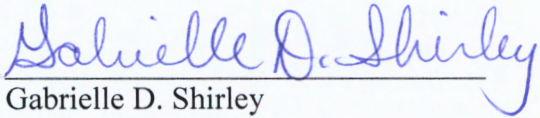
[Signatures appear on the following page.]

For the foregoing reasons, we the undersigned residents of Walnut Avenue urge the County Board of Appeals to deny the requests for variance made in Case #2013-0015-A.

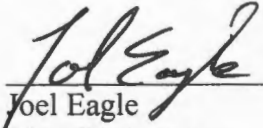
Sincerely,



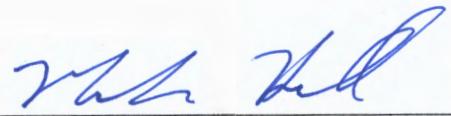
Zak Shirley
1417 Walnut Ave.
Baltimore, MD 21209



Gabrielle D. Shirley
1417 Walnut Ave.
Baltimore, MD 21209



Joel Eagle
1404 Walnut Ave.
Baltimore, MD 21209



Mark Hall
1410 Walnut Ave.
Baltimore, MD 21209

Resident Name:
Resident Address:

Cc: Neil Lanzi, Esq.
Suite 420, Parkside Bldg.
10500 Little Patuxent Pkwy
Columbia, MD 21044

Department of Public Works

Office of the Director
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3300 • Fax: 410-887-3406



Baltimore County

James T. Smith, Jr., County Executive
Edward C. Adams, Jr., Director

Exhibit A

October 7, 2005

Eric L. Bers, President
PACESETTER HOMES, INC.
P.O. Box 841
Ellicott City, Maryland 21041

Re: 1416 Walnut Avenue
Permit B598135

Dear Mr. Bers:

I am in receipt of your letter dated October 2, 2005 regarding the above permit and offer the following.

There are no provisions for reimbursement from property owners who choose to develop their property once the required improvements have been installed. However, you could contact each property owner to see if they are willing to contribute. That would be a private matter between you and the property owner.

It is county policy to extend utilities to serve existing dwellings and not unimproved land. Of course, had your lot been located between dwellings, you would have had access to the existing improvements. With that said, the county is not required to make these improvements.

As with any development project, regardless of its size, the developer is required to install any and all improvements needed.

Once security has been posted and a site plan with water meter and clean out locations has been submitted to Ms. Hurley, she can sign off on your building permit. Ms. Hurley can be reached at 410-887-3117.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Adams, Jr.", is written over the word "Sincerely,".

Edward C. Adams, Jr.
Director

ECA:rh
C: file

Visit the County's Website at www.baltimorecountyonline.info



Exhibit 13



E



F



September Letter

Zak and Gabrielle Shirley

1417 Walnut Ave.
Baltimore, MD 21209

T 405.308.1475
wzs2101@gmail.com

November 25, 2012

Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21204

Re: Case #2013-0015-A

To Whom it Concerns:

We are writing to express our opposition to the variance request by Palmetto Group, Inc. ("Palmetto") for the property located at 1414 Walnut Avenue in Baltimore County ("Lot 1414"). Granting this request would allow Palmetto to construct a home on a grossly undersized parcel. We urge the denial of Palmetto's request on the following grounds: (1) The construction of another dwelling in this neighborhood would cause traffic and safety hazards for area residents; (2) the proposed variance would allow construction of a home on an undersized lot and would cause irreversible harm to the character of the surrounding neighborhood; and (3) the history of the Lot reveals that any hardship to Palmetto based on the size of Lot 1414 is self-created and could have been avoided through alternate development of the adjacent lot 1416 Walnut Avenue ("Lot 1416") which Palmetto developed and sold in 2007.

1. Traffic and Safety Concerns

Under B.C.Z.R. § 307.1, a variance may be granted "only in such manner as to grant relief without injury to public health, safety and general welfare." Concern for public safety is of primary concern in this case given the already congested nature of the neighborhood's street and the presence of children in the neighborhood. Walnut Avenue is a single lane asphalt road that is not wide enough to permit two cars to pass at the same time. This problem is exacerbated by the fences and trees which line the first 100 feet of the street off of Falls Road preventing movement to the side of the road in many places. (Ex.1) Walnut Avenue is a dead-end street and is the only ingress and egress to the neighborhood. In its current condition, Walnut Avenue is only safe because of the limited number of residents who use the road. Nonetheless, residents do occasionally meet another vehicle head on as one makes a high speed turn off of Falls Road. This problem is particularly acute in the Spring and Summer months when foliage and tall grass makes it difficult to see vehicles on Walnut Avenue from Falls Road. (Ex.2) In the event that two vehicles meet on this narrow road, one must either back up for a significant distance on Walnut Avenue or the other driver must attempt to reverse onto the shoulder of Falls Road in heavy traffic. Adding additional vehicles by allowing undersized lots to be developed in the area of Walnut Avenue would only exacerbate this problem and place both residents and motorists in jeopardy. Walnut Avenue has clearly reached capacity in terms of the number of residents, vehicles and homes as evidenced by the unavailability of a lot that meets the reasonable and existing zoning requirements of the neighborhood.

2. Character of the Neighborhood

Lot 1414 sits near the end of Walnut Avenue in an area separated from Falls Road by approximately 500 feet. Beyond the first 200 feet of Walnut Avenue, the neighborhood is dominated by large homes with wide yards that easily satisfy the zoning regulations. (Ex.3) These large yards give a sense of separation between the residences and also provide areas for trees and other vegetation to grow, which provides the neighborhood with a secluded feel despite its proximity to urban development. Granting the proposed variance would permit construction of a small home on a lot 1/3 the size of what is required and significantly smaller than all surrounding residences which were built across multiple lots in order to satisfy the zoning requirements. In addition any building constructed on this lot would have less than half the required side yards. This variance would (i) effectively destroy the separation and spacious feel of the surrounding neighborhood; (ii) allow a structure to be built in closer proximity to neighboring houses than owners anticipated; and (iii) create an awkward crowded appearance in one section of the otherwise well-spaced surrounding area. (Ex. 4)

3. The Cromwell Standard

Under the *Cromwell* Test laid out by the Maryland Court of Appeals in 1995, a variance request requires a two step analysis: (1) a finding that the property is unique; and (2) if variance relief is denied, Petitioner will experience a practical difficulty or hardship. *Cromwell v. Ward*, 102 Md. App. 691, 694 (Md. Ct. Spec. App. 1995). The variance request under review in this instance fails both prongs of the *Cromwell* analysis.

(a) Uniqueness of the Property

Maryland law defines uniqueness for zoning purposes as,

requir[ing] 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.

North v. St. Mary's County, 99 Md. App. 502, 512 (1994).

The attached plot map (Ex. 5) indicates that Lot 1414 is roughly identical to several adjacent lots in size, shape, and topography. There is no indication of any characteristic of Lot 1414 that would set it apart or cause the DR2 zoning regulations to have any disproportionate effect on its owner. The applicable zoning regulations affect all the surrounding lots equally and other neighborhood residents have complied without incident or hardship. No aspect of Lot 1414 is unique; in fact the lot is remarkably common. Accordingly, Palmetto's variance request should be denied. *Cromwell*, 102 Md. App. at 694 ("Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship.")

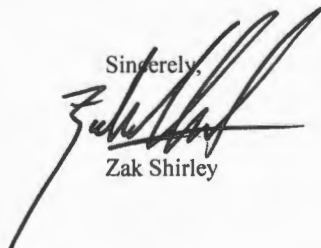
(b) Difficulty or Hardship

The second element of the *Cromwell* Test requires an examination of what hardship the requesting party will suffer if the variance is not granted. However the longstanding rule in Maryland makes clear that hardships that have been caused or created by the property owner will preclude relief by variance. *Salisbury Board of Zoning Appeals v. Bounds*, 240 Md. 547, 554-555 (1965) ("There is a uniform application of the [rule barring relief] in those cases in which there has been an act on the part of the property owner or his predecessor which has physically so affected the property as to create a unique circumstance or which in itself created either a practical difficulty or hardship in conforming to the restrictions of the ordinance.")

An examination of the history of Lot 1414 and Lot 1416 makes it clear that any hardship suffered by Palmetto is entirely self-created. Lot 1416 which adjoins Lot 1414 on the West was also owned by Palmetto before it was sold in 2007 to Eric Bers. (Ex. 6) One year before this sale, a home was constructed on Lot 1416. (Ex. 6) During this time, Palmetto was in possession of both lots 1416 and 1414. (Ex. 7) The decisions to build a large home on only one of these lots (rather than merging or redividing the lots) and to retain the undersized lot in the transaction with Mr. Bers were all made subject to the B.C.Z.R. and with full knowledge of Lot 1414's size limitation. Palmetto cannot now claim that the results of its own decisions are grounds for a zoning hardship and variance.

The Maryland Court of Appeals reminded us in *Cromwell* that, "[t]he general rule is that variances and exceptions are to be granted sparingly, only in rare instances and under peculiar and exceptional circumstances." 102 Md. App at 700. We respectfully suggest that the variance for Lot 1414 does not present such exceptional circumstances and request that it be denied.

Sincerely,



Zak Shirley



Gabrielle Shirley



Exhibit 1

Exhibit 2



Exhibit 3











Prop Site

Exhibit 4

Exhibit 5



Environmental Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Exhibit 6

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
BALTIMORE COUNTY

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

Account Identifier: District - 03 Account Number - 2500002843

Owner Information									
Owner Name:	BERS ERIC				Use:	RESIDENTIAL			
Mailing Address:	PO BOX 841 ELLCOTT CITY MD 21041-0841				Principal Residence:	NO			
					Deed Reference:	1) /25850/ 00674 2)			
Location & Structure Information									
Premises Address					Legal Description				
1416 WALNUT AVE BALTIMORE 21209-2117					.213AC 1416 WALNUT AVE GARDMAN JOHN				
Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0069	0021	0976		0000			8	2	Plat Ref: 0004/ 0018
Special Tax Areas					Town NONE				
					Ad Valorem				
					Tax Class				
Primary Structure Built			Enclosed Area		Property Land Area		County Use		
2006			2,192 SF		9,278 SF		04		
Stories	Basement	Type	Exterior						
2.000000	YES	STANDARD UNIT FRAME							
Value Information									
	Base Value	Value	Phase-in Assessments						
		As Of	As Of	As Of					
		01/01/2011	07/01/2011	07/01/2012					
Land	201,270	201,200							
Improvements:	291,740	226,100							
Total:	493,010	427,300	427,300	427,300					
Preferential Land:	0			0					
Transfer Information									
Seller:	PALMETTO GROUP INC				Date:	06/26/2007		Price:	\$522,000
Type:	ARMS LENGTH IMPROVED				Deed1:	/25850/ 00674		Deed2:	
Seller:					Date:			Price:	
Type:					Deed1:			Deed2:	
Seller:					Date:			Price:	
Type:					Deed1:			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				

Exhibit 7

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
BALTIMORE COUNTY

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

Account Identifier: District - 03 Account Number - 0323087392

Owner Information			
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Owner Name:	PALMETTO GROUP INC	Use:	RESIDENTIAL
Mailing Address:	PO BOX 841 ELLCOTT CITY MD 21041-0841	Principal Residence:	NO
		Deed Reference:	1) /22011/ 00167 2)

Location & Structure Information			
----------------------------------	--	--	--

Premises Address	Legal Description
WALNUT AVE 0-0000	.148AC PT LT 7 NWS WALNUT AVE GARDMAN JOHN

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0069	0021	0976		0000			7	2		0004/ 0018

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		6,463 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	63,350	63,300		
Improvements:	0	0		
Total:	63,350	63,300	63,300	63,300
Preferential Land:	0			0

Transfer Information			
----------------------	--	--	--

Seller:	WRIGHT ELVIE G	Date:	06/10/2005	Price:	\$126,000
Type:	ARMS LENGTH VACANT	Deed1:	/22011/ 00167	Deed2:	
Seller:	WRIGHT VERN, JR	Date:	04/05/1991	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/08750/ 00261	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information			
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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
--------------------------------------	----------------

Zak and Gabrielle Shirley
1417 Walnut Ave.
Baltimore, MD 21209

T 405.308.1475
wzs2101@gmail.com

September 20, 2012

Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21204

Re: Case #2013-0015-A

To Whom it Concerns:

We are writing to express our opposition to the variance request by Palmetto Group, Inc. ("Palmetto") for the property located at 1414 Walnut Avenue in Baltimore County ("Lot 1414"). Granting this request would allow Palmetto to construct a home on a grossly undersized parcel. We urge the denial of Palmetto's request on the following grounds: (1) The construction of another dwelling in this neighborhood would cause traffic and safety hazards for area residents; (2) the proposed variance would allow construction of a home on an undersized lot and would cause irreversible harm to the character of the surrounding neighborhood; and (3) the history of the Lot reveals that any hardship to Palmetto based on the size of Lot 1414 is self-created and could have been avoided through alternate development of the adjacent lot 1416 Walnut Avenue ("Lot 1416") which Palmetto developed and sold in 2007.

1. Traffic and Safety Concerns

Under B.C.Z.R. § 307.1, a variance may be granted "only in such manner as to grant relief without injury to public health, safety and general welfare." Concern for public safety is of primary concern in this case given the already congested nature of the neighborhood's street and the presence of children in the neighborhood. Walnut Avenue is a single lane asphalt road that is not wide enough to permit two cars to pass at the same time. This problem is exacerbated by the fences and trees which line the first 100 feet of the street off of Falls Road preventing movement to the side of the road in many places. (Ex.1) Walnut Avenue is a dead-end street and is the only ingress and egress to the neighborhood. In its current condition, Walnut Avenue is only safe because of the limited number of residents who use the road. Nonetheless, residents do occasionally meet another vehicle head on as one makes a high speed turn off of Falls Road. This problem is particularly acute in the Spring and Summer months when foliage and tall grass makes it difficult to see vehicles on Walnut Avenue from Falls Road. (Ex.2) In the event that two vehicles meet on this narrow road, one must either back up for a significant distance on Walnut Avenue or the other driver must attempt to reverse onto the shoulder of Falls Road in heavy traffic. Adding additional vehicles by allowing undersized lots to be developed in the area of Walnut Avenue would only exacerbate this problem and place both residents and motorists in jeopardy. Walnut Avenue has clearly reached capacity in terms of the number of residents, vehicles and homes as evidenced by the unavailability of a lot that meets the reasonable and existing zoning requirements of the neighborhood.

2. Character of the Neighborhood

Lot 1414 sits near the end of Walnut Avenue in an area separated from Falls Road by approximately 500 feet. Beyond the first 200 feet of Walnut Avenue, the neighborhood is dominated by large homes with wide yards that easily satisfy the zoning regulations. (Ex.3) These large yards give a sense of separation between the residences and also provide areas for trees and other vegetation to grow, which provides the neighborhood with a secluded feel despite its proximity to urban development. Granting the proposed variance would permit construction of a small home on a lot 1/3 the size of what is required and significantly smaller than all surrounding residences which were built across multiple lots in order to satisfy the zoning requirements. In addition any building constructed on this lot would have less than half the required side yards. This variance would (i) effectively destroy the separation and spacious feel of the surrounding neighborhood; (ii) allow a structure to be built in closer proximity to neighboring houses than owners anticipated; and (iii) create an awkward crowded appearance in one section of the otherwise well-spaced surrounding area. (Ex. 4)

3. The Cromwell Standard

Under the *Cromwell* Test laid out by the Maryland Court of Appeals in 1995, a variance request requires a two step analysis: (1) a finding that the property is unique; and (2) if variance relief is denied, Petitioner will experience a practical difficulty or hardship. *Cromwell v. Ward*, 102 Md. App. 691, 694 (Md. Ct. Spec. App. 1995). The variance request under review in this instance fails both prongs of the *Cromwell* analysis.

(a) Uniqueness of the Property

Maryland law defines uniqueness for zoning purposes as,

requir[ing] 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.

North v. St. Mary's County, 99 Md. App. 502, 512 (1994).

The attached plot map (Ex. 5) indicates that Lot 1414 is roughly identical to several adjacent lots in size, shape, and topography. There is no indication of any characteristic of Lot 1414 that would set it apart or cause the DR2 zoning regulations to have any disproportionate effect on its owner. The applicable zoning regulations affect all the surrounding lots equally and other neighborhood residents have complied without incident or hardship. No aspect of Lot 1414 is unique; in fact the lot is remarkably common. Accordingly, Palmetto's variance request should be denied. *Cromwell*, 102 Md. App. at 694 ("Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship.")

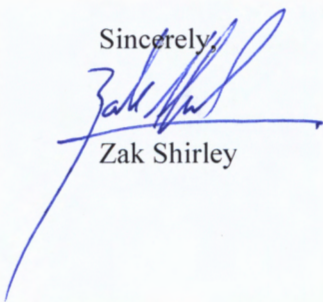
(b) Difficulty or Hardship

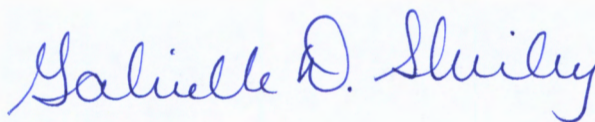
The second element of the *Cromwell* Test requires an examination of what hardship the requesting party will suffer if the variance is not granted. However the longstanding rule in Maryland makes clear that hardships that have been caused or created by the property owner will preclude relief by variance. *Salisbury Board of Zoning Appeals v. Bounds*, 240 Md. 547, 554-555 (1965) ("There is a uniform application of the [rule barring relief] in those cases in which there has been an act on the part of the property owner or his predecessor which has physically so affected the property as to create a unique circumstance or which in itself created either a practical difficulty or hardship in conforming to the restrictions of the ordinance.")

An examination of the history of Lot 1414 and Lot 1416 makes it clear that any hardship suffered by Palmetto is entirely self-created. Lot 1416 which adjoins Lot 1414 on the West was also owned by Palmetto before it was sold in 2007 to Eric Bers. (Ex. 6) One year before this sale, a home was constructed on Lot 1416. (Ex. 6) During this time, Palmetto was in possession of both lots 1416 and 1414. (Ex. 7) The decisions to build a large home on only one of these lots (rather than merging or redividing the lots) and to retain the undersized lot in the transaction with Mr. Bers were all made subject to the B.C.Z.R. and with full knowledge of Lot 1414's size limitation. Palmetto cannot now claim that the results of its own decisions are grounds for a zoning hardship and variance.

The Maryland Court of Appeals reminded us in *Cromwell* that, "[t]he general rule is that variances and exceptions are to be granted sparingly, only in rare instances and under peculiar and exceptional circumstances." 102 Md. App at 700. We respectfully suggest that the variance for Lot 1414 does not present such exceptional circumstances and request that it be denied.

Sincerely,


Zak Shirley



Gabrielle Shirley

CASE NAME 1414 Walnut
CASE NUMBER 2013-0015-J
DATE 9-24-12

[illegible]

CASE NAME 1414 Walnut Ave.
CASE NUMBER 2013-0015-A
DATE 9-24-12

[illegible]

Case No.: 2013 - 15 - A

Exhibit Sheet

Petitioner/Developer

Protestant

DW 9-27-12

No. 1	Site Plan	
No. 2	Plan showing Photo locations	
No. 3	Plan w/ Design Review Area	
No. 4	Color Photos 4A-C	
No. 5	Color Photos 5A-P	
No. 6	Plat	
No. 7	Photo-sample house	
No. 8	Bers letter	
No. 9	Ed Adams letter	
No. 10		
No. 11		
No. 12		



My Neighborhood Map



Created By
Baltimore County
My Neighborhood



This data is only for general information. Baltimore County, Maryland does not warrant the accuracy or completeness of the data, nor is it limited to, all warranties, express or implied, are disclaimed. Baltimore County, Maryland disclaims all obligation and liability for attorneys' and experts' fees, and other costs, damages, or losses, whether direct or indirect, arising from the use of this data.

Printed 7/16/2012

DEVELOPER'S

EXHIBIT NO.

4 A

This map is for general information only. Baltimore County, Maryland does not warrant the accuracy or completeness of the data, nor is it limited to, all warranties, express or implied, are disclaimed. Baltimore County, Maryland disclaims all obligation and liability for attorneys' and experts' fees, and other costs, damages, or losses, whether direct or indirect, arising from the use of this data.



Environmental Map

B

Created By
Baltimore County
My Neighborhood



This data is
inaccurate
not warrant
with regard
or implied,
Baltimore
including
damages,
of, arising from or in connection with the use of or reliance upon this data.

DEVELOPER'S

EXHIBIT NO.

4B

Printed 6/27/2012



DEVELOPER'S

EXHIBIT NO.

42

Corporation Pictometry

C

DEVELOPER

EXHIBIT NO. 5A-P



A



B



C



D



E



F



G



H



I



J



K



L



M



I



0



P

DEVELOPER' S

EXHIBIT NO. 7







DEVELOPER' S

EXHIBIT NO. 8

ERIC L. BERS

Post Office Box 841

Ellicott City, Maryland 21041

Tel. 410 302 4231

September 20, 2012

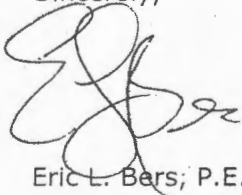
Re: Zoning Variance for 1414 Walnut Avenue, Mt. Washington (21209)

Dear Administrative Law Judge:

I am the Owner of 1416 Walnut Avenue. I recently constructed a new residence on that property. I have no objection to the requested zoning relief for 1414 Walnut Avenue.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Eric L. Bers", written over a horizontal line.

Eric L. Bers, P.E.

Department of Public Works

Office of the Director
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3300 • Fax: 410-887-3406



Baltimore County

James T. Smith, Jr., County Executive
Edward C. Adams, Jr., Director

DEVELOPER' S

October 7, 20

EXHIBIT NO. 9

Eric L. Bers, President
PACESETTER HOMES, INC.
P.O. Box 841
Ellicott City, Maryland 21041

Re: 1416 Walnut Avenue
Permit B598135

Dear Mr. Bers:

I am in receipt of your letter dated October 2, 2005 regarding the above permit and offer the following.

There are no provisions for reimbursement from property owners who choose to develop their property once the required improvements have been installed. However, you could contact each property owner to see if they are willing to contribute. That would be a private matter between you and the property owner.

It is county policy to extend utilities to serve existing dwellings and not unimproved land. Of course, had your lot been located between dwellings, you would have had access to the existing improvements. With that said, the county is not required to make these improvements.

As with any development project, regardless of its size, the developer is required to install any and all improvements needed.

Once security has been posted and a site plan with water meter and clean out locations has been submitted to Ms. Hurley, she can sign off on your building permit. Ms. Hurley can be reached at 410-887-3117.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Adams, Jr.", written over the typed name.

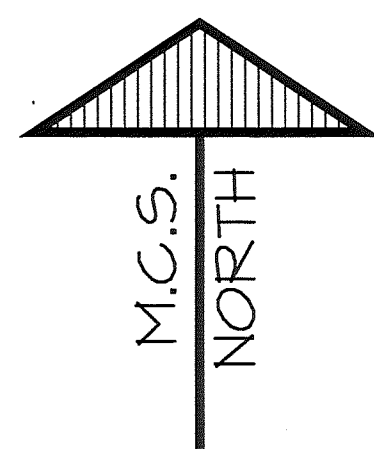
Edward C. Adams, Jr.
Director

ECA:rh
C: file

Visit the County's Website at www.baltimorecountyonline.info

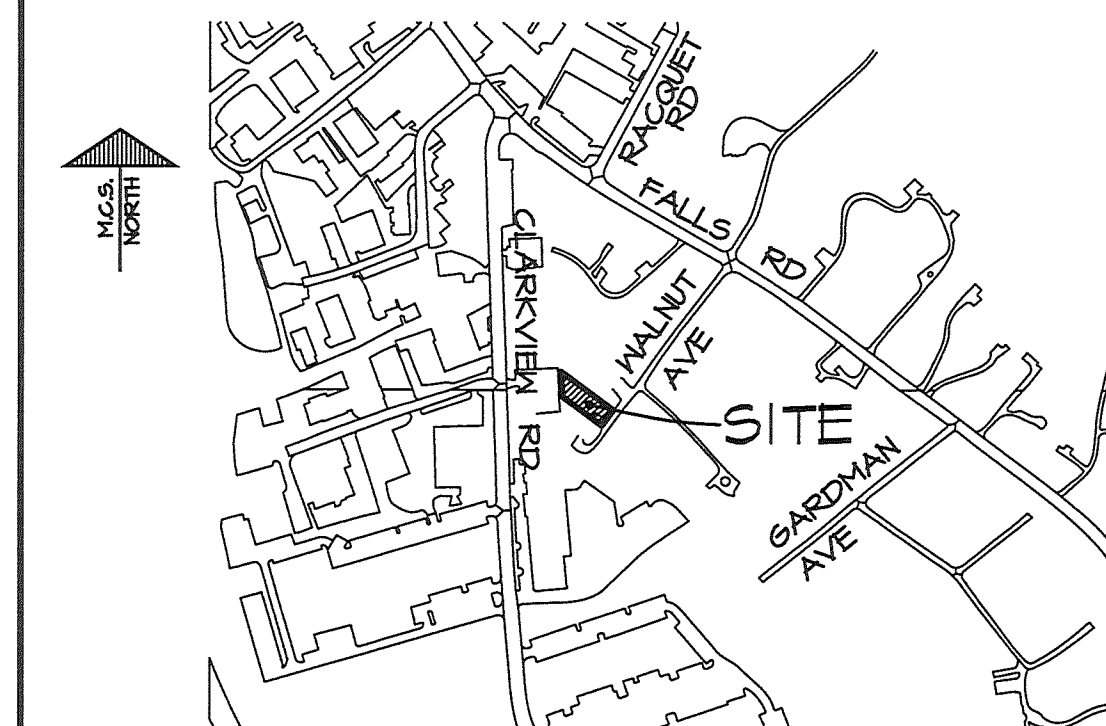
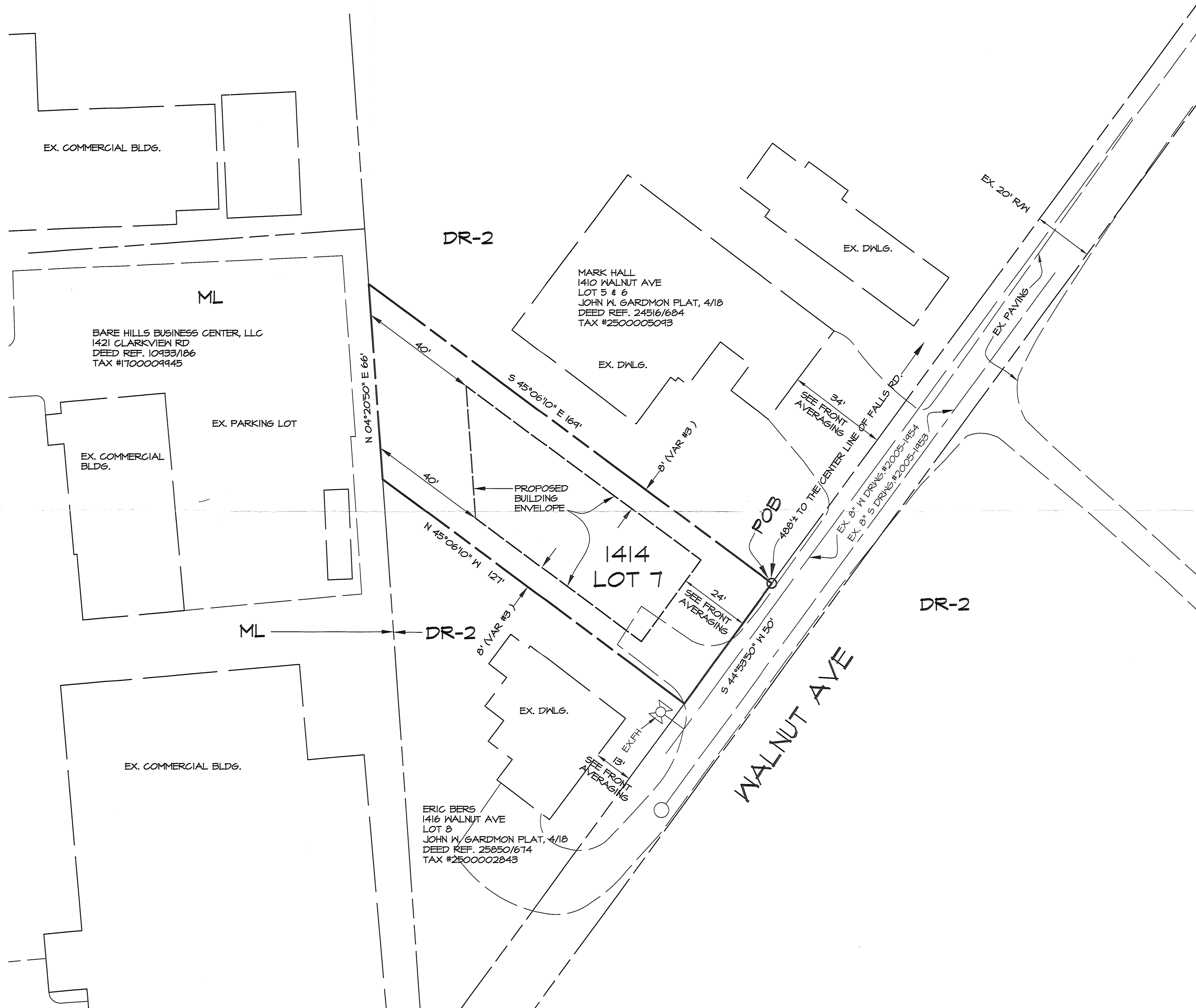


1414 WALNUT AVE.



DEVELOPER'S

EXHIBIT NO. 1



VICINITY MAP
SCALE: 1"=500'

SITE DATA:

TOTAL SITE AREA = 7,410 SF, 0.17 AC±
EXISTING ZONING - DR-2
ZONING MAP #64B3 & 74B1
EXISTING USE - VACANT
PROPOSED USE - SINGLE FAMILY DETACHED HOUSE

ZONING HEARINGS:

THERE HAVE BEEN NO PRIOR ZONING CASES ON THIS PROPERTY.
THERE ARE NO ZONING VIOLATIONS CURRENT ON THIS PROPERTY.

DEVELOPMENT HISTORY:

THERE HAS BEEN NO JSPC, CRG, DRG OR DEVELOPMENT PLAN ON THIS PROPERTY.

BASIC SERVICE MAPS:

THERE ARE NO EXISTING OR IMPENDING FAILURES ON BASIC SERVICES FOR THIS SITE.

OWNER:

PALMETTO GROUP, INC.
PO BOX 841
ELLICOTT CIT, MD 21041
DEED REF 22011/167
TAX #0323087342

GENERAL NOTES:

1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND PLATS.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS.

FRONT YARD AVERAGING CALCULATIONS:

LOT 5+6 FRONT SETBACK 34'
LOT 8 FRONT SETBACK 13'
SUM 47'
AVERAGE FRONT SETBACK = 47/2 = 24'

ZONING RELIEF REQUESTED:

VARIANCE #1 - SECTION 304.1.B. AND SECTION 1B02.3.C.1. - VARIANCE TO ALLOW AN UNDERSIZED LOT OF 7,410 SQUARE FEET IN LIEU OF THE REQUIRED 20,000 SQUARE FEET.
VARIANCE #2 - SECTION 304.1.B. AND SECTION 1B02.3.C.1. - VARIANCE TO ALLOW A MINIMUM LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 100 FEET.
VARIANCE #3 - SECTION 1B02.3.C.1. - VARIANCE TO ALLOW A MINIMUM SIDE YARD OF 8 FEET IN LIEU OF THE REQUIRED 15 FEET.
VARIANCE #4 - SECTION 1B02.3.C.1. - VARIANCE TO ALLOW A MINIMUM SUM OF SIDE YARD WIDTHS OF 16 FEET IN LIEU OF THE REQUIRED 40 FEET.

2013-0015-X4

PLAT TO ACCOMPANY PETITION FOR
VARIANCES
1414 WALNUT AVENUE
LOT 7, JOHN W GARDMON PLAT, 4/18
3rd ELECTION DISTRICT, 2nd COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS

512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-246-3668 FAX 410-823-3887

REVISIONS:

SCALE: 1"=20'

DATE: 07/20/12

JOB NO.: 0542-01

DESIGNED: TJH

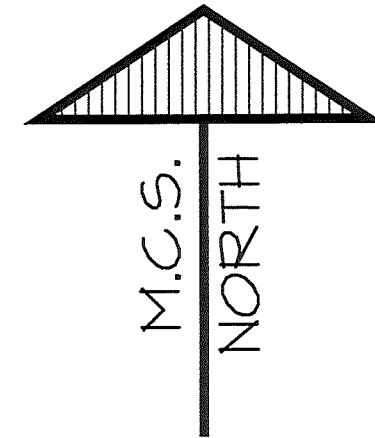
DRAWN: TJH

DRAWING NUMBER:

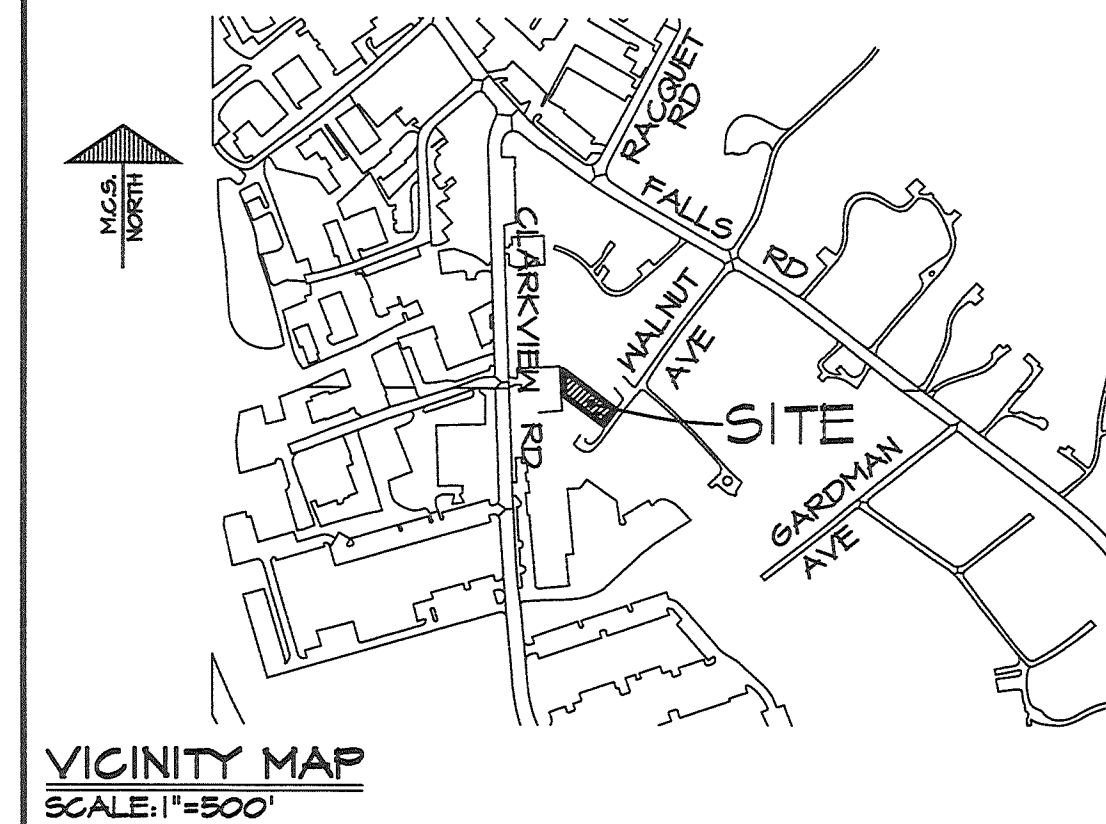
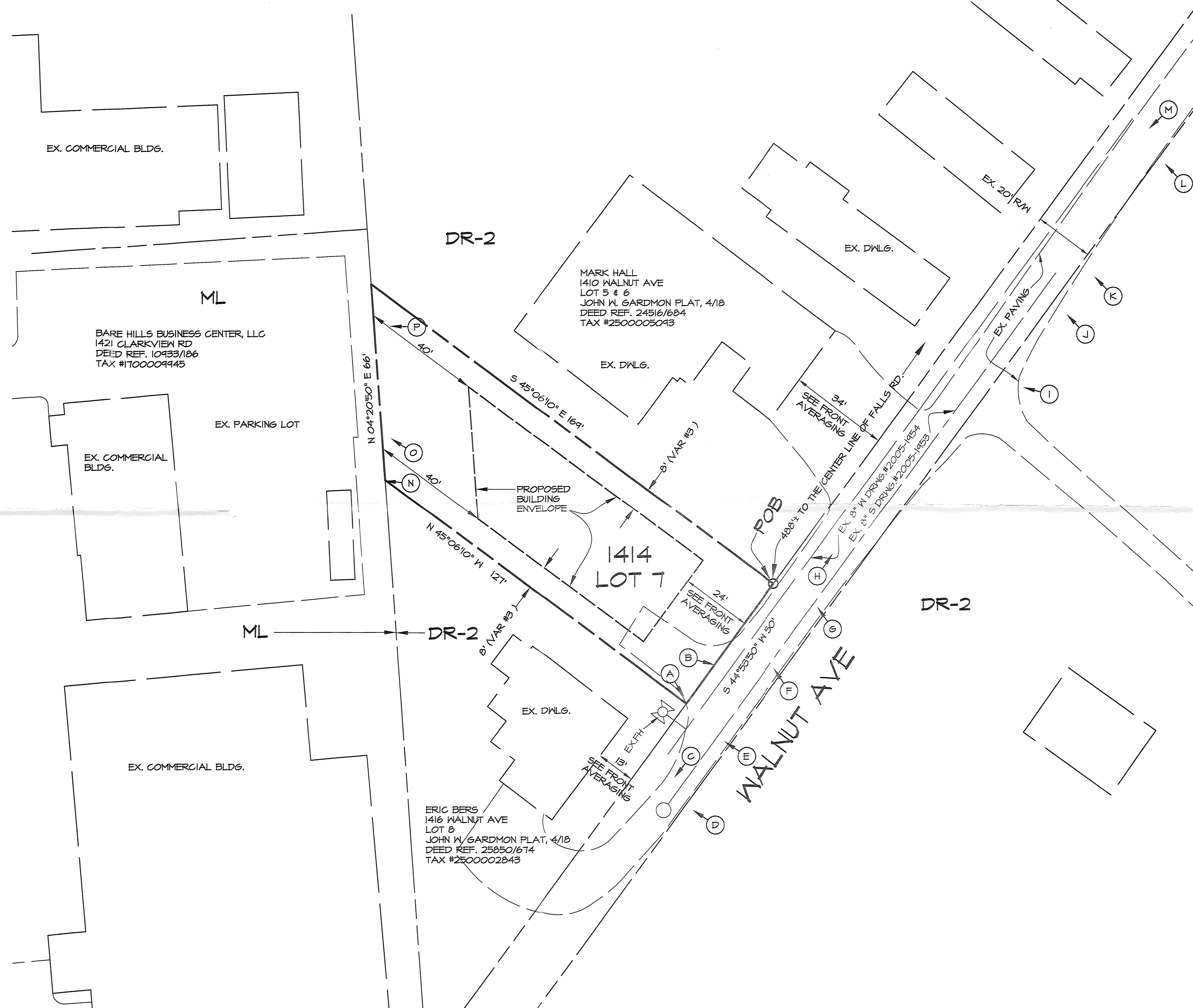
Z-1

SHEET 1 OF 1





DEVELOPER'S
EXHIBIT NO. 2



SITE DATA:
TOTAL SITE AREA = 7,410 SF, 0.17 AC±
EXISTING ZONING - DR-2
ZONING MAP #64B3 & 74B1
EXISTING USE - VACANT
PROPOSED USE - SINGLE FAMILY DETACHED HOUSE

ZONING HEARINGS:
THERE HAVE BEEN NO PRIOR ZONING CASES ON THIS PROPERTY.
THERE ARE NO ZONING VIOLATIONS CURRENT ON THIS PROPERTY.

DEVELOPMENT HISTORY:
THERE HAS BEEN NO JSPC, CRG, DRG OR DEVELOPMENT PLAN ON THIS PROPERTY.

BASIC SERVICE MAPS:
THERE ARE NO EXISTING OR IMPENDING FAILURES ON BASIC SERVICES FOR THIS SITE.

OWNER:
PALMETTO GROUP, INC.
PO BOX 841
ELLICOTT CIT, MD 21041
DEED REF 22011/167
TAX #0323087392

GENERAL NOTES:
1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND PLATS.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS.

FRONT YARD AVERAGING CALCULATIONS:
LOT 5&6 FRONT SETBACK 34'
LOT 8 FRONT SETBACK 13'
SUM 47'
AVERAGE FRONT SETBACK = 47/2 = 24'

ZONING RELIEF REQUESTED:
VARIANCE #1 - SECTION 304.1.B. AND SECTION 1B02.3.C.1. - VARIANCE TO ALLOW AN UNDERSIZED LOT OF 7,410 SQUARE FEET IN LIEU OF THE REQUIRED 20,000 SQUARE FEET.
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VARIANCE #3 - SECTION 1B02.3.C.1. - VARIANCE TO ALLOW A MINIMUM SIDE YARD OF 8 FEET IN LIEU OF THE REQUIRED 15 FEET.
VARIANCE #4 - SECTION 1B02.3.C.1. - VARIANCE TO ALLOW A MINIMUM SUM OF SIDE YARD WIDTHS OF 16 FEET IN LIEU OF THE REQUIRED 40 FEET.

KEY TO PHOTOS
(PHOTOS TAKEN 9/17/12)

PLAT TO ACCOMPANY PETITION FOR VARIANCES
1414 WALNUT AVENUE
LOT 7, JOHN W GARDMON PLAT, 4/18
3rd ELECTION DISTRICT, 2nd COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3668 FAX 410-225-3887

REVISIONS:

SCALE: 1"=20'
DATE: 07/20/12
JOB NO.: 0592-01
DESIGNED: TJH
DRAWN: TJH

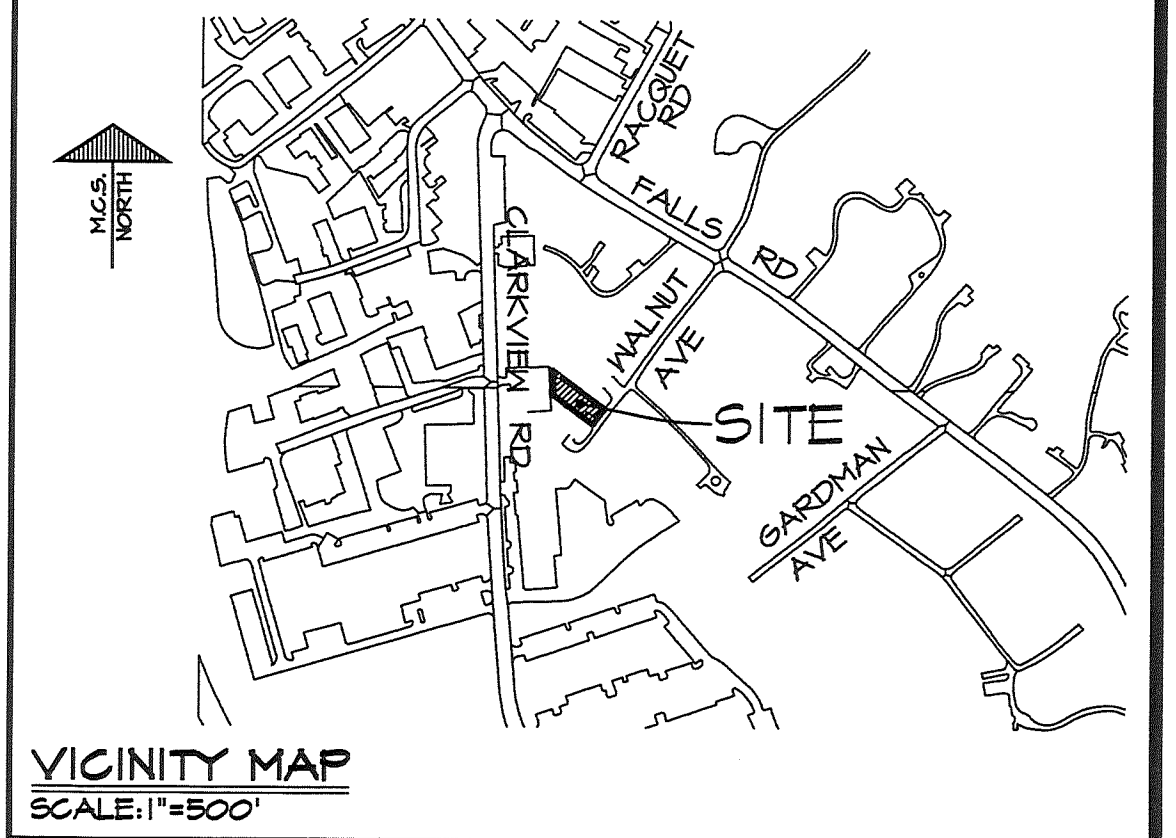
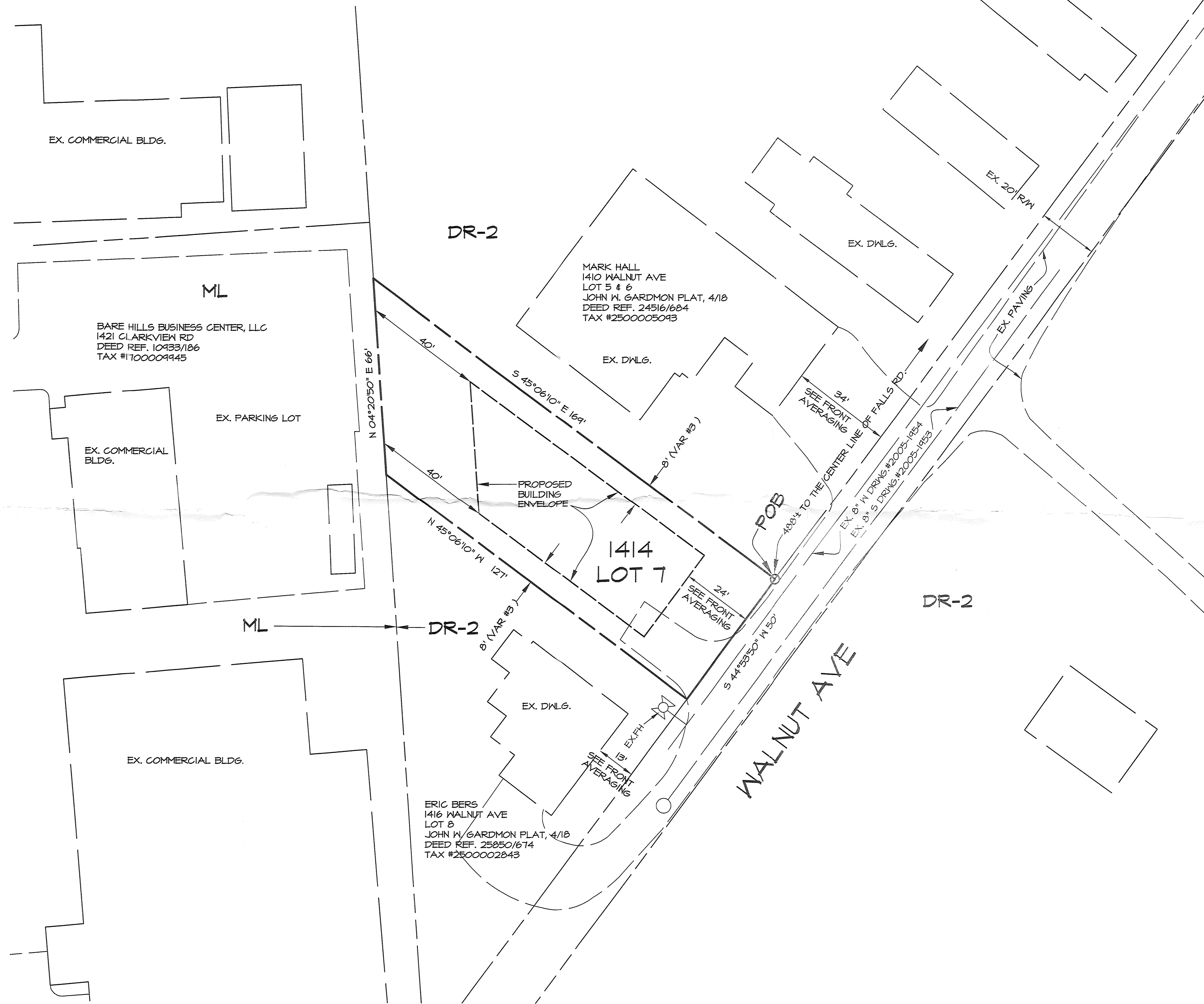
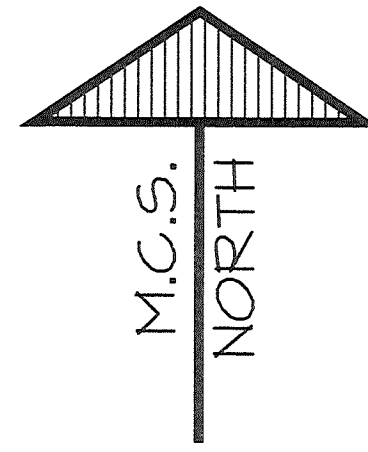
DRAWING NUMBER:

Z-1

SHEET 1 OF 1



DEVELOPER'S
EXHIBIT NO. 3



SITE DATA:
TOTAL SITE AREA = 7,410 SF, 0.17 AC±
EXISTING ZONING - DR-2
ZONING MAP #64B3 & 74B1
EXISTING USE - VACANT
PROPOSED USE - SINGLE FAMILY DETACHED HOUSE

ZONING HEARINGS:
THERE HAVE BEEN NO PRIOR ZONING CASES ON THIS PROPERTY.
THERE ARE NO ZONING VIOLATIONS CURRENT ON THIS PROPERTY.

DEVELOPMENT HISTORY:
THERE HAS BEEN NO JSPC, CRG, DRC OR DEVELOPMENT PLAN ON THIS PROPERTY.

BASIC SERVICE MAPS:
THERE ARE NO EXISTING OR IMPENDING FAILURES ON BASIC SERVICES FOR THIS SITE.

OWNER:
PALMETTO GROUP, INC.
PO BOX 841
ELLICOTT CT, MD 21041
DEED REF 22011/167
TAX #0323087392

- GENERAL NOTES:**
1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
 2. THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
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FRONT YARD AVERAGING CALCULATIONS:

LOT 5 & 6 FRONT SETBACK	34'
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VARIANCE #4 - SECTION 1B02.3.C.1. - VARIANCE TO ALLOW A MINIMUM SUM OF SIDE YARD WIDTHS OF 16 FEET IN LIEU OF THE REQUIRED 40 FEET.

PLANNING NOTE:
THE PROPOSED DEVELOPMENT IS WITHIN THE RUXTON RIDERWOOD-LAKE ROLAND DESIGN REVIEW PANEL AREA. CONTACT JENIFER NUGENT IN 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.

REVISED PLAT TO ACCOMPANY PETITION FOR VARIANCES 1414 WALNUT AVENUE LOT 7, JOHN W GARDMON PLAT, 4/18 3rd ELECTION DISTRICT, 2nd COUNCILMANIC, BALTIMORE COUNTY, MD	
THOMAS J. HOFF LAND DEVELOPMENT CONSULTANTS LANDSCAPE ARCHITECTS 512 VIRGINIA AVENUE TOWSON, MARYLAND 21286 410-296-2666 FAX 410-823-3887	SCALE: 1"=20' DATE: 07/20/12 JOB NO.: 0592-01 DESIGNED: TJH DRAWN: TJH
REVISIONS: 9/24/12 - REVISED TO ADD PLANNING NOTE.	DRAWING NUMBER: Z-1 SHEET 1 OF 1



WATER MAIN STANDARD NOTES

1. The contractor will maintain, repair, and/or replace any existing sediment control devices encountered during the course of construction under the contract and as shown on the approved sediment control plan included as part of the contract documents. At the end of each day, all such disturbed devices will be repaired, or replaced, before leaving the work sites. The cost of performing all such work, including materials, will be paid for by lump sum bid for maintenance and repair of sediment control devices.
2. All work under this contract will be performed by the contractor in accordance with Baltimore County Soil Conservation District Permit No. 314-County-04.
3. All construction shall be accomplished in accordance with Baltimore County Standard Specifications and Details for Construction (FEB.2000, as amended) and Baltimore City Standard Details, where noted.
4. Unless otherwise noted, the bid line for excavation will be subgrade under proposed roads, established grade under turf areas, and existing grade along existing pavement.
5. Full trench compaction is required for a minimum distance of 20' on each side of all crossings, and within the existing county road right-of-way.
6. Only Baltimore City personnel will operate existing valves or new valves after they are placed in service. The contractor will notify the Baltimore County Inspector to arrange a shutdown with the City at least four days prior to the proposed shutdown. If the inspector in the field is unavailable, call the Baltimore County area engineer at (410)887-3531.
7. Main to have have 4' cover based on the established grade unless otherwise noted.
8. The contractor for meter installation will notify Baltimore City, Bureau of Water and Wastewater, (410) 396-1663, 72 hours before starting work.
9. The contractor will discharge the chlorinated flush water into a sanitary sewer. The maximum discharge rate will be 80 g.p.m.(cost to be included in price of bid).
10. The contractor for the main extension will notify Baltimore City, Bureau of Water and Wastewater, (410) 396-1663, 72 hours before starting work.
11. The contractor will notify Miss Utility at 1-(800) 257-7777 at least 48 hours prior to starting excavation.
12. The water meters will be supplied by the Baltimore City, Department of Public Works. The meter must be prepaid at the Baltimore County Department of Permits and Development Management prior to meter pick up. Call (410) 396-0170 for meter pick up. Delivery and installation are the responsibility of the contractor. The cost of the meter will be paid by the owner.
13. The service lead will be flushed prior to meter installation.
14. Restrained joints will be retainer glands, Mega Lugs, or approved equal.
15. The meter vaults will conform with Baltimore City Standard Detail BC 840.01.
16. Where 2 feet of clearance cannot be obtained between pipes and structures, sand backfill shall be placed as directed by the engineer in the field.
17. Water services meters will not be installed in either roadways or driveways.
18. The contractor shall notify the meter shop, (410) 396-0170, at least one (1) week prior to pick-up of the meters.
19. Meters designated to a specific location or address shall not be relocated without permission from the Bureau of Water and Wastewater.
20. The contractor will use extreme caution during excavation and/or installation of all work shown on these plans. All utilities will be fully protected from damage or interruption.
21. Valves on fire hydrant leads will be tied to the main line tee or outlet with two, 3/4" diameter threaded steel rods and nuts as directed by the Engineer.

GENERAL NOTES

1. The existing features and obstructions shown hereon are for the convenience of the contractor and are not warranted by the Hicks Engineering Associates, Inc. or the Owner as to completeness or correctness. The contractor shall visit the site and confirm all such information to his own satisfaction prior to beginning work.
2. The contractor shall hand excavate test holes to determine the exact location and depth of existing utilities to be crossed or connected prior to excavating trenches.
3. All tops of manholes, and valves located within road metal shall be built to an elevation 0.2' lower than proposed final grade. This interim grade will be adjusted to final grade under the road contract.
4. The contractor shall adhere to all laws and regulations governing work under and adjacent to overhead power lines.
5. Job site safety is solely the responsibility of the contractor.
6. Street repair shall be in accordance with Baltimore County Standard Detail R-38.
7. Contractor shall maintain traffic at all times.

RIGHT OF WAY CERTIFICATION

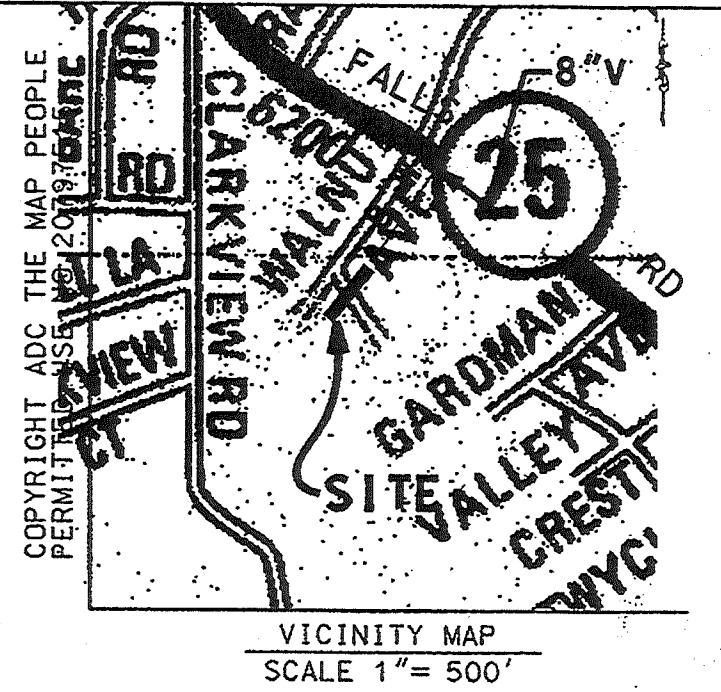
In my professional opinion, this plan is sealed & certified that the right(s) of way and easement(s) shown hereon, conform in all material respects to the right(s) of way and easement(s) shown on the record Plat of Subdivision Of "Plat Of Division Of A Part Of The Land, The Property Of John W. Gardman And Wife" recorded in the Land Records of Baltimore County in Plat Book 4, Folio 188.

B.M. HUB NO. X-7005 EL.358.09(BCMD)

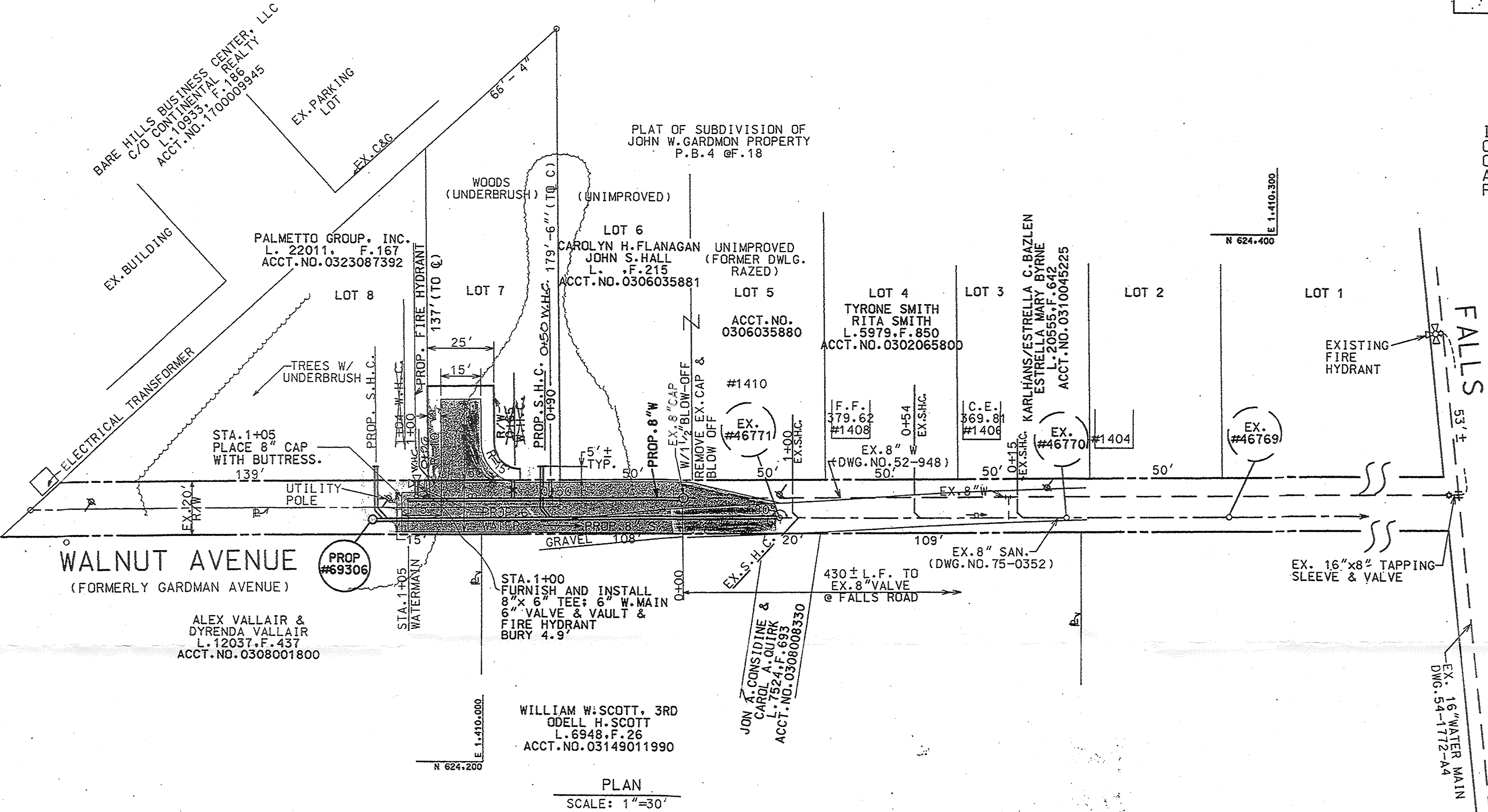
1/8" IRON BAR IN PAVING EL.356.39(MCS)
EASTSIDE FALLS ROAD @
COPPER HILL ROAD (OPPOSITE
WALNUT AVENUE).

COORDINATES:

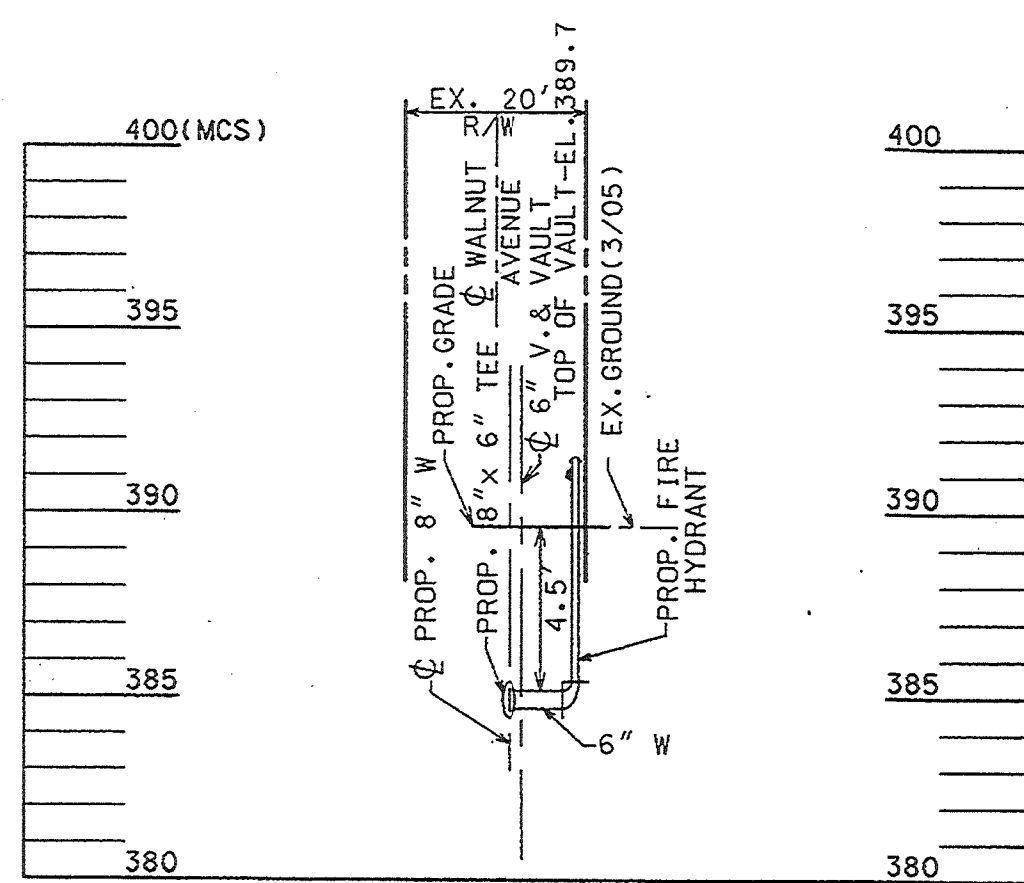
NORTH
30977.59 W 11208.44
(MCS)
625,111.120 E 1,409,764.340



IN CASE OF EMERGENCY
OPERATE 8" VALVE
ON WALNUT AVENUE
AT SOUTHEAST SIDE OF
FALLS ROAD



PLAN
SCALE: 1"=30'



PROFILE
SCALE: HORIZ. 1"=20'
VERT. 1"=5'

BILL OF MATERIALS

QUANTITY	DESCRIPTION	SIZE
105 L.F.	DUCTILE IRON PIPE	8"
7.5 L.F.	DUCTILE IRON PIPE	6"
1 EA.	VALVE AND VAULT	6"
1 EA.	CAP	8"
7.5 L.F.	COPPER WATER SERVICE	3/4"
1 EA.	TEE	8" x 6"
1 EA.	FIRE HYDRANT	
1 EA.	SLEEVE AND SPACER	8"
2 EA.	SINGLE WATER* SERVICE	3/4"

#WITH 5/8" METER

STATION	P.G.L. ELEV.
0+00	381.1
0+25	382.4
0+50	383.7
0+75	385.0
1+00	386.3
1+25	387.6
1+50	388.9
1+75	390.2
2+00	391.5

REFERENCE DRAWINGS

EXISTING WATER MAIN DWG. 1952-0948
EXISTING SEWER MAIN DWG. 1975-0352.
NO GAS SERVICE
EXISTING ROAD DWG. B-5, 1952-0471.
PROPOSED SEWER MAIN DWG. 2005-1953.
PROPOSED ROAD DWG. 2005-1955

CITY OF BALTIMORE		10/17/05		10/17/05	
DIRECTOR		DATE		DATE	
DEPT. OF PUBLIC WORKS		BUREAU OF WATER AND WASTEWATER		BUREAU OF WATER AND WASTEWATER	
ROAD PERMIT AND GRADES		REVISED AS PER RECORD PRINT		DATE	
PERMIT REQUESTED		DRAFTSMAN		DATE	
PERMIT NUMBER		HICKS ENGR. ASSOC.		DATE	
GRADE ESTABLISHED		DESIGNED PMN		DATE	
PROFILE NUMBER		BUREAU OF ENGINEERING AND CONSTRUCTION		DATE	
HICKS ENGINEERING ASSOCIATES, INC.		HIGHWAYS		STRUCTURES	
ENGINEER DONALD E. HICKS, P.E.		SEWER		WATER	
DATE 10/17/05		CHECKED DEH		DATE	
H.E.A. JOB NO. 21646		REVIEWED		DATE	
		9/29/05			

F.W.A. DIR. NO.	KEY SHEET	SCALE
N/A	0'-NE	PLAN: AS SHOWN
RIGHT OF WAY	POSITION SHEET	PROFILE: HOR. 1"=80' VER. 1"=5'
75-334	31 NW 8	
1. DUCTILE IRON PIPE 6" & 8", CLASS 54, THICKNESS 0.37".		
2. NORMAL OPERATING PRESSURE 50 PSI		
3. DUCTILE IRON FITTINGS, CLASS D OR CLASS 250.		
4. WATER PLAT 1"=22' ZONE 30E		
REVISION BALTIMORE CITY		
DEPARTMENT OF PUBLIC WORKS		
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION		
8" WATER MAIN AND FIRE HYDRANT WALNUT AVENUE		
400' SOUTHERLY ON WALNUT AVENUE FROM FALLS ROAD		
SUBDIVISION BARE HILLS EL. DISTRICT NO. 3c2		

APPROVED	DATE
10/3/05	
DIRECTOR	

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM NAD 83/91 HORIZONTAL AND NAVD 1988 VERTICAL DATUM	CONTRACT NO.
	05284 RAO
	JOB ORDER NO.
	203-0111-1124
	SHEET 1 OF 1
	DWG. NO.
	2005-1954
	FILE: 3

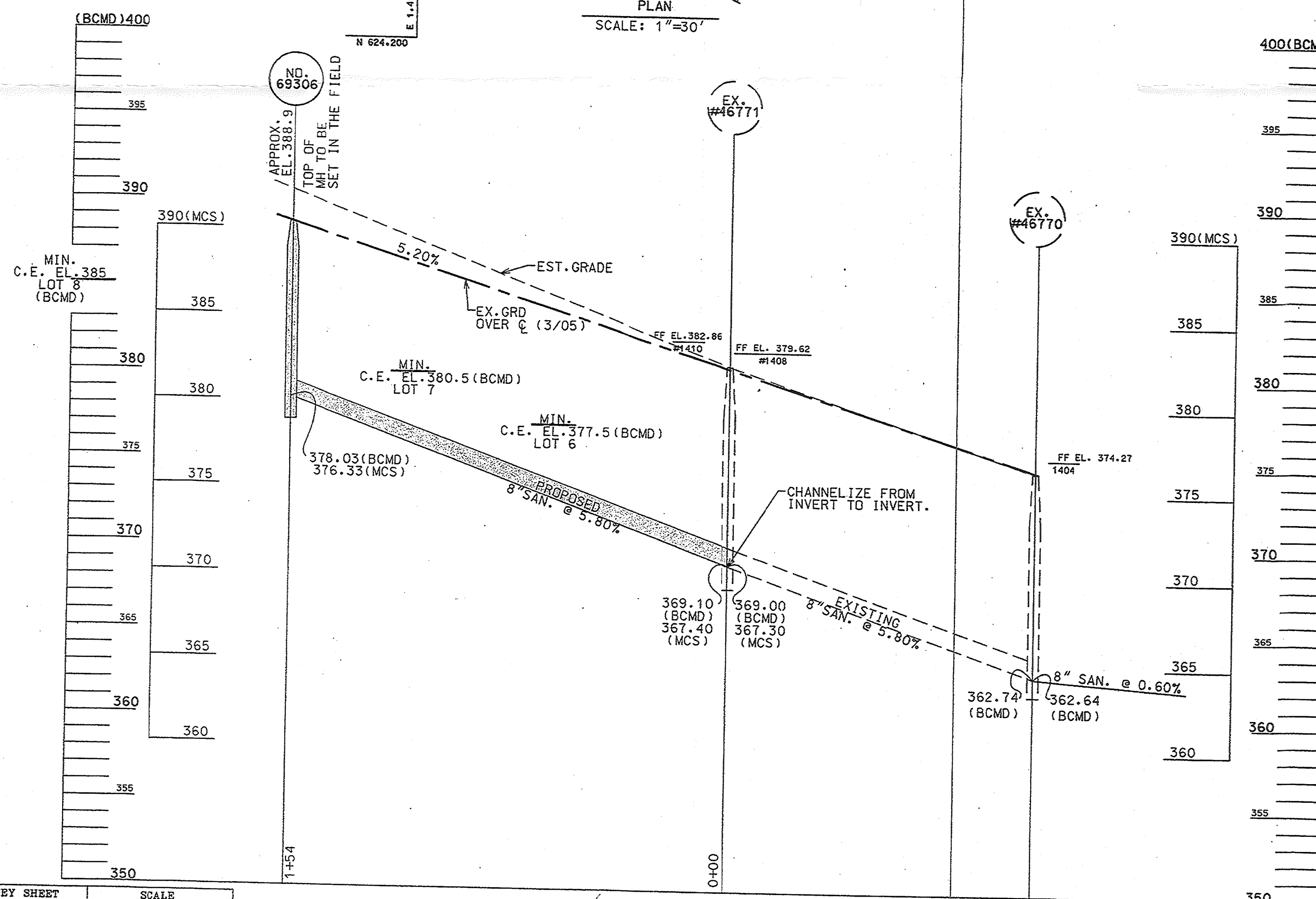
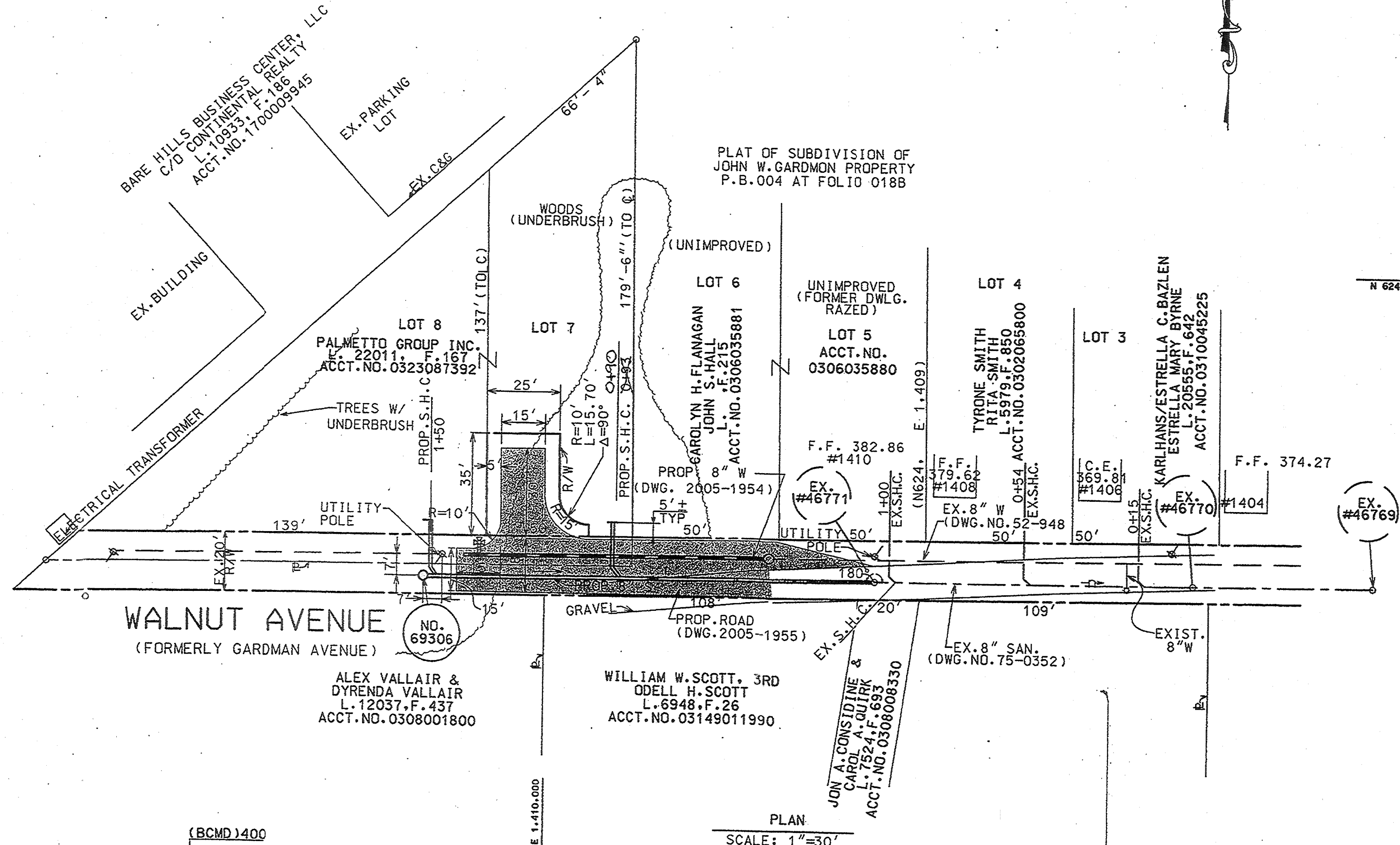
EXISTING WATER MAIN DWG.1952-0948.
EXISTING SEWER MAIN DWG.1975-0352.
NO GAS SERVICE.
EXISTING ROAD DWG.B-5, 1952-0471.
PROPOSED WATER MAIN DWG.2005-1954.
PROPOSED ROAD DWG. 2005-1955

1. THE CONTRACTOR SHALL MAINTAIN, REPAIR, AND/OR REPLACE ALL EXISTING SEDIMENT CONTROL DEVICES ENCOUNTERED AND DISTURBED DURING THE COURSE OF CONSTRUCTION UNDER THIS CONTRACT, AND AS SHOWN ON THE APPROVED SEDIMENT CONTROL PLAN INCLUDED AS PART OF THE CONTRACT DOCUMENTS. ALL SUCH DISTURBED DEVICES SHALL BE REPAIRED OR REPLACED BEFORE LEAVING THE SITE AT THE END OF EACH WORKING DAY. THE COST OF PERFORMING ALL SUCH WORK, INCLUDING MATERIALS, WILL BE PAID FOR BY LUMP SUM AS MAINTENANCE AND REPAIR OF SEDIMENT CONTROL DEVICES.
2. ALL WORK UNDER THIS CONTRACT SHALL BE PERFORMED BY THE CONTRACTOR IN ACCORDANCE WITH BALTIMORE COUNTY SOIL CONSERVATION DISTRICT PERMIT NO. 314-COUNTY-04.
3. ALL CONSTRUCTION SHALL BE ACCOMPLISHED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION, DATED FEB. 2000, AS AMENDED.
4. UNLESS OTHERWISE NOTED, THE BID LINE FOR EXCAVATION SHALL BE SUBGRADE UNDER PROPOSED ROAD, ESTABLISHED GRADE UNDER TURF AREAS, AND EXISTING GRADE ALONG EXISTING PAVING.
5. THE DEVELOPER WILL PLACE ROADS TO SUBGRADE FOR THE FULL WIDTH OF THE RIGHT-OF-WAY BEFORE INSTALLATION OF THE UTILITIES.
6. THE DEVELOPER WILL ACCOMPLISH ALL GRADING WITHIN EASEMENT AREAS WHERE UTILITIES ARE TO BE INSTALLED BEFORE THE NOTICE TO PROCEED WILL BE ISSUED.
7. THE CONTRACTOR WILL NOTIFY MISS UTILITY AT (800)-257-7777 AT LEAST 48 HOURS PRIOR TO STARTING EXCAVATION.
8. THE TOPS OF ALL MANHOLES, INLETS, CLEANOUTS WITHIN THE ROAD METAL SHALL BE BUILT TO FINAL GRADE UNDER THIS CONTRACT.
9. FULL TRENCH COMPACTION IS REQUIRED FOR A MINIMUM DISTANCE OF 20' ON EACH SIDE OF ALL CROSSINGS AND WITHIN THE ROAD RIGHT OF WAY.
10. THE CONTRACTOR WILL USE EXTREME CAUTION DURING EXCAVATION AND/OR INSTALLATION OF ALL WORK SHOWN ON THESE PLANS. ALL UTILITIES WILL BE FULLY PROTECTED FROM DAMAGE OR INTERRUPTION.
11. THE SUBJECT PROPERTY IS NOT SERVED BY ANY GAS MAINS.
12. TRENCH REPAIR AS PER STANDARD DETAIL R-38.
13. THE CONTRACTOR WILL EXTEND ALL HOUSE CONNECTIONS 5' INSIDE THE PROPERTY LINE, SEE STANDARD DETAIL S-12A.
14. CONTRACTOR SHALL MAINTAIN TRAFFIC AT ALL TIMES.

ROAD PERMIT AND GRADES		REVISED AS PER RECORD PRINT		DATE	REVISION		BY	P. W. A. DIR. NO.	KEY SHEET	SCALE
PERMIT REQUESTED	DRAFTSMAN	DATE						N/A	'O'NE	PLAN: AS SHOWN
PERMIT NUMBER										
GRADE ESTABLISHED	HICKS ENGR. ASSOC.	11-27-2006						RIGHT OF WAY	POSITION SHEET	PROFILE
PROFILE NUMBER										HOR. 1"=30' VER. 1"=6'
HICKS ENGINEERING			BUREAU OF ENGINEERING AND CONSTRUCTION		HIGHWAYS	STRUCTURES	STORM DRAINS	75-334	31 NW 8	
ASSOCIATES INC.		DESIGNED PMN								
ENGINEER		DRAWN KEB	REVIEWED		Dennis A. Kennedy		SEWER	WATER		
DONALD E. HICKS, P.E.										
DATE	LIC. NO. 8676	CHECKED DEH	DATE		9/29/05					

DEPARTMENT OF PUBLIC WORKS	BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION
APPROVED <i>[Signature]</i> DIRECTOR	8" SANITARY SEWER WALNUT AVENUE 400' TO 500' SOUTHERLY ON WALNUT AVENUE FROM FALLS ROAD
DATE <i>10/2/05</i>	SUBDIVISION: BARE HILLS

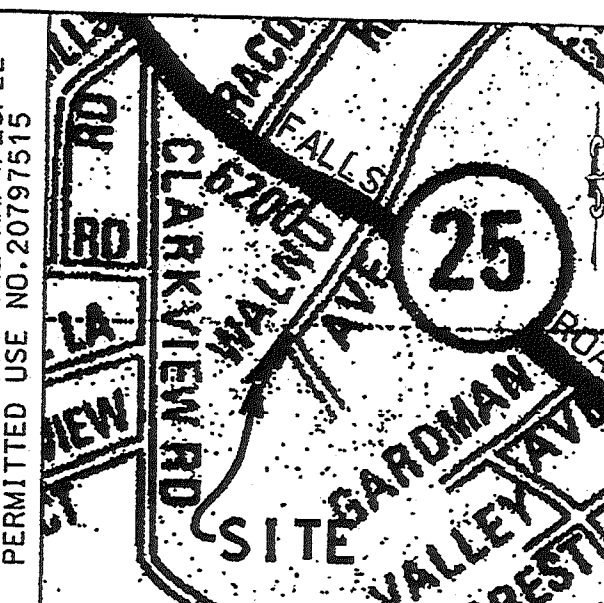
CONTRACT NO.
05284 RAC
JOB ORDER NO.
201-0111-1124
SHEET 1 OF 1
DWG. NO.
2005-1953
FILE: 1



7/8" IRON BAR IN PAVING EL.356.39(MCS)
EASTSIDE FALLS ROAD @
COPPER HILL ROAD (OPPOSITE
WALNUT AVENUE).

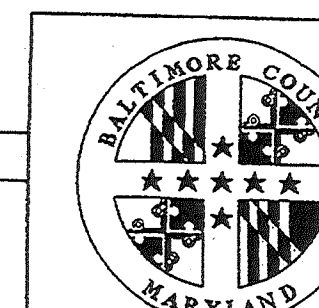
NORTH
(BCMD)
30977.59 W 11208.44
(MCS)
625.111.120 E 1.409.764.340

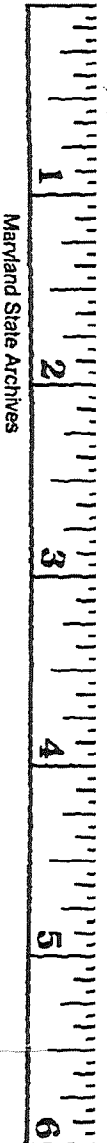
COPYRIGHT ADC THE MAP PEOPLE



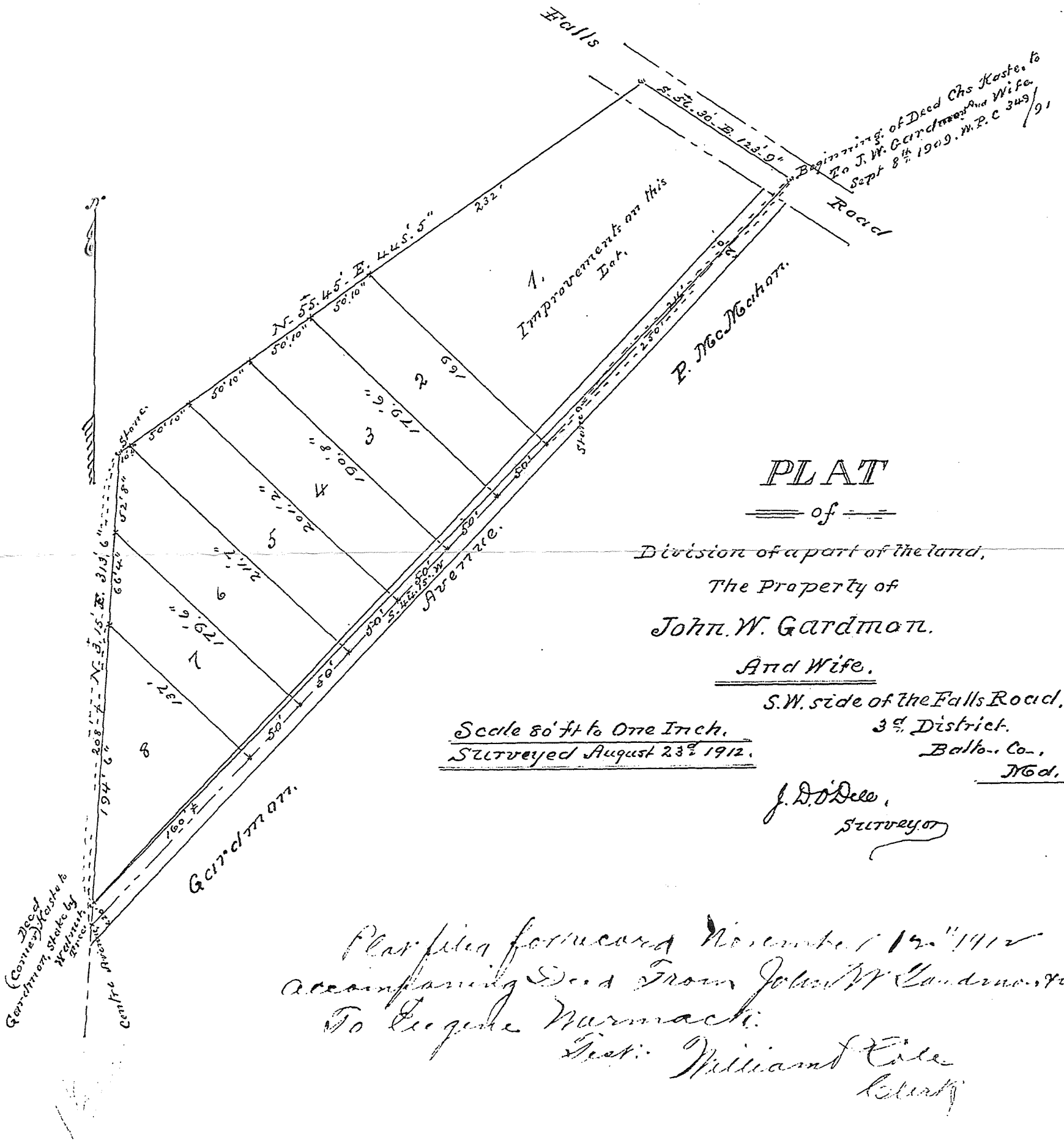
VICINITY MAP
SCALE 1" = 500'

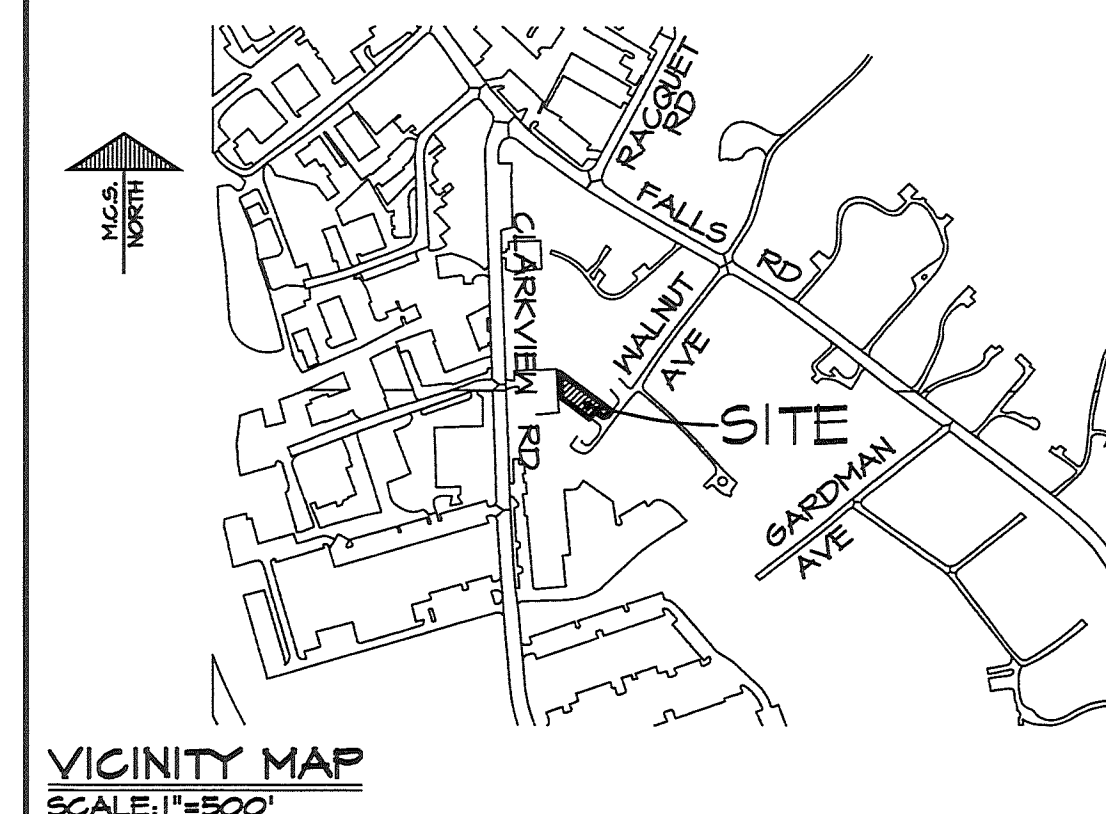
DESIGN AND DRAWING BASED ON
MARYLAND COORDINATE SYSTEM
NAD 83/91 HORIZONTAL AND
NAVD 1988 VERTICAL DATUM.





Maryland State Archives





PLANNING NOTE:
THE PROPOSED DEVELOPMENT IS WITHIN THE RUXTON RIDERWOOD-LAKE ROLAND DESIGN REVIEW PANEL AREA. CONTACT JENIFER NUGENT IN 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.

THOMAS J. HOFF LAND DEVELOPMENT CONSULTANTS LANDSCAPE ARCHITECTS 512 VIRGINIA AVENUE TOWSON, MARYLAND 21286 410-296-2665 FAX 410-825-3857	SCALE: 1"=20' DATE: 07/20/12 JOB NO.: 0592-01 DESIGNED: TJH DRAWN: TJH
	REVISIONS: 9/24/12 - REVISED TO ADD PLANNING NOTE. 10/24/12 - REVISED TO ADD TEE-TURNAROUND, CHANGE BLDG ENVELOPE & ADD FRONT SETBACK VARIANCE

