

IN RE: PETITION FOR VARIANCE

(Emerson Avenue)
8th Election District
3rd Councilman District
Clyde Slacum
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2014-0078-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Clyde Slacum, the legal owner of the subject property. The Petitioner is requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 50 ft. in lieu of the required 55 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Clyde Slacum, Ben Woodard, and Adam Carballo. Timothy M. Kotroco, with Whiteford, Taylor & Preston, LLP, appeared and represented the Petitioner. The file reveals that the Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Several area residents (whose names are in the case file) attended the hearing to obtain further clarification of the relief sought. The file does not contain any letters of protest or opposition.

Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated October 23, 2013 and the Department of Planning (DOP) dated November 26, 2013. DEPS noted Petitioner must comply with certain environmental regulations, and the DOP opposed the relief, believing duplex

ORDER RECEIVED FOR FILING

Date 12-17-13

By pw

homes were not compatible with the surrounding community.

Testimony and evidence revealed that the subject property is approximately 14,000 square feet and is zoned DR 5.5. The property is comprised of two lots established long before the adoption of the B.C.Z.R., and each totals 7,000 square feet (50' x 140'). The lots are unimproved, and Petitioner proposes to construct one duplex dwelling on the lots.

In this case, counsel for Petitioner contends that B.C.Z.R. § 304, rather than § 307, is applicable, and I agree. That provision, as construed by the court in Mueller v. People's Counsel, is an alternative method of obtaining "variance" relief, and does not require a showing of uniqueness or hardship. The Petitioner satisfies each of the requirements set forth in B.C.Z.R. § 304.1.A-C, and is entitled to the relief requested.

In response to the DOP's comment, duplex dwellings are permitted as of right in all DR zones. B.C.Z.R. § 1B01.1.A.1.a. In addition, the Petitioner is not obliged to show that the dwelling would be "compatible" with the community, but even if he were, I do not believe that a duplex home would be incompatible simply because there are not (at this time) other duplexes in the immediate vicinity.

If the B.C.Z.R. were strictly interpreted, the Petitioner would indeed suffer a practical difficulty, given he would be unable to construct the duplex dwelling proposed. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED, this 17th day of December, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section

ORDER RECEIVED FOR FILING

Date 12-17-13

2

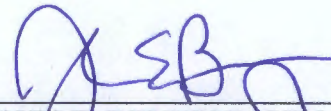
By [Signature]

1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 50 ft.
in lieu of the required 55 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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 12-17-13

By law

KEVIN KAMENETZ
County Executive



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

December 17, 2013

Timothy M. Kotroco, Esq.
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: Petition for Variance
Property: 900 and 902 Emerson Avenue
Case No.: 2014-0078-A

Dear Mr. Kotroco:

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 Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: L.J. Link, Jr., Box 727, Brooklandville, MD 21022
O. M. Stitz, 223 Spring Avenue, Lutherville, MD 21093



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 900 + 902 Emerson Ave which is presently zoned _____
Deed References: 16954 / 00689 10 Digit Tax Account # 2400000841
Property Owner(s) Printed Name(s) Clyde Slacum

(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. ✓ a **Variance** from Section(s) Corner lot side yard setback to 20'-0" in lieu of required 25'-0"

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)

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Clyde Slacum
Name #1 - Type or Print _____ Name #2 - Type or Print _____

Signature #1 _____ Signature #2 _____

6 Farnham Way Lutherville-Timonah MD
Mailing Address _____ City _____ State _____

21093, 410 916-3217
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Adam Carballa
Name - Type or Print _____

Signature _____

1818 Aliceanna St Baltimore, MD 21231
Mailing Address _____ City _____ State _____

21231, 410 3745-1100, adamcarballa@yahoo.com
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER _____ Filing Date ____/____/____ Do Not Schedule Dates: _____ Reviewer _____

OLD



PETITION FOR ZONING HEARING(S)

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

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

Address 900+902 Emerson Ave which is presently zoned DR5.5
 Deed References: 16954/00689 10 Digit Tax Account # 2400000891
 Property Owner(s) Printed Name(s) Clyde Slacum

(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. ☒ a Variance from Section(s) 1802.3.C.1 BCZR To permit a lot width of 50 feet in lieu of required 55 feet. **REVISED**

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)

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Clyde Slacum
 Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

6 Farnham Way Lutherville Timonium MD
 Mailing Address City State

21093, 410.96.3217
 Zip Code Telephone # Email Address

Representative to be contacted:

Adam Carballo
 Name - Type or Print

Signature

1818 Aliceanna St Baltimore, MD 21281
 Mailing Address City State

21281, 443-795.1100, adamcarballo@yahoo.com
 Zip Code Telephone # Email Address

CASE NUMBER 2014-0078-A Filing Date 10/31/13 Do Not Schedule Dates: Reviewer G.H

REVISED 10/31/13

ADAM CARBALLO, RA, RIBA
ARCHITECT

October 31, 2013

To: Baltimore County Zoning Review

RE: Property Description
900 & 902 Emerson Ave (Duplex)
Lutherville, MD 21093

ZONING PROPERTY DESCRIPTION FOR 900 & 902 EMERSON AVE, LUTHERVILLE, MD 21093

*Beginning at a point on the North side of Talbott Ave which is 40'-0" wide at the distance of 140.00 feet of W of the centerline of the nearest improved intersecting street (Emerson Ave) which is 40'-0" wide. Thence the following courses and distances: 50.00' at N90°43'00"W then 50.00' at N90°43'00"W then 140.00' feet at E00°43'00"W then 50.00' feet at S270°43'00"W then 50.00' feet at S270°43'00" back to the point of beginning as recorded in Deed Liber 00689, Folio ~~0128~~, containing 14,000 total square feet in lot. Located in the 8th Election District and 3rd Council District. 16954

Being Lot 1, Block 1, Section _____ in the subdivision Luther Villa / 21093 as recorded in Baltimore County Plat Book # 0000007, Folio #0128, containing 14,000 square feet in lot. Located in the 8th Election District and 3rd Council District.

Proposed Construction:

Proposed Variance effects two adjoining lots; Lot 30 at #900 Emerson Ave and Lot 29 at 902 Emerson Ave. Each lot contains one proposed Semi-detached residential home. Both homes (sides) contain a three bedroom / two and a half bathroom home with full unfinished basement and single car garage. Each lot is measured at 50'x140' for a total area of 7,000 sf each, or 14,000 sf total.

Scope of Proposed Variance:

900 Emerson Ave and 902 Emerson Ave both measure 50'x140'. Variance requests lot width relief of 50'-0" in lieu of required 55'-0".

Existing adjoining properties located on Morris Ave and Talbot Ave have lot widths that are less than 55'. We wish to use this precedent as evidence to support our variance request.

Respectfully,

Adam Carballo, Architect
1818 Aliceanna Street
Baltimore, MD 21231
adamcarballo@yahoo.com
443-745-1100 cell



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

No. **105158**
 Date: **10/31/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DIV
 11/04/2013 10/31/2013 16:11:09 2

REL MSG MAIL JEW JEE
 >>RECEIPT # 854312 10/31/2013 OPLN

Dept 3 523 EDU- VERIFICATION
 CR NO. 105158

Recpt tot \$175.00
 \$175.00 0.00 1.00 00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				175.00

Total: **175.00**

Rec From: **Adam Carballo**

For: **Revision of zoning**
Case # 2014-0078-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2014-0078-A
Petitioner: Clyde Slacum
Address or Location: 900 Emerson Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adam Carballo
Address: 1818 Allicane St
Baltimore, MD 21231
Telephone Number: 443.745.1100

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

No. **103494**
 Date: **9/25/13**

PAID RECEIPT

BUSINESS: **RECEIVED** DATE: **9/25/2013**
 BY: **WALKER, RITA L**
 RECEIPT # **49047** 9/25/2013 OF 12
 5 525 BOND CERTIFICATION
 R. 103494
 Rept. Tot: **\$75.00**
\$75.00 **\$1.00** CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0060		6150				75.00

Total: **75.00**

Rec From: **Adam Carballo**
 For: **Variance**
2014-0078-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/19/2013

Case Number: 2014-0078-A

Petitioner / Developer: CLYDE SLACUM~ADAM CARBALLO, AIA

Date of Hearing (Closing): DECEMBER 12, 2013

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
900 & 902 EMERSON AVENUE

The sign(s) were posted on: NOVEMBER 18, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 21, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on November 21, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0078-A

900 & 902 Emerson Avenue
N/s Talbot Avenue, 140 Ft. W/of centerline of Emerson Avenue

8th Election District - 3rd Councilmanic District
Legal Owner(s): Clyde Slocum

Variance: to permit a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Thursday, December 12, 2013 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.
11/235 November 21

958643



KEVIN KAMENETZ
County Executive

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

November 12, 2013

CORRECTED 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: 2014-0078-A

900& 902 Emerson Avenue

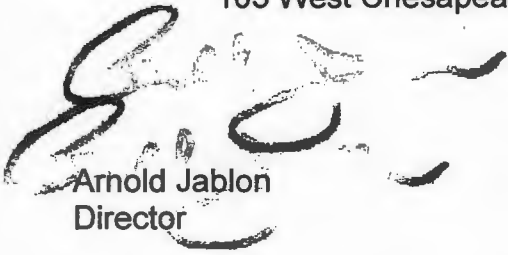
N/s Talbot Avenue, 140 ft. W/of centerline of Emerson Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: Clyde Slocum

Variance to permit a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Thursday, December 12, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Clyde Slocum, 6 Farnham Way, Lutherville 21093
Adam Carbello, 1818 Aliceanna Street, Baltimore 21231

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 22, 2013.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 21, 2013 Issue - Jeffersonian

Please forward billing to:
Adam Carbello
1818 Aliceanna Street
Baltimore, MD 21231

443-745-1100

CORRECTED NOTICE OF ZONING HEARING

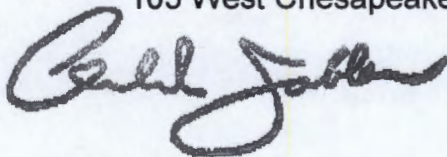
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N/s Talbot Avenue, 140 ft. W/of centerline of Emerson Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Clyde Slocum

Variance to permit a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Thursday, December 12, 2013 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

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KEVIN KAMENETZ
County Executive

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

October 17, 2013

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: 2014-0078-A

900 Emerson Avenue

N/s Talbot Avenue, 140 ft. W/of centerline of Emerson Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: Clyde Slocum

Variance to permit a side street setback of 20 ft. in lieu of the required 25 ft.

Hearing: Thursday, December 12, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Clyde Slocum, 6 Farnham Way, Lutherville 21093
Adam Carbello, 1818 Aliceanna Street, Baltimore 21231

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 22, 2013.**
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TO: PATUXENT PUBLISHING COMPANY
Thursday, November 21, 2013 Issue - Jeffersonian

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Adam Carbello
1818 Aliceanna Street
Baltimore, MD 21231

443-745-1100

NOTICE OF ZONING HEARING

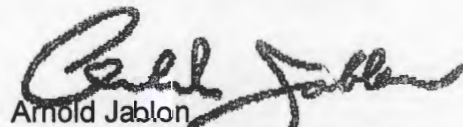
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: January 27, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0078-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 16, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE
900 Emerson Avenue; N/S Talbot Avenue,
140' W of c/line Emerson Avenue
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Clyde Slacum
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-078-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

OCT 03 2013

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 3rd day of October, 2013, a copy of the foregoing Entry of Appearance was mailed to Adam Carballo, 1818 Aliceanna Street, Baltimore, Maryland 21231, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

11/20

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

NC

10/23/13

DEPS
(if not received, date e-mail sent _____)

C

FIRE DEPARTMENT

11/26/13

PLANNING
(if not received, date e-mail sent _____)

C

11/15/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 11/21/13

SIGN POSTING

Date: 11/18/13

by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

Baltimore County, MD
Monday, December 2, 2013

ARTICLE 1B. DENSITY RESIDENTIAL (D.R.) ZONES

SECTION 1B01. Regulations With Respect to D.R. Zones in General

§ 1B01.1. General use regulations in D.R. Zones.

A. **Uses permitted as of right.** The following uses only are permitted as of right in D.R. Zones of all classifications, subject to the restrictions hereinafter prescribed.

[Bill No. 2-1992]

1. Dwellings as provided herein and as provided in Section 430 and subject to Section 402:

a. **In all D.R. Zones: single-family detached, semidetached or duplex dwellings.**

b. In all D.R. Zones: alternative site-design dwellings, subject to findings of compatibility pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code, and as provided for in the Comprehensive Manual of Development Policies.

[Bill No. 137-2004]

c. In D.R.5.5 Zones, subject to findings of compatibility by the hearing officer: group houses and multifamily buildings.

[Bill No. 85-1997]

d. In D.R.10.5 and D.R.16 Zones: group houses and multifamily buildings.

[Bill No. 85-1997] *Editor's Note: Former Section 1B01.1.A.1.e which followed, regarding elderly housing and assisted-living facilities, was repealed by Bill No. 19-2004.*

2. Trailers (Section 415).

3. Churches, other buildings for religious worship or other religious institutions.

4. Aboveground electrical-power, telephone, telegraph lines, except aboveground electrical power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks.

5. Other cables; conduits; gas, water or sewer mains; or storm-drain systems, all underground.

6. Excavations, uncontrolled (as defined in Section 101).

7. Farms, produce stand in association with a farm, or limited-acreage wholesale flower farms (see Section 404).

[Bill No. 41-1992]

8. Garages, community.

9. Hospitals.

[Bill No. 37-1988]

10. Local open space tracts or other common amenity open space.

11. Privately sponsored day care and nursery programs, as an ancillary use, within housing for the elderly projects, as defined in Section 101 of these regulations.

[Bill No. 47-1982]

12. Class A group child care centers and Class B group child care centers providing for up to 40 children, if not located in a residential transition area, subject to the requirements of Section 424, and family child care homes, group child care centers and nursery schools.

[Bill No. 200-1990]

13. Research institutes or laboratories in existence at the time of the adoption of Bill No. 122-1984, subject to the zoning regulations in effect at the time of the approval by Baltimore County of the institute or laboratory.

[Bill No. 122-1984]

14. Schools, except business or trade schools or such schools as are permitted by special exception (Subsection C, below), but including schools for agricultural training.

[Bill Nos. 63-1980; 47-1982; 47-1985]

15. Signs, nonaccessory, to the extent permitted under Section 413.
16. Antennas used by CATV systems operated by companies franchised under Article 25 of the Baltimore County Code, if situated on property owned by the county, state or federal government or by a governmental agency.

[Bill Nos. 220-1981; 137-2004]

17. Transit facilities.

Baltimore County, MD[Sign Up](#) | [Login](#)[Home](#)[Help](#)[Sub](#)[Code](#)[Index](#)[Email](#)[Print](#)[Search Section](#)

ARTICLE 3: EXCEPTIONS TO HEIGHT AND AREA REQUIREMENTS

SECTION 304: Use of Undersized Single-Family Lots

[BCZR 1955; Bill No. 47-1992]

ARTICLE 3: EXCEPTIONS TO HEIGHT AND AREA REQUIREMENTS

SECTION 304: Use of Undersized Single-Family Lots

§ 304.1 Types of dwellings allowed; conditions.

§ 304.2 Building permit application.

§ 304.3 Public notice.

§ 304.4 Public hearing.

§ 304.5 Final approval.

§ 304.6 Appeals.

§ 304.7 Establishment of fees.

§ 304.1 Types of dwellings allowed; conditions.

[Bill Nos. 64-1999; 28-2001]

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

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

§ 304.2 Building permit application.

[Bill Nos. 122-2010; 55-2011]

A.

Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Department of Permits, Approvals and Inspections, at the time of application for a building permit, plans sufficient to allow the Department of Planning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Department of Planning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood.

- B. At the time of application for the building permit, as provided above, the Director of Permits, Approvals and Inspections shall request comments from the Director of the Department of Planning (the "Director"). Within 15 days of receipt of a request from the Director of Permits, Approvals and Inspections, the Director shall provide to the Department of Permits, Approvals and Inspections written recommendations concerning the application with regard to the following:
1. Site design. New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage, building orientation and location on the lot or tract.
 2. Architectural design. Appropriateness shall be evaluated based upon one or more of these architectural design elements or aspects:
 - a. Height.
 - b. Bulk or massing.
 - c. Major divisions, or architectural rhythm, of facades.
 - d. Proportions of openings such as windows and doors in relation to walls.
 - e. Roof design and treatment.
 - f. Materials and colors, and other aspects of facade texture or appearance.
 3. Design amendments. The Director may recommend approval, disapproval or modification of the building permit to conform with the recommendations proposed by the Department of Planning.

§ 304.3 Public notice.

[Bill No. 122-2010]

Upon application for a building permit pursuant to this section, the subject property shall be posted conspicuously, under the direction of the Department of Permits, Approvals and Inspections, with notice of the application for a period of at least 15 days.

§ 304.4 Public hearing.

[Bill No. 122-2010]

Within the fifteen-day posting period: (1) Any owner or occupant within 1,000 feet of the lot may file a written request for a public hearing with the Department of Permits, Approvals and Inspections, or (2) the Director of Permits, Approvals and Inspections may require a public hearing. The Department of Permits, Approvals and Inspections shall notify the applicant within 20 days of the receipt of a request for a public hearing. A hearing before the Zoning Commissioner shall be scheduled within 30 days from receipt of the request for public hearing. At the public hearing, the Zoning Commissioner shall make a determination whether the proposed dwelling is appropriate.

§ 304.5 Final approval.

[Bill No. 122-2010]

- A. The Director of Permits, Approvals and Inspections may issue the building permit; or
- B. Notwithstanding any provision to the contrary, the Director of Permits, Approvals and Inspections may require a public hearing before the Zoning Commissioner pursuant to Section 304.4 above; or
- C. If the Department of Permits, Approvals and Inspections has not notified the applicant of a determination pursuant to the provisions of this section, or has not notified the applicant pursuant to Section 304.4 above of the intention to require a public hearing, the dwelling shall be considered appropriate for purposes of this section.

§ 304.6 Appeals.

[Bill No. 122-2010]

The decision of the Zoning Commissioner or the Director of Permits, Approvals and Inspections may be appealed, in which case the hearing shall be scheduled by the Board of Appeals within 45 days from receipt of the request.

§ 304.7 Establishment of fees.

[Bill No. 122-2010]

The Director of Permits, Approvals and Inspections shall establish appropriate fee schedules.

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POWERED BY GENERAL CODE



KEVIN KAMENETZ
County Executive

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

December 3, 2013

Clyde Slacum
6 Farnham Way
Lutherville Timonium MD 21093

RE: Case Number: 2014-0078 A, Address: 900 & 902 Emerson Avenue

Dear Mr. Slacum:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 31, 2013. 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Adam Carballo, 1818 Aliceanna Street, Baltimore MD 21231

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 11-15-13

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

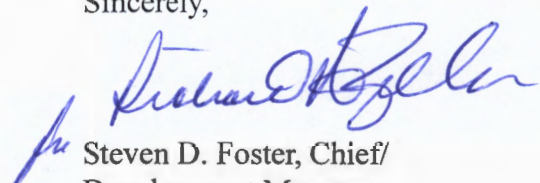
RE: Baltimore County
Item No. 2014-0078-A
Variance
Clyde Stacum
900 & 902 Emerson Avenue

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. 2014-0078-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,


Steven D. Foster, Chief/
Development Manager
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

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 10-1-13

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

RE: Baltimore County
Item No 2014-0078-A
Variance.
Chyde Slacum
900 Emerson 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. 2014-0078-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,

Steven D. Foster, Chief/
Development Manager
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

November 27, 2013

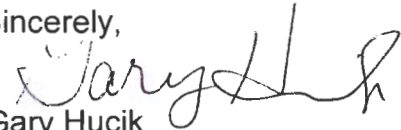
From: Gary Hucik

To: Administrative Law Judge/File

Re: Case no. 2014-0078
900-902 Emerson Avenue

The plan accompanying the petition does not show the 25 feet minimum set back in side yard as required, prior conversation with petitioner all setbacks would meet zoning requirements.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary Hucik", with a stylized flourish at the end.

Gary Hucik
Zoning Review

11/15/13
WCL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 4, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 900 Emerson Avenue

INFORMATION:

Item Number: 14-078

Petitioner: Clyde Slacum

Zoning: DR 5.5

Requested Action: Variance



SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning recommends denial of the petitioner's variance request.

The referenced lots are part of the Luther Villa Plat, which was recorded in 1924, long before the implementation of County zoning regulations. It does not appear that the proper relief has been requested.

The minimum lot width in DR5.5 zone is 55 feet according to the small lot table. The petitioner's site plan proposes four semi-detached dwellings on four 50 foot wide lots, all in the same ownership. The requested variance involves lots 29 and 30. Were the petitioner to combine the lots (29 & 30) and propose one single family detached dwelling, the variance would be unnecessary. By proposing semi-detached dwellings the petitioner has created a self-imposed hardship. In addition, this dwelling type is not compatible with the neighborhood. The Department of Planning conducted an evaluation of the dwellings surrounding the subject property (a one mile radius) and determined that there are no other semi-detached dwellings in the area. A variance would not be necessary if the petitioner's request was for a single-family detached dwelling on the combined lots 29 and 30.

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

Prepared By:

Division Chief:
AVA/LL:cjm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 26, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 900 & 902 Emerson Avenue

INFORMATION:

RECEIVED

Item Number: 14-078 (revised petition)

DEC 04 2013

Petitioner: Clyde Slacum

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning recommends denial of the petitioner's variance request.

The referenced lots are part of the Luther Villa Plat, which was recorded in 1924, long before the implementation of County zoning regulations. It does not appear that the proper relief has been requested.

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

Prepared By:

Division Chief:
AVA/LL:cjm

BALTIMORE COUNTY, MARYLAND

RECEIVED

OCT 23 2013

Inter-Office Correspondence

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: October 23, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0078-A
Address 900 Emerson Avenue
(Slacum Property)

Zoning Advisory Committee Meeting of September 30, 2013.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

There may be non-tidal wetlands onsite and/or a forest buffer onsite. Prior to issuance of any permits proposed impacts to these resources may require a forest buffer variance request to be submitted and approved by this office as well as review and approval from State/Federal Agencies.

Reviewer: J. Russo – Environmental Impact Review (EIR)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: November 20, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For November 18, 2013
Item No. 2014-0078, 0106, 0107, 0109, 0110, 0111, 0112, 0113 and
0114

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\ZAC11182013 -.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 03, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For October 07, 2013
Item No. 2014-0071,0072, 0073,0074,0077,0078 and 0079

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\ZAC10072013 -.doc

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 08 Account Number - 2400000841	
Owner Information		
Owner Name:	SLACUM CLYDE P	Use: RESII
Mailing Address:	6 FARNHAM WAY LUTHERVILLE TIMONIUM MD 21093-7474	Principal Residence: NO Deed Reference: 1) /169 2)
Location & Structure Information		
Premises Address:	EMERSON AVE 0-0000	Legal Description: LTS 2/ ES EM LUTH
Map: 0060	Grid: 0017	Parcel: 0568
Sub District:	Subdivision: 0000	Section: Y
Block:	Lot: 29	Assessment Year: 2014
		Plat No:
		Plat Ref:
Special Tax Areas:		Town: NONE
		Ad Valorem:
		Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
		Property Land Area 14,000 SF
Stories	Basement	Type
Exterior	Full/Half Bath	Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2011
Land:	113,500	113,500
Improvements	0	0
Total:	113,500	113,500
Preferential Land:	0	
Transfer Information		
Seller: DIFATTA SANTO	Date: 10/17/2002	Price: \$54,000
Type: ARMS LENGTH MULTIPLE	Deed1: /16954/ 00689	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **08** Account Number: **2400000841**

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 (<http://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 (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

✖ Loading... Please

Loading... Please Wait.

→

PLEASE PRINT CLEARLY

CASE NAME Emerson Ave.
CASE NUMBER 2014-0078-A
DATE 12-12-13

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

L.J. Lutz Jr	= box. 727. Brooklandville Md. 21022	
A. Gentry		
Z. Lutz		

Om Stitz	223 Spring Ave	Lutherville Md 21093
----------	----------------	----------------------

CASE NAME Emerson Ave.
CASE NUMBER 2014-0078-A
DATE 12-12-13

[illegible]



Talbot Ave
Morris Ave
to Emerson Ave











ALL-STATE LEGAL®

EXHIBIT



R 3.5

Lot # 15

0819072419

Lot # 15

Pt. Bk./Folio # 013070C

Lot # 5

183

0819074138

Lot # 5

Lot # 19 0819074145

0819074154

Lot # 4

Lot # 20 0819074331

Lot # 3
0819074143

Lot # 21

3 CD

Lot # 21 0823050804

901

8 ED

060C2

DR 5.5

Pt. Bk./Folio # 007128

PDM # 080034

Lot # 21

EMERSON AVE

NW 13-A

Lot # 25 0808001854

Lot # 35 0819039530

Lot # 26 0818012060

Pt. Bk. 0000020, Folio 0154

Lot # 34 0811036390

909

0814090120

Lot # 33
0806000325

Pt. Bk./Folio # 020154

Lot # 32
0823055700

0814090121

Lot # 31
0820067325

0814090122

0808001858

Lot # 1
0802069670

TALBOTT AVE

0819074135
Lot # 14

Pt. Bk. 0000013, Folio 0070
Lot # 15 0804035225

NW 12-A

0819074156
Lot # 13

Lot # 15

0819074155
Lot # 12

Lot # 17 0812021621

0807030627

Lot # 18 0812021620

Pt. Bk. 0000007, Folio 0128
Lot # 14 0808001788

0813026120
Lot # 13

Lot # 15 0807083183

0803052420
Lot # 12

605
Lot # 16 0816017780

0816017650
Lot # 11

Lot # 17 0820020560

0820020100
Lot # 10

Revised 2014-07-28

EXHIBIT

ALL-STATE LEGAL













EXHIBIT

ALL-STATE LEGAL





Case No.: 2014-0078-A

Exhibit Sheet

Petitioner/Developer

Protestants

No. 1	Plan	
No. 2	zoning description	
No. 3	My Neighborhood Map	
No. 4	My Neighborhood Map	
No. 5	Plat - Luther - Villa	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ADAM CARBALLO, RA, RIBA
ARCHITECT

October 31, 2013

To: Baltimore County Zoning Review

RE: Property Description
900 & 902 Emerson Ave (Duplex)
Lutherville, MD 21093

ZONING PROPERTY DESCRIPTION FOR 900 & 902 EMERSON AVE, LUTHERVILLE, MD 21093

*Beginning at a point on the North side of Talbott Ave which is 40'-0" wide at the distance of 140.00 feet of W of the centerline of the nearest improved intersecting street (Emerson Ave) which is 40'-0" wide. Thence the following courses and distances: 50.00' at N90°43'00"W then 50.00' at N90°43'00"W then 140.00' feet at E00°43'00"W then 50.00' feet at S270°43'00"W then 50.00' feet at S270°43'00" back to the point of beginning as recorded in Deed Liber _____, Folio 0128, containing 14,000 total square feet in lot. Located in the 8th Election District and 3rd Council District.

Being Lot 1, Block 1, Section _____ in the subdivision Luther Villa / 21093 as recorded in Baltimore County Plat Book # 0000007, Folio #0128, containing 14,000 square feet in lot. Located in the 8th Election District and 3rd Council District.

Proposed Construction:

Proposed Variance effects two adjoining lots; Lot 30 at #900 Emerson Ave and Lot 29 at 902 Emerson Ave. Each lot contains one proposed Semi-detached residential home. Both homes (sides) contain a three bedroom / two and a half bathroom home with full unfinished basement and single car garage. Each lot is measured at 50'x140' for a total area of 7,000 sf each, or 14,000 sf total.

Scope of Proposed Variance:

900 Emerson Ave and 902 Emerson Ave both measure 50'x140'. Variance requests lot width relief of 50'-0" in lieu of required 55'-0".

Existing adjoining properties located on Morris Ave and Talbot Ave have lot widths that are less than 55'. We wish to use this precedent as evidence to support our variance request.

Respectfully,

Adam Carballo, Architect
1818 Aliceanna Street
Baltimore, MD 21231
adamcarballo@yahoo.com
443-745-1100 cell



© 2013





My Neighborhood 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 this data, including but not limited to, actual, damages, attorneys' and experts' fees or, arising from or in connection with the use or reliance upon this data.

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EXHIBIT

3



My Neighborhood 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, including but not limited to, actual, damages, attorneys' and experts' fees, or arising from or in connection with the use of this data.

ALL-STATE LEGAL®

EXHIBIT

4

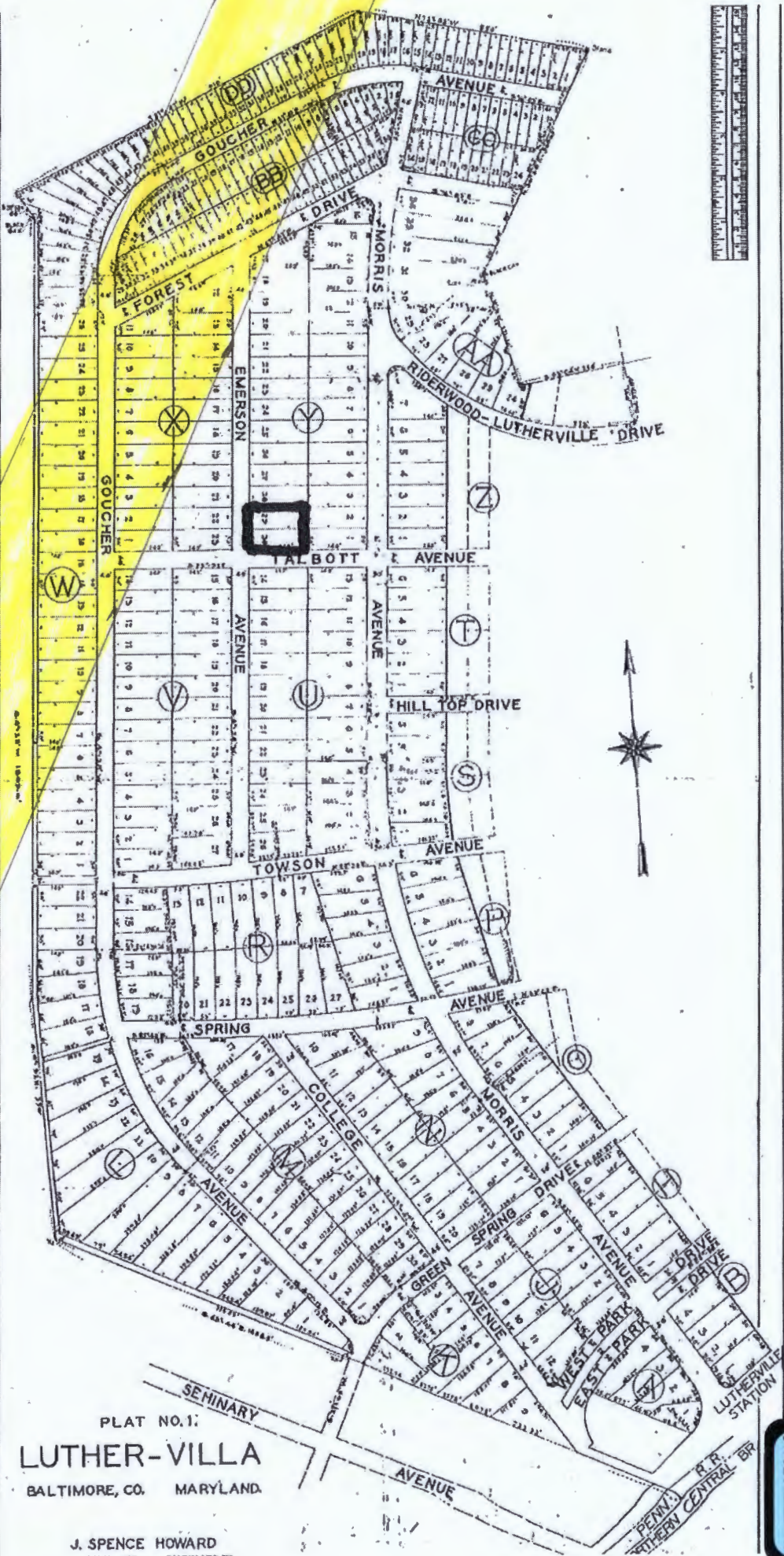
PLAT NO. 1:
LUTHER-VILLA
 BALTIMORE, CO. MARYLAND.

J. SPENCE HOWARD

ALL-STATE LEGAL®

EXHIBIT

5

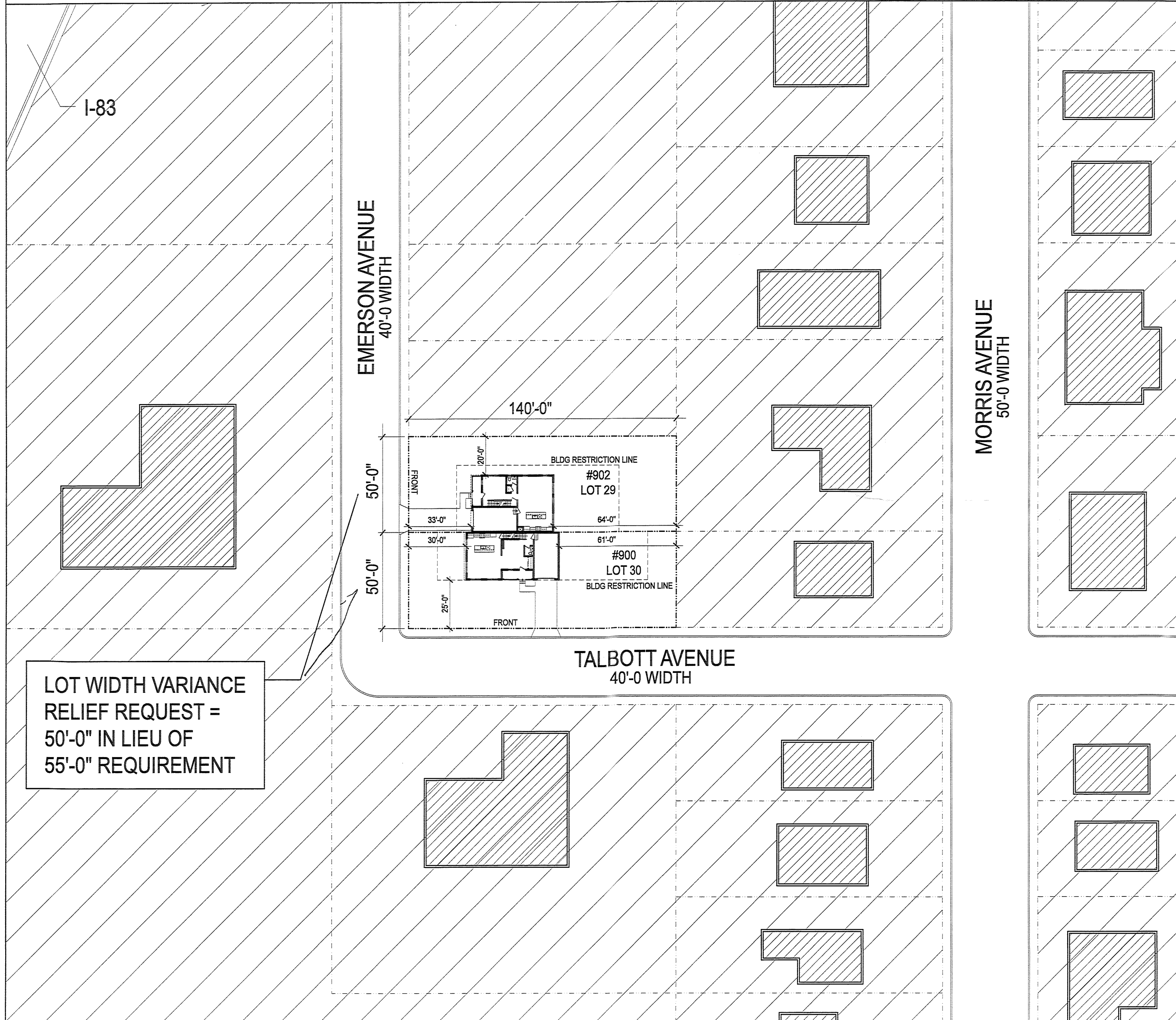
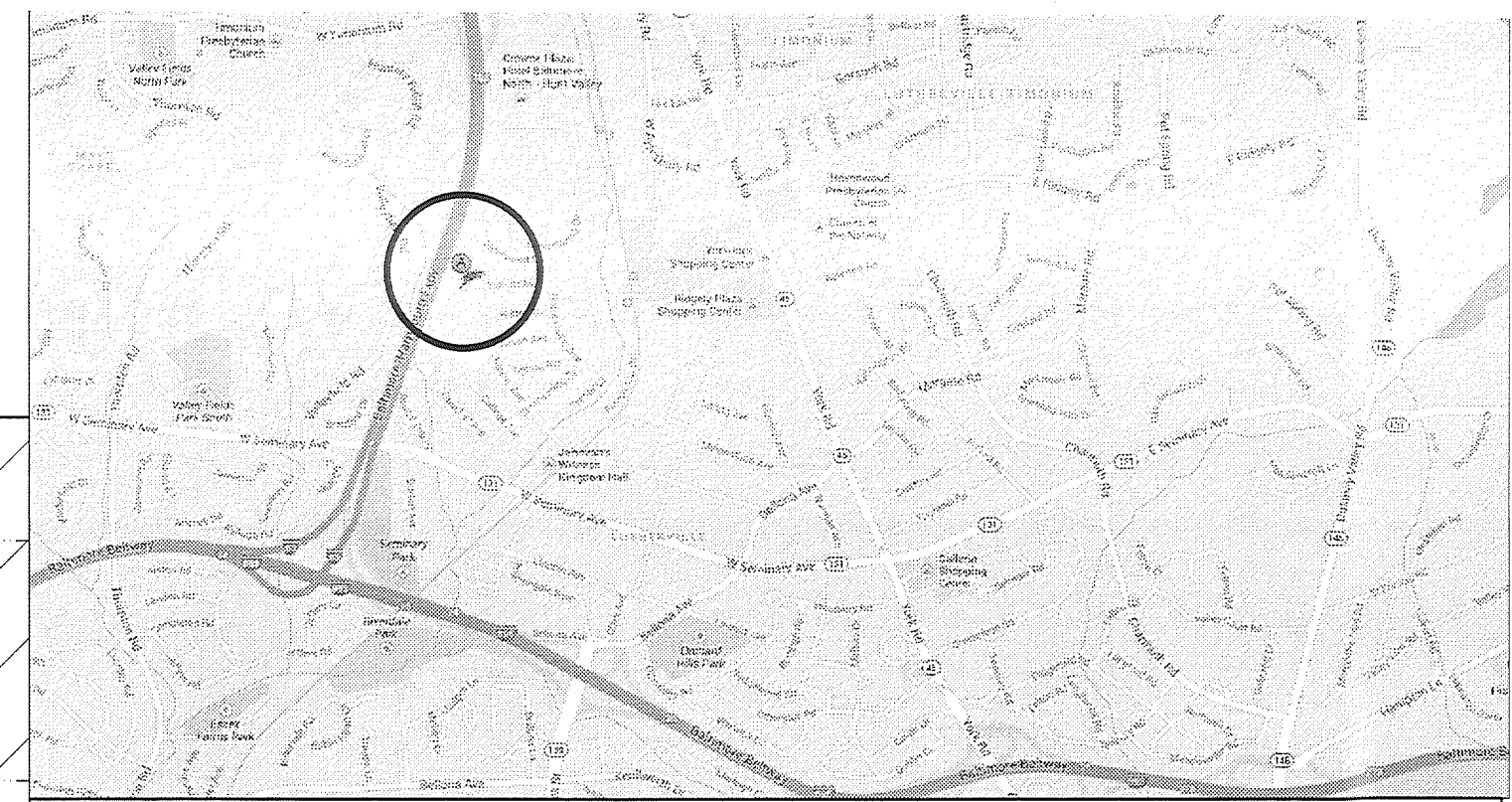


900+ 902 EMERSON AVE, LUTHERVILLE, MD 21093

DISTRICT 08 - ACCOUNT # 2400000841/ PLAT REF: 0007/0128

MAP 0060 - GRID 0017 - PARCEL 0568 - SUBDIVISION 0000 - BLOCK Y - LOTS 29&30 - ASSESSMENT AREA

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS: 300 E. BURKE AVE, BALTIMORE, MD 21286. OWNER NAME: CLYDE SLACUM SUBDIVISION NAME: LUTHER
VILLA / 21093 JONES FALLS. LOT: 1 BLOCK: 1 SECTION: N/A
PLAT BOOK #: 000007. FOLIO #: 0128 10 DIGIT TAX #: 2400000841 DEED REFERENCE #:



PROPERTY INFORMATION:
TAX ACCOUNT NUMBER: 2400000841 (LOT 30)
TAX ACCOUNT NUMBER: 2400000841 (LOT 29)
OWNER: CLYDE SLACUM
ARCHITECT: ADAM CARBALLO, ARCHITECT
TAX PREMISE ADDRESS: 900 & 902 EMERSON AVE
TAX MAP: 0060
PARCEL: 0568
ZONING: DR5.5
MAP REFERENCE: 07/0128
ELEMENTARY SCHOOL DISTRICT: LUTHERVILLE ES
MIDDLE SCHOOL DISTRICT: RIDGLEY ES
HIGH SCHOOL DISTRICT: TOWSON HS
FIRE STATION RESPONSE AREA: LUTHERVILLE VFC
POLICE PRECINCT: COCKEYSVILLE
COUNCILMAN DISTRICT: 3
CONGRESSIONAL DISTRICT: 2
LEGISLATIVE DISTRICT: 42
ELECTION DISTRICT: 8
VOTING PRECINCT: 08-016
CENSUS BLOCK: 24005408800203
CENSUS BLOCK GROUP: 24005408802
CENSUS TRACT: 408800
LOT AREA ACREAGE
LOT SQUARE FOOTAGE: 14,000 SF (100'x140')
HISTORIC? - NO
IN CBCA? - NO
IN FLOOR PLAIN? - NO
UTILITIES?
WATER IS PUBLIC
SEWER IS PUBLIC
PRIOR HEARING? - NO
GIS TILE NUMBER (200 SCALE): 060c2

ADJACENT PROPERTY OWNERSHIP:
904 EMERSON AVE.
MR. CLYDE SLACUM
NOT PRINCIPLE RESIDENCE
TAX ACCOUNT #2400000842

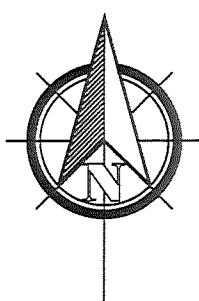
ADJACENT PROPERTY OWNERSHIP:
900 MORRIS AVE.
LENI TSOTTLES
PRINCIPLE RESIDENCE
TAX ACCOUNT #0810025620

PROPERTY DESCRIPTION:

PROPOSED SEMI-DETACHED RESIDENTIAL (DUPLEX) IN DR 5.5. EACH PROPERTY CONTAINS 3 BEDROOM / 3 BATHROOM w/ SINGLE CAR GARAGE & BASEMENT. TWO STORIES ABOVE GRADE.

VARIANCE REQUEST:

VARIANCE REQUEST FOR LOT WIDTH MINIMUM OF 50'-0" FOR #902 (LOT 29) IN LIEU OF 55'-0" REQUIREMENT. ADJOINING PROPERTIES (LEGACY ON MORRIS AVE) HAVE 50'-0" LOTS (OR LESS IN SOME CASES) - TYPICAL.



DRAWN BY: ADAM CARBALLO, ARCHITECT
10/31/2013

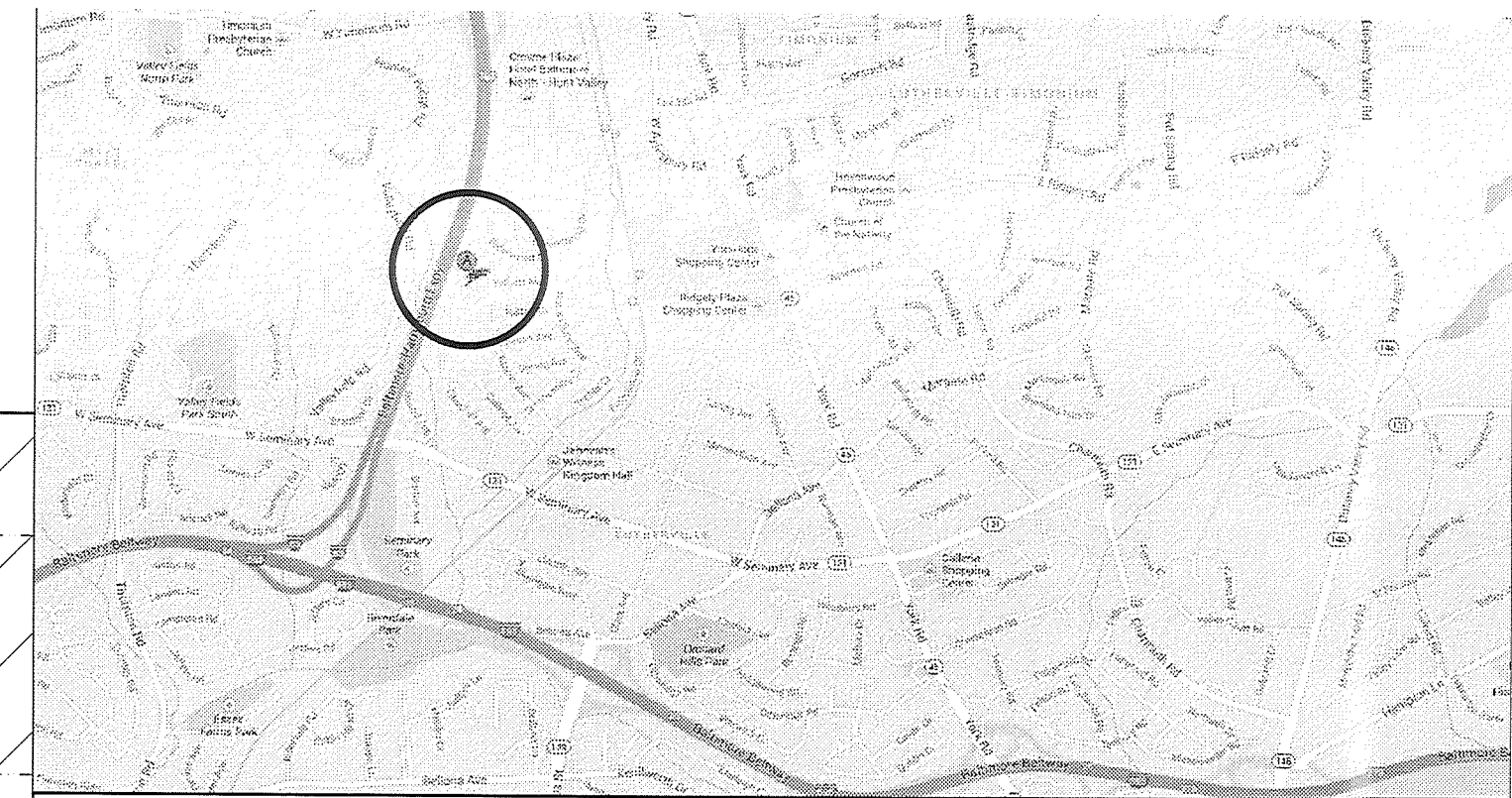
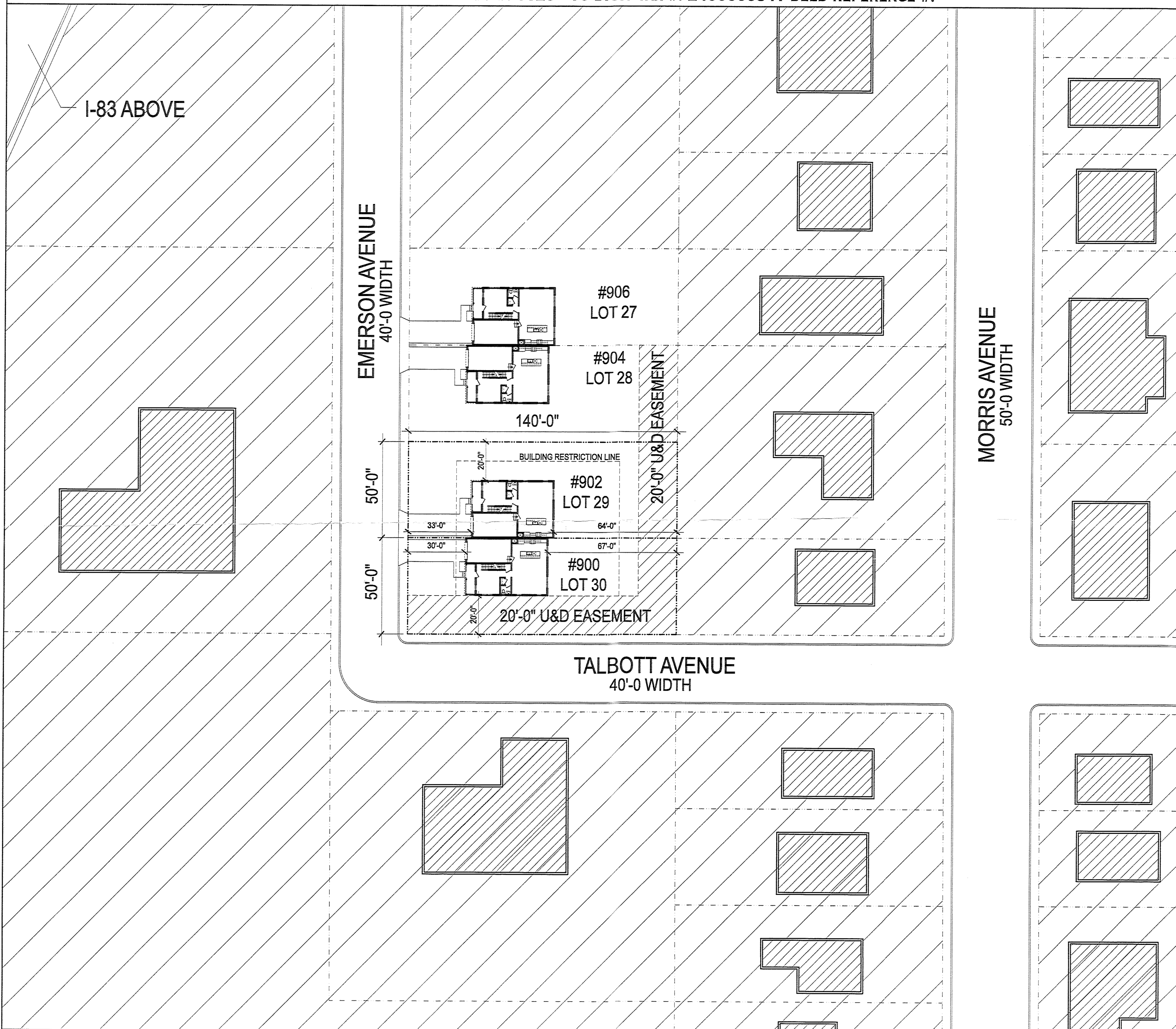
SCALE: 1" = 40'-0"
0 10 20 30 40 80

Revision - 2014-0078-A

900 & 902 EMERSON AVE, LUTHERVILLE, MD 21093

DISTRICT 08 - ACCOUNT # 2400000841/ PLAT REF: 0007/0128
MAP 0060 - GRID 0017 - PARCEL 0568 - SUBDIVISION 0000 - BLOCK Y - LOTS 29&30 - ASSESSMENT AREA

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS: 300 E. BURKE AVE, BALTIMORE, MD 21286. OWNER NAME: CLYDE SLACUM SUBDIVISION NAME: LUTHER
VILLA / 21093 JONES FALLS. LOT:1 BLOCK: 1 SECTION: N/A
PLAT BOOK #: 000007. FOLIO #: 0128 10 DIGIT TAX #: 2400000841 DEED REFERENCE #:



PROPERTY INFORMATION:
TAX ACCOUNT NUMBER: 2400000841 (LOT 30)
TAX ACCOUNT NUMBER: 2400000841 (LOT 29)
OWNER: CLYDE SLACUM
ARCHITECT: ADAM CARBALLO, ARCHITECT
TAX PREMISE ADDRESS: 900 & 902 EMERSON AVE
TAX MAP: 0060
PARCEL: 0568
ZONING: DR5.5
MAP REFERENCE: 07/0128
ELEMENTARY SCHOOL DISTRICT: LUTHERVILLE ES
MIDDLE SCHOOL DISTRICT: RIDGLEY ES
HIGH SCHOOL DISTRICT: TOWSON HS
FIRE STATION RESPONSE AREA: LUTHERVILLE VFC
POLICE PRECINCT: COCKEYSVILLE
COUNCILMAN DISTRICT: 3
CONGRESSIONAL DISTRICT: 2
LEGISLATIVE DISTRICT: 42
ELECTION DISTRICT: 8
VOTING PRECINCT: 08-016
CENSUS BLOCK: 24005408800203
CENSUS BLOCK GROUP: 24005408802
CENSUS TRACT: 408800
LOT AREA ACREAGE
LOT SQUARE FOOTAGE: 14,000 SF (100'x140')
HISTORIC? - NO
IN CBCA? - NO
IN FLOOR PLAIN? - NO
UTILITIES?
WATER IS PUBLIC
SEWER IS PUBLIC
PRIOR HEARING? - NO
GIS TILE NUMBER (200 SCALE): 060c2

ADJACENT PROPERTY OWNERSHIP:
904 EMERSON AVE.
MR. CLYDE SLACUM
NOT PRINCIPLE RESIDENCE
TAX ACCOUNT #2400000842

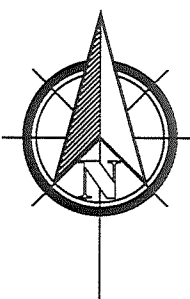
ADJACENT PROPERTY OWNERSHIP:
900 MORRIS AVE.
LENI TSOTTLES
PRINCIPLE RESIDENCE
TAX ACCOUNT #0810025620

PROPERTY DESCRIPTION:

PROPOSED SEMI-DETACHED RESIDENTIAL (DUPLEX) IN DR 5.5. EACH PROPERTY CONTAINS 3 BEDROOM / 3 BATHROOM w/ SINGLE CAR GARAGE & BASEMENT. TWO STORIES ABOVE GRADE.

VARIANCE REQUEST:

VARIANCE REQUEST FOR SIDE YARD SETBACK OF 20'-0" FOR #900 (LOT 30) IN LIEU OF 25'-0" REQUIRED SETBACK. ADJOINING PROPERTIES (LEGACY ON MORRIS AVE) HAVE 15'-0" SIDE YARD SETBACKS - TYPICAL.



DRAWN BY: ADAM CARBALLO, ARCHITECT
9/20/2013

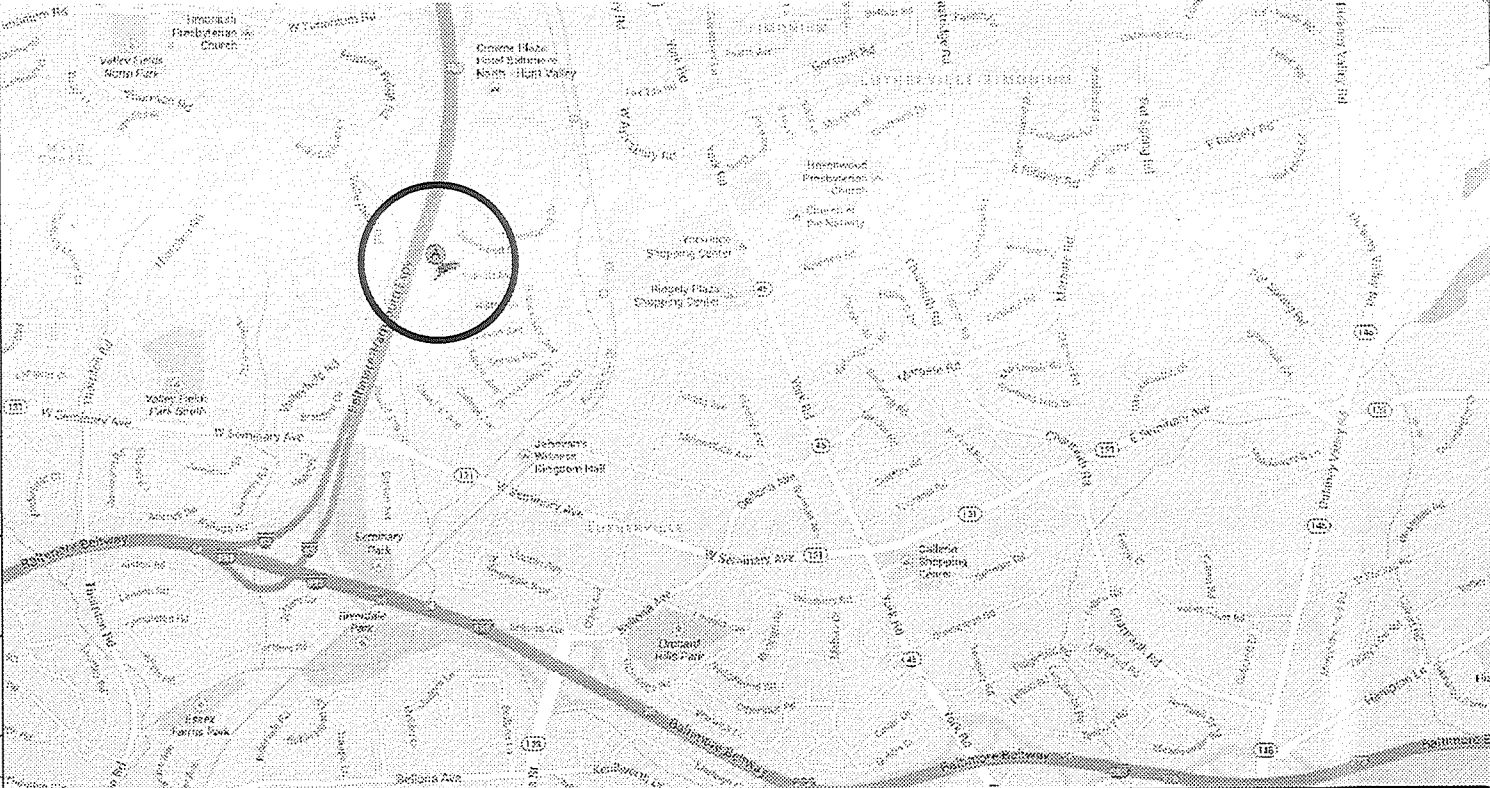
SCALE: 1" = 40'-0"

OLD
2014-0078-A

900 EMERSON AVE, LUTHERVILLE, MD 21093

DISTRICT 08 - ACCOUNT # 2400000841/ PLAT REF: 0007/0128
MAP 0060 - GRID 0017 - PARCEL 0568 - SUBDIVISION 0000 - BLOCK Y - LOTS 29&30 - ASSESSMENT AREA

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS: 300 E. BURKE AVE, BALTIMORE, MD 21286. OWNER NAME: CLYDE SLACUM SUBDIVISION NAME: LUTHER
VILLA / 21093 JONES FALLS. LOT:1 BLOCK: 1 SECTION: N/A
PLAT BOOK #: 000007. FOLIO #: 0128 10 DIGIT TAX #: 2400000841 DEED REFERENCE #:



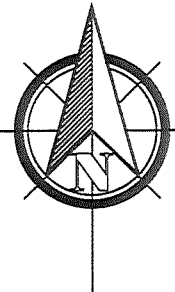
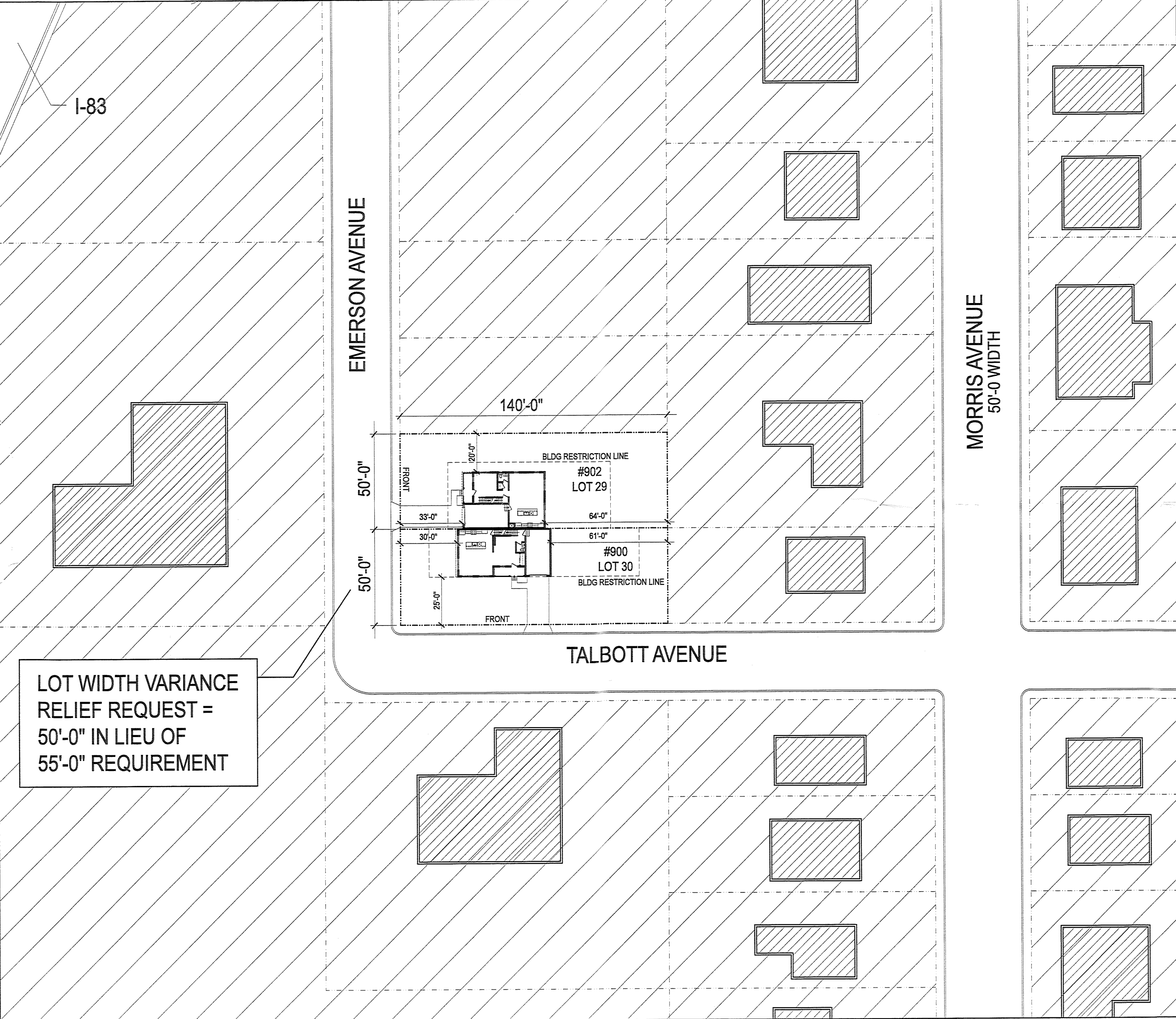
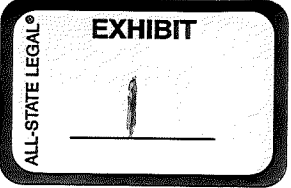
PROPERTY INFORMATION:
TAX ACCOUNT NUMBER: 2400000841 (LOT 30)
TAX ACCOUNT NUMBER: 2400000841 (LOT 29)
OWNER: CLYDE SLACUM
ARCHITECT: ADAM CARBALLO, ARCHITECT
TAX PREMISE ADDRESS: 900 & 902 EMERSON AVE
TAX MAP: 0060
PARCEL: 0568
ZONING: DR5.5
MAP REFERENCE: 07/0128
ELEMENTARY SCHOOL DISTRICT: LUTHERVILLE ES
MIDDLE SCHOOL DISTRICT: RIDGLEY ES
HIGH SCHOOL DISTRICT: TOWSON HS
FIRE STATION RESPONSE AREA: LUTHERVILLE VFC
POLICE PRECINCT: COCKEYSVILLE
COUNCILMAN DISTRICT: 3
CONGRESSIONAL DISTRICT: 2
LEGISLATIVE DISTRICT: 42
ELECTION DISTRICT: 8
VOTING PRECINCT: 08-016
CENSUS BLOCK: 24005408800203
CENSUS BLOCK GROUP: 24005408802
CENSUS TRACT: 408800
LOT AREA ACREAGE
LOT SQUARE FOOTAGE: 14,000 SF (100'x140')
HISTORIC? - NO
IN CBCA? - NO
IN FLOOR PLAIN? - NO
UTILITIES?
WATER IS PUBLIC
SEWER IS PUBLIC
PRIOR HEARING? - NO
GIS TILE NUMBER (200 SCALE): 060c2

ADJACENT PROPERTY OWNERSHIP:
904 EMERSON AVE.
MR. CLYDE SLACUM
NOT PRINCIPLE RESIDENCE
TAX ACCOUNT #2400000842

ADJACENT PROPERTY OWNERSHIP:
900 MORRIS AVE.
LENI TSOTTLES
PRINCIPLE RESIDENCE
TAX ACCOUNT #0810025620

PROPERTY DESCRIPTION:
PROPOSED SEMI-DETACHED RESIDENTIAL (DUPLEX) IN DR 5.5. EACH PROPERTY CONTAINS 3 BEDROOM / 3 BATHROOM w/ SINGLE CAR GARAGE & BASEMENT. TWO STORIES ABOVE GRADE.

VARIANCE REQUEST:
VARIANCE REQUEST FOR LOT WIDTH MINIMUM OF 50'-0" FOR #900 (LOT 30) IN LIEU OF 55'-0" REQUIREMENT. ADJOINING PROPERTIES (LEGACY ON MORRIS AVE) HAVE 50'-0" LOTS (OR LESS IN SOME CASES) - TYPICAL.



DRAWN BY: ADAM CARBALLO, ARCHITECT
10/31/2013

