

M E M O R A N D U M

DATE: November 27, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0075-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 24, 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

IN RE: PETITION FOR VARIANCE

(7407 Beech Avenue)

14th Election District

6th Council District

Alleen Wiggins and Evelyn Chatmon

Legal Owners

The Kiley Property Group

Contract Purchaser

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0075-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Alleen Wiggins and Evelyn Chatmon, legal owners of the subject property and The Kiley Property Group, contract purchaser (“Petitioners”). The Petition seeks variance relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) to permit individual side yard widths of 7 ft. in lieu of the required 10 ft. on both sides of the proposed dwelling; and (2) to permit a minimum lot width of 40 ft. in lieu of the required 55 ft. A site plan was marked as Petitioners’ Exhibit 1.

Professional engineer John Motsco and Brendon Kiley appeared in support of the petition. Howard Alderman, Esq. represented the contract purchaser. Two neighbors attended the hearing and opposed the requests. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (DOP). That agency did not object to the requests.

The site is approximately 8,401 sq. ft. in size and zoned DR 5.5. The property is unimproved and is shown as Lot 125 on the Plat of Cherry Heights. In 1976, a prior owner of the property was granted variance relief to construct a dwelling on the site. A home was never constructed and as Mr. Motsco testified, the dwelling proposed in Case No. 76-209-A

ORDER RECEIVED FOR FILING

Date

10/25/17

By

Sen

(Petitioners' Exhibit 2) was oriented in such a fashion that the front door would face the neighboring home, rather than Beech Avenue. Petitioners propose to construct a new dwelling which would front on Beech Avenue, and Mr. Motsco testified most of the homes in the neighborhood are so oriented.

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).

Mr. Motsco opined the property was unique due to its narrow and deep configuration (approximately 40' x 206'). If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct a dwelling on this lot. Finally, I find that the variances 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.

Ron Rims, a neighbor, opposed the variance request and testified that in his opinion the proposed home would be too close to the property line and the adjacent home at 7405 Beech Ave. He feared this could pose a fire safety danger. While public safety is always a concern in zoning matters, there is no indication that the proposed setback would violate any building or fire safety codes, and no county review agency made a comment to that effect.

Of course, many residential units are in fact connected and share a common wall (e.g., townhouses, duplexes and apartments). In these circumstances the codes require sprinklers and fire-resistant construction, and as counsel noted all new dwellings in Maryland must have fire-

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Date

10/25/17

By

slh

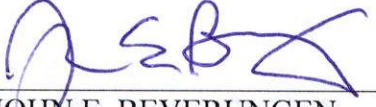
suppression sprinkler systems installed. In this case, the proposed dwelling would be 7 ft. from the property line. The International Residential Code specifies that if the exterior walls of a dwelling are less than 5 ft. from a lot line the dwelling must have 1-hour fire-resistant construction. IRC §R302.1. As such, I do not believe the proposed setback would violate any code or regulation.

THEREFORE, IT IS ORDERED, this 25th day of **October, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to permit individual side yard widths of 7 ft. in lieu of the required 10 ft. on both sides of the proposed dwelling; and (2) to permit a minimum lot width of 40 ft. in lieu of the required 55 ft., 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 comply with the ZAC comment submitted by the DOP, a copy of which is attached hereto.

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

10/25/17

By

slh



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 7407 BEECH AVENUE which is presently zoned DR 5.5

Deed References: 6920/111 10 Digit Tax Account # 1 4 1 0 0 0 1 2 7 0

Property Owner(s) Printed Name(s) ALLEEN WIGGINS & EVELYN CHATMON

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

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

SEE ATTACHED EXHIBIT A

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)

SEE ATTACHED EXHIBIT B

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:

THE KILEY PROPERTY GROUP, LLC

Name- Type or Print

Signature

7121 Tanager Avenue, GLEN BURNIE, MD

Mailing Address City State

21060 / 410-600-5117 / BRENDON@KILEYHOMES.COM

Zip Code Telephone # Email Address

Attorney for Petitioner:

HOWARD ALDERMAN ESQ.

Name- Type or Print

Signature

502 Washington Ave Ste 800 Towson MD

Mailing Address City State

21204 / 410-321-0060

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

ALLEEN WIGGINS / EVELYN CHATMON

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3616 MARRIOTTS LANE BALTIMORE, MD

Mailing Address City State

21244 /

Zip Code Telephone # Email Address

Representative to be contacted:

LITTLE & ASSOCIATES, JOHN MOTSCO

Name - Type or Print

Signature

1055 TAYLOR AVE TOWSON, MD

Mailing Address City State

21286 / 410-296-1636 / JOHN@LITTLEASSOCIATES.COM

Zip Code Telephone # Email Address

CASE NUMBER **2018-0075-A** Filing Date **9/8/17**

Do Not Schedule Dates: **ORDER RECEIVED FOR FILING** Reviewer **JCM**

Date **10/25/17**

REV. 10/4/11

By **Sen**

ZONING REQUEST:

The Petitioner requests the following zoning relief:

A variance from BCZR 1B02.3.C.1 to permit individual side yard widths of 7 feet in lieu of the required 10 feet on both sides of the proposed dwelling; and,

A variance from BCZR 1B02.3.C.1 to permit a minimum lot width of 40 feet in lieu of the required 55 feet; and,

Any additional relief as may be deemed necessary by the administrative Law Judge.

June 12, 2017

ZONING DESCRIPTION FOR
#7407 BEECH AVENUE

Beginning at a point on the southeast side of Beech Avenue, which is 50 feet wide, at the distance of 135 feet northeast of the centerline of First Street, which is 30 feet wide. Being Lot #125 in the subdivision of Cherry Heights as recorded in Baltimore County Plat Book W.P.C. 3, Folio 71, containing 8,401 square feet of land, more or less. Located in the Fourteenth Election District and Sixth Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2018



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 5213098

Sold To:

The Kiley Property Group Inc - CU00621050
7121 Tanager Ave
Glen Burnie, MD 21060-8329

Bill To:

The Kiley Property Group Inc - CU00621050
7121 Tanager Ave
Glen Burnie, MD 21060-8329

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

Oct 03, 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: # 2018-0075-A
7407 Beech Avenue
SE/s First Street, 135 ft. NE of centerline of First Street
14th Election District - 6th Councilmanic District
Legal Owner(s) Allenn Wiggins, Evelyn Chatmon
Contract Purchaser/Lessee: The Kiley Property Group

Variance: to permit the individual side yard widths of 7 ft. in lieu of the required 10 ft. on both sides of the proposed dwelling and to permit a minimum lot width of 40 ft. in lieu of the required 55 ft.; any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Monday, October 23, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 10/602 October 3 5213098

The Baltimore Sun Media Group

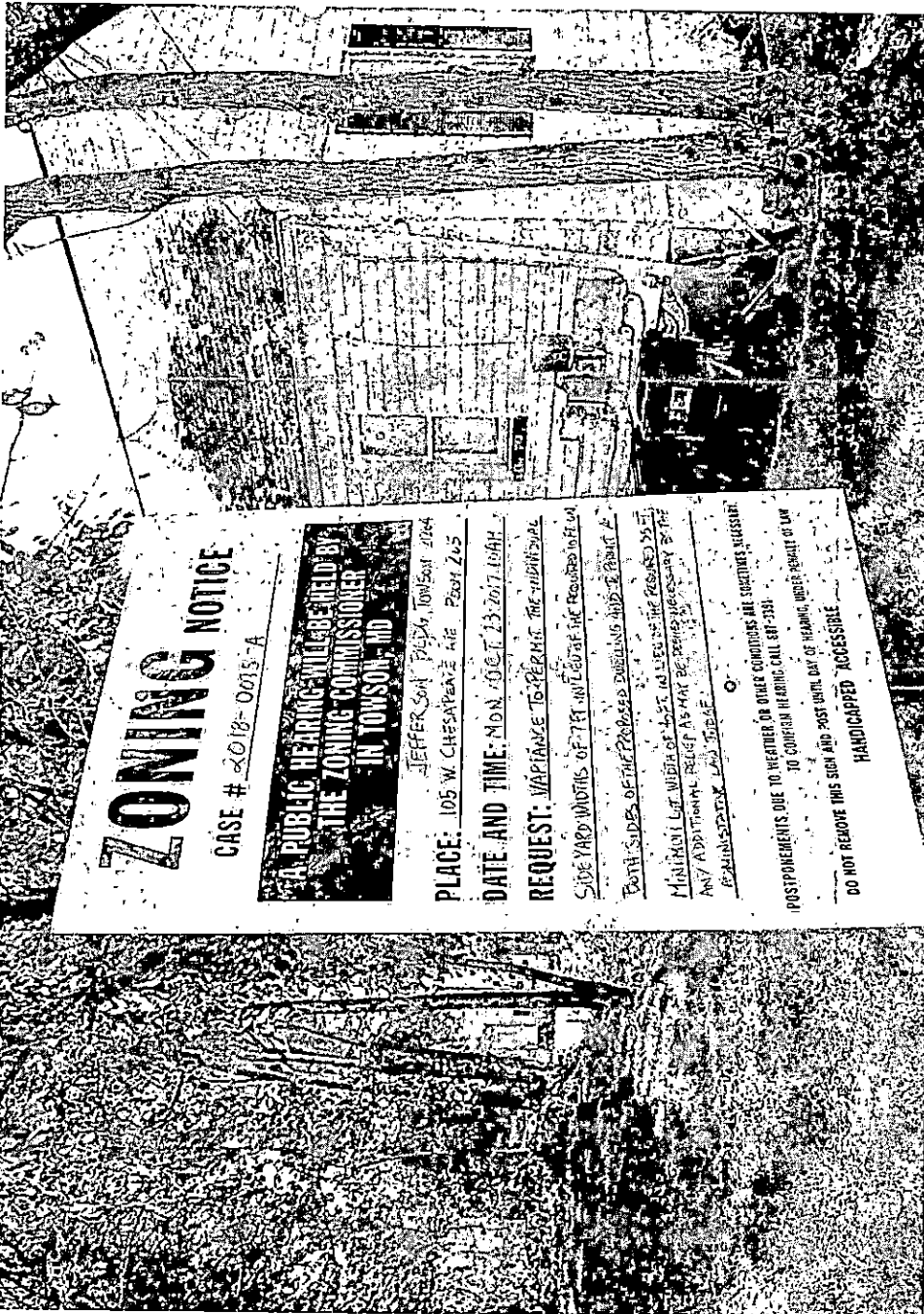
By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

Date: 10-1-17

RE: Case Number: 2018-0075-A



mon
necessary sign(s) required
7407 Beech Ave

(ear)

Jefferson Pilson
of Sign Poster)

NCE PILSON
ime of Sign Poster)

Barn Road
ress of Sign Poster)

MD 21120
ip Code of Sign Poster)

1443
mber of Sign Poster)



KEVIN KAMENETZ
County Executive

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

September 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: 2018-0075-A

7407 Beech Avenue

SE/s First Street, 135 ft. NE of centerline of First Street

14th Election District – 6th Councilmanic District

Legal Owners: Allenn Wiggins, Evelyn Chatmon

Contract Purchaser/Lessee: The Kiley Property Group

Variance to permit the individual side yard widths of 7 ft. in lieu of the required 10 ft. on both sides of the proposed dwelling and to permit a minimum lot width of 40 ft. in lieu of the required 55 ft.; any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Monday, October 23, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a circular stamp.

Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Kiley Property Group, Inc., 7121 Tanager Avenue, Glen Burnie 21060
Allenn Wiggins, Evelyn Chatmon, 3616 Marriotts Lane, Baltimore 21244
Little & Associates, John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 3, 2017 Issue - Jeffersonian

Please forward billing to:

Brendon Kiley
The Kiley Property Group, Inc.
7121 Tanager Avenue
Glen Burnie, MD 21060

410-600-5117

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: 2018-0075-A

7407 Beech Avenue

SE/s First Street, 135 ft. NE of centerline of First Street

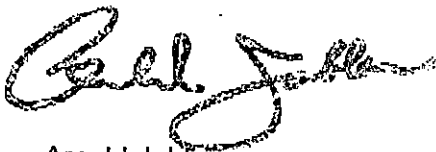
14th Election District – 6th Councilmanic District

Legal Owners: Allenn Wiggins, Evelyn Chatmon

Contract Purchaser/Lessee: The Kiley Property Group

Variance to permit the individual side yard widths of 7 ft. in lieu of the required 10 ft. on both sides of the proposed dwelling and to permit a minimum lot width of 40 ft. in lieu of the required 55 ft.; any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Monday, October 23, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
7407 Beech Avenue; SE/S of First Street, 135' *
NE of the c/line of First Street * OF ADMINISTRATIVE
14th Election & 6th Councilmanic Districts *
Legal Owner(s): Alleen Wiggins & * HEARINGS FOR
Evelyn Chatmon *
Contract Purchaser(s): The Kiley Property Group* BALTIMORE COUNTY
Petitioner(s) *
2018-075-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

SEP 14 2017

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 14th day of September, 2017, a copy of the foregoing Entry of Appearance was mailed to John Motsco, Little & Associates, 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286 and Howard Alderman, Esquire, 502 Washington Avenue, Suite 800, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Kristen L Lewis

From: Howard Alderman <halderman@levingann.com>
Sent: Wednesday, September 13, 2017 11:14 AM
To: Kristen L Lewis
Subject: 7404 Beech Avenue

Kristen,

Good morning. Regarding **7404 Beech Avenue, Case No. 2018-075-A**, please do not schedule this for hearing before October 11, 2017. As soon as possible after that date would be great.

Thank you, and please call me with any questions,
Howard

[Download V-Card](#)

Howard L. Alderman, Jr., Esquire
Levin & Gann; PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

Recognized as one of Maryland's



LEVIN & GANN, P.A.



This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

**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: 2018-0075-A

Property Address: 7407 BEECH AVENUE

Property Description: LOCATED ON THE S/E SIDE of BEECH RD.,
135ft± NE of THE E of FIRST ST.

Legal Owners (Petitioners): ALLEEN WIGGINS & EVELYN CHATMON

Contract Purchaser/Lessee: THE KILEY PROPERTY GROUP, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRENDON KILEY

Company/Firm (if applicable): THE KILEY PROPERTY GROUP, LLC

Address: #7121 TANAGER AVENUE
GLEN BURNIE, MD 21060

Telephone Number: 410-600-5117



KEVIN KAMENETZ
County Executive

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

October 19, 2017

Alleen Wiggins
Evelyn Chatmon
3616 Marriotts Lane
Baltimore MD 21244

RE: Case Number: 2018-0075 A X, Address: 7407 Beech 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 September 8, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
The Kiley Property Group, LLC, 7121 Tanager Avenue, Glen Burnie MD 21060
Howard Alderman, Esquire, 502 Washington Avenue, Suite 800, Towson MD 21204
Little & Associates, John Motsco, 1055 Taylor Avenue, Suite 307, Towson MD 21286

10-23-17 10 AM

BALTIMORE COUNTY, MARYLAND

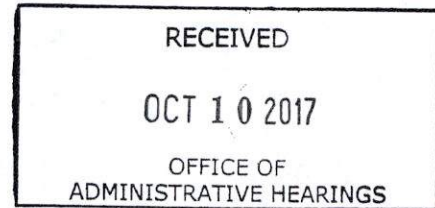
INTER-OFFICE MEMORANDUM

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

DATE: 10/6/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-075



INFORMATION:

Property Address: 7407 Beech Avenue
Petitioner: Alleen Wiggins
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed single family dwelling to have individual side yard widths of 7 feet and a minimum lot width of 40 feet in lieu of the required 10 feet on both sides and 55 foot lot width respectively.

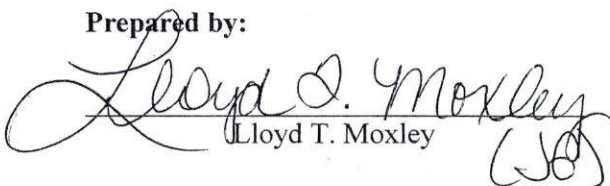
A site visit was conducted on September 22, 2017. The subject property is located within the boundaries of Overlea Fullerton Community Plan, adopted by the County Council in 2011.

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

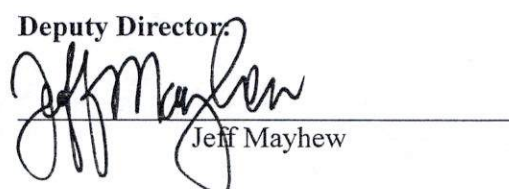
- The proposed garage door shall be articulated with architectural elements so as to not present a flat surface. Said elements shall be in the form of windows combined with panels having raised detailing and/or decorative hardware.

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

Prepared by:


Lloyd T. Moxley

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/ka

c: Laurie Hay
John Motsco, Little & Associates
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 10/25/17
By sen

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 9/13/17

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

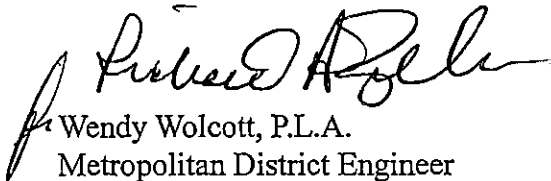
Dear Ms. Lewis:

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. 2018-0075-A.

*Variance -
Allen Higgins & Evelyn Chapman
2407 Beech 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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 27, 2017

FROM: *VP*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 18, 2017
Item No. 2018-0073-A, 0075 and 0076-SPH

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

* * * * *

VKD: CEN
cc: file

10-23-17 10 Am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 10/6/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-075



INFORMATION:

Property Address: 7407 Beech Avenue
Petitioner: Alleen Wiggins
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed single family dwelling to have individual side yard widths of 7 feet and a minimum lot width of 40 feet in lieu of the required 10 feet on both sides and 55 foot lot width respectively.

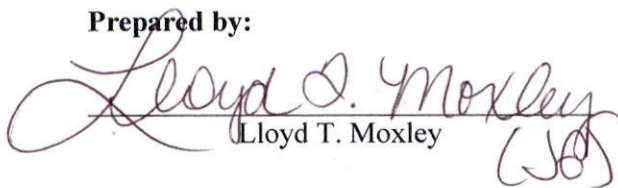
A site visit was conducted on September 22, 2017. The subject property is located within the boundaries of Overlea Fullerton Community Plan, adopted by the County Council in 2011.

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

- The proposed garage door shall be articulated with architectural elements so as to not present a flat surface. Said elements shall be in the form of windows combined with panels having raised detailing and/or decorative hardware.

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

Prepared by:


Lloyd T. Moxley

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/ka

c: Laurie Hay
John Motsco, Little & Associates
Office of the Administrative Hearings
People's Counsel for Baltimore County

10-23

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
SEP 21 2017
OFFICE OF ADMINISTRATIVE HEARINGS

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: September 21, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0075-A
Address 7407 Beech Avenue
(Wiggins & Chatmon Property)

Zoning Advisory Committee Meeting of **September 18 2017**.

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

Reviewer: Steve Ford Date: 9-21-2017

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/6/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-075

INFORMATION:

Property Address: 7407 Beech Avenue
Petitioner: Alleen Wiggins
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed single family dwelling to have individual side yard widths of 7 feet and a minimum lot width of 40 feet in lieu of the required 10 feet on both sides and 55 foot lot width respectively.

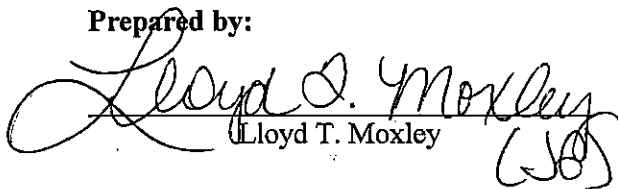
A site visit was conducted on September 22, 2017. The subject property is located within the boundaries of Overlea Fullerton Community Plan, adopted by the County Council in 2011.

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

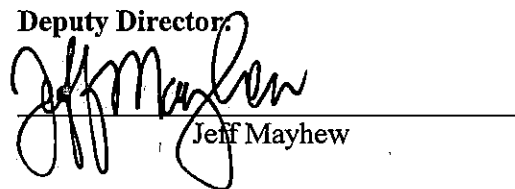
- The proposed garage door shall be articulated with architectural elements so as to not present a flat surface. Said elements shall be in the form of windows combined with panels having raised detailing and/or decorative hardware.

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

Prepared by:


Lloyd T. Moxley

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/ka

c: Laurie Hay
John Motsco, Little & Associates
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: September 21, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0075-A
Address 7407 Beech Avenue
(Wiggins & Chatmon Property)

Zoning Advisory Committee Meeting of **September 18 2017**.

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

Reviewer: Steve Ford Date: 9-21-2017

CASE NAME WIGGINS-CHATMON
CASE NUMBER 2018-075-A
DATE 23 OCT 17

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

9/27

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

no comment

9/21

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

no comment

FIRE DEPARTMENT

no obj
w/ condition

10/10

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

no obj

9/13/17

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/3/17

SIGN POSTING

Date:

9/29/17

by

Pulson

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 14 Account Number - 1410001270			
Owner Information					
Owner Name:	WIGGINS ALLEEN V CHATMON EVELYN JAMES		Use:	RESIDENTIAL	
Mailing Address:	3616 MARRIOTTS LN BALTIMORE MD 21244-3047		Principal Residence:	NO	
			Deed Reference:	/06920/ 00111	
Location & Structure Information					
Premises Address:		7407 BEECH AVE 0-0000		Legal Description: 120 E FIRST AVENUE CHERRY HGTS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0081	0016	0752		0000	125 2018
					Assessment Year: 2018
					Plat No: 0003/0071
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area		Finished Basement Area		Property Land Area
					8,360 SF
					County Use 04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2015	07/01/2017	07/01/2018
Land:		47,300	47,300		
Improvements		0	0		
Total:		47,300	47,300	47,300	
Preferential Land:		0			
Transfer Information					
Seller: JARRETT LILLIAN J		Date: 05/21/1985		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06920/ 00111		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
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					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

Case No.: 2018-0075-A

Exhibit Sheet

10/25/17
Sen

Petitioner/Developer

11-27-17

Protestant

No. 1	Plan	
No. 2	File-Case No. 76-209-A	
No. 3	DOP ZAC comment	
No. 4	My Neighborhood zoning map	
No. 5	Overlea Fullerton plan	
No. 6	Elevation	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/6/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
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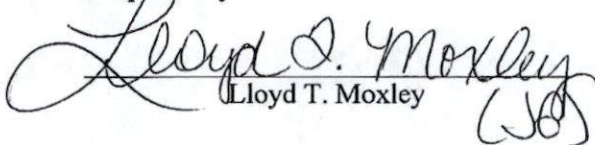
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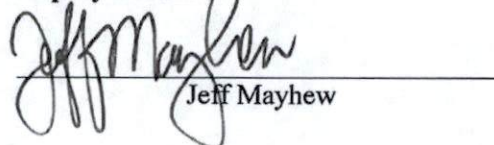
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For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:

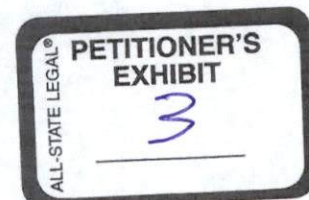

Lloyd T. Moxley

Deputy Director:

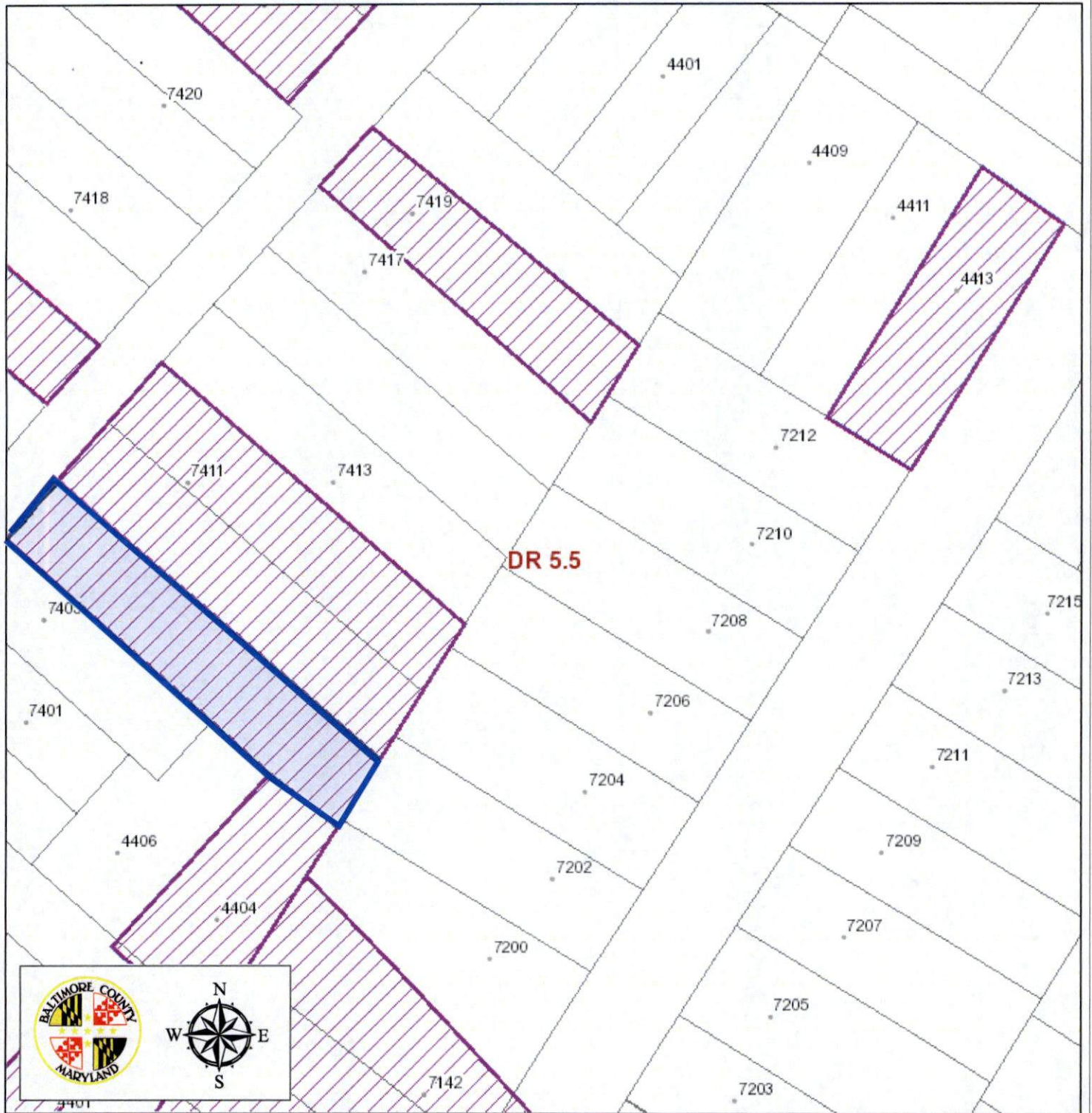

Jeff Mayhew

AVA/KS/LTM/ka

c: Laurie Hay
John Motsco, Little & Associates
Office of the Administrative Hearings
People's Counsel for Baltimore County



. 407 Beech Avenue

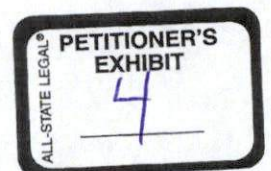


October 17, 2017

Legend

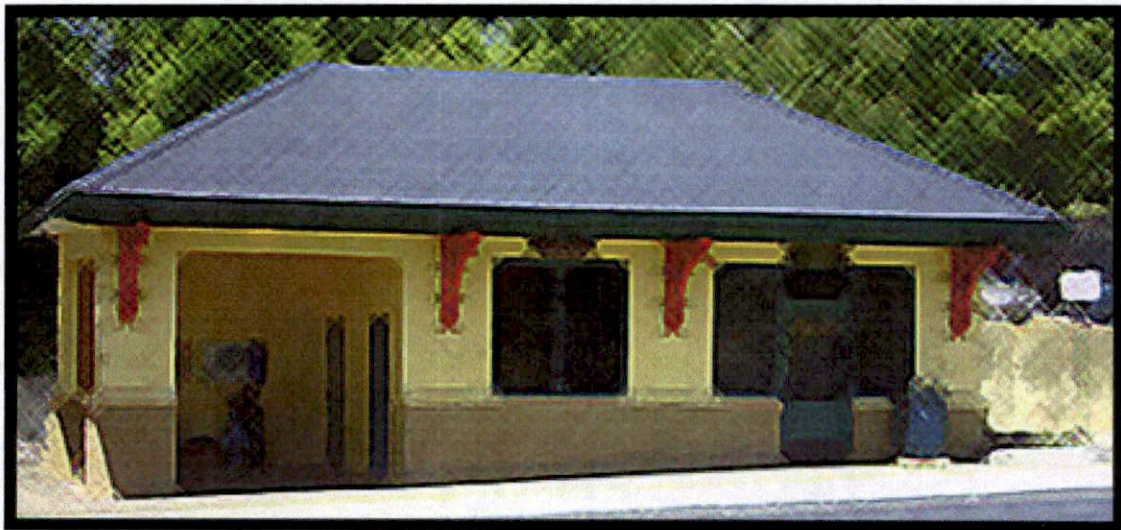
- House Numbers
- ▨ Zoning History Cases
- ▢ Zoning
- Property
- County Boundary

0 0.005 Miles
1 inch = 94 feet



Overlea/Fullerton Community Plan

Approaches for the Future



**Adopted by the Baltimore County Council
December 7, 2009**



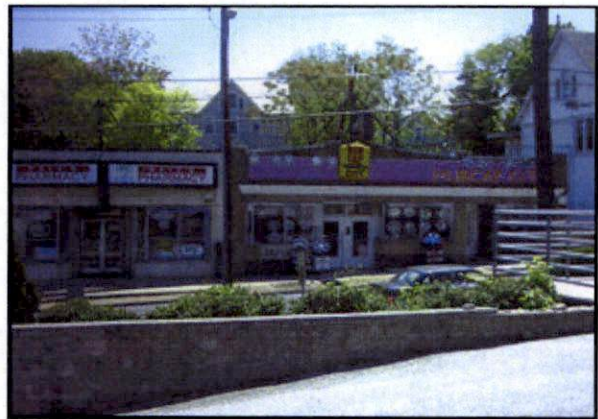
Overlea/Fullerton Community Plan

Issues

- Existing DR 5.5 zoning of the residential community allows for additional development on some of the long, deep existing lots in the form of panhandles that are not compatible with the surrounding community.
- Intense commercial zoning on Belair road abuts single-family detached residential structures with no transition, often causing conflicts between commercial establishments and residences.
- Commercial zoning of structures originally built as residences has led to inappropriate conversions, particularly that of the front facades, that detract from the character of the commercial area.
- Intense commercial zoning and auto related uses on Belair Road are not conducive to pedestrian activity or commercial revitalization of existing uses that serve the immediate community.



Zoning on Belair Road ranges from Business Local (BL) to Business Roadside (BR).



Recommendations

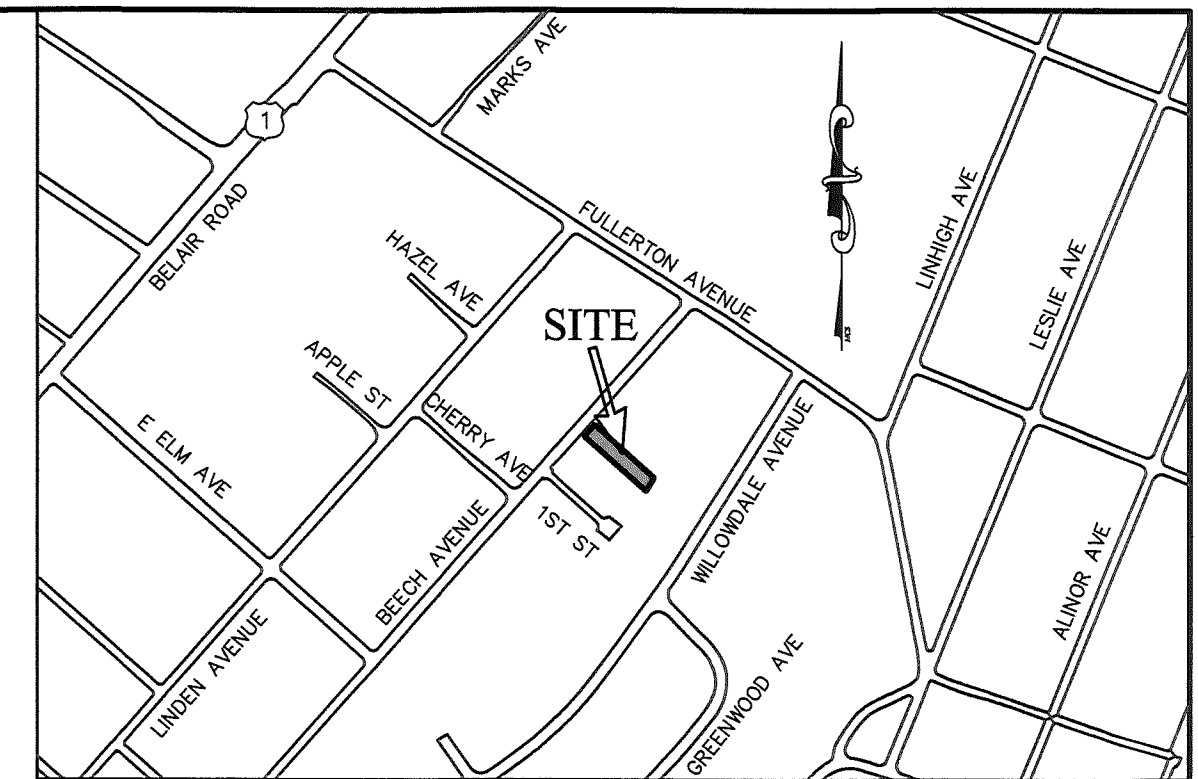
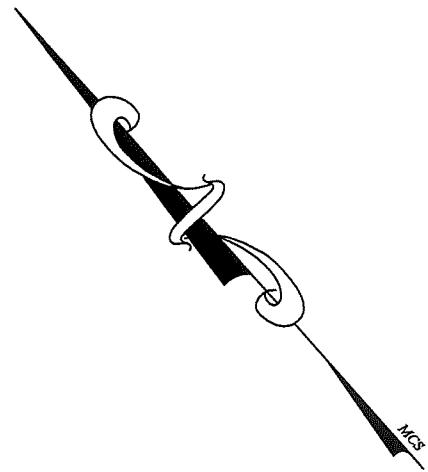
- Explore the use of Form Based Codes (FBC) through a community charrette as a way to achieve better quality residential infill development in the plan area. Developing an FBC would require the appearance and layout of the street to be carefully controlled to reflect neighborhood scale.
- Consider rezoning certain areas that are currently zoned DR 5.5 to DR 3.5 to decrease the potential for panhandle development to occur. Suggested sites include: Beech Avenue, McCormick Avenue, Alberta Avenue and several streets located in the Cherry Heights section of the community
- Explore the use of the ROA or RO zoning districts for those residential structures immediately adjacent to Belair Road to minimize the adverse effects of the heavy commercial land use and intense zoning of Belair Road and the neighboring streets. Create a transition buffer zone to the residential community.
- Continue to explore rezoning options through community-initiated issues in the upcoming CZMP process. This is one method of changing the character of Belair Road from a cut through commercial corridor to a more pedestrian friendly street with goods and services that make it a destination.
- Prohibit the use of panhandle lots. The term panhandle lot shall mean a lot so shaped and situated that the main part of the lots, on which the principal building is or would be constructed, is separated from streets or roads by other lot(s) or parcel(s) and the lot's only street frontage is provided by way of a strip of land that is narrower than the main part of the lot.



The WYE - Elevation A







VICINITY MAP

SCALE: 1"=500'

PROPERTY INFORMATION

1. OWNER:
ALLEEN V WIGGINS & EVELYN JAMES CHATMON
3616 MARRIOTT LANE
BALTIMORE, MD 21244
2. TAX ACCOUNT #: 1410001270
3. DEED REF: 6920/111
4. SITE AREA: 0.193± AC. (8,401 S.F.)
5. EXISTING ZONING: DR 5.5
6. ZONING MAP: 081B3
7. ELECTION DISTRICT: 14 COUNCILMANIC DISTRICT: 6
8. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2017 WATER AND SEWER BASIC SERVICES MAPS. THIS SITE IS LOCATED WITHIN A LEVEL 'D' AREA BASED ON THE 2017 TRANSPORTATION BASIC SERVICES MAP.
9. THIS SITE IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.
10. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA).
11. THIS SITE IS NOT HISTORIC.
12. THIS SITE IS NOT LOCATED WITHIN ANY HISTORICAL DISTRICT.
13. THIS SITE IS NOT LOCATED WITHIN ANY HISTORICAL DISTRICT.
14. PUBLIC WATER AND SEWER ARE AS SHOWN.

ZONING HISTORY

CASE # 76-209-A: GRANTED
FILING DATE OF PETITION: 01/24/1976
ORDER DATE: 04/25/1976

A VARIANCE FOR A REAR-YARD SETBACK OF 5 FEET INSTEAD OF 30' & A FRONT-YARD SETBACK OF 11 FEET INSTEAD OF 25' WAS GRANTED.

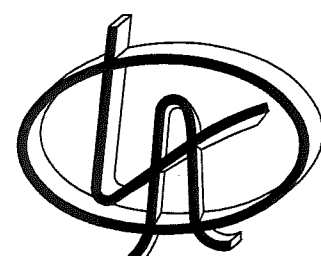
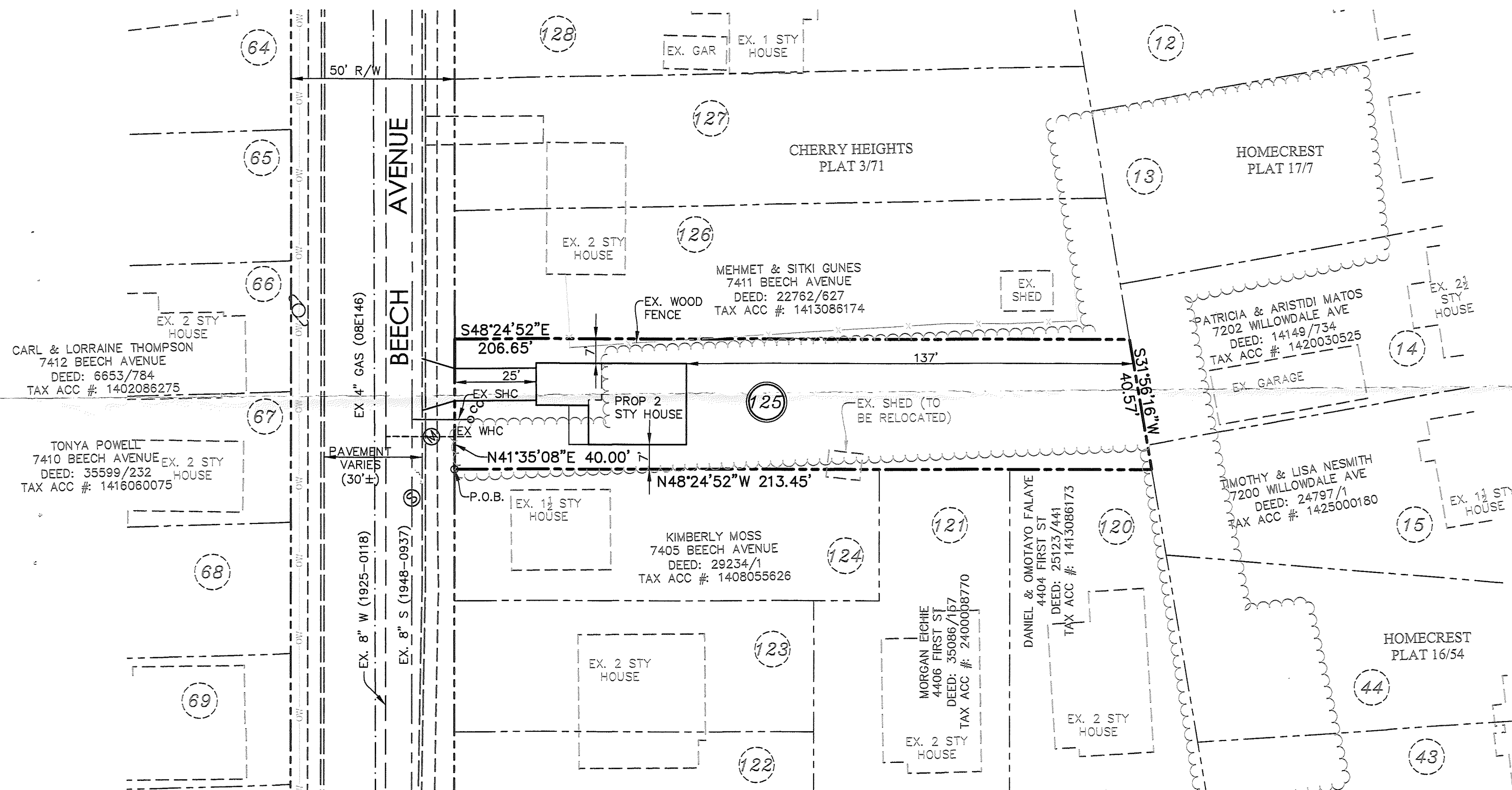
ZONING REQUEST:

THE PETITIONER REQUESTS THE FOLLOWING ZONING RELIEF:

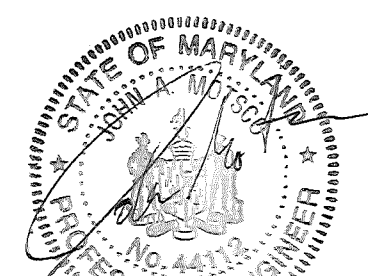
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A VARIANCE FROM BCZR 1B02.3.C.1 TO PERMIT A MINIMUM LOT WIDTH OF 40 FEET IN LIEU OF THE REQUIRED 55 FEET.

ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639



PROFESSIONAL CERTIFICATION

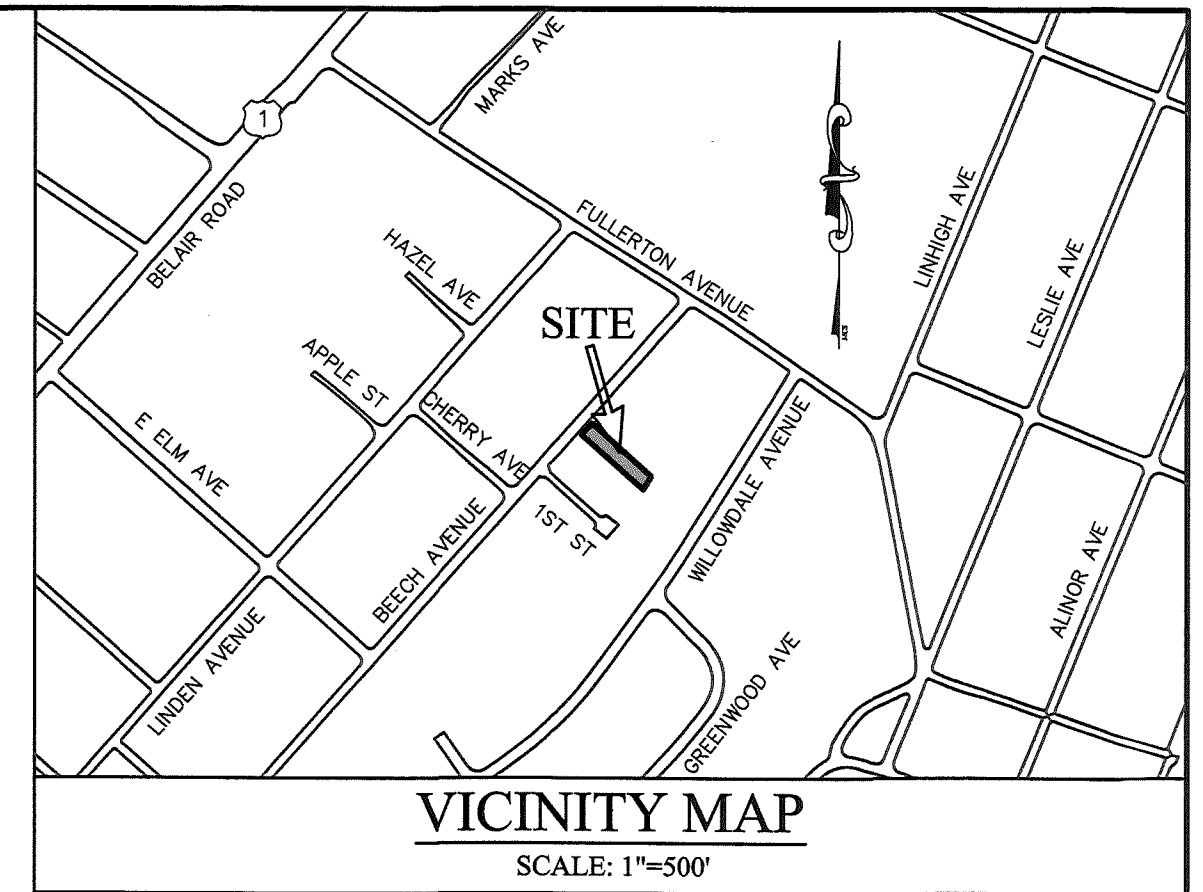
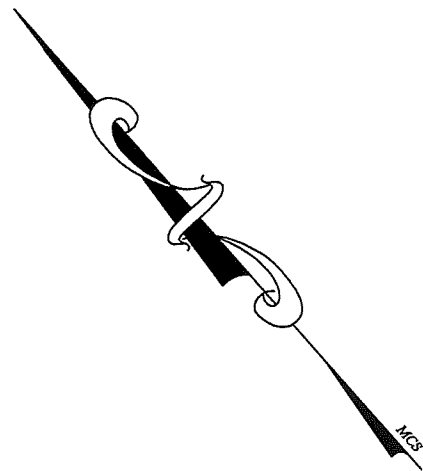
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 44112, EXPIRATION DATE: 6/9/2019.



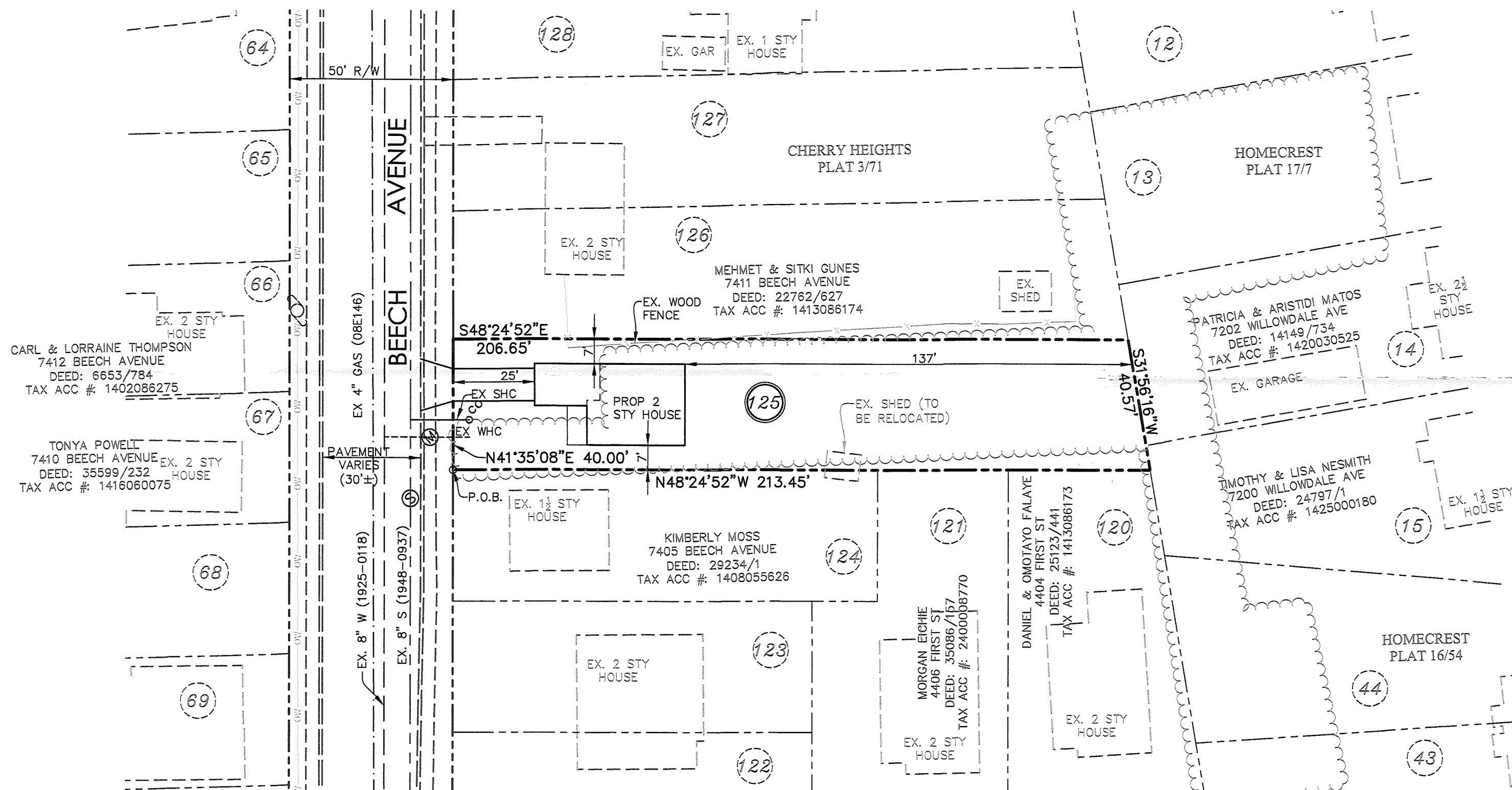
CASE #2018-0075-A
**PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE
#7407 BEECH AVENUE**

DISTRICT 14c6
SCALE: 1"=30'
PLAT: 3/71
LOT #: 125

BALTIMORE COUNTY, MD
SEPTEMBER 7, 2017



VICINITY MAP
SCALE: 1"=500'



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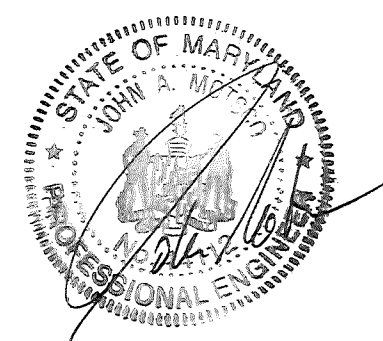
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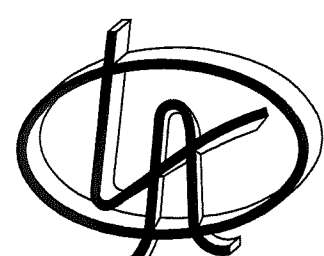
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ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.



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LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
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PHONE: (410)296-1636 FAX: (410)296-1639

**PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE
#7407 BEECH AVENUE**

DISTRICT 14c6
SCALE: 1"=30'
PLAT: 3/71
LOT #: 125

BALTIMORE COUNTY, MD
SEPTEMBER 7, 2017

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Alma V. Jarrett, Lillian J. Jarrett, et al.
1 or more legal owners 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 1-6-02.3 - C1 to permit a rear yard setback of 5 Feet instead of required 30 Feet.
And front yard setback of 11 Feet instead of required 25 Feet.

As the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County, for the following reason, (state briefly or practical difficulty):
Because lot is undersized and does allow lot width for a reasonable size house.

See attached description

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

Contract purchaser

Petitioner's Attorney

Protestant's Attorney

nt: I ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of April, 1976, 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 104, County Office Building in Towson, Baltimore County, on the 12th day of April, 1976, at 10:30 o'clock.

Zoning Commissioner of Baltimore County,
(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
Southeast side of Beech Avenue
397.10 feet South of Fullerton Avenue,
14th District : OF BALTIMORE COUNTY
ALMA V. & LILLIAN J. JARRETT, et al,
Petitioners : Case No. 76-209-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kautz, Jr.
Charles E. Kautz, Jr.
Deputy People's Counsel
John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2180

I HEREBY CERTIFY that on this 8th day of April, 1976, a copy of the foregoing Order was mailed to Alma V. & Lillian J. Jarrett, 7407 Beech Avenue, Baltimore, Maryland 21206, Petitioners.



WILLIAM J. HOGAN & HOLDER, INC.

SURVEYORS AND CIVIL ENGINEERS
8013 BELAIR RD. / BALTIMORE, MD 21236 (301) 864-1501
4th FLOOR SUITE 400 / BALTIMORE, MD 21204 (410) 528-1100
1214 WARD STREET / BALTIMORE, MD 21201 (410) 528-1100
1214 WARD STREET / BALTIMORE, MD 21201 (410) 528-1100

January 1, 1976

DESCRIPTION TO ACCOMPANY ZONING PETITION FOR FRONT AND REAR YARD VARIANCE #7607 BEECH AVENUE, 14th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME ON THE Southeastern side of Beech Avenue, (RD front side) at a point of distance of 397.10 feet measured southeasterly along said side of Beech Avenue from its intersection with the southeastern side of Fullerton Avenue, thence leaving said place of beginning and running and binding along said Beech Avenue, (1) Southeastern 40.00 feet thence leaving said Beech Avenue and running for lines of division the following courses and distances, viz: (2) Southeastern 313.45 feet, (3) Northeastern 43.57 feet and thence (4) Northeastern 300.00 feet to the place of beginning.

Containing 0.193 acres of land, more or less.

Being all of lot # 125 as laid out and shown on plat of Cherry Heights recorded among the land records of Baltimore County in Plot Book B.P.C. 2, folio 71.

This description has been prepared for zoning purposes only and is not intended to be used for conveyance.



April 26, 1976

Mrs. Lillian J. Jarrett
7407 Beech Avenue
Baltimore, Maryland 21206

RE: Petition for Variance
SE/S of Beech Avenue, 397.10'
S of Fullerton Avenue - 14th
Election District
Lillian J. Jarrett, et al -
Petitioners
NO. 76-209-A (Item No. 162)

Dear Mrs. Jarrett:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

END/enc

Attachments

cc: John W. Hession, III, Esquire
People's Counsel

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

March 18, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #162 (1975-1976)
Property Owner: Alma V. & Lillian J. Jarrett, et al
S/ES Beech Ave., 397.1' S/W of Fullerton Ave.
Existing Zoning: OK 5.5
Proposed Zoning: Variance for front and rear yard setback.
No. of Acres: 0.193 District: 14th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved. However, any construction and/or reconstruction of sidewalk, curb and gutter, entrance, apron, etc., as may be required will be the full responsibility of the Petitioner.

Additional fire hydrant protection may be required in the vicinity.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #162 (1975-1976).

Very truly yours,

Edmund H. Oliver
Edmund H. Oliver, P.E.
Chief, Bureau of Engineering

END:EMH/PML:nc

cc: M. Munchel

5-SE Key Sheet
23 NO 18 & 19 POW. Sheets
SE & S Type
B1 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: March 23, 1976
FROM: William D. From, Director of Planning
SUBJECT: Petition 76-209-A, Petition for Variance for Front and Rear Yards.
Southeast side of Beech Avenue 397.10 feet South of Fullerton Avenue.
Petitioner - Lillian J. Jarrett, et al.

14th District

HEARING: Monday, April 12, 1976 (10:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

William D. From
William D. From
Director of Planning

WDF:jgh:rw

BALTIMORE COUNTY

ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Alma V. Jarrett
7407 Beech Avenue
Baltimore, MD 21206
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 24th day of February, 1976.

S. Eric DiNenna
Zoning Commissioner

Petitioner: Alma V. & Lillian J. Jarrett, et al

Petitioner's Attorney
Hogan, Hogan & Holder, Inc.
8013 Belair Road
Baltimore, MD 21204

Reviewed by: Edmund H. Oliver, P.E.
Chairman,
Zoning Advisory
Committee

ALL-STATE LEGAL
PETITIONER'S
EXHIBIT

2

Permitted to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of fact that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners and the granting of the Variance would be necessary to the health, safety, and general welfare of the community, the Variance to permit a rear yard setback of 5 feet in lieu of the required 10 feet and a front yard setback of 11 feet in lieu of the required 25 feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of April, 1976, that the herein Petition for the aforementioned Variance should be and the same is GRANTED from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of April, 1976, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 1, 1976

COUNTY OFFICE BLDG.
115 S. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

Franklin T. Hagan, Jr.,
Chairman

MEMBERS:

BUREAU OF ENGINEERING

DEPARTMENT OF

TRAFFIC ENGINEERING

STATE BOARD COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

SEWERAGE DEPARTMENT

BOARD OF EDUCATION

BOARD ADMINISTRATION

MUNICIPAL

DEVELOPMENT

Mrs. Alma Veola Jarrett
7407 Beech Avenue
Baltimore, Maryland 21206

RE: Variance Petition

Item 162

Alma V. & Lillian J. Jarrett, et al -
Petitioners

Dear M's. Jarrett:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property, zoned D.R. 5.5, is located on the southeastern side of Beech Avenue, approximately 397 feet southwest of Fullerton Avenue, in the 14th Election District of the county.

Remnants of what appears to have been a dwelling currently exists on this lot (40'x209'). A 1-1/2 story stucco dwelling abuts the property to the southwest, while two vacant 40 foot lots exist to the northeast. Directly across this site on Beech Avenue are similar type single family dwellings.

The petitioner is proposing to remove the existing structure and construct a one-story (44'x23') dwelling; however, due to the orientation of the front entrance of the proposed structure, a Variance is required for front and rear setbacks.

M's. Alma Veola Jarrett
Re: Item 162
April 1, 1976
Page 2

Ownership of lots 124, 126, and 127, as shown on the submitted site plan, should be verified before the scheduled hearing date in order to determine whether an additional Variance for lot width is required.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Franklin T. Hagan, Jr.
FRANKLIN T. HAGAN, JR.
Chairman, Zoning Plans
Advisory Committee

Nicholas B. Commodari
NICHOLAS B. COMMODARI,
Zoning Technician II

NBC:JD

Enclosure

cc: Evans, Hagan & Holdefer, Inc.
8013 Belair Road
Baltimore, Md. 21236

Baltimore County
Department of Health
TOWSON, MARYLAND 21204
(301) 925-7310

Paul H. Heincke
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillow, Chairman
Zoning Advisory Committee

Re: Property Owner: Alma V. & Lillian J. Jarrett, et al

Location: SE/S Beech Ave. 397.1' SW of Fullerton Ave.

Item No. 162

Zoning Agenda February 17, 1976

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead-end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.

(X) 6. Site plans are approved as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Reviewed by: William Hagan Noted and Approved: Paul H. Heincke
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3600

STEPHEN E. COLLINS
DIRECTOR

March 3, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 162 - ZAC - February 17, 1976

Property Owner: Alma V. & Lillian J. Jarrett, et al
Location: SE/S Beech Ave. 397.1' SW of Fullerton Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance for front & rear yard setback
No. of Acres: 0.193
District: 14th

Dear Mr. DiNenna:

No traffic engineering problems are anticipated by the requested variances to the front and rear yards.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate

MSF:mc

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3211

WILLIAM D. FROMM
DIRECTOR

March 15, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #162, Zoning Advisory Committee Meeting, February 17, 1976 are as follows:

Property Owner: Alma V. and Lillian J. Jarrett, et al
Location: SE/S Beech Ave. 397.1' SW of Fullerton Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance for front and rear yard setback
Acres: 0.193
District: 14th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II

Project and Development Planning

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: February 19, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: February 17, 1976

Re: Item 162

Property Owner: Alma V. & Lillian J. Jarrett, et al

Location: SE/S Beech Ave. 397.1' SW of Fullerton Ave.

Present Zoning: D.R. 5.5

Proposed Zoning: Variance for front and rear yard setback.

District: 14th

No. Acres: 0.193

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Hagan
W. Hagan, Jr.
Field Representative.

WDF:ms

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

April 7, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #162, Zoning Advisory Committee Meeting, February 17, 1976, are as follows:

Property Owner: Alma V. & Lillian J. Jarrett, et al
Location: SE/S Beech Ave. 397.1' SW of Fullerton Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance for front and rear yard setback
Acres: 0.193
District: 14th

Metropolitan water and sewer are existing.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

DJR:pbf



THIS IS TO CERTIFY, that the attached advertisement of
Petition for a Variance-- Jarrett
was inserted in the following:

- | | |
|--|--|
| ☐ Catonsville Times | ☐ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☐ Essex Times | ☐ Community Times |
| ☐ Suburban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore, County, Maryland,
once a week for two consecutive weeks before the
12th day of April 1976, that is to say, the same
was inserted in the issues of March 25, 1976.

STROMBERG PUBLICATIONS, INC.

BY E. Patricia Smith

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 25, 1976
THIS IS TO CERTIFY, that the attached advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., newspaper
at one time, successively, before the 12th
day of April 1976, the first publication
appearing on the 25th day of March
1976.

THE JEFFERSONIAN
E. Patricia Smith
Cost of Advertisement, \$

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 144 Date of Posting: 3-25-76
Posted for: Neving Monday, April 12, 1976 @ 10:30 A.M.
Petitioner: William J. Jarrett
Location of property: 1407 Beech Ave. 392' N. of
Pullerton Ave.
Location of Sign: 1 sign posted @ 7:42 P.M.
Remarks: Mail H. H. H. Date of return: 4-1-76
Posted by: _____

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 11 day of
FEB 1976. Filing Fee \$ 25. Received ☒ Cash
☐ Other

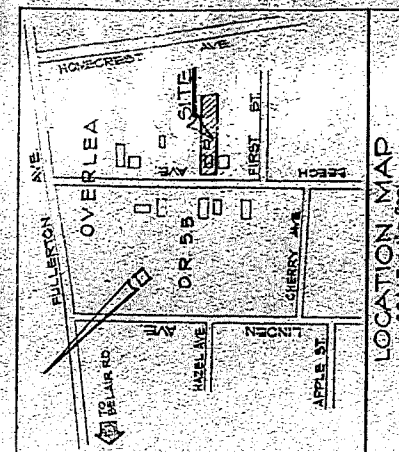
Eric Dinenna
Zoning Commissioner
Petitioner Jarrett William - CHAIRMAN Submitted by H. Jarrett
Petitioner's Attorney _____ Reviewed by MB
* This is not to be interpreted as acceptance of the Petition for
assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: April 12, 1976 ACCOUNT: 01-662
AMOUNT: \$50.75
RECEIVED FROM: Alma F. Jarrett, 1407 Beech Ave., Balto., Md. 21204
FOR: Advertising and posting of property
#16-209-A
VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

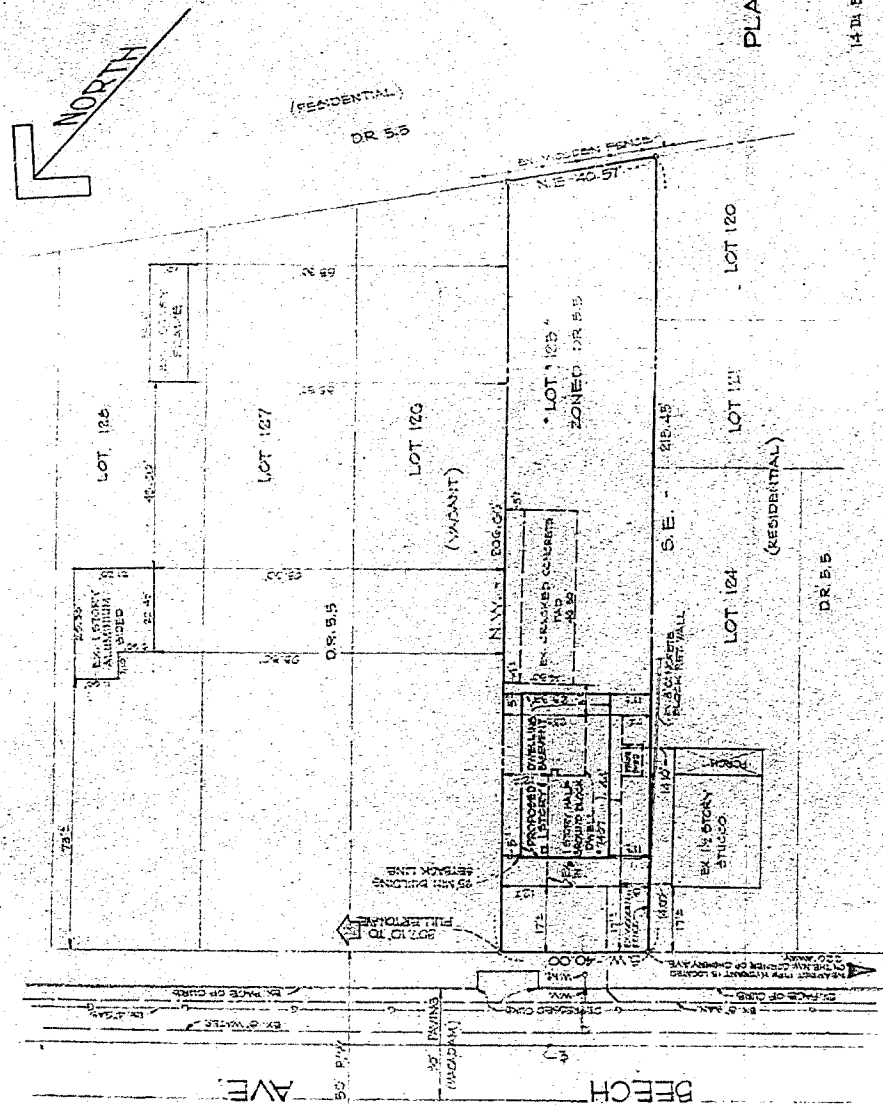
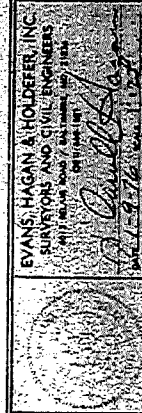
DATE: Mar. 22, 1976 ACCOUNT: 01-662
AMOUNT: \$25.00
RECEIVED FROM: Alma Jarrett 1407 Beech Ave., Balto., Md. 21204
FOR: Petition for Variance #16-209-A
VALIDATION OR SIGNATURE OF CARRIER



GENERAL NOTES

1. AREA OF PROPERTY: 0.183 AC. 1
2. LAND USE: EXISTING: RESIDENTIAL, PROPOSED: RESIDENTIAL
3. EXISTING ZONING: DR 5.5
4. PROPOSED ZONING: DR 5.5 WITH VARIANCE
5. FIRE HYDRANTS: 170' SW CORNER CHERRY AVE
6. UTILITIES: WATER, SEWAGE, GAS, ETC.

PLAT TO ACCOMPANY PETITION FOR
FRONT & REAR YARD VARIANCE
7407 BEECH AVENUE
CHERRY HEIGHTS
14TH ELECTION DISTRICT, BALTIMORE CO., MARYLAND
M.P.C. 2/71



REVISION: 1/22/76