

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

(17-19 & 21-23 Wade Avenue) *

1st Election District

1st Council District *

Warshaw One, LLC

Owner *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case Nos. **2017-0206-SPHA
& 2017-0207-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 Warshaw One, LLC, legal owner ("Petitioner"). This is a unique case, in that it involves two groups of "duplex" or semi-detached homes (in total, 4 living units) constructed in 1904. The above-captioned cases were combined for hearing, and in both variance relief is sought for lot width and side yard setback requirements as set forth in what is known as the "small lot table." B.C.Z.R. §1B02.3.C.1. The property is zoned D.R. 5.5.

The more complex issue concerns the special hearing request. At present, each of the duplexes (i.e., 17-19 Wade Ave. & 21-23 Wade Ave.) is situated on a separate lot. Special hearing relief is requested to "create an undersized lot" for each of the living units. Counsel indicated Petitioner intends to apply for a minor subdivision to subdivide each of these lots, thereby creating four lots total. In that scenario, each of the living units would be situated on a separately deeded lot, which is Petitioner's ultimate goal.

Appearing at the public hearing in support of the requests was Arthur and David Warshaw. Lawrence E. Schmidt, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the variance requests, but questioned

ORDER RECEIVED FOR FILING

Date

3/28/17

By

Sen

whether the Administrative Law Judge (ALJ) is authorized in a special hearing case to “create an undersized lot.”

SPECIAL HEARING

There is merit to the DOP’s ZAC comment. That is, I agree the Zoning Commissioner is without authority to “create” a lot (undersized or not) in the context of a zoning case. That is a development matter subject to the rules and regulations found in Article 32, Title 4 of the County Code. In an unreported court of special appeals opinion, *Kehoe v. Arthur*, (Sept. Term, 2013, No. 1448), the court held the ALJ was authorized under BCZR §500.7 to determine whether a proposed reconfiguration of parcels would violate County zoning regulations. In a similar vein, I believe in this case the ALJ is authorized to consider whether creation of the proposed lots would violate the Regulations.

Of course, the *Kehoe* court noted the petitioner would still have the obligation to “obtain whatever subdivision approvals, and obtain whatever other permits their proposed uses would require.” *Id.* at p. 14. While *Kehoe* provides authority for the ALJ to determine the purely legal question of whether a proposed and reconfigured lot is in compliance with the B.C.Z.R., I do not believe it entitles the ALJ to “create” a lot or lots, as requested in the Petition. *Friends of the Ridge v. BGE*, 352 Md. 645, 651 (1999) (zoning regulations do not create lots). In this case Petitioner indicated it has filed with the county applications for minor subdivisions of these lots, and it is through that process that the lots will be “created.” B.C.C. §32-4-106(b)(1).

In light of the above, I believe the relief sought in this case can only be obtained through the variance process, and that a “special hearing” is not necessary and/or sufficient. While the ALJ is permitted in an R.C.5 zone to grant a special hearing to “alter the minimum lot size requirement” (B.C.Z.R. §1A04.2.B.1.b) an analogous provision does not exist for the D.R. zones. Petitioner also cannot use the “Undersized Single-Family Lots” provision in Section 304. That section is applicable

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Date 3/28/17
By Sen

when the only deficiencies relate to lot width and/or area; here, side yard setbacks for the proposed lots are also deficient. As such, the special hearing request in this case shall be considered a request for a variance of the minimum lot size in a D.R. 5.5 zone (i.e., 6,000 square feet).

VARIANCES

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The site improvements were constructed in excess of 100 years ago, which renders the property unique. Petitioner would experience practical difficulty if the regulations were strictly interpreted because it would be unable to convey each of the dwellings separately. Finally, as demonstrated by the lack of County and/or community opposition, I do not believe granting the requests would have a detrimental impact upon the community. No exterior construction or site improvements of any sort are proposed or contemplated at this time, and the dwellings will appear unchanged. The relief will improve the marketability of the properties and promote homeownership, which are policies the law should foster.

THEREFORE, IT IS ORDERED this 28th day of March, **2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.) as follows: # 17 Wade Avenue: to create an undersized lot with an area of 4,882 sq. ft. in lieu of the required 6,000 sq. ft., pursuant to a proposed minor subdivision. #19 Wade Avenue - to create an undersized lot with an area of 4,894 sq. ft. in lieu of the required 6,000 sq. ft., pursuant to a proposed minor subdivision, # 21 Wade Avenue -to create an undersized lot with an area of 5,148 sq. ft.

ORDER RECEIVED FOR FILING

Date 3/28/17
By sln

in lieu of the required 6,000 sq. ft., pursuant to a proposed minor subdivision; and #23 Wade Avenue - to create an undersized lot with an area of 5,317 sq. ft. in lieu of the required 6,000 sq. ft., pursuant to a proposed minor subdivision, be and is hereby DISMISSED without prejudice.

IT IS FURTHER ORDERED that the petition for variance seeking: # 17 Wade Avenue: to approve a lot with an area of 4,882 sq. ft. in lieu of the required 6,000 sq. ft., to permit a lot width of 24.85 ft. in lieu of the required 55 ft. and an 8 ft. side yard in lieu of the required 10 ft. setback; #19 Wade Avenue: to approve a lot with an area of 4,894 sq. ft. in lieu of the required 6,000 sq. ft., to permit a lot width of 25.15 ft. in lieu of the required 55 ft. and an 8 ft. side yard in lieu of the required 10 ft. setback; #21 Wade Avenue : to approve a lot with an area of 5,148 sq. ft. in lieu of the required 6,000 sq. ft., to permit a lot width of 25.87 ft. in lieu of the required 55 ft. and an 8 ft. side yard in lieu of the required 10 ft. setback; and #23 Wade Avenue : to approve a lot with an area of 5,317 sq. ft. in lieu of the required 6,000 sq. ft., to permit a lot width of 24.13 ft. in lieu of the required 55 ft. and an 8 ft. side yard in lieu of the required 10 ft. setback, be and is hereby GRANTED.

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

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.
2. Maintenance agreements and access easements shall be executed for the shared driveway and parking area shown on the plan.

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

JEB/sln


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 3/28/17

By sln



KEVIN KAMENETZ
County Executive

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

March 28, 2017

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Case No. 2017-0206- SPHA & 2017-207-SPHA
Property: 17-19 & 21-23 Wade Avenue

Dear Mr. Schmidt:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a circular stamp or seal.

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 1719 Wade Ave, Catonsville 21228 which is presently zoned DR 5.5
Deed References: 36889/117 10 Digit Tax Account # 0119070070
Property Owner(s) Printed Name(s) WARSHAW ONE LLC

(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)

ATTACHED

TO BE PRESENTED

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:

Legal Owners (Petitioners):

Name- Type or Print

WARSHAW ONE LLC /
Name #1 - Type or Print Name #2 - Type or Print

Signature

Anthony M. Warsaw /
Signature #1 Signature #2

Mailing Address City State

13 Beaumont Ave Catonsville MD
Mailing Address City State

Zip Code Telephone # Email Address

21228 / 443-255-1976 / ARTWARSHAW@GMAIL.COM
Zip Code Telephone # Email Address

Attorney for Petitioner:

Representative to be contacted:

Name- Type or Print

John MELLEMA SURVEYORS
Name - Type or Print

Signature

John C. Mellema
Signature

Mailing Address City State

5409 EAST DRIVE Arbutus MD
Mailing Address City State

Zip Code Telephone # Email Address

21227 / 410-247-7486 / JCMLE@VERIZON.NET
Zip Code Telephone # Email Address

CASE NUMBER 2017-0206-SPHA Filing Date 2/3/2017 Do Not Schedule Dates: _____ Reviewer JMP

#17 Wade Avenue

Variance : 1B02.3.C.1; BCZR ; To permit a lot width of 24.85 feet in lieu of the required 55 feet and an 8 foot sideyard in lieu of the required 10 foot setback.

Special Hearing : To create an undersized lot with an area of 4882 sq. feet in lieu of the required 6,000 sq. foot , pursuant to a proposed minor subdivision.

#19 Wade Avenue

Variance : 1B02.3.C.1: BCZR ; To permit a lot width of 25.15 feet in lieu of the required 55 feet and an 8 foot sideyard in lieu of the required 10 foot setback.

Special Hearing : To create an undersized lot with an area of 4894 sq. feet in lieu of the required 6,000 sq. foot , pursuant to a proposed minor subdivision.

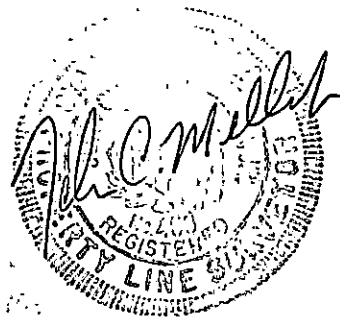
2017-0206-SPHA

JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DRIVE BALTO. MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507
JANUARY 31, 2017

ZONING DESCRIPTION
#17 & #19 WADE AVENUE
BALTIMORE COUNTY, MARYLAND
TAX MAP 101 GRID 09 PARCEL 37

BEGINNING FOR THE SAME ON THE EAST SIDE OF WADE AVENUE NORTHERLY 307 FEET FROM THE INTERSECTION OF THE CENTERLINE OF FAIRVIEW AVENUE AND WADE AVENUE, THENCE BINDING ON EAST SIDE OF WADE AVENUE NORTHWESTERLY FOR A DISTANCE OF 50 FEET, THENCE NORTHEASTERLY FOR A DISTANCE OF 189 FEET MORE OR LESS, THENCE SOUTHEASTERLY FOR A DISTANCE OF 52 FEET MORE OR LESS, THENCE SOUTHWESTERLY FOR A DISTANCE OF 202 FEET MORE OR LESS TO THE PLACE OF BEGINNING CONTAINING 9776 SQUARE FEET OF LAND MORE OR LESS.

BEING PARCEL 1 DESCRIBED IN A DEED DATED OCTOBER 29, 2015 BY AND BETWEEN ANDREW H. WHITE AND LAURIE A WHITE PARTIES OF THE FIRST PART AND WARSHAW ONE LLC, PARTY OF THE SECOND PART AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN DEED LIBER 36889 FOLIO 117.



2017-0206-SPHA

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

№ 148652

Date: 2/3/2017

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	206	0.000		6150					150.00

Total: 150.00

Rec From: Warrior One LLC
 For: SPHA - 17 & 19 Wade Avenue
2017-0206-SPHA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME INW
 2/03/2017 2/03/2017 10:21:58 1
 REG WSD1 WALKIN LJR
 >>RECEIPT # 706175 2/03/2017 CFLJ
 Dept 5 528 ZONING VERIFICATION
 CR NO. 148652
 Recpt Tot \$150.00
 \$150.00 CR \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
VALIDATION**



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 4807838

Sold To:

Warshaw, LLC - Art Warshaw - CU00587302
13 Beaumont Ave
Catonsville, MD 21228

Bill To:

Warshaw, LLC - Art Warshaw - CU00587302
13 Beaumont Ave
Catonsville, MD 21228

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

Mar 02, 2017

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: # 2017-0206-SPHA
17 & 19 Wade Avenue
E/s of Wade Avenue, 307 ft. N/of Fairview Avenue
1st Election District - 1st Councilmanic District
Legal Owner(s) Warshaw One, LLC

SPECIAL HEARING: #17 Wade Avenue To create an undersized lot with an area of 4882 sq. ft. in lieu of the required 6,000 sq. ft. pursuant to a proposed minor subdivision. #19 Wade Avenue, to create an undersized lot with an area of 4894 sq. ft. in lieu of the required 6000 sq. ft. pursuant to a proposed minor subdivision.

VARIANCE: #17 Wade Avenue, to permit a lot width of 24.85 ft. in lieu of the required 55 ft. and an 8 ft. sideyard in lieu of the required 10 ft. setback. #19 Wade Avenue, to permit a lot width of 25.15 ft. in lieu of the required 55 ft. and an 8 ft. sideyard in lieu of the required 10 ft. setback.

Hearing: Thursday, March 23, 2017 at 1:30 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.

3/035 Mar. 2 4807838

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/4/2017

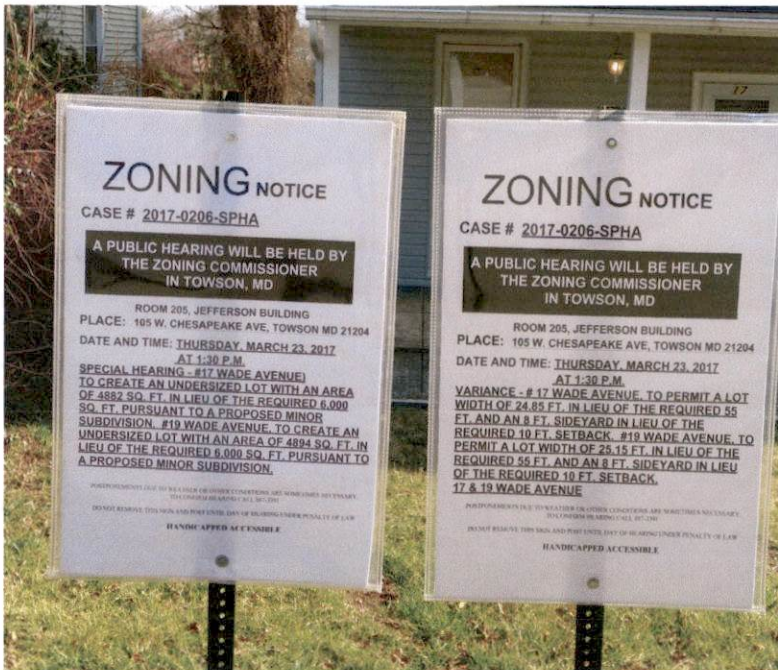
Case Number: 2017-0206-SPHA

Petitioner / Developer: WARSHAW ONE, LLC ~ JOHN MELLEMA
SURVEYORS

Date of Hearing (Closing): MARCH 23, 2017

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:
17 & 19 WADE AVENUE

The sign(s) were posted on: MARCH 3, 2017



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 2, 2017 Issue - Jeffersonian

Please forward billing to:
Art Warshaw
Warshaw, LLC
13 Beaumont Avenue
Catonsville, MD 21228

443-255-1976

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: 2017-0206-SPHA

17 & 19 Wade Avenue
E/s of Wade Avenue, 307 ft. N/of Fairview Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Warshaw One, LLC

Special Hearing - #17 Wade Avenue) To create an undersized lot with an area of 4882 sq. ft. in lieu of the required 6,000 sq. ft. pursuant to a proposed minor subdivision. #19 Wade Avenue, to create an undersized lot with an area of 4894 sq. ft. in lieu of the required 6000 sq. ft. pursuant to a proposed minor subdivision. Variance - #17 Wade Avenue, to permit a lot width of 24.85 ft. in lieu of the required 55 ft. and an 8 ft. sideyard in lieu of the required 10 ft. setback. #19 Wade Avenue, to permit a lot width of 25.15 ft. in lieu of the required 55 ft. and an 8 ft. sideyard in lieu of the required 10 ft. setback.

Hearing: Thursday, March 23, 2017 at 1:30 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

February 22, 2017

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: 2017-0206-SPHA

17 & 19 Wade Avenue

E/s of Wade Avenue, 307 ft. N/of Fairview Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Warshaw One, LLC

Special Hearing - #17 Wade Avenue) To create an undersized lot with an area of 4882 sq. ft. in lieu of the required 6,000 sq. ft. pursuant to a proposed minor subdivision. #19 Wade Avenue, to create an undersized lot with an area of 4894 sq. ft. in lieu of the required 6000 sq. ft. pursuant to a proposed minor subdivision. Variance - #17 Wade Avenue, to permit a lot width of 24.85 ft. in lieu of the required 55 ft. and an 8 ft. sideyard in lieu of the required 10 ft. setback. #19 Wade Avenue, to permit a lot width of 25.15 ft. in lieu of the required 55 ft. and an 8 ft. sideyard in lieu of the required 10 ft. setback.

Hearing: Thursday, March 23, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the hearing location information.

Arnold Jablon
Director

AJ:kl

C: Warshaw One, LLC, 13 Beaumont Avenue, Catonsville 21228
John Mellema Surveyors, 5409 East Drive, Arbutus 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 3, 2017.**
- (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.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0206-SPHA

Property Address: 17-19 WADE AVE CATONSVILLE MD 21228

Property Description: East Side of Wade Avenue, 307' North of
Fairview Avenue

Legal Owners (Petitioners): WARSHAW ONE LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: ART WARSHAW

Company/Firm (if applicable): WARSHAW ONE, LLC

Address: 13 BEAUMONT AVE.

CATONSVILLE MD 21228

Telephone Number: 443-255-1976

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

March 16, 2017

Warsaw One LLC
13 Beaumont Avenue
Catonsville MD 21228

RE: Case Number: 2017-0206 SPHA, Address: 21-23 Wade Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 3, 2017. 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
John Mellema Surveyors, 5409 East Drive, Arbutus MD 21227

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 2/13/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0206-SPHA

*Special Hearing Variance
Warsaw One LLC, Arthur Wloszow
17 & 19 Wade Avenue.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy Wolcott".

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

3-23

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

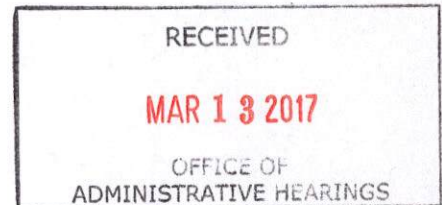
DATE: 3/8/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-206

INFORMATION:

Property Address: 17 & 19 Wade Avenue
Petitioner: Warshaw One, LLC
Zoning: DR 5.5
Requested Action: Special Hearing & Variance



The Department of Planning has reviewed the petition for special hearing to create two undersized lots one having an area of 4882 SF, the other with an area of 4894 SF in lieu of the required 6,000 SF, pursuant to a proposed minor subdivision and the petition for variance relief as listed on the attachment submitted in support of said petition.

A site visit was conducted on February 21, 2017.

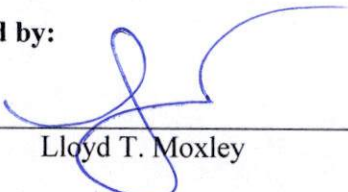
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- A maintenance agreement and access easements shall be executed for any shared driveway and parking area.

Please be advised the Department does not find the capacity to create an undersized lot within the Baltimore County Zoning Regulations or other county regulations. The Department will concur with the decision of the Administrative Law Judge in this matter. The Department has no objections if in the alternative, zoning use division lines or lease lines were to be otherwise established pursuant to the hearing.

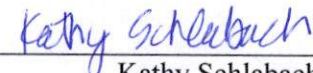
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz

John Mellema Surveyors

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 23, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2017
Item No. 2017-0205, 0206, 0207, 0209, 0210, 0211, 0212 and 0213

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comment.

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC02202017.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0206-SPHA
Address 17 & 19 Wade Avenue
(Warshaw Property)

Zoning Advisory Committee Meeting of February 20, 2017

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 2-15-2017

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
17 & 19 Wade Avenue; E/S Wade Avenue,	*	OF ADMINISTRATIVE
307' N of Fairview Avenue		
1 st Election & 1 st Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Warshaw One LLC		
by Arthur Warshaw	*	BALTIMORE COUNTY
Petitioner(s)	*	2017-206-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

FEB 16 2017

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 16th day of February, 2017, a copy of the foregoing Entry of Appearance was mailed to John Mellema Surveyors, 5409 East Drive, Arbutus, Maryland 21227, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: May 1, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0206-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on April 27, 2017. 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

John E. Beverungen

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Monday, March 27, 2017 9:35 AM
To: John E. Beverungen
Subject: RE: 2017-206; Wade Ave.

I agree. I think that will take care of it. You can certainly indicate that the Petitioner will be required to have a minor sub plan approved.
Thanks.

Larry Schmidt
Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

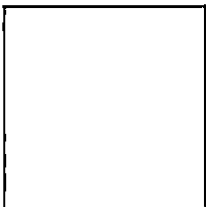
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From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]
Sent: Friday, March 24, 2017 2:22 PM
To: Lawrence Schmidt
Subject: 2017-206; Wade Ave.

In both of these cases, as we discussed, petitioner seeks variances from the requirements set forth in what is known as the "small lot table" at BCZR sec. 1B02.3.C.1. But petitioner (apparently at the direction of the zoning office?) also filed a petition for SPH to "create" an undersized lot, which as you know led to the discussion we had at the hearing regarding the dichotomy between zoning and development.

In any event, my thought is it would make more sense to consider the SPH request as one for a variance to the minimum lot size, which is also in the small lot table. Do you have any thoughts on that? I am comfortable with indicating that I amended the requests since I disagree with the zoning office on this issue. So if the lot size variance was granted, then the lot would be "created" in the minor sub. process as we discussed.

CONNECT WITH BALTIMORE COUNTY



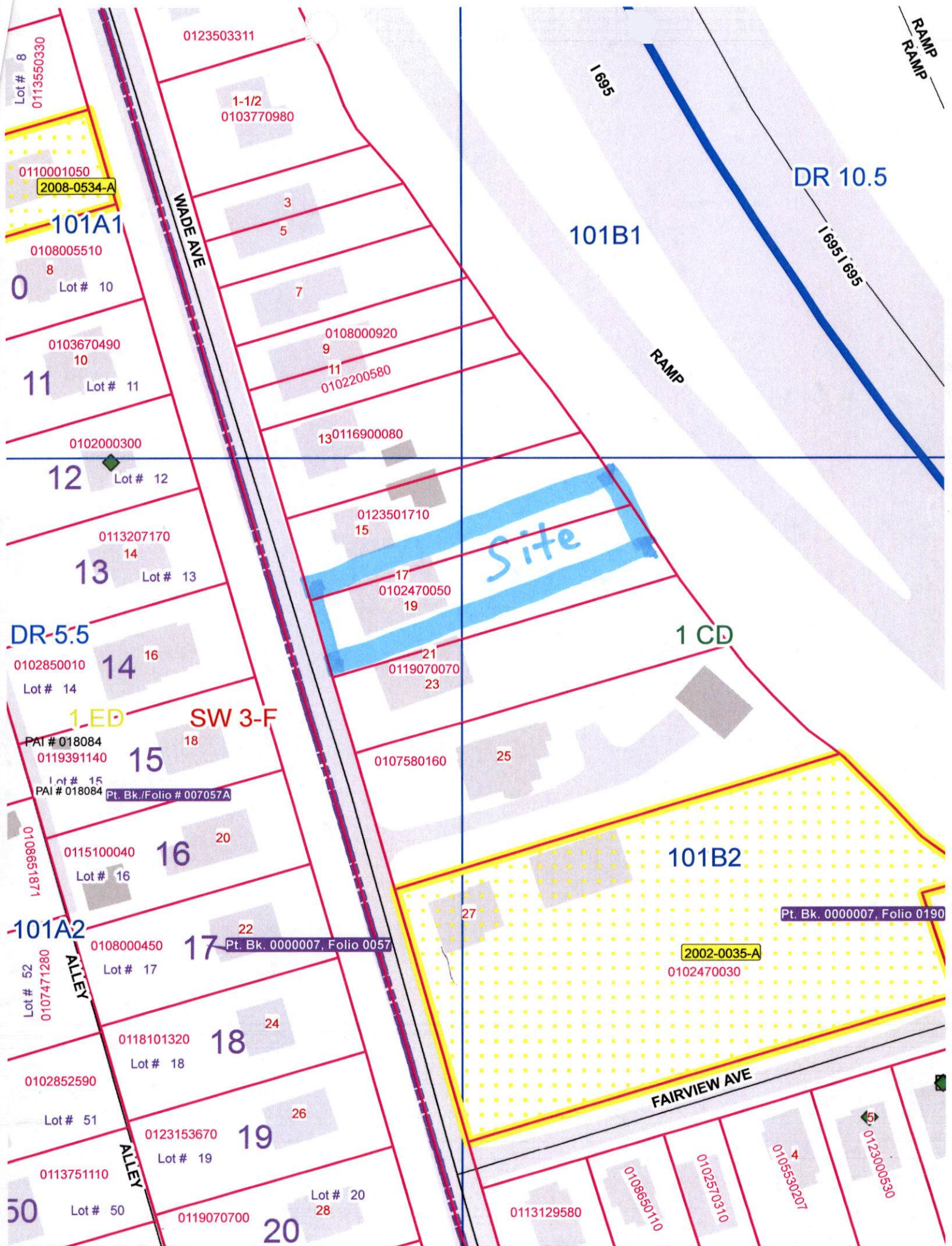
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www.baltimorecountymd.gov

~~Real Property Data Search~~ ~~Guide to searching the database~~

~~Search Result for BALTIMORE COUNTY~~

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 0119070070			
Owner Information					
Owner Name:		WARSHAW ONE LLC		Use:	RESIDENTIAL
Mailing Address:		13 S BEAUMONT AVE BALTIMORE MD 21228-		Principal Residence:	NO
				Deed Reference:	/36889/ 00117
Location & Structure Information					
Premises Address:		17 WADE AVE 0-0000		Legal Description:	ES WADE AV 590 S FREDERICK RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0101	0009	0037		0000	2016
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1914	2,560 SF		10,300 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	ASBESTOS SHINGLE	3 full	
Value Information					
	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017		
Land:	77,800	77,800			
Improvements	104,600	124,200			
Total:	182,400	202,000	188,933	195,467	
Preferential Land:	0			0	
Transfer Information					
Seller: WHITE ANDREW H		Date: 11/17/2015		Price: \$360,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /36889/ 00117		Deed2:	
Seller: SECRETARY OF HOU SING AND URBAN		Date: 06/27/1990		Price: \$65,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08523/ 00644		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016	07/01/2017		
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					



CASE NAME 297-206
CASE NUMBER 207
DATE 3/24/

[illegible]

Case No.:

2017-206
2017-207

Combined for Hearing

Exhibit Sheet

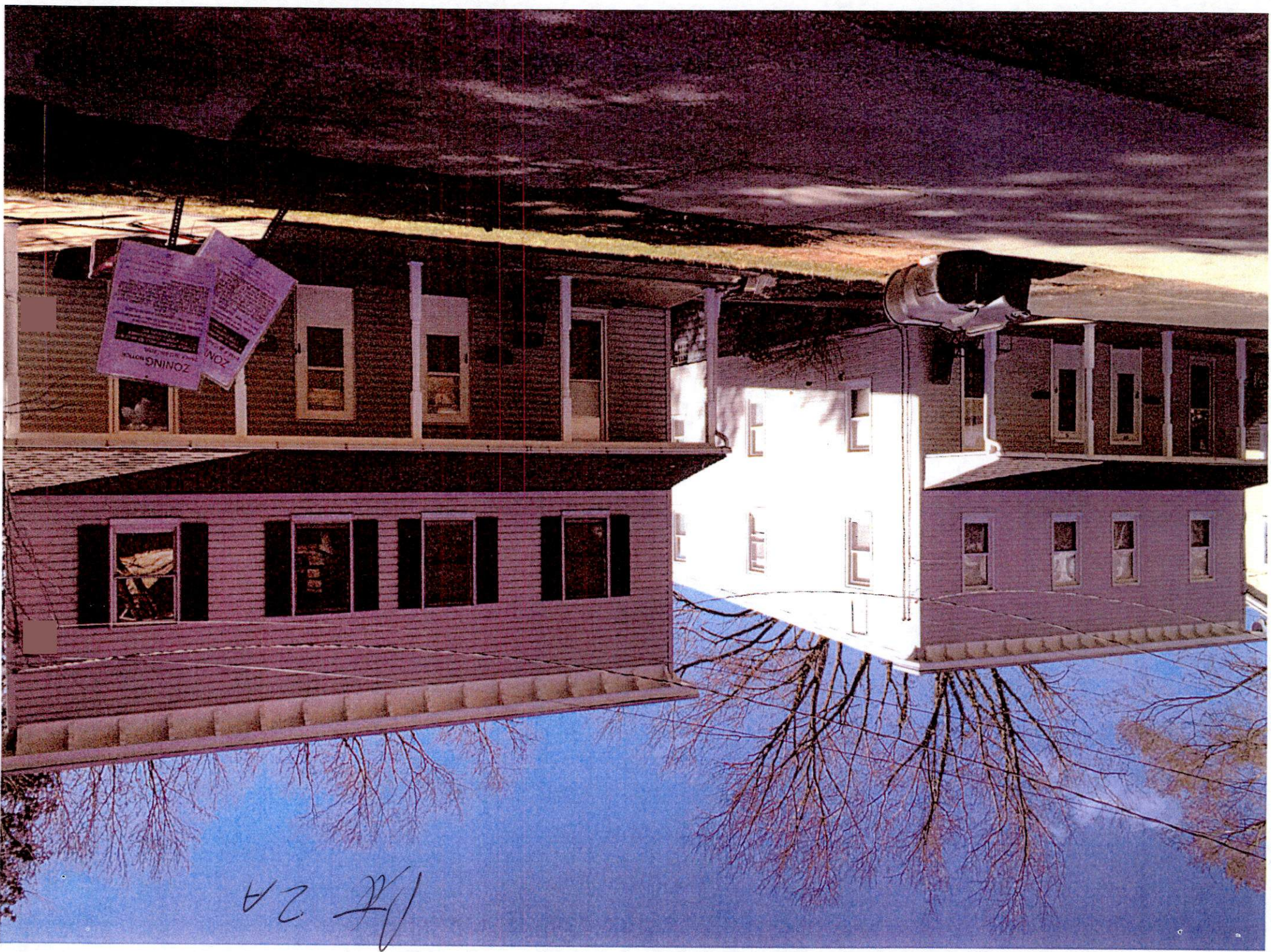
Petitioner/Developer

ISW
5-1-17

Protestants

Slr
3-28-17

No. 1	Plans in each case	
No. 2	2A-2F Photos	
No. 3	3A-3C Aerial photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



12A

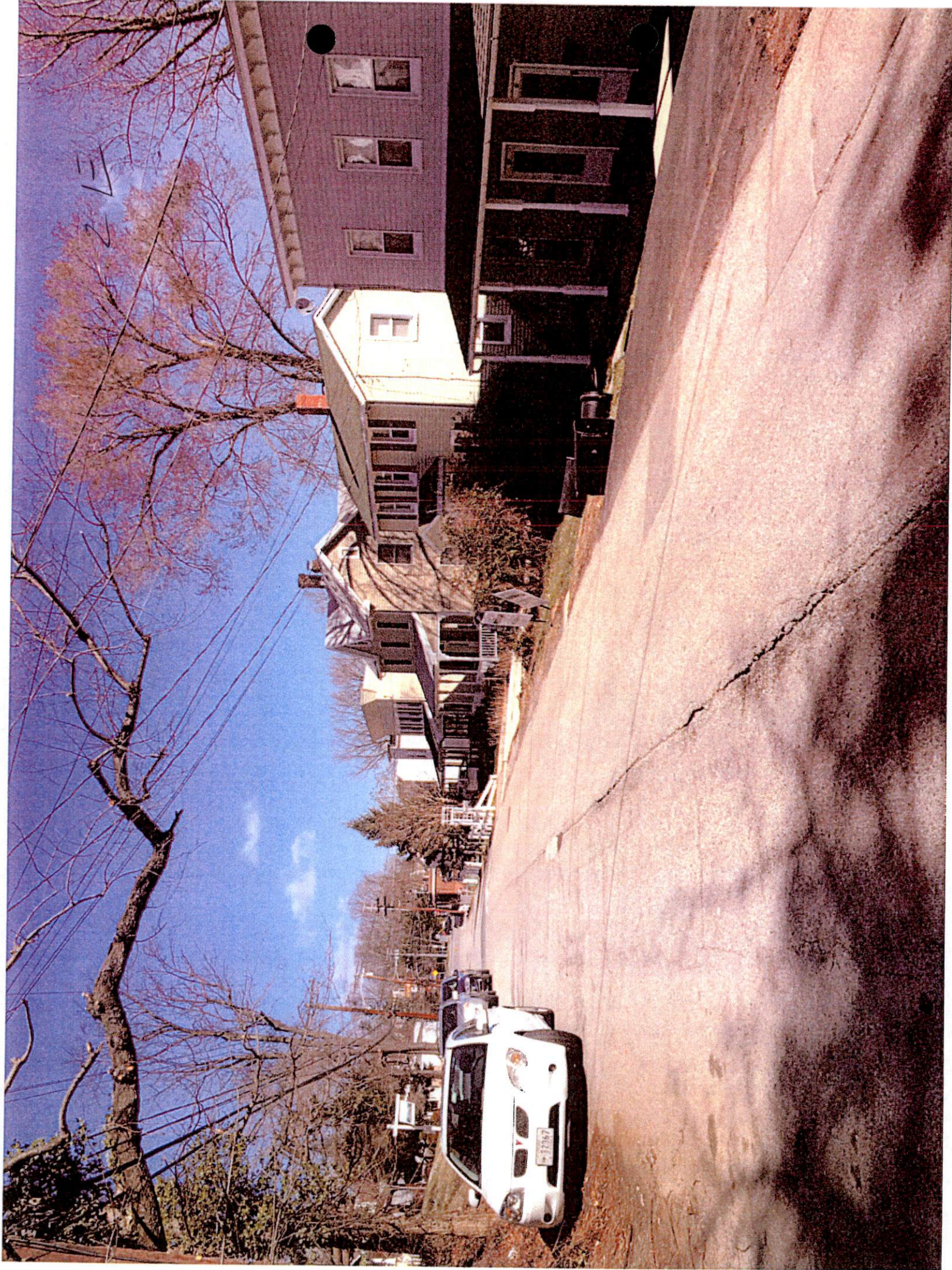
Lot 2B







2





212



My Neighborhood Map

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Baltimore County
My Neighborhood



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My Neighborhood Map

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My Neighborhood



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Baltimore County
My Neighborhood



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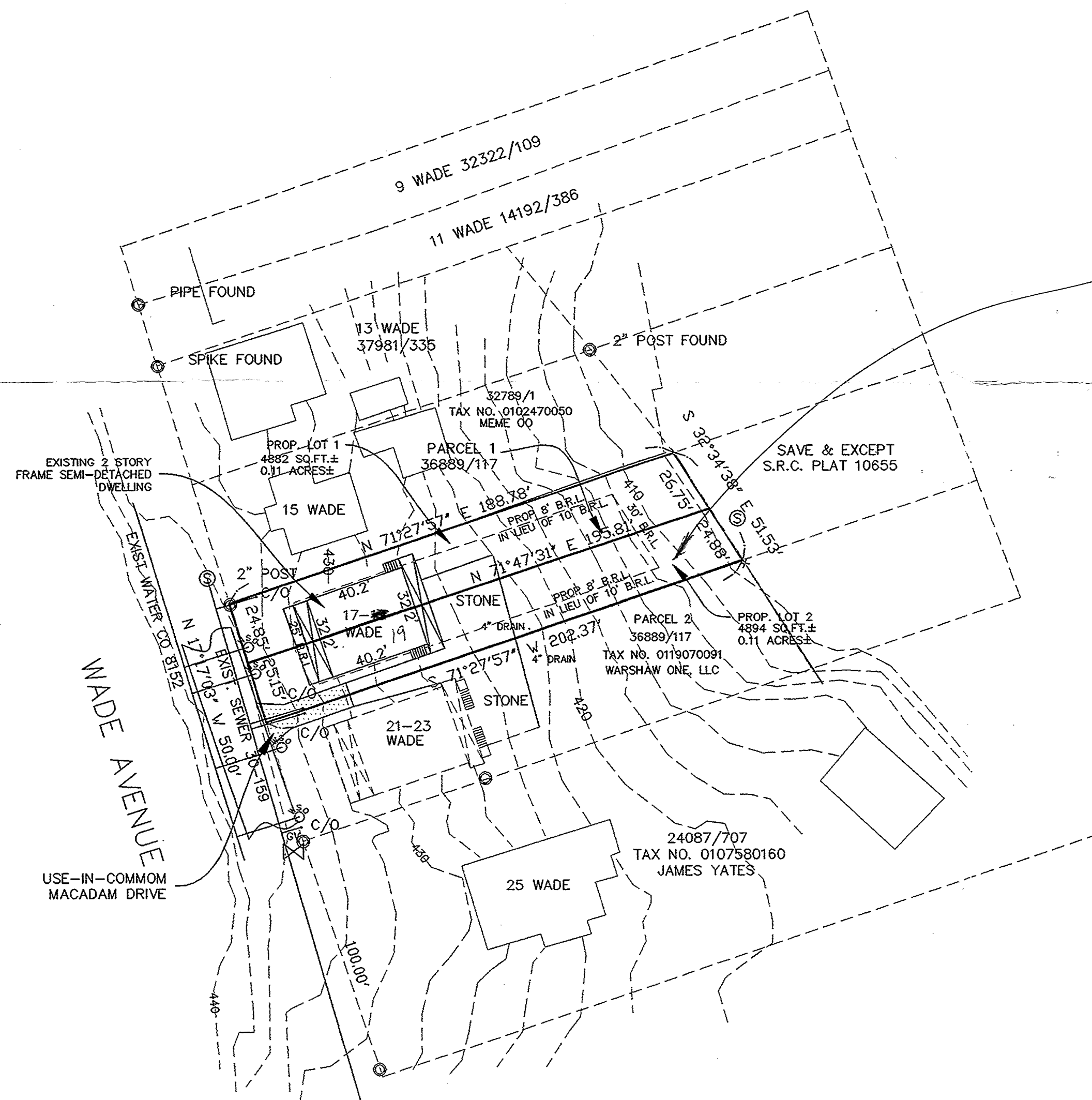
PLAT TO ACCOMPANY PETITION FOR ZONING



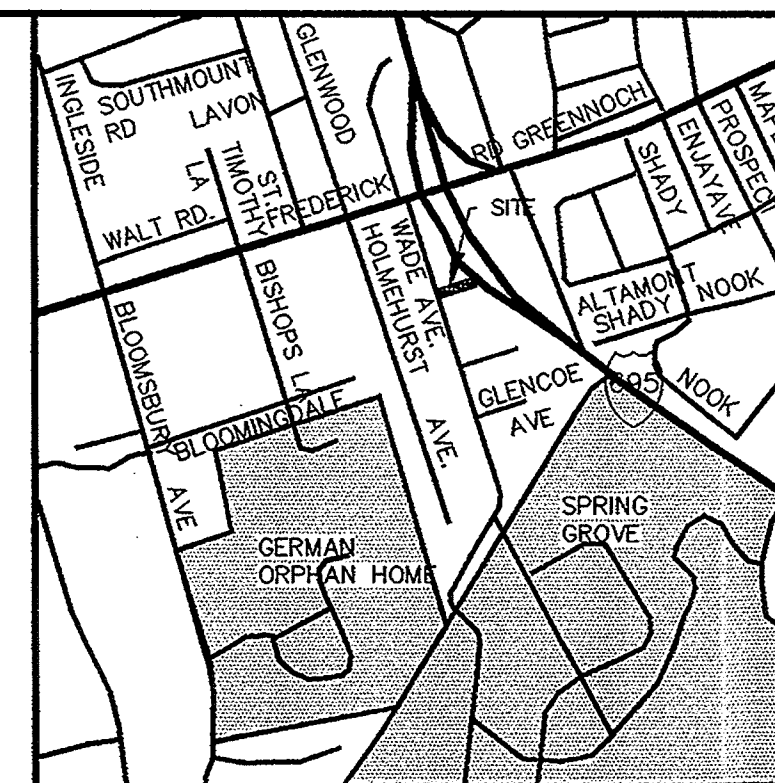
VARIANCE



SPECIAL HEARING



PENDING
M.S. APPROVAL



VICINITY MAP
SCALE: 1"= 1000'

LOCATION INFORMATION

COUNCILMANIC DISTRICT: 1
ELECTION DISTRICT: 1
ZONING: D.R. 5.5
1"=200' SCALE MAP: 101B2 & 101A2

LOT SIZE: = 9776 SQ.FT./0.22 ACRES±
PROP. LOT 1 SIZE: = 4882SQ. FT./0.11 ACRES±
PROP. LOT 2 SIZE: = 4894SQ. FT./0.11 ACRES±

	YES	NO
PUBLIC SEWER	☒	☐
PUBLIC WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☐	☒

DEED REFERENCE: 36889/117

OWNER: WARSHAW ONE LLC
#13 S. BEAUMONT AVE.
BALTIMORE MD. 21228

TAX NO. 0119070070
DATE: JANUARY, 2017
SCALE: 1"=40'
HISTORIC DIST.: NO
FLOOD PLAIN: NO
PRIOR ZONING HEARING: NO

PREPARED BY:

JOHN C. MELLEMA SR., INC.
LAND SURVEYORS

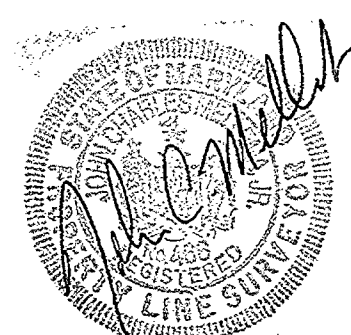
5409 EAST DR. BALTO., MD. 21227

PHONE: 410-247-7488 FAX: 410-247-2507

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.



#17 & #19 WADE AVENUE
TAX MAP 0101 GRID 0009 PARCEL 37
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=40' DATE: JANUARY, 2017
DEED REF.: 36889/117

Ex. 1 2017-0206-SPHA