

MEMORANDUM

DATE: March 3, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0117-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on February 26, 2015. 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

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

(320 Pennsylvania Avenue) *

9th Election District *

5th Council District *

Leon T. Benner, *Owner* *

Kevin Bielat, *Contract Purchaser* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0117-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Leon T. Benner, legal owner, and Kevin Bielat, contract purchaser, ("Petitioners"). The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to confirm a previously approved undersized, non-conforming lot. In addition, a Petition for Variance seeks the following: pursuant to §§ 202.3.A.1 and 1B02.3.C.1 to permit a proposed single family dwelling with a front yard setback of 15 ft., side yard setbacks of 0 ft. and 6 ft. (sum of 6 ft.) on a lot with a width of 40 ft. in lieu of the front yard average of 21 ft., minimum side yard setback of 10 ft. (sum of 25 ft.) and a minimum lot width of 70 ft., respectively.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 6. Appearing at the public hearing in support of the requests was Kevin Bielat. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance, and the Petitioners submitted a letter of support from a neighbor who has lived in the area for over 18 years. Exhibit 9. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP) dated December 22, 2014. That agency did not oppose the requests, but recommended that minimum 3 foot side setbacks be maintained. The DOP also noted

ORDER RECEIVED FOR FILING

Date 1/27/15
By Sen

the property was within the East Towson Residential Design Review Area, which necessitates certain approvals as discussed in the Order which follows.

The subject property is 0.13 acres and is zoned ROA. The property was improved with a single family dwelling that was destroyed by fire in 2004. Mr. Bielat proposes to construct a modest single family dwelling on the lot to use as his residence. To do so requires variance relief, as sought in the Petition.

The Petition also contains a request for Special Hearing relief to confirm a "previously approved undersized, nonconforming lot" at this site. It is true the lot is shown on a recorded plat of Goff Plains, surveyed in 1904. Ex. 3. But a special hearing request is unnecessary in this setting; variance relief is what is needed to construct a dwelling on this lot. It is also a matter of public record (i.e., the 1904 plat) that the property is a "residential single lot of record....that existed prior to June 11, 2004," for purposes of County Code § 32-4-204(d)(2) concerning the review process for residential design review areas.

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 lot is narrow and deep, and is therefore unique. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioners would be unable to construct a single family dwelling on the lot, whereas other lots of the same or similar size (predating the ROA/D.R. 3.5 zoning) are improved with dwellings. Petitioner submitted a map and chart showing that nearby homes in the area are constructed on similar or smaller size lots, with narrow side yards, as noted in the DOP's ZAC comment. Exs. 5 & 7. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R.,

ORDER RECEIVED FOR FILING

Date

1/27/15

By

Sen

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 community opposition.

THEREFORE, IT IS ORDERED this 27th day of January, 2015, by this Administrative Law Judge, that Petitioners' request for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to confirm a previously approved undersized, non-conforming lot, be and is hereby DISMISSED without prejudice, as unnecessary.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §§ 202.3.A.1 and 1B02.3.C.1 to permit a proposed single family dwelling with a front yard setback of 15 ft., side yard setbacks of 10 ft. and 2 ft. (sum of 12 ft.) on a lot with a width of 40 ft. in lieu of the front yard average of 21 ft., minimum side yard setback of 10 ft. (sum of 25 ft.) and a minimum lot width of 70 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

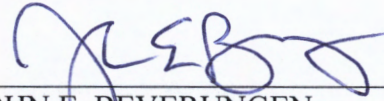
1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must submit for approval by DOP elevation drawings of the proposed structure.
3. Prior to issuance of permits, Petitioners must obtain approval (i.e., indicating compliance with the East Towson Design Standards) from the Northeast Towson Improvement Association and the chairman of the Design Review Panel, or the Design Review Panel following a public meeting, as the case may be pursuant to County Code, §32-4-204(d)(2).

ORDER RECEIVED FOR FILING

Date 1/27/15

By DLN

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/sln

ORDER RECEIVED FOR FILING

Date 1/27/15

By sln



KEVIN KAMENETZ
County Executive

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

January 27, 2015

Kevin Bielat
13825 Burntwoods Road
Glenelg, Maryland 21737

RE: Petitions for Special Hearing and Variance
Property: 320 Pennsylvania Avenue
Case No.: 2015-0117-SPHA

Dear Mr. Bielat:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



PETITION FOR ZONING HEARING(S)

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

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

Address 326 Pennsylvania Ave which is presently zoned RoA
 Deed References: 27239/00750 10 Digit Tax Account # 0910450250
 Property Owner(s) Printed Name(s) Leon Benner

(SELECT THE HEARING(S) BY MARKING ☒ 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

see attached

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

3. ☒ a Variance from Section(s)

see attached

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

to be presented at hearing

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

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

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

Contract Purchaser/Lessee:

Kevin Bielat

Name- Type or Print

Kevin Bielat

Signature

13825 Burntwoods Rd - Glenelg, MD

Mailing Address

City

State

21737

301.461.4671

kbielat7@gmail.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

N/A

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Leon T Benner

Name #1 - Type or Print

Name #2 - Type or Print

Leon T. Benner

Signature #1

Signature #2

4900 E Joppa Rd - Perry Hall, MD

Mailing Address

City

State

21128

410.256.4448

ltb357@aol.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Kevin Bielat

Name - Type or Print

Kevin Bielat

Signature

13825 Burntwoods Rd - Glenelg, MD

Mailing Address

City

State

21737

301.461.4671

kbielat7@gmail.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2015-0117-SPHA

Filing Date 11/21/14

Do Not Schedule Dates:

Reviewer *RJD*

VARIANCE – Sections 202.3.A.1 and 1B02.3.C.1 – to permit a proposed single family dwelling with a front yard setback of 15 feet, side yard setbacks of 0 feet and 6 feet (sum of 6 feet), on a lot with a width of 40 feet, in lieu of the front yard average of 21 feet, minimum side yard setback of 10 feet (sum of 25 feet), and a minimum lot width of 70 feet, respectively

SPECIAL HEARING – to confirm a previously approved undersized, non-conforming lot.

Item #0117

November 18, 2014

Kevin Bielat
13825 Burntwoods Road
Glenelg, MD 21737

Zoning Review
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

RE: 320 Pennsylvania Avenue
Zoning Hearing Property Description

Dear Zoning Review Board:

PART A: Property Description

ZONING PROPERTY DESCRIPTION FOR 320 Pennsylvania Avenue, Towson, Maryland.

Beginning at same stone set in the ground on the South side of Pennsylvania Avenue at the Northeast corner of that lot of ground which by deed dated the 12th of June, 1893, and recorded among the Land Records of Baltimore County in Liber Number 199, Folio 168, was conveyed by John Yellcott, Trustee to Kate B. Gott et al, and running thence South 76 1/2 degrees East 40 feet to a stone set in the ground on the south side of said Avenue, and to Lot 6, as designated in the hereinafter recited plat, thence bordering at the Western outline of the said lot South 13 1/2 degrees West 145 feet to an alley ten feet inside; thence along the North side of the alley, with the rise of the same north 76 1/2 degrees West 40 feet to the Eastern outline of the lot conveyed as aforesaid to Kate B. Gott et. al., and thence bordering thereon, North 13 1/2 degrees East 145 feet to the place of the beginning.

PART B: Property Description Continued - Option 2 (Subdivision Lot)

Being Lot B, in the subdivision of "Goff Plains" as recorded in Baltimore County Plat Book #2, Folio #167, containing 5,800 sqft (.013 acre). Located in the 9th Election District and 5th Council District.

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: 2015-0117-SPHA

Petitioner: Kevin Bielat

Address or Location: 320 Pennsylvania Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kevin Bielat

Address: 13825 Burntwoods Rd
Glencs, MD 21737

Telephone Number: 301.461.4671

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

No. **116291**

Date: **11/21/14**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 1/24/2014 11/21/2014 11:32:53 2

REG #502 WALKIN JENA JEE
 >> RECEIPT # 90073 11/21/2014 DELA

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$150.00

Dept 5 520 ZONING VERIFICATION
 CR NO. 116291

Rept Tot 1150.00
 1150.00 CR 1.00 CA
 Baltimore County, Maryland

Total: **\$150.00**

Rec From:

For: **zoning hearing - case # 2015-0117-SPHA**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 6, 2015 Issue - Jeffersonian

Please forward billing to:

Kevin Bielat
13825 Burntwoods Road
Glenelg, MD 21737

301-461-4671

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2015-0117-SPHA

320 Pennsylvania Avenue

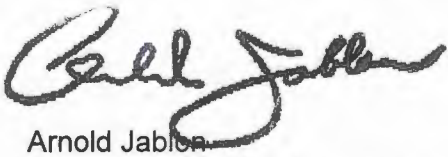
S/s Pennsylvania Avenue, 120 ft. +/- w/of the centerline of Fairmount Avenue

9th Election District – 5th Election District

Legal Owners: Leon T. Benner

Special Hearing to permit a proposed single family dwelling with a front yard setback of 15 ft., side yard setbacks of 0 ft. and 6 ft. (sum of 6 ft.), on a lot with a width of 40 ft., in lieu of the front yard average of 21 ft., minimum side yard setback of 10 ft., (sum of 25 ft.) and a minimum lot width of 70 ft., respectively.

Hearing: Monday, January 26, 2015 at 10:00 a.m., Rm. 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
December 17, 2014

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

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2015-0117-SPHA

320 Pennsylvania Avenue
S/s Pennsylvania Avenue, 120 ft. +/- w/of the centerline of Fairmount Avenue
9th Election District – 5th Election District
Legal Owners: Leon T. Benner

Special Hearing to permit a proposed single family dwelling with a front yard setback of 15 ft., side yard setbacks of 0 ft. and 6 ft. (sum of 6 ft.), on a lot with a width of 40 ft., in lieu of the front yard average of 21 ft., minimum side yard setback of 10 ft., (sum of 25 ft.) and a minimum lot width of 70 ft., respectively.

Hearing: Monday, January 26, 2015 at 10:00 a.m., Rm. 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Kevin Bielat, 13825 Burntwoods Road, Glenelg 21737
Leon Benner, 4900 E. Joppa Rd., Perry Hall 21128

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 6, 2015.**
- (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.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
320 Pennsylvania Avenue; S/S E. Pennsylvania*		OF ADMINSTRATIVE
Avenue, 120' W c/line Fairmount Avenue		
9 th Election & 5 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Leon T. Benner		
Contract Purchaser(s): Kevin Bielat	*	BALTIMORE COUNTY
Petitioner(s)	*	2015-117-SPHA

* * * * *

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

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 12th day of December, 2014, a copy of the foregoing Entry of Appearance was mailed to Kevin Bielat, 13825 Burntwoods Road, Glenelg, Maryland 21737, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 2943027

Sold To:

Kevin Bielat - CU00404186
13825 Burntwoods Rd
Glenelg, MD 21737

Bill To:

Kevin Bielat - CU00404186
13825 Burntwoods Rd
Glenelg, MD 21737

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jan 06, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2015-0117-SPHA
320 Pennsylvania Avenue
S/s Pennsylvania Avenue, 120 ft. +/- w/of the centerline
of Fairmount Avenue
9th Election District - 5th Councilmanic District
Legal Owner(s) Leon T. Benner

Special Hearing: to permit a proposed single family dwelling with a front yard setback of 15 ft., side yard setbacks of 0 ft. and 6 ft (sum of 6 ft.), on a lot with a width of 40 ft., in lieu of the front yard average of 21 ft., minimum side yard setback of 10 ft., (sum of 25 ft.) and a minimum lot width of 70 ft., respectively.

Hearing: Monday, January 26, 2015 at 10:00 a.m., Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 1/649 January 6 2943027

CERTIFICATE OF POSTING

Date: 1-5-15

RE: Case Number: 2015-0117-SPHA

Petitioner/Developer: ~~Leo Benner~~ Kevin Bielat

Date of Hearing/Closing: 1-26-15

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 320 Pennsylvania Ave

The signs(s) were posted on 1-5-15
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

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

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

ZONING NOTICE

CASE # 2015-017-SPHA

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

JEFFERSON BLVD. ROOM 205

PLACE: 105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: MONDAY JAN 26 2015 10AM

REQUEST: SPECIAL HEARING TO PERMIT

A PROPOSED SINGLE FAMILY DWELLING WITH A FRONT

YARD SETBACK OF 15 FT. SIDEYARD SETBACK OF 5 FT. AND 6 FT.
(SUN OF 6 FT) ON A LOT WITH A WIDTH OF 40 FT. MINIMUM OF
THE FRONT YARD AND REAR (6 FT MINIMUM SIDE YARD
SETBACK OF 10 FT. (SUN OF 5 FT) AND 4 MINIMUM 20 FT
WIDTH OF 70 FT. RESPECTIVELY

NEITHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
FOR HEARING CALL 887-3391
BE HEARING UNDER PENALTY OF LAW

DATE 1-26-2015

DATE 1-26-2015

[illegible]

CASE NO. 2015-0117-SPHA

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

12/15

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

N/C

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

FIRE DEPARTMENT

12/22

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

C

12/8

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

1/6/15

SIGN POSTING

Date:

1/5/15

by

Pulson

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search (w2)

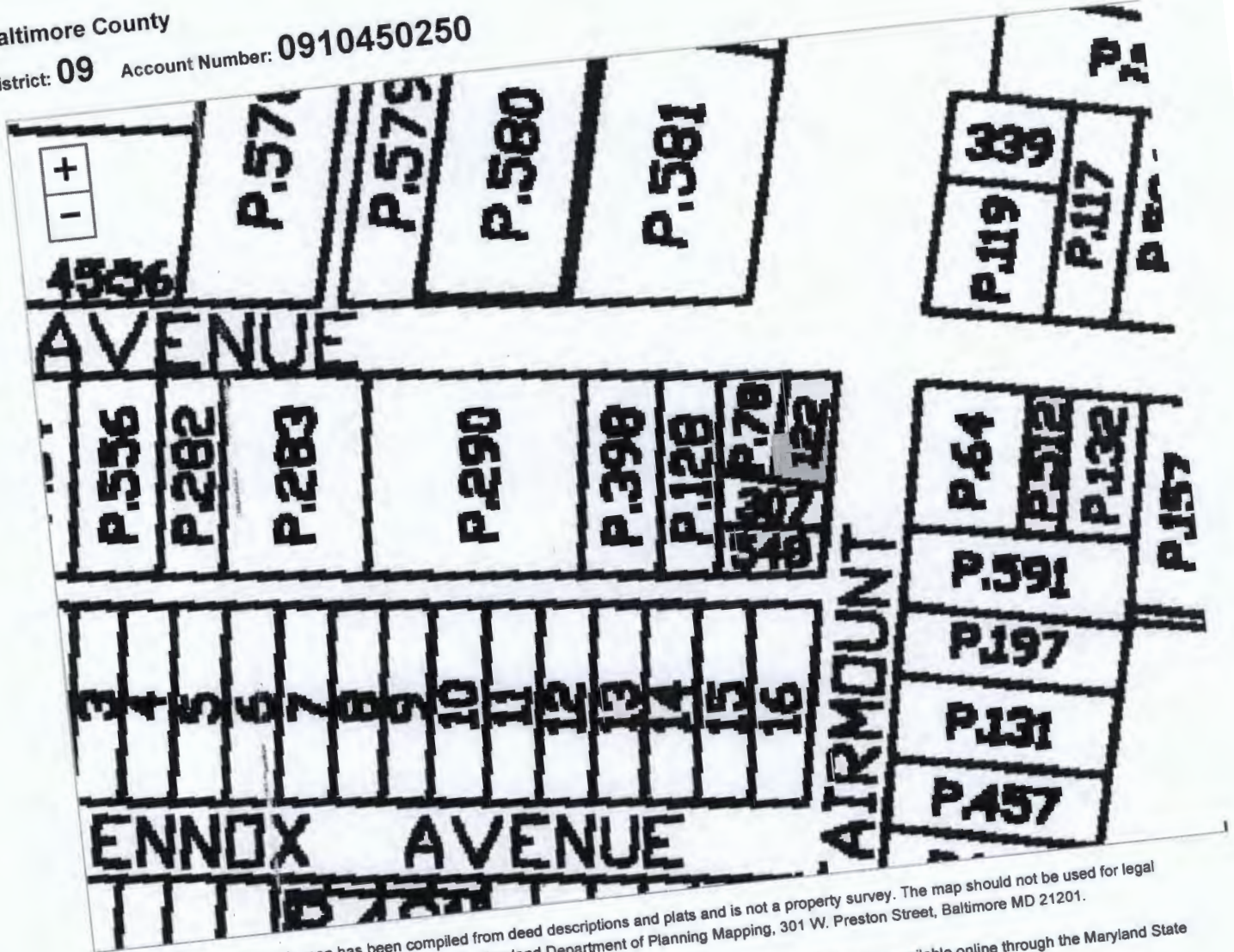
Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0910450250			
Owner Information					
Owner Name:	BENNER LEON T		Use:	COMMERCIAL	
Mailing Address:	4900 E JOPPA RD PERRY HALL MD 21128-9311		Principal Residence:	NO	
			Deed Reference:	/27239/ 00750	
Location & Structure Information					
Premises Address:		320 PENNSYLVANIA AVE BALTIMORE 21286-5313		Legal Description:	CASE# C-07-5932 320 PENNSYLVANIA AVE SS 94 W FAIRMOUNT AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
070A	0012	0128		0000	
Assessment Year:				2014	
Special Tax Areas:				Town: NONE	
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
					5,800 SF
County Use	06				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2014 As of 07/01/2015	
Land:		40,600	40,600		
Improvements		0	0		
Total:		40,600	40,600	40,600	40,600
Preferential Land:		0			0
Transfer Information					
Seller: JOHNSON FRANCIS		Date: 08/08/2008		Price: \$37,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /27239/ 00750		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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

District: 09 Account Number: 0910450250



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 Wait. Loading... Please Wait.

-->



KEVIN KAMENETZ
County Executive

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

January 22, 2015

Leon T. Brenner
4900 E Joppa Road
Perry Hall MD 21128

RE: Case Number: 2015-0117 SPHA, Address: 320 Pennsylvania Avenue

Dear Mr. Brenner:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 21, 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 that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Kevin Bielat, 13825 Burntwoods Road, Glenelg MD 21737

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 12/8/14

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

RE: Baltimore County
Item No. 2015-0117-SPHA
Variance Special Hearing
Leon T. Benner
320 Pennsylvania 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. 2015-0117-SPHA.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 22, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 320 Pennsylvania Avenue

DEC 23 2014

INFORMATION:

Item Number: 15-117

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Leon T. Benner

Zoning: ROA

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the request for variance regarding setbacks for a single family dwelling on a 40 foot wide lot in East Towson as well as a special hearing to confirm a previously approved undersized or non-conforming lot. There was previously a dwelling on the lot which was razed due to a fire in 2004.

The Department of Planning does not support the 0 ft. side setback request and recommends that the applicant revise the layout/design to accommodate at least a 3 foot minimum side setback on both sides of the proposed dwelling. Generally lots in East Towson are narrow with narrow side yard setbacks. Maintaining a minimum 3 foot setback will allow for passage and maintenance.

According to BCRZ Section 202.6 the Director of the Department of Planning shall consider the compatibility of proposed window and door treatments in relation to existing adjacent or surrounding buildings. The Department of Planning cannot find for compatibility at this time and recommends that approval be conditioned upon review and approval through the D3esign Review Panel process. The property is located within the East Towson Residential Design Review Panel area. New construction is subject to the East Towson Design Standards and is subject to Baltimore County Code Section 32-4-204, DESIGN REVIEW AREAS:

(d) Residential plans.

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

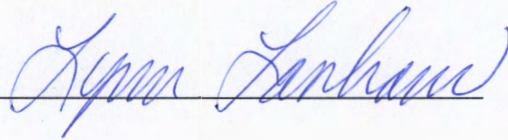
(2) A residential single lot of record that is within a Design Review Area and that existed prior to June 11, 2004 may be approved by the chairman of the Panel, if the owner presents a written letter of support from a recognized community association in the Design Review Area, and if the area planner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

The applicant has been advised to submit elevations of the proposed dwelling to the Department of Planning for review. The Department of Planning will review for conformance with the East Towson Design Standards and will then forward to the Northeast Towson Improvement Association for review

and approval. If approval is not granted by the Improvement Association, the Department of Planning shall refer to the Design Review Panel for review and approval.

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

Division Chief:
AVA/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 15, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For December 15, 2014
Item No. 2015-0117, 0121, 0123 and 0124

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\ZAC12152014 -.doc

12/26/14
wcn

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 22, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 320 Pennsylvania Avenue

INFORMATION:

Item Number: 15-117

Petitioner: Leon T. Benner

Zoning: ROA

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the request for variance regarding setbacks for a single family dwelling on a 40 foot wide lot in East Towson as well as a special hearing to confirm a previously approved undersized or non-conforming lot. There was previously a dwelling on the lot which was razed due to a fire in 2004.

The Department of Planning does not support the 0 ft. side setback request and recommends that the applicant revise the layout/design to accommodate at least a 3 foot minimum side setback on both sides of the proposed dwelling. Generally lots in East Towson are narrow with narrow side yard setbacks. Maintaining a minimum 3 foot setback will allow for passage and maintenance.

According to BCRZ Section 202.6 the Director of the Department of Planning shall consider the compatibility of proposed window and door treatments in relation to existing adjacent or surrounding buildings. The Department of Planning cannot find for compatibility at this time and recommends that approval be conditioned upon review and approval through the D3esign Review Panel process. The property is located within the East Towson Residential Design Review Panel area. New construction is subject to the East Towson Design Standards and is subject to Baltimore County Code Section 32-4-204, DESIGN REVIEW AREAS:

(d) Residential plans.

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

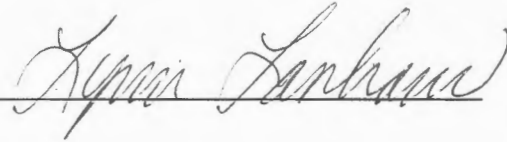
(2) A residential single lot of record that is within a Design Review Area and that existed prior to June 11, 2004 may be approved by the chairman of the Panel, if the owner presents a written letter of support from a recognized community association in the Design Review Area, and if the area planner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

The applicant has been advised to submit elevations of the proposed dwelling to the Department of Planning for review. The Department of Planning will review for conformance with the East Towson Design Standards and will then forward to the Northeast Towson Improvement Association for review

and approval. If approval is not granted by the Improvement Association, the Department of Planning shall refer to the Design Review Panel for review and approval.

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

Division Chief:
AVA/LL

A handwritten signature in cursive script, appearing to read "Lynn Lankau", written over a horizontal line.

Case No.:

2015-117

Exhibit Sheet

Petitioner/Developer

DO
3-3-13

Protestants

slw
1/27/15

No. 1	Zoning map	
No. 2	Small lot table	
No. 3	Plat of Goff Plains	
No. 4	Goff Plains subdivision	
No. 5	Adjoining Property Size Chart	
No. 6	Site plan	
No. 7	Land development map	
No. 8	Photos of prior dwelling	
No. 9	1-10-2015 letter from Ms. Hare	
No. 10	Case outline	
No. 11		
No. 12		

D.R.3.5 Zoning Restrictions and Proposed New Zoning

	Minimum Lot Area	Minimum Width	Minimum Front Depth	Minimum Side yard	Minimum sum of side yards	Minimum Rear Depth
Current	10,000	70	30	10	25	30
Proposed	5,800	40	15	0	6	30

1-10-2015

to whom it may concern

I Betty Hare live at 409 Fairmount Avenue, Towson MD 21286, Residence has been occupied by me for 18 years. My property joins 320 East Pennsylvania Avenue. I do not oppose a house being built on that lot. in the hopes that it would help increase the value of my property.

Betty Jean Hare

PETITIONER'S

EXHIBIT NO.

9

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 09 Account Number - 0903231020		
Owner Information		
Owner Name:	HARE BETTY	Use: COMMERCIAL/RESIDENTIAL Principal Residence: NO
Mailing Address:	409 FAIRMOUNT AVE TOWSON MD 21286-5422	Deed Reference: /13096/ 00025
Location & Structure Information		
Premises Address: 409 FAIRMOUNT AVE 0-0000		Legal Description: 409 FAIRMOUNT AVE WS 110FT S PENNSYLVANIA AV
Map: 070A	Grid: 0012	Parcel: 0307
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	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 3,081 SF
		County Use 06
Stories	Basement	Type
		Exterior
		Full/Half Bath
		Garage
		Last Major Renovation
Value Information		
	Base Value	Value As of 01/01/2014
Land:	107,800	107,800
Improvements	56,600	56,600
Total:	164,400	164,400
Preferential Land:	0	0
Phase-in Assessments		
	As of 07/01/2014	As of 07/01/2015
	164,400	164,400
Transfer Information		
Seller: BENNER TERRY	Date: 08/21/1998	Price: \$75,000
Type: ARMS LENGTH IMPROVED	Deed1: /13096/ 00025	Deed2:
Seller: CHATMAN BESSIE L	Date: 05/19/1983	Price: \$28,500
Type: ARMS LENGTH IMPROVED	Deed1: /06528/ 00154	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2014
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

PETITIONER'S

November 18, 2014

EXHIBIT NO. 10

Kevin Bielat
13825 Burntwoods Road
Glenelg, MD 21737

Zoning Review
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

RE: 320 Pennsylvania Avenue
Zoning Hearing Petition

Dear Zoning Review Board:

The above referenced property is zoned ROA. There was a house on the property from the late 1800's until the early 2000's. Apparently, the state/county tore down the original home before the year of 2008 and sold the property to Leon Benner through tax sale on May 9, 2008. The current ROA zoning permits new buildings as limited in D.R. 3.5. The following table shows the current D.R. 3.5 zoning limitations and the purposed new zoning for the above referenced property:

D.R.3.5 Zoning Restrictions and Proposed New Zoning

	Minimum Lot Area	Minimum Width	Minimum Front Depth	Minimum Side yard	Minimum sum of side yards	Minimum Rear Depth
Current	10,000	70	30	10	25	30
Proposed	5,800	40	15	0	—	30

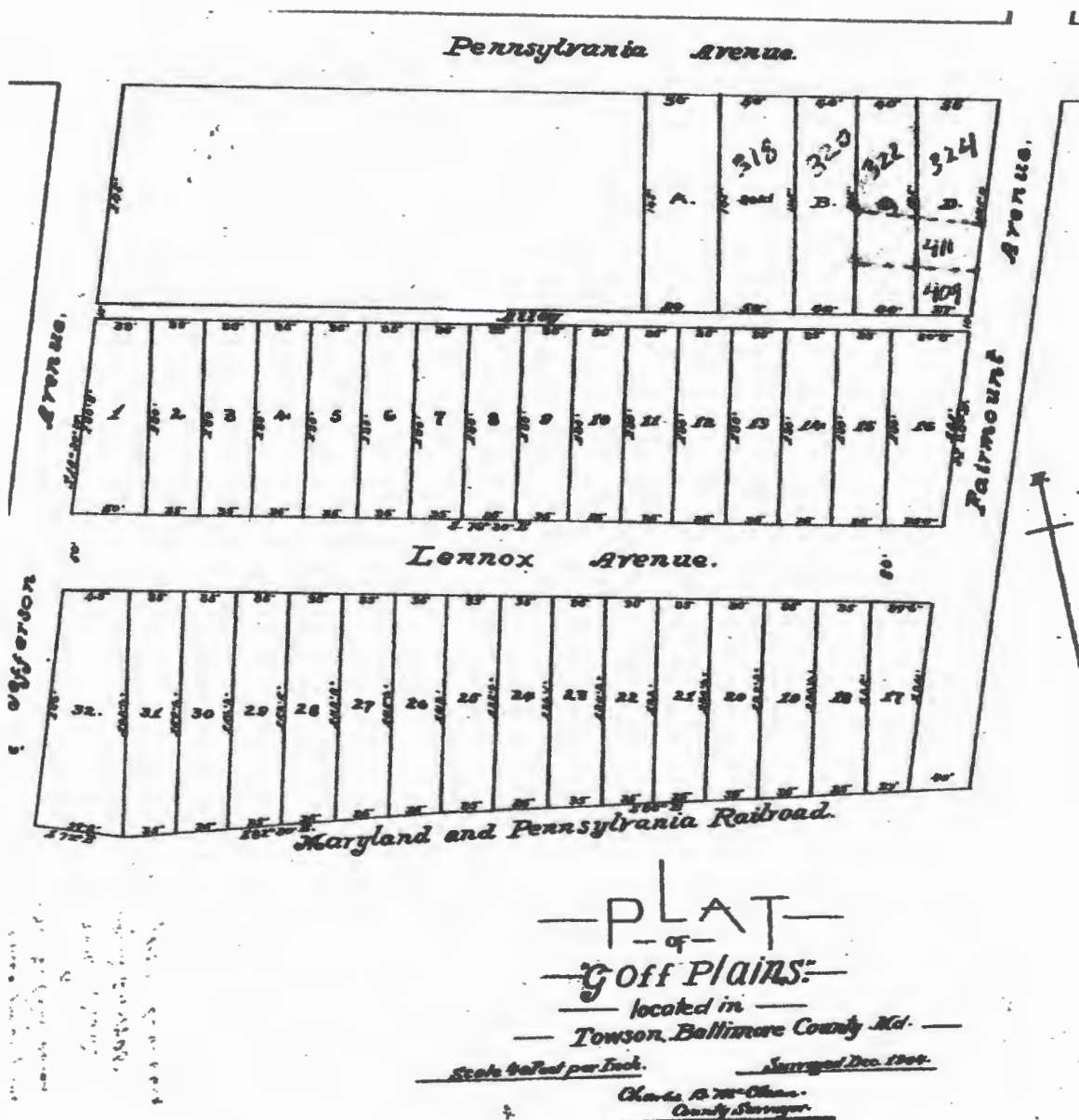
None of the lots and structures in the entire "Goff Plains" subdivision meet the any of the current requirements in D.R.3.5. Moreover, none of these lots had any setback restrictions or minimum lot width restrictions. Not one of the lots was over 10,000 square feet. The following table summarizes the square footage of the properties directly adjoining the subject property:

Adjoining Property Sizes

Property	Size (sqft)
320 Pennsylvania Ave	5,800
318 Pennsylvania Ave	7,500
322 Pennsylvania Ave	3,060
324 Pennsylvania Ave	2,640
409 Fairmount Ave	4,204
411 Fairmount Ave	2,905

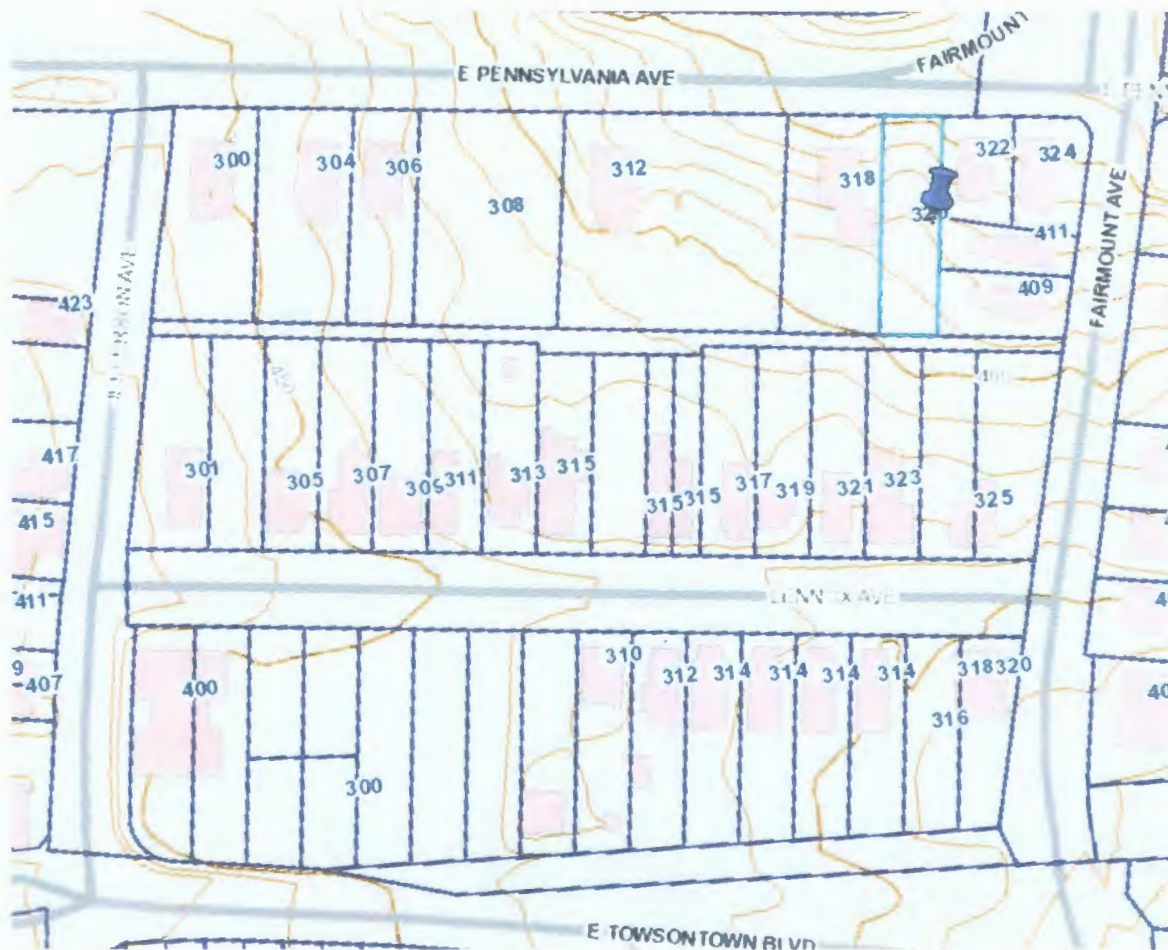
The subject property is actually larger than any adjoining property other than 318 Pennsylvania Avenue.

The following shows the "Goff Plains" plat Liber # 2, Folio 167 as recorded in the Land Records of Baltimore County.



318, 320, 322 and 324 Pennsylvania Avenue along 409 and 411 Fairmount Avenue have been labeled on the plat. Dashed lines show the subsequent subdivision of lots 322 and 324 Pennsylvania Avenue creating lots 409 and 411 Fairmount Avenue are also shown. The plat shows that most of the lots in the subdivision are 35 foot wide by 135 foot long totaling 4,725 sq ft. In summary, most lots are narrower, shorter and less square footage of the subject property. Moreover, none of the lots meet the current provisions of D.R.3.5.

The following shows the "Goff Plains" subdivision as viewed in Baltimore County's My Neighborhood Zoning website as of today.



Baltimore County's My Neighborhood Zoning website shows that the "Goff Plains" plat is quite accurate and includes additional subdivision of property to date along with existing structures. Moreover, it shows that none of the properties in the subdivision meet the D.R.3.5 conditions for:

- Minimum Lot Area (10,000 sqft)
- Minimum Lot width of 70 ft
- Minimum front depth of 30 ft
- Minimum side depth of 10 ft
- Sum of side depths of 25 ft

The two-step test set forth in *Cromwell v. Ward*, 100 Md. App. 691 (1995), is satisfied via items A-E below per Section 307.1 (BCZR):

A. The subject property is unique, unusual and different from the surrounding properties such that its uniqueness causes the D.R.3.5 zoning provision to make it unbuildable where as the surrounding properties do not have to conform to the D.R.3.5 zoning. The zoning change will

January 24, 2015

simply put the subject property back on the same restrictions as the surrounding properties and the previous restrictions placed on the subject property when the previous house was constructed.

B. Strict compliance with the BCZR results in the subject property having an unreasonable hardship. It makes the property unbuildable.

1. The applicant cannot make reasonable use of the property.
2. The hardship is peculiar to the subject property is in contrast with every other property in the zoning district.
3. Hardship was not the result of the applicant's own actions.

C. There will be no increase in residential density beyond that allowed by the BCZR.

D. The relief requested will be in strict harmony with the spirit and intent of height, area, parking, or sign regulations.

E. And only in such manner as to grant relief without substantial injury to the public health, safety, and general welfare.

In summary, this petition simply asks that a structure can be reconstructed on the subject property like it was and like the other structures within the subdivision. The proposed structure will only benefit the surrounding community.

Thank you for your just attention to this matter.

Sincerely,

Kevin Bielat
301.461.4671
kbielat7@gmail.com

PETITIONER'S

EXHIBIT NO. 8

320 Pennsylvania Ave - 197.



320 Pennsylvania Ave - October 2001



320 Pennsylvania Ave - October 2001

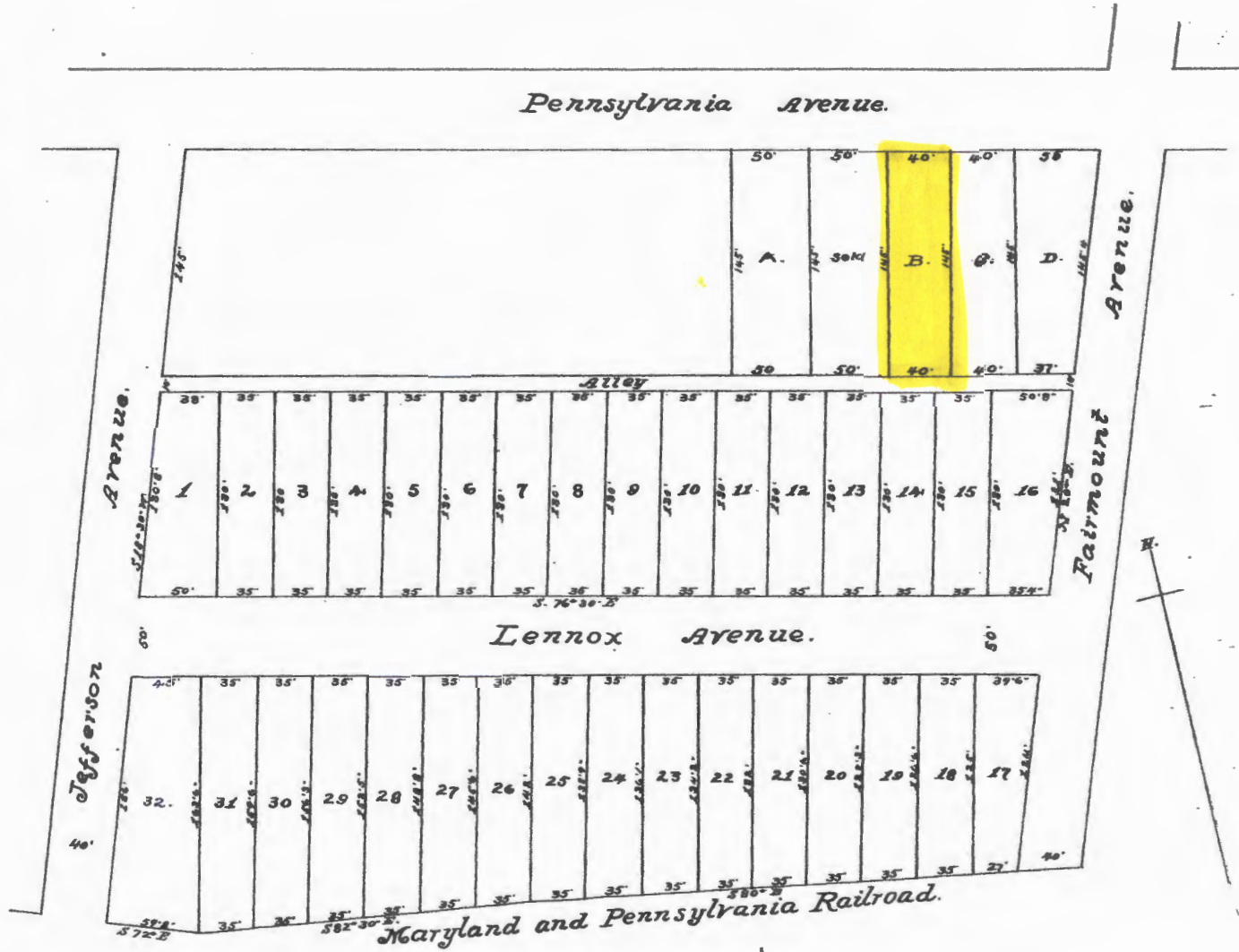
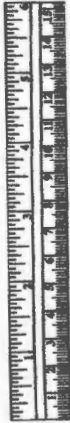


320 Pennsylvania Ave - October 2001



PETITION

EXHIBIT NO. 3



— PLAT —
— of —

— Goff Plains —

located in —
— Towson, Baltimore County Md. —

Scale 40 Feet per Inch.

Surveyed Dec. 1904.

Charles B. McLean,
County Surveyor.

311

PETITIONER'S

EXHIBIT NO. 1

309

BM CT

RO

ROA

500

E PENNSYLVANIA AVE

312

318
ROA

322

324

414

340

411

409

412

410

DR 10.5

315 315

317

319

321

323

325

408

406

LENNOX AVE

83 Feet

FAIRMOUNT AVE



My Neighborhood Map

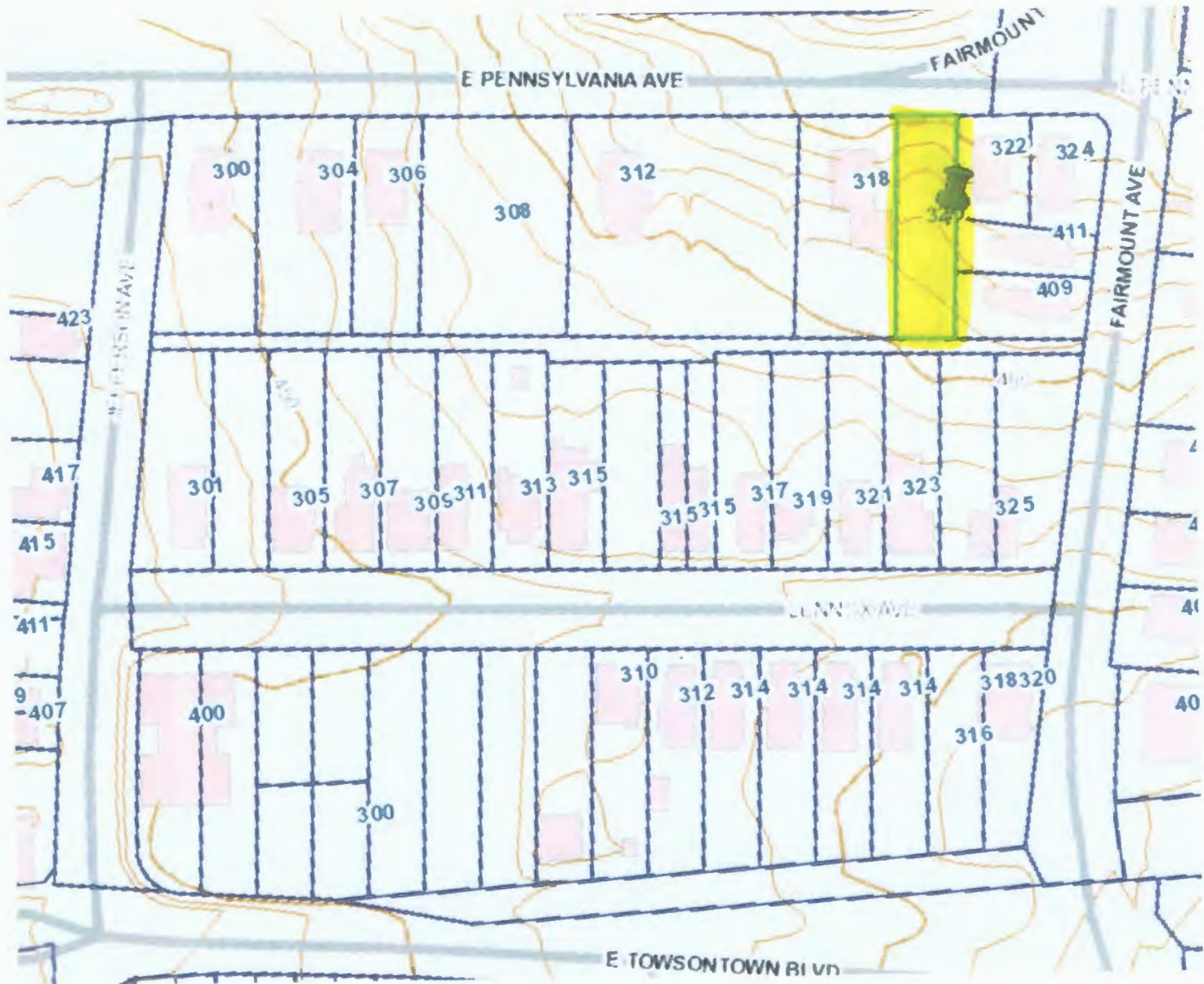
Created By
Baltimore County
My Neighborhood



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 1/24/2015

Golf Plains Subdivision 1-24-2015



Adjoining Property Sizes

Property	Size (sqft)
320 Pennsylvania Ave	5,800
318 Pennsylvania Ave	7,500
322 Pennsylvania Ave	3,060
324 Pennsylvania Ave	2,640
409 Fairmount Ave	4,204
411 Fairmount Ave	2,905

PETITIONER'S

EXHIBIT NO.

7

LVANIA AVE

304

306

312

308

318

320

322

307

URBAN

309

311

313

315

315 315

317

319

321

323

325

LENNOX AVE

310

312

314

314

314

314

318 320

316

83 Feet



Land Development Map

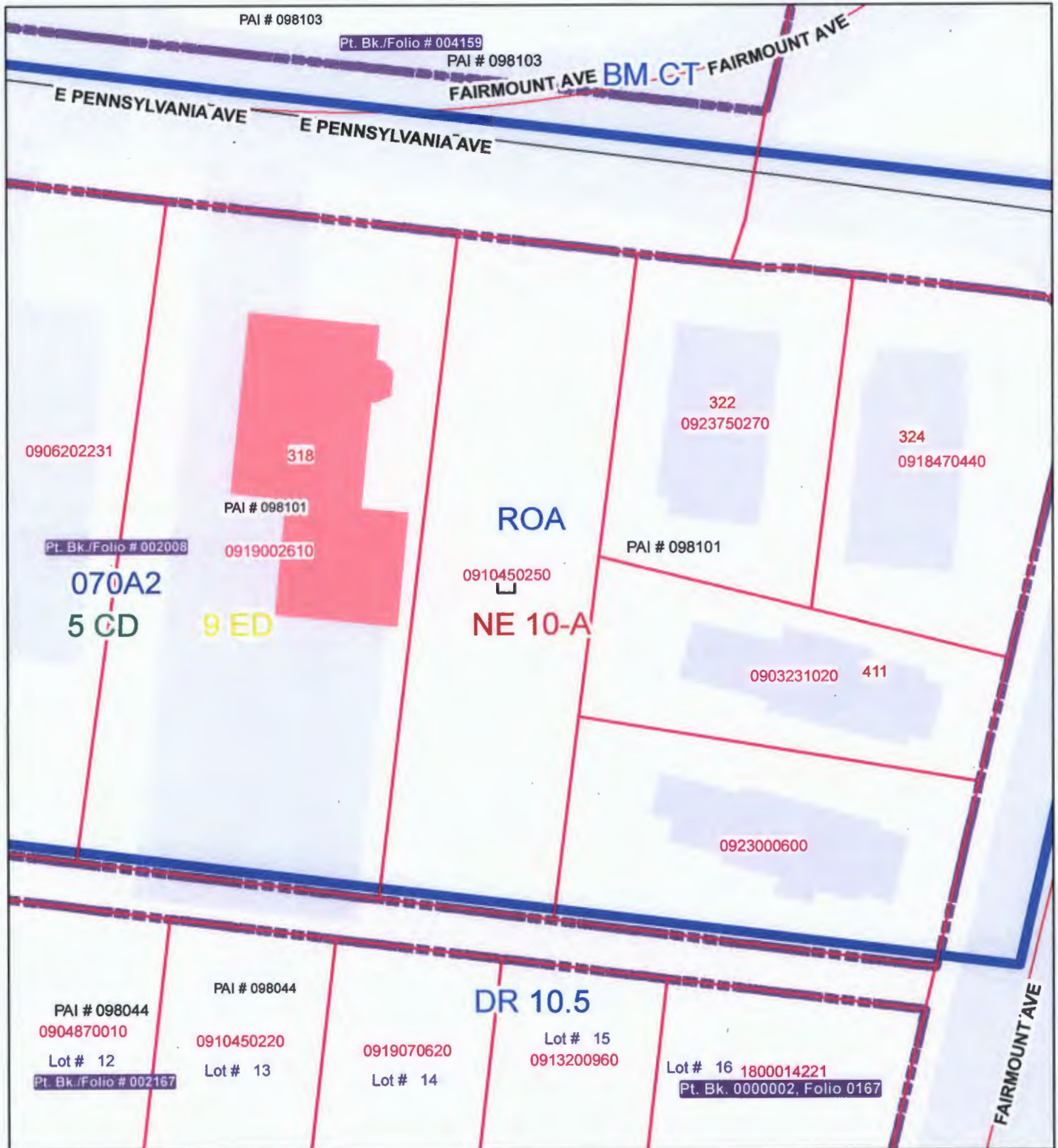
Created By
Baltimore County
My Neighborhood



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 1/24/2015

320 East Pennsylvania Avenue



Publication Date: 11/19/2014



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 30 feet

Item # 0117

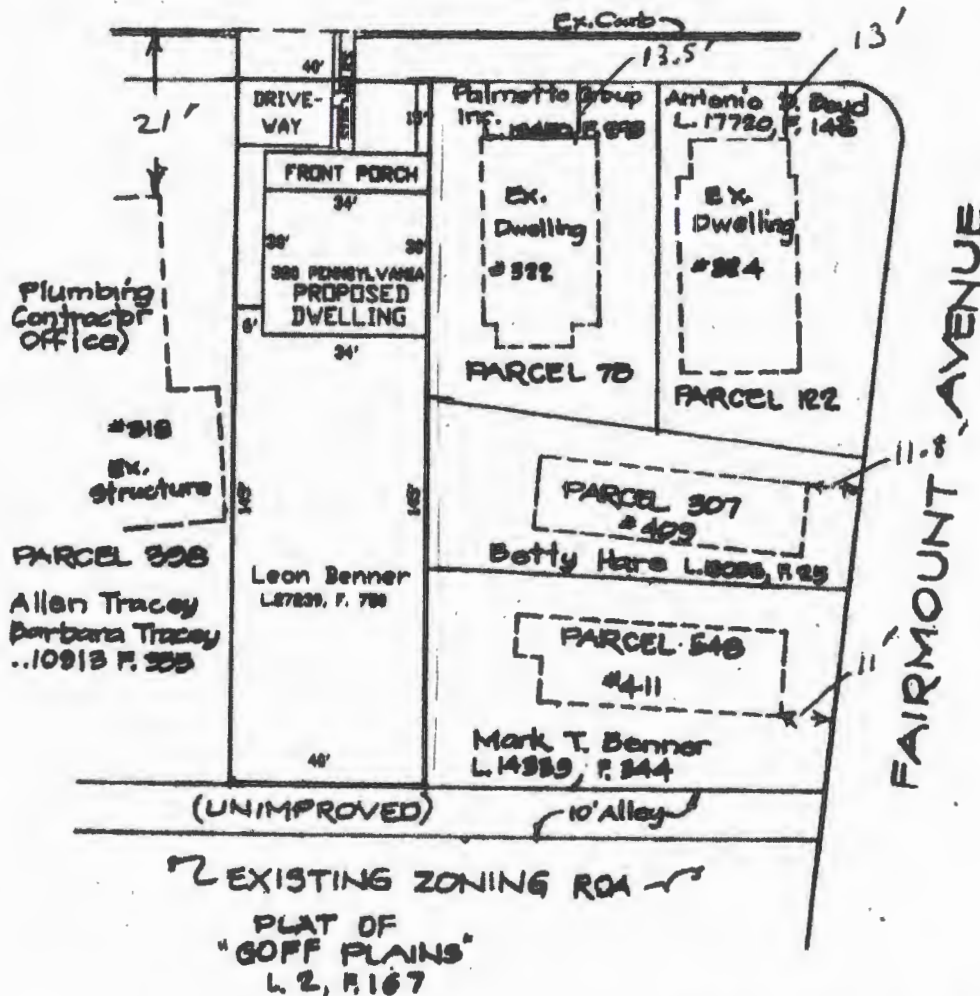
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH)

ADDRESS 320 Pennsylvania Ave OWNER(S) NAME(S) Leon T. Benner

SUBDIVISION NAME "Goff Plains" LOT # B BLOCK # - SECTION # -

PLAT BOOK # 2 FOLIO # 167 10 DIGIT TAX # 0910450250 DEED REF. # 27239 / 00750

E. PENNSYLVANIA AVENUE



PLAN DRAWN BY Kevin Bickel DATE 11/15/2014 SCALE: 1 INCH = 40 FEET

PETITIONER'S

EXHIBIT NO. 6

N

MAP IS NOT TO SCALE

ZONING MAP# 070A2

SITE ZONED ROA

ELECTION DISTRICT 9

COUNCIL DISTRICT 5

LOT AREA ACREAGE 0.13

OR SQUARE FEET 5,800 ft²

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE -

SEWER IS:

PUBLIC X PRIVATE -

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

#2015-0117-SPHA

Handwritten signature/initials

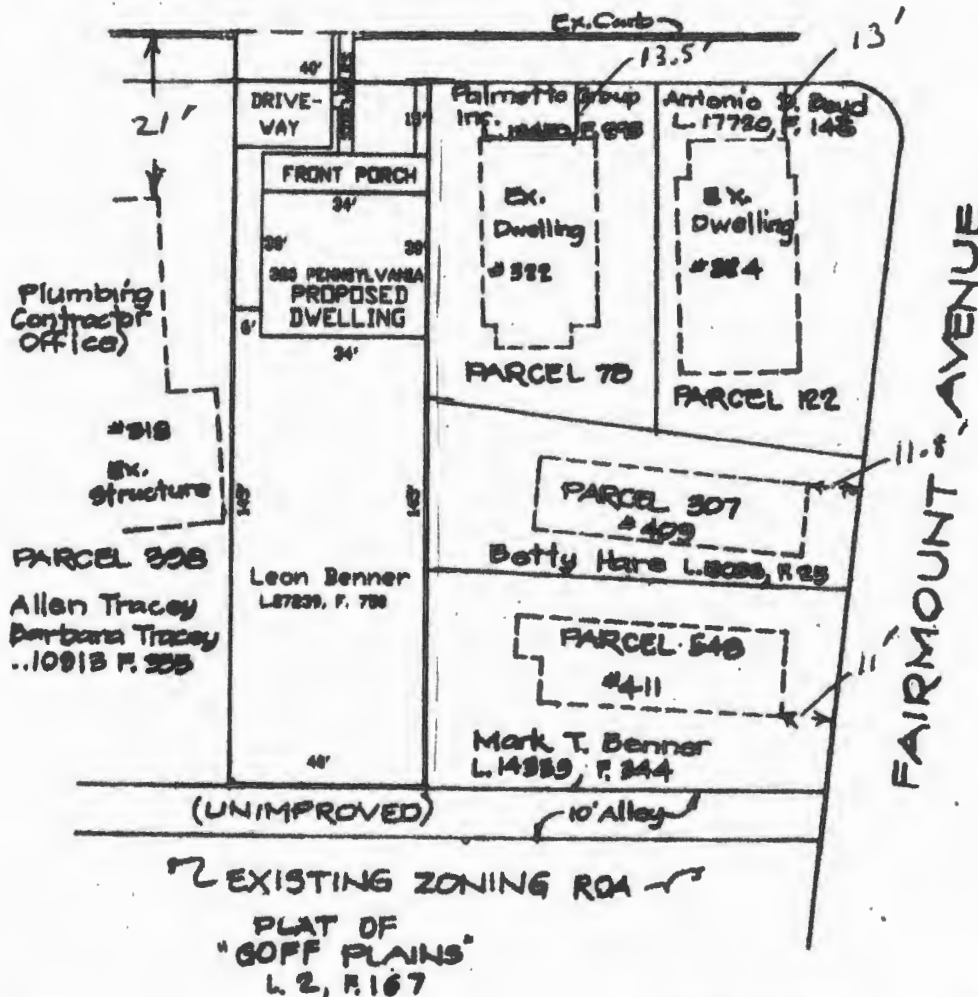
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)

ADDRESS 320 Pennsylvania Ave OWNER(S) NAME(S) Leon T. Benner

SUBDIVISION NAME "Goff Plains" LOT# B BLOCK# - SECTION# -

PLAT BOOK # 2 FOLIO # 167 10 DIGIT TAX # 09 10 450250 DEED REF. # 27239 / 00750

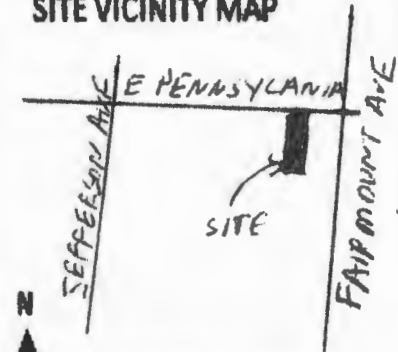
E. PENNSYLVANIA AVENUE



PLAN DRAWN BY Kevin Bickel DATE 11/15/2014 SCALE: 1 INCH = 40 FEET

2015-0117-SPHA

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 070 A2

SITE ZONED ROA

ELECTION DISTRICT 9

COUNCIL DISTRICT 5

LOT AREA ACREAGE 0.13

OR SQUARE FEET 5,800 ft²

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE ☐

SEWER IS:

PUBLIC ☒ PRIVATE ☐

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO: