

IN RE: PETITION FOR VARIANCE
(1914 Clearwood Road)
9th Election District
5th Councilman District
Aaron J. and Susana M. Tsui
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2015-0010-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David Billingsley on behalf of Aaron J. and Susana M. Tsui. Resolution 56-14 concerning the public disclosure of Aaron K. Tsui, an employee of the Baltimore County Department of Permits, Approvals and Inspections, was approved at the County Council meeting held on July 7, 2014. The Variance was filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") Section 1B02.3.C.1 to permit a lot width of 50 ft. in lieu of the required 55 ft. for the subdivision of an existing lot of record. 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 of the request was Aaron Tsui, legal owner, and David Billingsley, with Central Drafting and Design, who prepared the site plan. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no interested citizens in attendance, and the file does not contain any letters of protest or opposition. There were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 9/8/14

By Den

The subject property is approximately 13,000 square feet and zoned DR 5.5. The property is improved with an existing single family dwelling known as 1914 Clearwood Road. Petitioners propose to subdivide the lot and construct a new single family dwelling (known as 1915B). To do so requires variance relief.

Based upon the testimony and evidence presented, I will grant the request for variance relief. 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 met this test. The property is deep and narrow, and was created by a plat recorded in 1927 (Exhibit 4), long before the adoption of the B.C.Z.R. If the B.C.Z.R. were strictly enforced, the Petitioners would suffer a practical difficulty, since they would be unable to subdivide the lot. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of County and/or community opposition. In addition, Clearwood Road is a relatively short road that begins at Oakleigh Road and terminates at Putty Hill Park. As shown on the plan and aerial photo (Exhibit 6) nearly all of the homes in the vicinity are situated on narrow lots of roughly the same size as proposed Lot 2 (6,363 SF). As such, I believe the request is consistent with the spirit and intent of the regulations and the existing pattern of the neighborhood.

THEREFORE, IT IS ORDERED, this 8th day of September, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") Section 1B02.3.C.1 to permit a lot width of 50 ft. in lieu of the

ORDER RECEIVED FOR FILING

Date

9/8/14

By

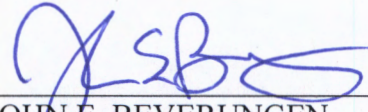
sen

required 55 ft. for the subdivision of an existing lot of record, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners 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:slh

ORDER RECEIVED FOR FILING

Date

9/8/14

By

slh

KEVIN KAMENETZ
County Executive



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

September 8, 2014

Aaron and Susana Tsui
303 Oak Lane Ct.
Towson, Maryland 21286

RE: Petition for Variance
Property: 1914 Clearwood Road
Case No. 2015-0010-A

Dear Mr. & Mrs. Tsui:

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 Baltimore 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:slh
Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Ct.
Edgewood, Maryland 21040



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 1914 CLEARWOOD ROAD which is presently zoned DR 5.5
 Deed References: NOT YET RECORDED 10 Digit Tax Account # 0923352890
 Property Owner(s) Printed Name(s) AARON AND SUSANA TSUI

(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) 1B02.3.C.1 (BCZR) TO PERMIT A LOT WIDTH OF 50' IN LIEU OF THE REQUIRED 55' FOR THE SUBDIVISION OF AN EXISTING LOT OF RECORD.

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:

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):

AARON TSUI , SUSANA TSUI

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

303 OAK LANE CT. TOWSON, MD.

Mailing Address City State

21286 , (410) 446-5328 , architectsui@
 Zip Code Telephone # Email Address hotmail.com

Representative to be contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name - Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD MD.

Mailing Address City State

21040 , (410) 679-8719 , dwb0209@
 Zip Code Telephone # Email Address yahoo.com

CASE NUMBER 2015-0010-A Filing Date 7/14/14 Do Not Schedule Dates: Reviewer SK

ZONING DESCRIPTION

1914 CLEARWOOD ROAD

Beginning at a point on the north side of Clearwood Road (30 feet wide), distant 1365 feet easterly from its intersection with the center of Oakleigh Road, thence being all of Lot 103 as shown on the plat entitled Hillendale Farms recorded among the plat records of Baltimore County in Plat Book 8 Foilo 92.

Containing 13,013 square feet or 0.299 acre of land, more or less.

Being located in the 9th Election District and the 5th Councilmanic District of Baltimore County, Maryland.

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

No. **113810**

Date: **6/18/14**

PAID RECEIPT

BUSINESS ACTUAL TIME
 6/18/2014 6/18/2014 11:04:16

REG WSDS WALKIN ROOS LRD

RECEIPT # 742822 6/18/2014

5 528 ZONING VERIFICATION

NO. 113810

Recpt Tot \$75.00

\$1.00 CK \$75.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		1150					1	75.00

Total: **\$ 15.00**

Rec From: **Aaron Tsui**

For: **Zoning Variance**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

*** 2015-0010 - A**

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: 2015-0010-A

Petitioner: AARON TSUI

Address or Location: 1914 CLEARWOOD ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: AARON TSUI

Address: 303 OAK LANE CT.
TOWSON, MD. 21286

Telephone Number: (410) 446-5328

CERTIFICATE OF POSTING

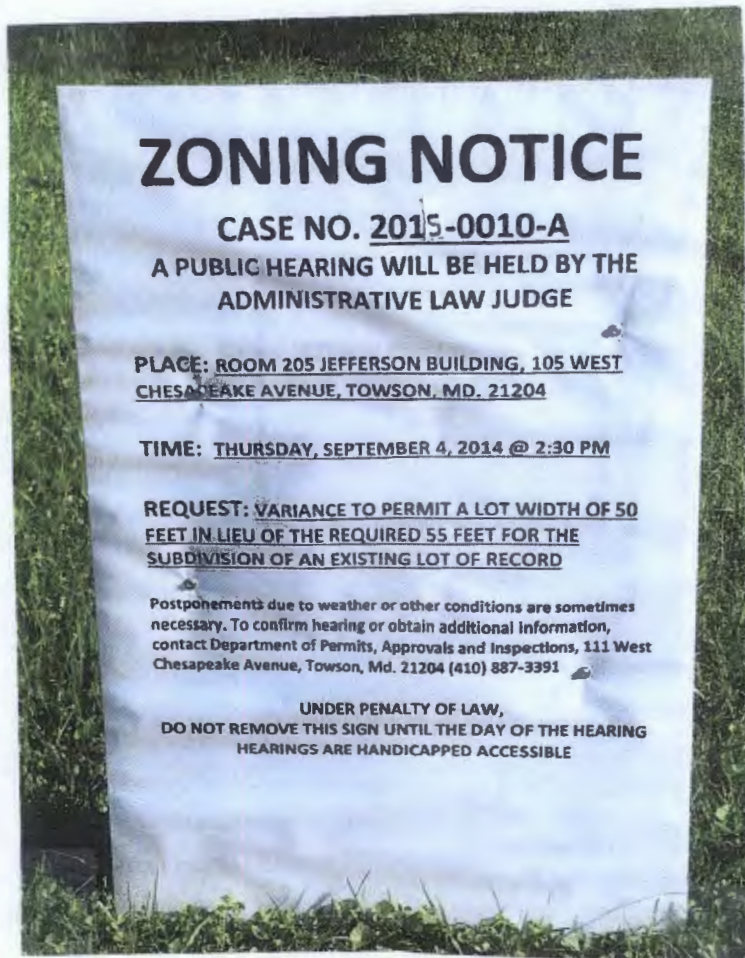
Date: August 13, 2014

RE: Project Name: 1914 Clearwood Road
Case Number /PAI Number: 2015-0010-A
Petitioner/Developer: Aaron and Susana Tsui
Date of Hearing/Closing: September 4, 2014

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 1914 Clearwood Road

The sign(s) were posted on August 13, 2014

(Month, Day, Year)



David W. Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 14, 2014

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 August 14, 2014

☐ 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: #2015-0010-A

1914 Clearwood Road

N/s Clearwood Road, 1365 ft. E/of centerline of Oakleigh Road

9th Election District - 5th Councilmanic District

Legal Owner(s): Aaron & Susana Tsui

Variance to permit a lot width of 50' in lieu of the required 55' for the subdivision of an existing lot of record.

Hearing: Thursday, September 4, 2014 at 2:30 p.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.
8/13 August 14 990144



KEVIN KAMENETZ
County Executive

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

July 30, 2014

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:

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1914 Clearwood Road

N/s Clearwood Road, 1365 ft. E/of centerline of Oakleigh Road

9th Election District – 5th Councilmanic District

Legal Owners: Aaron & Susana Tsui

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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Tsui, 303 Oak Lane, Towson 21286
David Billingsley, 601 Charwood Ct., Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 15, 2014.**
- (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, August 14, 2014 Issue - Jeffersonian

Please forward billing to:

Aaron Tsui
303 Oak Lane Court
Towson, MD 21286

410-446-5328

NOTICE OF ZONING HEARING

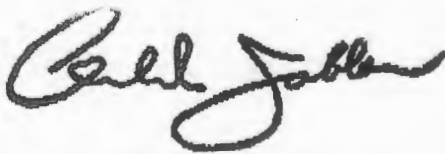
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CASE NUMBER: 2015-0010-A

1914 Clearwood Road
N/s Clearwood Road, 1365 ft. E/of centerline of Oakleigh Road
9th Election District – 5th Councilmanic District
Legal Owners: Aaron & Susana Tsui

Variance to permit a lot width of 50' in lieu of the required 55' for the subdivision of an existing lot of record.

Hearing: Thursday, September 4, 2014 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

August 27, 2014

Aaron & Susana Tsui
303 Oak Lane Court
Towson MD 21286

RE: Case Number: 2015-0010 A, Address: 1914 Clearwood Road

Dear Mr. & Ms. Tsui:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 14, 2014. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
David Billingsley Central Drafting & Design, 601 Charwood Court, Edgewood MD 21040

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



Maryland Department of Transportation

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

Date: 7/21/14

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

RE: Baltimore County
Item No 2015-0010-A
Variance
Avon & Susana Tsui
1914 Clearwood Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2015-0010-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 21, 2014
Item No. 2015- 0002, 0009, 0010, 0011 and 0012

DATE: July 28, 2014

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\ZAC07282014 -.doc

9-4-14 2:30 PM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 6, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: Zoning Advisory Petition(s) for
Item No: 2015-010

RECEIVED

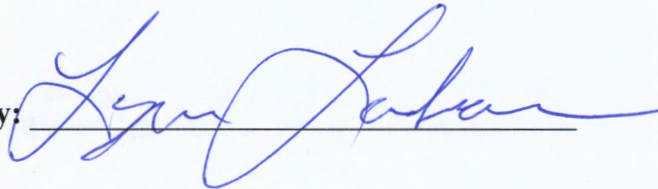
AUG 06 2014

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the above referenced zoning item(s) and has no comments.

For further questions or additional information concerning the matters stated herein, please contact Lynn Lanham at 410-887-3480.

Prepared By:



LL/ka

c: John Beverungen, ALJ
Peter Max Zimmerman

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
1914 Clearwood Road; N/S Clearwood Road, *
1,365; E of c/line Oakleigh Road * OF ADMINSTRATIVE
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Aaron & Susana Tsui * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2015-010-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

JUL 24 2014

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 24th day of July, 2014, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>7-28</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>8/6</u>	PLANNING (if not received, date e-mail sent _____)	<u>N/C</u>
<u>7-21</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>8-14-14</u>	
SIGN POSTING	Date: <u>8-13-14</u> by <u>Billingley</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: Letter from County Council
Resolution for Aaron Tsui Beeto Co.
Employee of PAI



**County Council
of
Baltimore County**

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

Tom Quirk
FIRST DISTRICT

Vicki Almond
SECOND DISTRICT

Todd Huff
THIRD DISTRICT

Kenneth N. Oliver
FOURTH DISTRICT

David Marks
FIFTH DISTRICT

Cathy Bevins
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

2015-0010-A

JB

9-4-14

2:30 PM

Rm. 205

RECEIVED

JUL 09 2014

OFFICE OF ADMINISTRATIVE HEARINGS

July 8, 2014

Lawrence M. Stahl, Esquire
Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Stahl:

Attached please find a copy of Resolution 56-14 concerning the public disclosure of Aaron K. Tsui, an employee of the Baltimore Department of Permits, Approvals and Inspections. Mr. Tsui has applied for the subdivision and subsequent development of the property at 1914 Clearwood Road, Baltimore, Maryland 21234.

This Resolution was approved by the County Council at its July 7, 2014 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:jlh
Enclosure

cc: Aaron K. Tsui

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2014, Legislative Day No. 12

Resolution No. 56-14

Mr. David Marks, Councilman

By the County Council, July 7, 2014

A RESOLUTION concerning the public disclosure of Aaron K. Tsui, an employee of the Baltimore County Department of Permits, Approvals and Inspections.

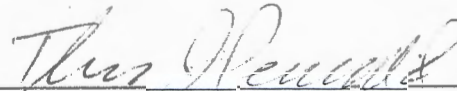
WHEREAS, Aaron K. Tsui, an employee of the Baltimore County Department of Permits, Approvals and Inspections, has applied for the subdivision and subsequent development of the property located at 1914 Clearwood Road, Baltimore, Maryland 21234.

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the zoning request filed by Aaron K. Tsui does not contravene the public welfare.

READ AND PASSED this 7th day of **JULY**, 2014.

BY ORDER

A handwritten signature in cursive script, appearing to read "Thomas Peddicord, Jr.", written over a horizontal line.

Thomas J. Peddicord, Jr.
Secretary

ITEM: **RESOLUTION 56-14**

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2014, Legislative Day No. 12

Resolution No. 56-14

Mr. David Marks, Councilman

By the County Council, July 7, 2014

A RESOLUTION concerning the public disclosure of Aaron K. Tsui, an employee of the Baltimore County Department of Permits, Approvals and Inspections.

WHEREAS, Aaron K. Tsui, an employee of the Baltimore County Department of Permits, Approvals and Inspections, has applied for the subdivision and subsequent development of the property located at 1914 Clearwood Road, Baltimore, Maryland 21234.

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NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the zoning request filed by Aaron K. Tsui does not contravene the public welfare.

M E M O R A N D U M

DATE: October 9, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0010-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 8, 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

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0923352890			
Owner Information					
Owner Name:		TSUI AARON K TSUI SUSANA M		Use: RESIDENTIAL NO	
Mailing Address:		303 OAK LANE CT TOWSON MD 21286-		Principal Residence: Deed Reference: /35154/ 00118	
Location & Structure Information					
Premises Address:		1914 CLEARWOOD RD 0-0000		Legal Description: PT LT 103 HILLENDALE FARMS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0070	0018	0719		0000	103 2014 0008/0092
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1940		1,703 SF		13,000 SF	
Property Land Area		County Use			
13,000 SF		04			
Stories	Basement	Type	Exterior SIDING	Full/Half Bath	Garage Last Major Renovation
2	NO	STANDARD UNIT		2 full/ 1 half	
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2014 As of 07/01/2015	
Land:		81,200	69,500		
Improvements		115,600	93,600		
Total:		196,800	163,100	163,100	163,100
Preferential Land:		0			0
Transfer Information					
Seller: WHELLER WILLIAM ARNOLD		Date: 07/15/2014		Price: \$160,000	
Type: ARMS LENGTH IMPROVED		Deed1: /35154/ 00118		Deed2:	
Seller:		Date:		Price: \$0	
Type:		Deed1: /04158/ 00408		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2014	07/01/2015	
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00	0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)District: **09** Account Number: **0923352890**

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/>)

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1917 CLEARWOOD AVE

PETITION FOR ZONING VARIANCE

82-246-A
#163

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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

Variance from Section 1

1B02.3 C.1-DR-5.5

to allow a 50 foot minimum lot widths in lieu of the required 55 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The lots were originally 50 feet in width for a two lot tract of 100 feet. The herein petitioner only has title to the 100 foot width and to utilize the full potential of said lot will need the variance to create two lots.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

MATTHEWS & MATTHEWS, INC.

(Type or Print Name)

Signature

Signature

Address

RUSSELL J. MATTHEWS JR.

(Type or Print Name)

City and State

Signature

Attorney of Petitioner:

2925 SUMMIT AVENUE 668-0724

Address

Phone No.

(Type or Print Name)

Baltimore Maryland 21234

Signature

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Mr. W. George Ulrich, Jr.

City and State

Name

412 Delaware Avenue 21204

Attorney's Telephone No.:

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this

2nd day

of March 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of May 1982 at 9:30 o'clock

A. M.

Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING

DATE May 8, 1982

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would ~~would not~~ result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested ~~will~~ will not adversely affect the health, safety, and general welfare of the community, the variance(s) should ~~should not~~ be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 21st day of May, 1982, that the herein Petition for Variance(s) to permit minimum lot widths of 50 feet in lieu of the required 55 feet is hereby GRANTED, from and after the date of this Order, subject, however, to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Jean M. H. Jones
Deputy Zoning Commissioner of
Baltimore County

UNDER RECEIVED FOR FILMS

DATE May 21, 1982
BY [Signature]
ADMINISTRATIVE SERVICES

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Clearwood Road,
530' E of the c/l Oakleigh Avenue* DEPUTY ZONING COMMISSIONER
(1820 Clearwood Road)
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District *
Estate of Doris L. Buttion * Case No. 98-438-SPHA
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, the Estate of Doris L. Buttion, by Linda Terry, Personal Representative, through their attorney, Newton A. Williams, Esquire. The Petitioners seek approval to retain an existing accessory structure (garage) on a new lot which does not have an existing principal structure, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 1B02.3.C to permit a lot width of 50 feet (52.3 feet at street line) in lieu of the required 55 feet, side yard setbacks of 7 feet and 8 feet in lieu of the required 10 feet each for an existing principal building (garage), and a side yard setback of 0 feet in lieu of the required 10 feet for an existing enclosed patio; 2) from Section 301 to permit an open projection setback of 0 feet in lieu of the required 7.5 feet for said patio; and, 3) from Section 400.1 to permit a setback of 0 feet in lieu of the required 2.5 feet for an existing accessory structure (shed) and to permit an accessory structure (carport) to be located in the front yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date 7/21/98

By [Signature]

Appearing at the hearing on behalf of the Petitions were Kenneth J. Wells, Registered Property Line Surveyor who prepared the site plan for this property, and Newton A. Williams, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a narrow, rectangular shaped parcel located between Clearwood Road and Putty Hill Avenue in the Hillendale Farms community of Parkville. The property consists of a gross area of 0.3978 acres, more or less, zoned D.R. 5.5, with approximately 52.3 feet of road frontage along Putty Hill Avenue and 50 feet of width along Clearwood Road. The property is roughly 355 feet deep on one side and 340 deep on the other. At the present time, the site is improved with a single family dwelling with an attached patio, an accessory carport, an accessory shed, all of which are located towards that portion of the site with frontage on Clearwood Road, and an accessory garage building which is located towards the rear of the property. The Petitioners propose to split the property in half so as to create two lots. Proposed Lot 1 would retain all existing improvements with the exception of the accessory garage, which the Petitioners would like to retain on Proposed Lot 2. Proposed Lot 2 would front on Putty Hill Avenue and could be developed with a single family home, as shown on Petitioner's Exhibit 1. However, in order to subdivide the property as proposed, a special hearing is necessary to allow the existing garage to remain on proposed Lot 2, which does not contain a principal dwelling at this time. In addition, the requested variances are necessary to legitimize existing conditions on proposed Lot 1.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

ORDER RECEIVED FOR FILING

Date

By

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not result in any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of July, 1998 that the Petition for Special Hearing seeking approval to retain an existing garage on a new lot

ORDER RECEIVED FOR FILING
Date 7/20/98
By [Signature]

without an existing principal structure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

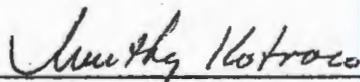
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1) From Section 1B02.3.C to permit a lot width of 50 feet (52.3 feet at street line) in lieu of the required 55 feet, side yard setbacks of 7 feet and 8 feet in lieu of the required 10 feet each for an existing principal building (garage), and a side yard setback of 0 feet in lieu of the required 10 feet for an existing enclosed patio; 2) from Section 301 to permit an open projection setback of 0 feet in lieu of the required 7.5 feet for said patio; and, 3) from Section 400.1 to permit a setback of 0 feet in lieu of the required 2.5 feet for an existing accessory structure (shed) and to permit an accessory structure (carport) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

**REASONS FOR REQUESTED VARIANCES
AND SPECIAL HEARING**

1. The present property has frontage on two public streets, and is on average 345 feet in depth.
2. The proposal is to create two lots, one on Clearwood Rd., 1820 with the existing house, and a second lot on Putty Hill Ave., with the existing garage.
3. The existing house on 1820 needs variance nos. 2. And 3. Under Section 1B02. 3. C. 1., sideyards of 7 and 8 feet for required 10 feet, and a zero side yard for the patio for 10 feet, enclosed.
4. Both the old and new lots are only 50 feet wide, requiring a variance of 5 feet from required 55 feet. The subdivision predates the 1955 Regulations, and the Estate does not own any adjoining land , nor is there any available.
5. The existing overly deep lot is wasteful , and the proposed relief will allow the use of this valuable infill site.
6. The existing house and patio cannot be reduced in width as a practical matter, nor can the patio which is enclosed be relocated.
7. The garage is on the proposed new lot , and it is wasteful and improper to remove it. The garage can serve the new lot.
8. Without the requested variances the estate will sustain practical difficulty and unreasonable hardship, and the requested relief will foster the spirit and intent of the Regulations.
9. Both the lot and the house are unique and have special characteristics not common to others in the area, and their combination makes them more unique and deserving relief.
10. Such other facts as shall be disclosed as the matter unfolds.

Respectfully submitted,

NEWTON A. WILLIAMS, Attorney
Estate of Doris L. Button

NOLAN, PLUMHOFF AND WILLIAMS
502 Washington Ave.
Towson, MD. 212
410 823 7800

ORDER RECEIVED FOR FILING
Date 7/20/78
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1820 Clearwood Road
which is presently zoned D.R.5.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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

See attached table

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

Estate of Doris L. Buttton
Linda Ann Terry, Personal Representative
(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City State Zip Code

Signature

Attorney for Petitioner:

P.O. Box 162 410-426-5104
Address Phone No.

Newton A. Williams
Nolan, Plumhoff & Williams, Chtd.
(Type or Print Name)

Jarrettsville MD 21084
City State Zip Code

Name, Address and phone number of representative to be contacted.

Newton A. Williams
Nolan, Plumhoff & Williams, Chtd.

Name
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204 410-823-7800
Address Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING
unavailable for hearing
the following dates 7/2 Next Two Months
ALL OTHER
REVIEWED BY: DATE

98-438-SPHA

ORDER RECEIVED FOR FILING

Date

By

Signature
700 Nottingham Centre
502 Washington Avenue 410-823-7800
Address Phone No.
Towson MD 21204
City State Zip Code

Drop Off
No Review
5/13/98
4CL
Zoning Administration and Development Management

VARIANCE REQUESTED:

SECTION 1802.3C:

- 1) TO ALLOW A LOT OF FIFTY (50) FEET IN WIDTH (52.5 FEET AT STREET LINE) IN LIEU OF THE REQUIRED FIFTY FIVE (55) FEET.
- 2) TO ALLOW A SIDE YARD OF SEVEN (7) AND EIGHT (8) FEET IN LIEU OF THE REQUIRED TEN (10) FEET FOR AN EXISTING PRINCIPAL BUILDING
- 3) TO ALLOW A SIDE YARD OF ZERO (0) FEET IN LIEU OF THE REQUIRED TEN (10) FEET FOR AN EXISTING ENCLOSED PATIO

SECTION 301.1

TO ALLOW A ^{open projection} SETBACK OF ZERO (0) FEET IN LIEU OF THE REQUIRED SEVEN AND ONE HALF (7.5) FEET FOR AN EXISTING PATIO

SECTION 400.1

- 1) TO ALLOW A SETBACK OF ZERO (0) FEET IN LIEU OF THE REQUIRED TWO AND ONE HALF (2.5) FEET FOR AN EXISTING ACCESSORY SHED STRUCTURE.
- 2) TO ALLOW AN ACCESSORY CARPORT STRUCTURE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD

SPECIAL HEARING REQUESTED:

TO PERMIT AN EXISTING ACCESSORY GARAGE STRUCTURE TO BE LOCATED ON A PROPOSED NEW LOT WITHOUT A PRINCIPAL STRUCTURE

ORDER RECEIVED FOR FILING

Date

By

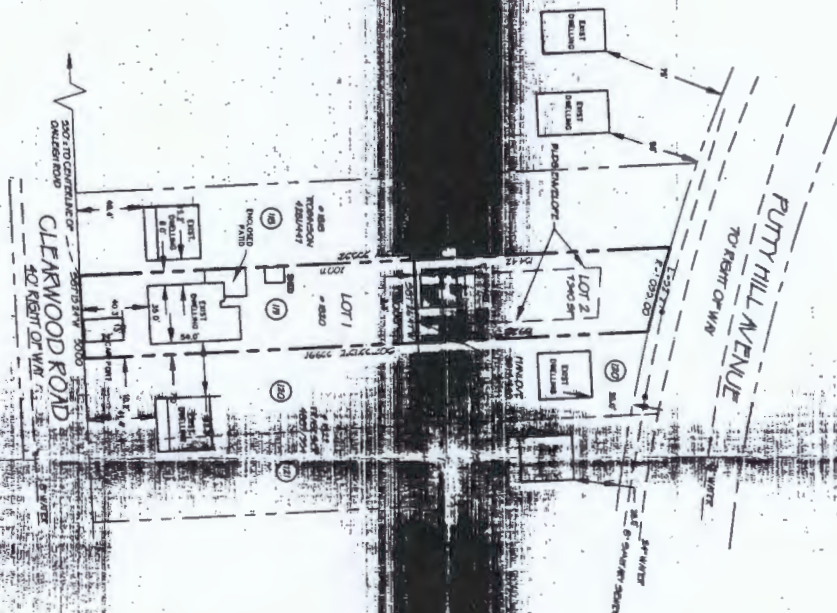
NOTE:
THE PROPOSED BUILDING SHALL BE CONFORMABLE WITH THOSE
STANDARDS AND REGULATIONS OF THE COMMUNITY
SHALL BE DETERMINED DURING THE REVIEW PROCESS.

VARIANCE REQUESTED:

- SECTION 102.3(C)**
1. TO ALLOW A LOT OF 17,771 (20) FEET IN WIDTH (23.3 FEET IN STREET
LINES) IN LIEU OF THE REQUIRED 17,771 FEET (20) FEET.
2. TO ALLOW A SETBACK OF 25 FEET (1) AND 25 FEET (2) IN LIEU OF
THE REQUIRED 15 FEET (1) FEET FOR AN EIGHTY (80) FEET BUILDING.
3. TO ALLOW A SETBACK OF 25 FEET (1) FEET IN LIEU OF THE REQUIRED
15 FEET (1) FEET FOR AN EIGHTY (80) FEET BUILDING.
SECTION 102.1
TO ALLOW A SETBACK OF 25 FEET (1) FEET IN LIEU OF THE REQUIRED 25 FEET
AND ONE (1) FEET (1) FEET FOR AN EIGHTY (80) FEET.
SECTION 100.1
TO ALLOW A SETBACK OF 25 FEET (1) FEET IN LIEU OF THE REQUIRED
TWO (2) AND ONE (1) FEET (1) FEET FOR AN EIGHTY (80) FEET
STRUCTURE.
3. TO ALLOW AN ACCESSORY CARPORT STRUCTURE TO BE LOCATED IN
THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

SPECIAL HEARING REQUESTED:

TO PERMIT AN EIGHTY (80) FEET SIX (6) FEET STRUCTURE TO BE
LOCATED ON A PROPOSED NEW LOT WITHOUT A PRELIMINARY STRUCTURE

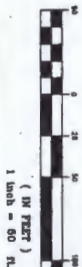


SITE DATA

LOCATED IN THE CITY OF BALTIMORE, MARYLAND
IN THE DISTRICT OF 4th
ZONING: DC 25
SUBDIVISION NAME: HILLENDALE FARMS
PLAT BOOK: B-92192
LOT 1B
OWNER: LAND BUTION (PERSONAL REPRESENTATIVE)
DEED REFERENCE: 2699/160
PROPERTY NOT IN FLOOD PLAN

ZONING OFFICE USE ONLY

REVIEWED BY:	ITEM #:	CHECK #:



GRAPHIC

PETITION NO. 1



BALTIMORE COUNTY
PLANNING DEPARTMENT

DRAWN BY: KJM

CHECKED BY: KJM

DATE: 9/21/97

PROJECT NO.: 97029
SHEET 1 OF 1

PLAT TO ACCOMPANY
PETITION FOR ZONING
VARIANCES AND SPECIAL HEARING
1820 CLEARWOOD ROAD
BALTIMORE COUNTY
MARYLAND



kjWellsInc.
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 582-8800
Land Surveying & Site Planning

98-438-SPNA

IN RE: PETITION FOR VARIANCE

S side of Putty Hill Avenue, 500 feet +/-

C/I of Oakleigh Road

9th Election District

5th Councilmanic District

(1818 Clearwood Road)

Charles T. and Eugunia G. Robinson

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-231-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Charles T. and Eugunia G. Robinson. The Petitioner is requesting variance relief for property located at 1818 Clearwood Road. The variance request is from Section 1B02.3.C.1 to permit a proposed lot width of 50 feet in lieu of the required 55 feet in a DR 5.5 zone.

The property was posted with Notice of Hearing on January 16, 2007 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on January 16, 2007 to notify any interested persons of the scheduled hearing date and relief requested.

Applicable Law

Section 307 of the B.C.Z.R. - *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area,

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2-1-07
P3

off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments dated December 26, 2006 were received from the Office of Planning. That Office is concerned about creating new lots that are less than that allowed under the current BCZR because of the undue burden these unforeseen lots (and their associated dwellings) have on the public services, and on surrounding property owners in terms of storm water runoff.

Interested Persons

Appearing at the hearing on behalf of the variance request were Charles Freitag, builder, and Dwight Little with Little & Associates, Inc., who prepared the site plan. Howard Alderman, Esquire, represented the Petitioners. Aston Galbraith, a nearby property owner, came to the hearing to inquire about storm water management and after discussion with Mr. Little left the hearing prior to its start. Mr. Little indicated that Mr. Galbraith was satisfied with the answers provided. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 0.4137 acres +/- zoned DR 5.5 and is improved by the Petitioner's single family dwelling which fronts on Clearwood Road. The lot is 50 x 360 foot which the Petitioner would like to subdivide as shown in Petitioner's exhibit 1 so that a new single family home can be built which will front on Putty Hill Avenue.

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Mr. Alderman proffered that the Petitioners have owned the property since 1956 and that the lot (no. 120) was created in 1924 by the Hillendale Farms Subdivision. See exhibit 2. He noted that Putty Hill Avenue was cut through the subdivision after it was recorded approximately as shown in red on exhibit 2. This gave many lots in the subdivision double frontage on Clearwood and Putty Hill. As a result, many of these extremely long 50 foot lots have been subdivided similarly to what is being sought herein. The result has been building a number of homes on Putty Hill as shown on exhibit 1.

Mr. Alderman indicated that the new lot would contain 6804 square feet and meet the minimum DR 5.5 requirement of 6000 square feet. The existing house on Clearwood would have a lot of 11,218 square feet. Mr. Little noted that the new line of division between the proposed lots was selected to preserve an existing mature tree as shown on exhibit 1 and on the aerial photograph of the area, exhibit 3. Both the existing and proposed houses meet all setback regulations.

Mr. Alderman opined that the proposed home would be consistent with many previous similar subdivisions of these double frontage lots, and consequently was consistent with the pattern of development of the community. In support of this contention he presented photographs of similar homes built on Putty Hill as the result of similar subdivisions as exhibit 4. He proffered that the property was unique from a zoning perspective having been created at 50 feet wide many years before zoning was imposed on this portion of the County, that the request was not self imposed as the new line of division did not create the 50 foot dimension, the Petitioner would suffer hardship and practical difficulty as there is no land available on either side of lot

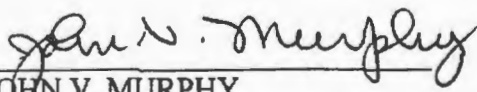
2-1-07
Ed

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

THEREFORE, IT IS ORDERED, this 1st day of February, 2007 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 1B02.3.C.1 to permit a proposed lot width of 50 feet in lieu of the required 55 feet in a DR 5.5 zone is hereby GRANTED with the following:

1. The Petitioner may apply for his building 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, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Provide turn out room on the lot so the cars do not back out onto Putty Hill Avenue.
3. Submit building elevations to the Planning Office for review and approval prior to the issuance of any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area. Note that the other dwellings do not have front entry garages.
4. Provide landscaping along the public road, if consistent with the existing streetscape.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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2-1-07

42



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1818 CLEARWOOD ROAD

which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1

1B02.3.C.1

To permit a proposed lot width of 50' in lieu of the required 55' in a DR. S.S. zone.

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

To be discussed at the Hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

CHARLES T. ROBINSON

Name - Type or Print

Signature

EUGENIA G. ROBINSON

Name - Type or Print

Signature

1818 CLEARWOOD ROAD

(410) 668-2163

Address

Telephone No.

BALTIMORE MARYLAND

21234

State

Zip Code

Representative to be Contacted:

KEVIN ROWAN, LITTLE & ASSOCIATES, INC.

Name

1055 TAYLOR AVENUE, SUITE 307

(410) 296-1636

Address

Telephone No.

TOWSON

MARYLAND

21286

City

State

Zip Code

OFFICE USE ONLY

Case No.

07-231-A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

LTM

Date

11/17/06

REV 9/15/98

2-1-07
m

jm
2/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 26, 2006

FROM: Arnold F. Pat' Keller, III
Director, Office of Planning

SUBJECT: 1818 Clearwood Road

INFORMATION:

Item Number: 7-231

Petitioner: Charles T. Robinson

Zoning: DR 5.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the above referenced project and offers the following comments:

Upon further review of the site plan submitted, the petitioner is proposing to subdivide an existing lot of record into two separate lots. One lot (Lot 120) contains an existing dwelling fronting on Clearwood Road, with a second proposed lot (Lot 120B) fronting on Putty Hill Avenue being created for the purposes of constructing a new, single-family detached dwelling. The site plan submitted with the petition shows the newly created lot as having a width of 50 feet. The applicant is requesting relief from BCZR section 1B02.3.c.1, to permit a lot width of 50 feet in lieu of 55 feet in a DR 5.5 zone.

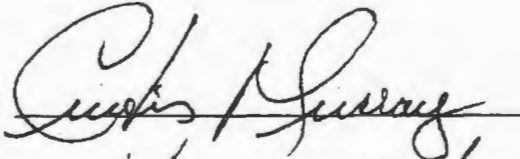
Section 304.1 of the Baltimore County Zoning Regulations (BCZR) states that a single family detached dwelling may be erected on a lot having an area or width at the building line less than that required by the current bulk and/or area regulations if such a lot has been duly recorded either by deed or in a validly approved subdivision prior to March 30th, 1955. The subject property had its original lot created as part of a subdivision prior to March 30th, 1955 (*Lot 120 of "Hillendale Farms" / Liber 8, Folio 92 recorded August 1927*).

The Office of Planning is concerned about creating new lots that are less than that allowed under the current BCZR because of the undo burden these unforeseen lots (and their associated dwellings) have on the public services, and on surrounding property owners in terms of storm water runoff. This being said, if the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

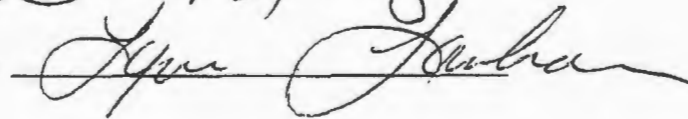
1. Provide turn out room on the lot so the cars do not back out onto Putty Hill Avenue.
2. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area. Note that the other dwellings do not have front entry garages.
3. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Reviewed by:



Division Chief:
AFK/LL: CM



HILLENDALE FARMS

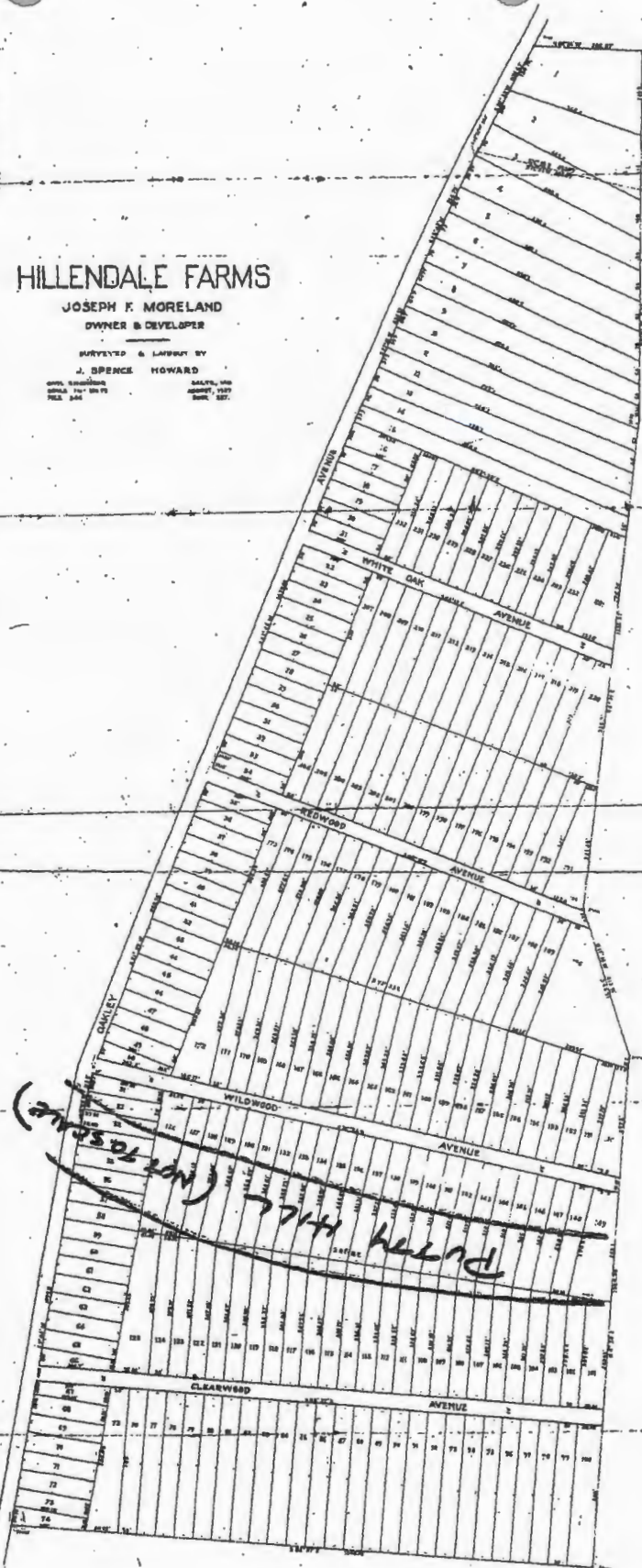
JOSEPH F. MORELAND
OWNER & DEVELOPER

SURVEYED & LAYED OUT BY

J. SPENCE HOWARD

CHAS. E. HARRISON
SHELBY, N.C. 28150
P.O. BOX 504

SHELBY, N.C.
COUNTY, N.C.
SHE. 507



Case No.:

2015-0010-A

Exhibit Sheet

Petitioner/Developer

DW
10-9-14

Protestants

slr
9-8-14

No. 1	Plan	
No. 2	SDAT record	
No. 3	Decd to prop.	
No. 4	Plat	
No. 5	Plat w/ Putty Hill Rd.	
No. 6	Aerial photo	
No. 7	7A-7I Photos	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S EXHIBITS

**1914 CLEARWOOD ROAD
CASE NO. 2015-0010-A**

- 1. SITE PLAN DATED JUNE 14, 2014 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. DEED OF RECORD LIBER 35154 FOLIO 118**
- 4. PLAT OF HILLENDALE FARMS P.B. 8 F. 92 RECORDED 9-26-1927**
- 5. PLAT OF HILLENDALE FARMS SHOWING LOCATION OF PUTTY HILL AVENUE
CONSTRUCTED IN 1962**
- 6. AERIAL PHOTO**
- 7a – 7i. PHOTOS**

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0923352890			
Owner Information					
Owner Name:		TSUI AARON K TSUI SUSANA M		Use:	RESIDENTIAL
Mailing Address:		303 OAK LANE CT TOWSON MD 21286-		Principal Residence:	NO
				Deed Reference:	/35154/ 00118
Location & Structure Information					
Premises Address:		1914 CLEARWOOD RD 0-0000		Legal Description:	PT LT 103 HILLENDALE FARMS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Assessment Year:
0070	0018	0719		0000	2014
					Lot: 103
					Plat No: 0008/0092
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1940		1,703 SF			13,000 SF
					County Use
					04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	NO	STANDARD UNIT	SIDING	2 full/ 1 half	
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2014	As of 07/01/2014	As of 07/01/2015
Land:		81,200	69,500		
Improvements		115,600	93,600		
Total:		196,800	163,100	163,100	163,100
Preferential Land:		0			0
Transfer Information					
Seller: WHELLER WILLIAM ARNOLD		Date: 07/15/2014		Price: \$160,000	
Type: ARMS LENGTH IMPROVED		Deed1: /35154/ 00118		Deed2:	
Seller:		Date:		Price: \$0	
Type:		Deed1: /04158/ 00408		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2014	07/01/2015	
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00	0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

PETITIONER'S
EXHIBIT NO. 2

Lawyers Trust Title Company
 File No. 14-441MSH
 Tax ID # 09-09-23-352890

This Deed, made this 16th day of July, 2014, by and between Sarah J. Wheeler, party of the first part, Grantor; and Aaron K. Tsui and Susana M. Tsui, parties of the second part, Grantees.

- Witnesseth -

That for and in consideration of the sum of One Hundred Sixty Thousand And 00/100 Dollars (\$160,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Aaron K. Tsui and Susana M. Tsui, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

Being known and designated as Lot No. 103, as shown on a plat entitled "Plat of Hillendale Farms" which plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 8 at folio 92 and 93. The improvements thereon being known as 1914 Clearwood Road.

SAVING AND EXCEPTING, however, out of the above described property that portion thereof which by Deed dated March 1, 1962, and recorded among the Land Records of Baltimore County in Liber GLB No. 4048, folio 461, was granted and conveyed by Charles F. Diehl and Beatrice A. Diehl, his wife and John S. Hofmeister and Doris W. Hofmeister, his wife, et al., to Baltimore County, Maryland.

BEING the same lot of ground described in a Deed of Assignment dated June 18, 1963 and recorded among the Land Records of Baltimore County in Liber RRG 4158 folio 408, was granted and assigned by Rowill Title Holding Corporation, unto William Arnold Wheeler and Sarah J. Wheeler, his wife.

BEING ALSO, the same lot of ground described in a Ground Rent Redemption Deed dated April 7, 1988 and recorded among the Land Records of Baltimore County in Liber SM 7874 folio 33, was granted and conveyed by Josephine Elizabeth Lehardy unto William Arnold Wheeler and Sarah J. Wheeler.

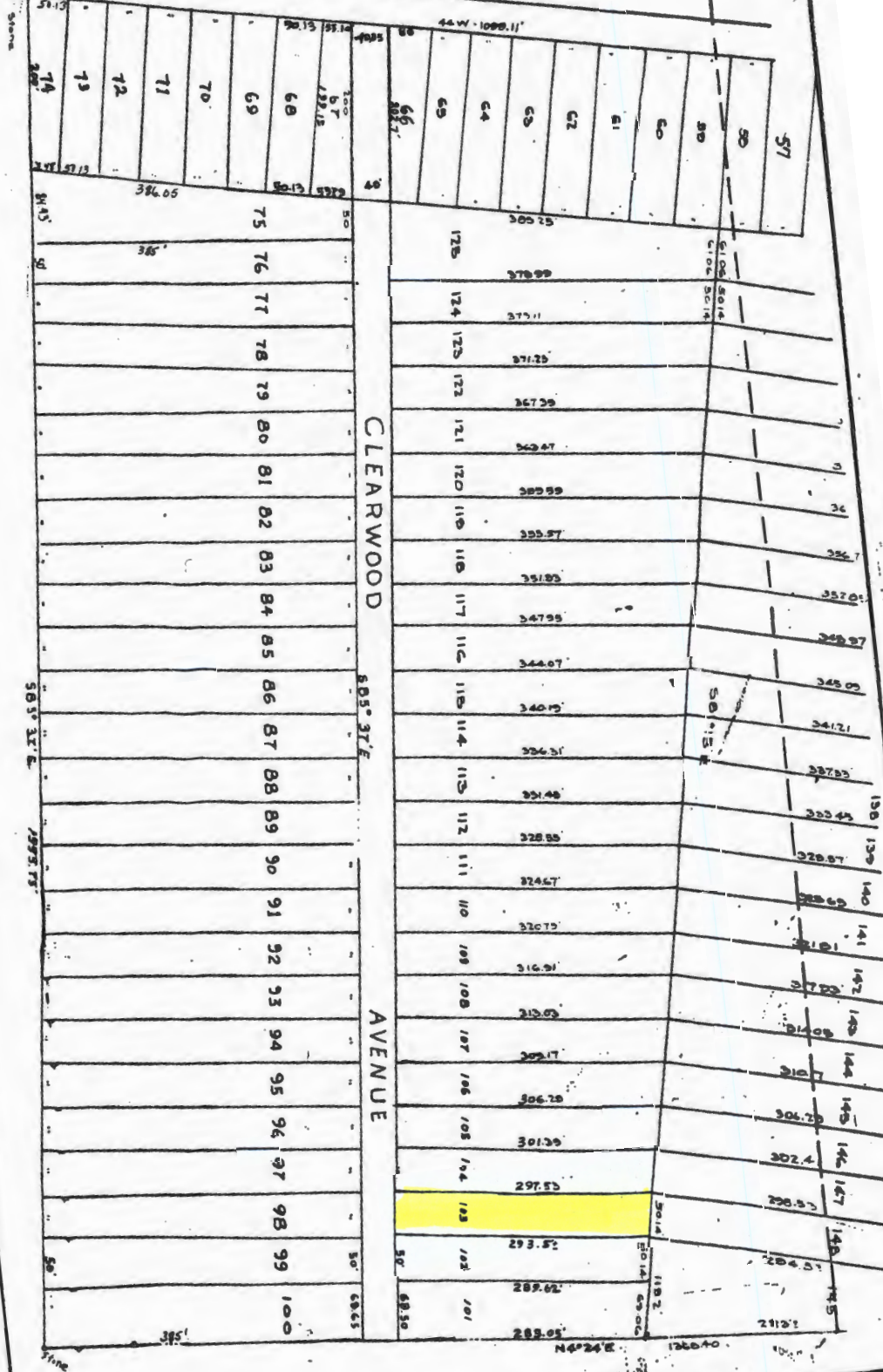
The said William Arnold Wheeler, also known as William Arnold Wheeler Sr., having predeceased this life on or about February 3, 2014, thereby vesting title solely unto Sarah J. Wheeler, surviving tenant by the entirety.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Aaron K. Tsui and Susana M. Tsui, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

PETITIONER'S
 EXHIBIT NO. 3

2030x to Taylor Ave



PETITIONER'S
EXHIBIT NO. 4



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 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.

Printed 6/8/2014



7a



7b



75



76



7e



7f



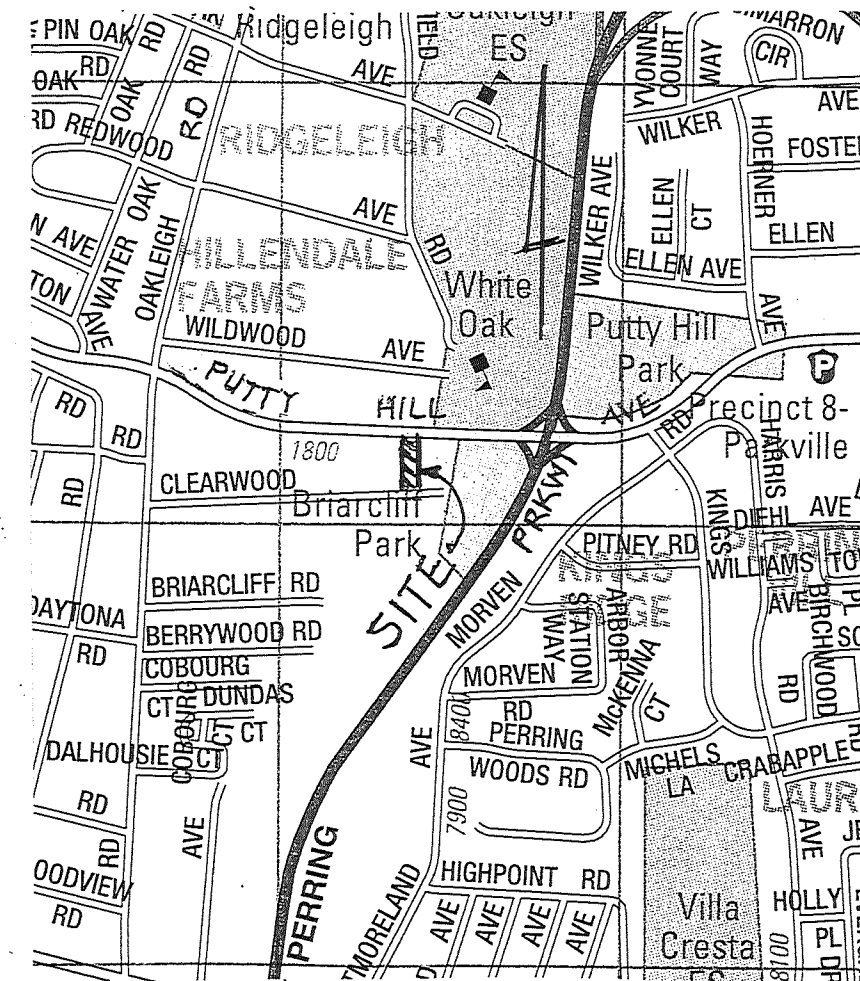
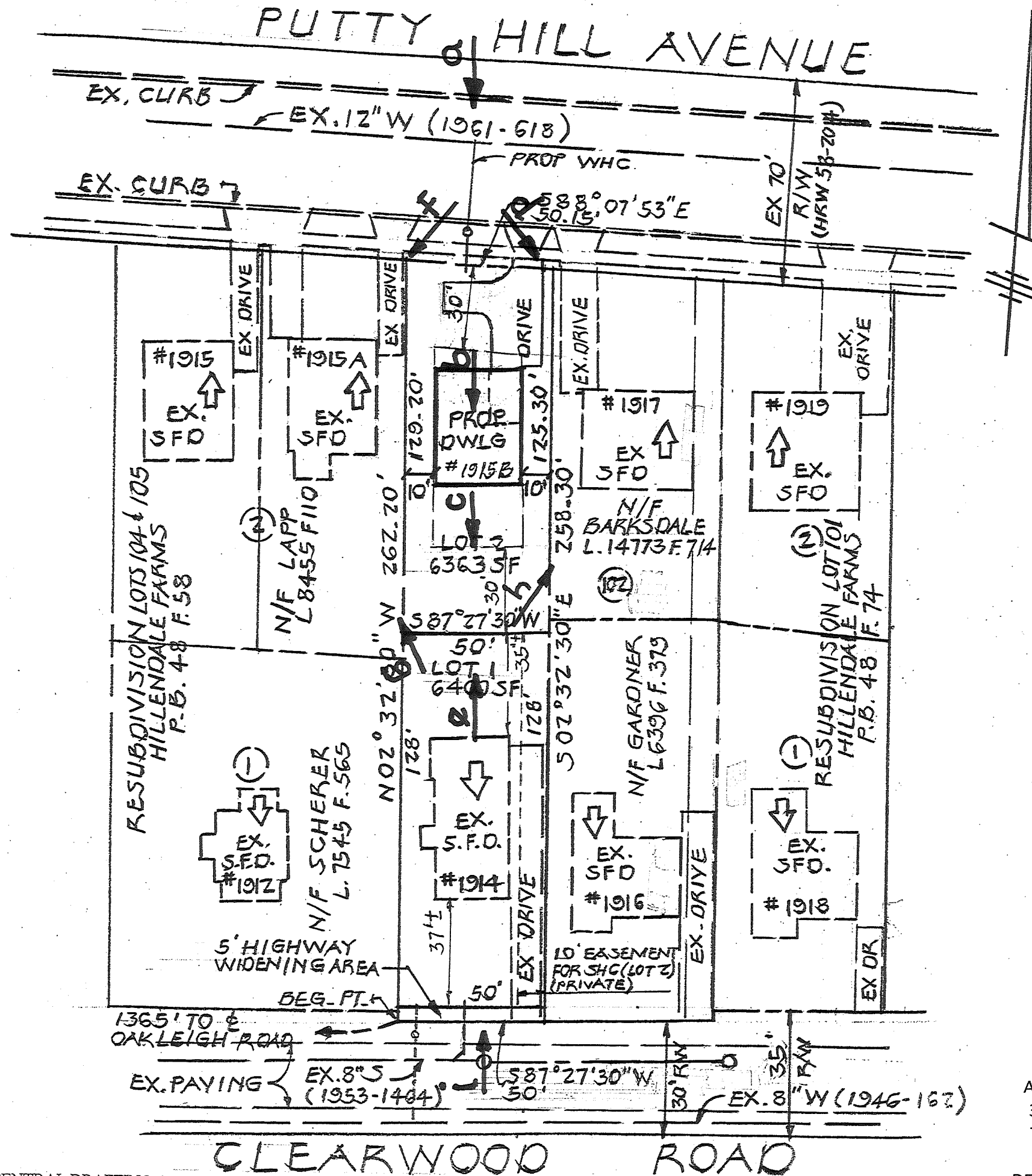
79



7h



7i



VICINITY MAP
SCALE: 1" = 1000'

NOTES

1. ZONING.....DR 5.5 (MAP 071A3)
2. AREA.....13,013 S.F. = 0.299 ACRE +/-
3. PUBLIC WATER AND SEWER IS AVAILABLE
4. SITE IS NOT LOCATED IN 100 YEAR FLOOD ZONE OR CBCA
5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN
6. NO UNDERGROUND STORAGE TANKS OR HISTORIC STRUCTURES KNOWN

PHOTOS

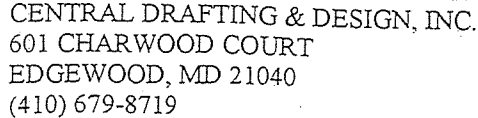
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

1914 CLEARWOOD ROAD

LOT 103 HILLENDALE FARMS P.B. 8 F. 92
ELECTION DISTRICT 9C5 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 40 FEET JUNE 14, 2014

OWNERS

AARON & SUSANA TSUI
303 OAK LANE COURT
TOWSON, MD. 21286
(410) 446-5328
DEED NOT YET RECORDED
ACCT. NO. 0923352890



The map shows a network of streets in the Putty Hill area. Key streets include Oak, Redwood, Wildwood, Putty Hill, Clearwood, Briarcliff, Berrywood, Cobourg, Dundas, Dalhousie, Oodview, Perring, Morven, Woods, Highpoint, and Villa Cresta. A large area is labeled 'SITE' with an arrow pointing to a specific location. The map also shows the location of Putty Hill Park and the intersection of Perring Ave and Morven Pkwy.

VICINITY MAP
SCALE: 1" = 1000'

PETITIONER'S
EXHIBIT NO. 1

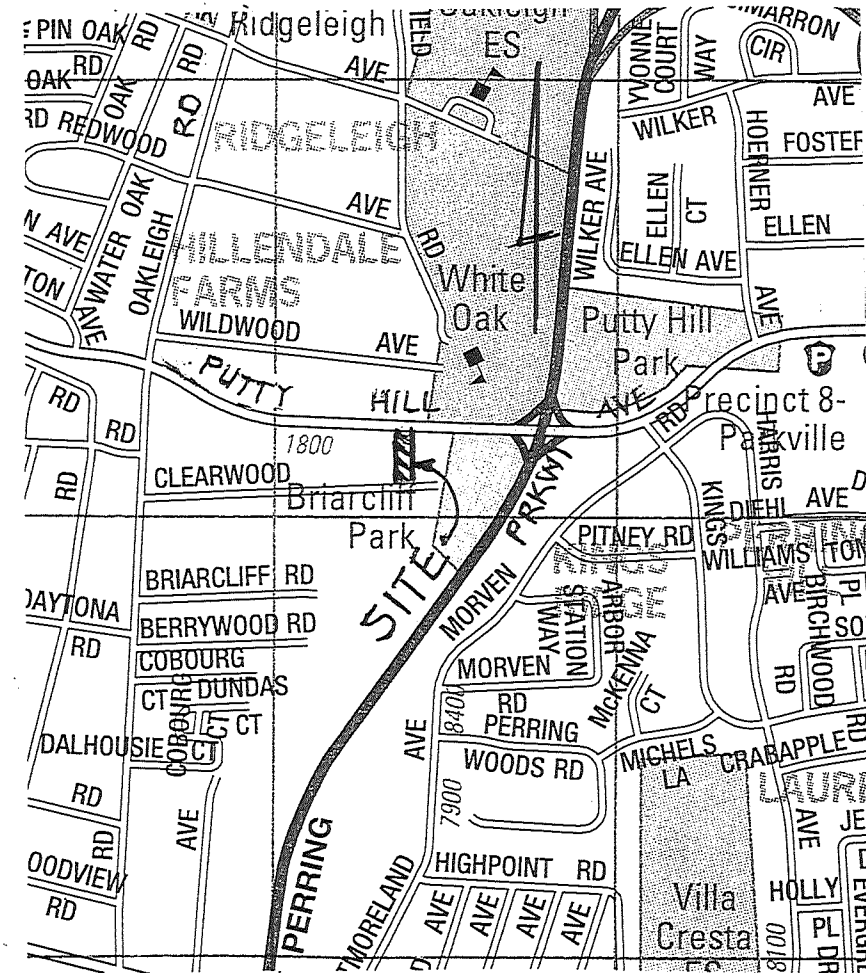
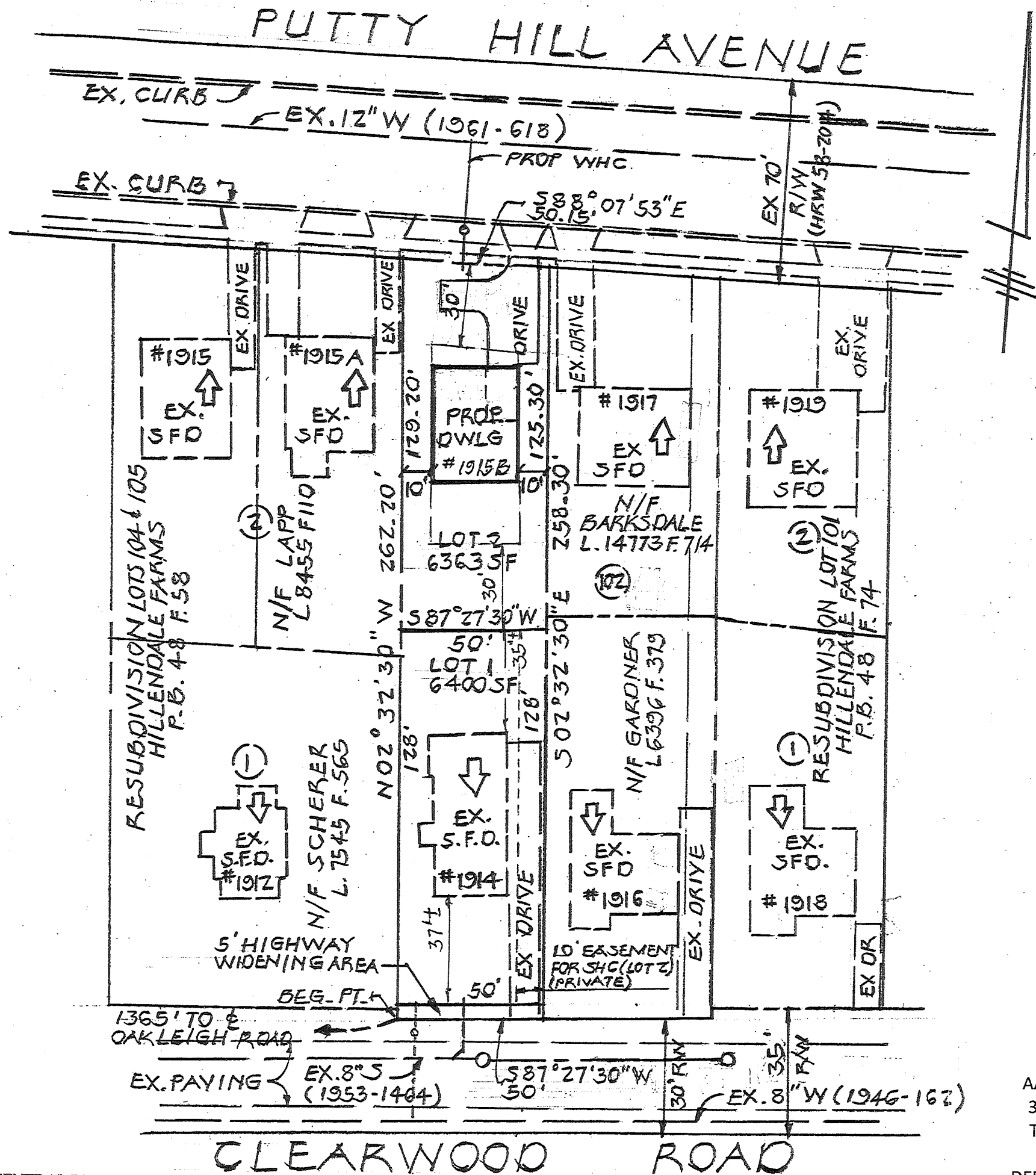
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PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

1914 CLEARWOOD ROAD
LOT 103 HILLENDALE FARMS P.B. 8 F. 92
ELECTION DISTRICT 9C5 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 40 FEET JUNE 14, 2014

2015-0000-A



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PETITIONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

1914 CLEARWOOD ROAD
LOT 103 HILLENDALE FARMS P.B. 8 F. 92
ELECTION DISTRICT 9C5 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 40 FEET JUNE 14, 2014

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