

M E M O R A N D U M

DATE: December 3, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0048-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 30, 2018. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(7917 Elmhurst Avenue)

15th Election District

7th Council District

Likainvest, LLC

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0048-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Likainvest, LLC, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR") to permit a minimum lot width for an existing recorded lot of 50 ft. in lieu of the required 55 ft. A site plan was marked as Petitioner's Exhibit 1.

Surveyor Bruce Doak appeared in support of the petition. Nicole M. Folks, Esq. represented Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. While there was some disagreement on the point, the Department of Environmental Protection and Sustainability (DEPS) noted in its Zoning Advisory Committee (ZAC) comment and in subsequent correspondence the property is within the critical area, and that Petitioner must comply with CBCA regulations.

The site is approximately 13,152 sq. ft. in size and zoned DR 5.5. The property is unimproved and is shown as Lot No. 111 on the plat of Rosedale Terrace, recorded in 1910. Pet. Ex. 2. Petitioner would like to construct a single-family dwelling on the lot although zoning relief is required since the minimum lot width in the DR 5.5 zone is 55 ft. The subject property exceeds the 6,000 sq. ft. minimum lot size requirement in the DR 5.5 zone; the only deficiency is lot

ORDER RECEIVED FOR FILING

Date

10/31/18

By

sen

width.

As discussed at the hearing, I believe this case is more appropriately resolved under BCZR Section 304, which (unlike Section 307) does not require a showing of uniqueness or practical difficulty. *Mueller v. People's Counsel*, 177 Md. App. 43 (2007) (discussing application of BCZR §304). The Petitioner satisfies each of the requirements set forth at BCZR Section 304.1:

1. The lot was created long before 1955;
2. The proposed dwelling would be constructed in compliance with the setback, height and area requirements of the DR 5.5 regulations; and
3. The owner does not own sufficient adjoining land to satisfy the lot width requirement.

While it is true Petitioner also owns the adjoining property at 7915 Elmhurst Ave., (shown as Lot No. 89D on the plat of Rosedale Terrace), that lot is also just 50 ft. wide and is improved with a single-family dwelling. This was exactly the same scenario at issue in *Mueller*, where the court of special appeals confirmed that such an owner could not “borrow” any land from his adjacent lot lest he render that property deficient (or, as in this case, further deficient) under the lot width or area requirements. *Id.* Most of the homes adjacent to the subject property are situated on 50 ft. wide lots, and thus I believe the proposed dwelling would be “appropriate” and compatible with the pattern of the neighborhood pursuant to BCZR §304.4.

THEREFORE, IT IS ORDERED, this 31st day of **October, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing to approve an undersized building lot 50 ft. wide in accordance with BCZR §304, be and is hereby GRANTED.

The relief granted herein shall be subject to 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.

ORDER RECEIVED FOR FILING

2 Date 10/31/18
By Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date

10/31/18

By

sen



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 7917 ELMHURST AVENUE which is presently zoned DR5.5
Deed References: JLE 39383/159 10 Digit Tax Account # 1502003921
Property Owner(s) Printed Name(s) LIKAINVEST LLC

(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 PAGE

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

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print _____
Signature /
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

X Nicole M. (Lacoste) Folks, Esq.
Name- Type or Print _____
X _____
Signature _____
X 2216 Essex Street Baltimore MD
Mailing Address _____ City _____ State _____
X 21231 410.925.2942 Nicole@LacosteFolks.com
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

LIKAINVEST LLC
Name #1 / Type or Print _____ Name #2 - Type or Print _____
X / TITLE - PRESIDENT / MEMBER
Signature #1 _____ Signature #2 _____
BAGRAT BAYBURTIAN
Mailing Address _____ City _____ State _____
5639 BENT BRANCH ROAD BETHESDA MD
20816 X 240-447-6239 X
Zip Code _____ Telephone # _____ Email Address _____
LIKINVEST00@GMAIL.COM

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC.
Name - Type or Print _____
Bruce E. Doak
Signature _____
3801 BAKER SCHOOLHOUSE ROAD FREEBURG MO
Mailing Address _____ City _____ State _____
21053 410-919-4906
Zip Code _____ Telephone # _____ Email Address _____
BD@BRUCEDOAKCONSULTING.COM

CASE NUMBER 2019-0048-A Filing Date 8/15/19 Do Not Schedule Dates: _____ Reviewer [Signature]
REV. 10/4/11

ORDER RECEIVED FOR FILING

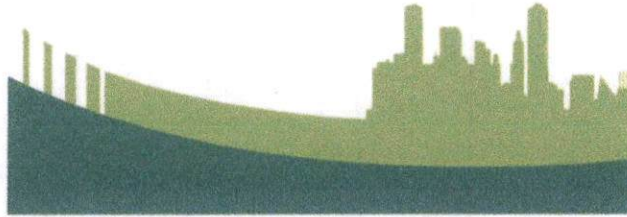
Date 10/31/18
By Sen

7917 Elmhurst Avenue - Case # 2019-0048-A

Petitions Requested:

- 1) To permit a minimum lot width for an existing recorded lot of 50 feet in lieu of the required 55 feet per Section 1B02.3.C.1 (chart).

Item #0048



Zoning Description

#7917 Elmhurst Avenue
Fifteenth Election District Seventh Councilmanic District
Baltimore County, Maryland

Beginning at a point on the *southeast* north side on Elmhurst Avenue, approximately 473 feet
westerly of the northeast side of Rosedale Avenue,

being Lot 111 of "Plan C Rosedale Terraces" recorded in the Land Records of
Baltimore County in Plat Book 3, page 90.

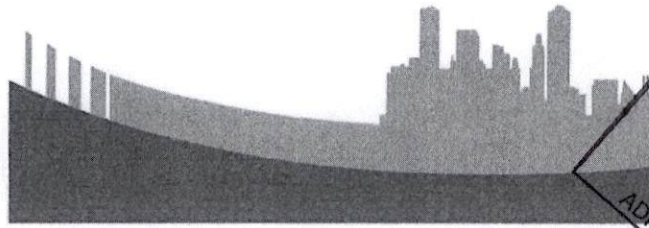
Containing 13,152 square feet of land, more or less.

This description is part of a zoning petition and is not intended for any
conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

2019-0048- A



CERTIFICATE OF POSTING

October 10, 2018 (amended October 27, 2018)

Re:

Zoning Case No. 2019-0048-A

Legal Owner: Likainvest, LLC

Hearing date: October 29, 2018

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **7917 Elmhurst Avenue**.

The signs were posted on **October 09, 2018**.

The signs were inspected again on **October 27, 2018**.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0048-A

7917 Elmhurst Avenue

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Monday October 29, 2018 11:00 AM

**VARIANCE 1) TO PERMIT A MINIMUM LOT WIDTH FOR AN
EXISTING RECORDED LOT OF 50 FEET IN LIEU OF THE
REQUIRED 55 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF L2W.
THE HEARING IS HANDICAPPED ACCESSIBLE**



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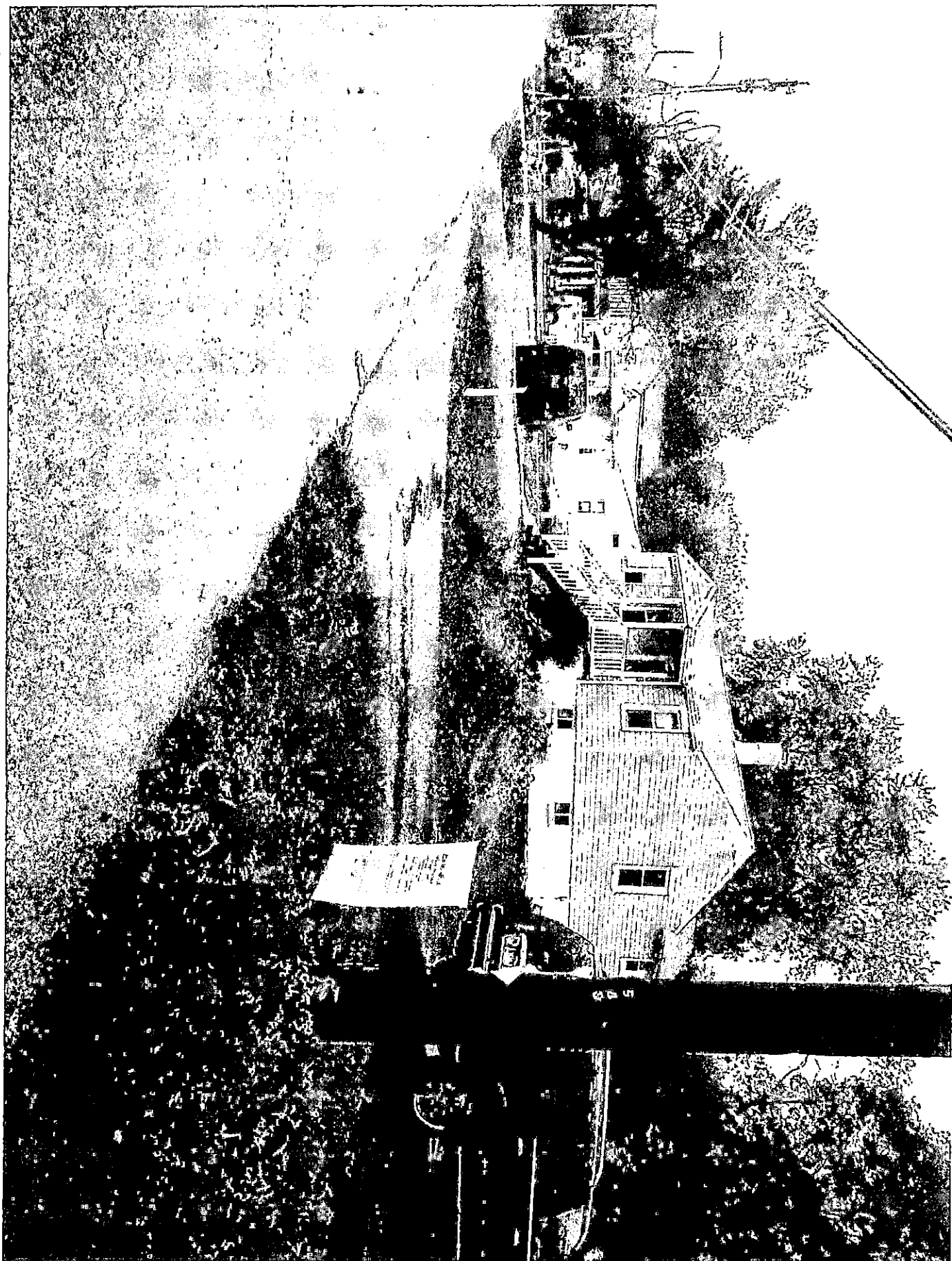
DATE & TIME: Monday October 29, 2018 11:00 AM

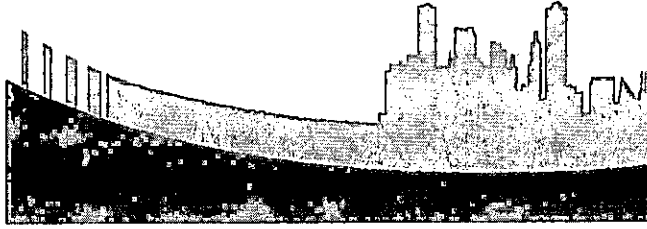
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THE HEARING IS HANDICAPPED ACCESSIBLE**







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Legal Owner: Likainvest, LLC

Hearing date: October 29, 2018

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MD Property Line Surveyor #531

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Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

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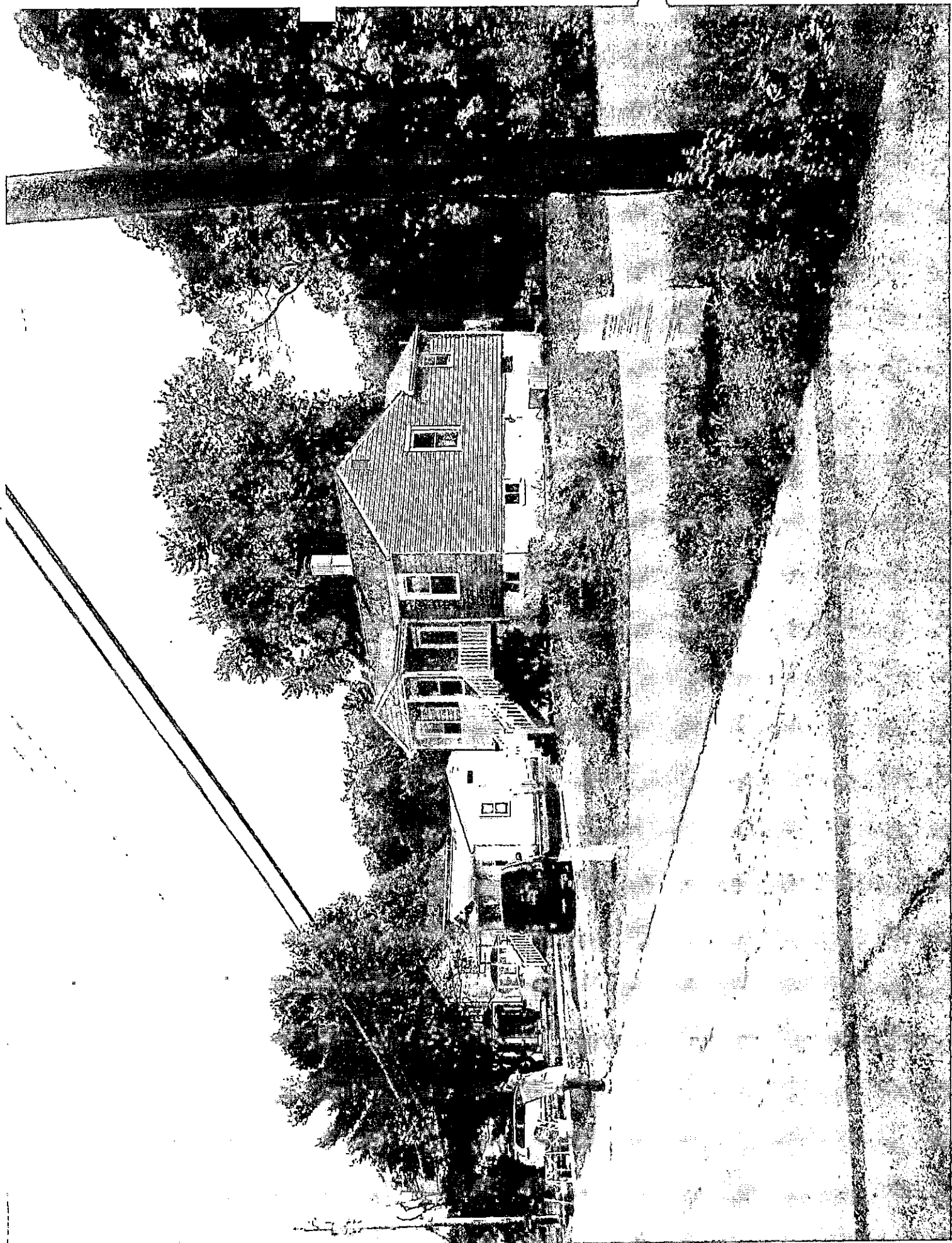
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PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**





TO: THE DAILY RECORD
Friday, September 21, 2018 Issue

Please forward billing to:
Bagrat Bayburtian
Likainvest, LLC
5639 Bent Branch Road
Bethesda, MD 20816

240-447-6239

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: 2019-0048-A

7917 Elmhurst Avenue

SE/s Elmhurst Avenue, 473 ft. SW of centerline of Rosedale Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Likainvest, LLC

Variance to permit a minimum lot width for an existing recorded lot of 50 ft. in lieu of the required 55 ft.

Hearing: Thursday, October 11, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



DONALD I. MOHLER III
County Executive

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

September 6, 2018

NOTICE OF ZONING HEARING

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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Nicole Folks, 2216 Essex Street, Baltimore 21231
Bagrat Bayburtian, 5639 Bent Branch Road, Bethesda 20816
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 21, 2018.**
- (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.



DONALD I. MOHLER III
County Executive

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

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15th Election District – 7th Councilmanic District

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AJ:kl

C: Nicole Folks, 2216 Essex Street, Baltimore 21231
Bagrat Bayburtian, 5639 Bent Branch Road, Bethesda 20816
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 9, 2018.**
- (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: THE DAILY RECORD
Tuesday, October 9, 2018 Issue

Please forward billing to:
Bagrat Bayburtian
Likainvest, LLC
5639 Bent Branch Road
Bethesda, MD 20816

240-447-6239

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: 2019-0048-A

7917 Elmhurst Avenue

SE/s Elmhurst Avenue, 473 ft. SW of centerline of Rosedale Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Likainvest, LLC

Variance to permit a minimum lot width for an existing recorded lot of 50 ft. in lieu of the required 55 ft.

Hearing: Monday, October 29, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
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RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
7917 Elmhurst Avenue; SE/S Elmhurst Avenue, *
473' SW of Rosedale Avenue * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Likainvest, LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-048-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

AUG 23 2018

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 23rd day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, and Nicole (Lacoste) Folks, Esquire, 2216 Essex Street, Baltimore, Maryland 21231, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

10/9/2018

Order #: 11617884
Case #: 2019-0048-A
Description:

CASE NUMBER: 2019-0048-A NOTICE OF ZONING HEARING



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County
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: 2019-0048-A
7917 Elmhurst Avenue
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09

**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 fifteen (15) 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: 2019-0048-A
Property Address: 7917 ELMHURST AVENUE
Property Description: LOT 111 PLAN C ROSEDALE TERRACES

Legal Owners (Petitioners): LIKAINVEST LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BAGRAT BAYBURTIAN
Company/Firm (if applicable): LIKAINVEST LLC
Address: 5639 BENT BRANCH ROAD
BETHESDA MD 20816

Telephone Number: 240-947-6239

Revised 5/20/2014

Date: 8/17/18

RECEIVED

BUSINESS	ACTUAL	TIME	DRD
7/14/2018	8/13/2018	11:29:17	1

W501 - WALKIN LIFE
RECEIPT # 505851 8/13/2018 DELN

5. 528 ZONING VERIFICATION
ID: 17284

Recpt Tot \$75.00
\$75.00 CK \$0.00 PA

Baltimore County, Maryland

[illegible]

Total: 275

Rec: _____
From: _____

For zoning hearing - case # 2019-0043-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!

**CASHIER'S
VALIDATION**



DONALD I. MOHLER III
County Executive

October 25, 2018

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

Likainvest LLC
5639 Bent Branch Rd.
Bethesda, MD 20816

Dear Mr. Bayburtian:

RE: Case Number: 2019-0048A, Address: 7917 Elmhurst Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 13, 2018. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Bruce Doak 3801 Baker Schoolhouse Rd. Freeland, MD 21053
Nicole M. (Lacoste) Folks, Esq. 2216 Essex St. Baltimore, MD 21231

10-29

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 10, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0048-A
Address 7917 Elmhurst Avenue
(Likainvest, LLC Property)

Zoning Advisory Committee Meeting of August 27, 2018.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. *A fence or wall that is less than 1 foot in width that has not been constructed with a footer;*
2. *A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;*
3. *A wood mulch pathway; or*
4. *A deck with gaps to allow the water to pass freely.*

The subject property comprises 13,152 square feet (sf), and is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. As such, the property is subject to lot coverage limits for any activity that occurs on the site that meets the definition of lot coverage. This lot is currently vacant, with large, scattered trees. The petitioner's request seeks to permit a minimum lot width, for an existing recorded lot, of 50 feet in lieu of the required 55 feet. Any future development proposal for the property will be reviewed for compliance with the LDA lot coverage limit, which, for a property this size, is 31 1/4% (4,110 sf), with mitigation required for lot coverage between 25% (3,288 sf) and 31 1/4%. The LDA regulations also require 15% afforestation on the property, which equates to four trees for a property this size. This requirement is satisfied by the existing trees on the lot. Any plan or application that is received by this Department will be reviewed for compliance with the LDA lot coverage regulations, as well as the afforestation requirement. Therefore, by allowing the request by the petitioner, impacts to water quality will not occur, under existing conditions.

2. *Conserve fish, wildlife, and plant habitat; and*

Any future development proposal for the property will be reviewed for application of the LDA regulations, which will minimize impacts to any adjacent buffers and water bodies, thereby will improve buffer functions, and conserve fish, wildlife and plant habitat in Moores Run and Back River.

3. *Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.*

The petitioner's request, if granted, will be consistent with established land use policies and will avoid environmental impacts.

Reviewer: Thomas Panzarella; Environmental Impact Review

10-29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 9/13/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-048



INFORMATION:

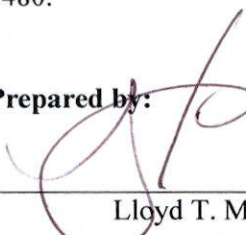
Property Address: 7917 Elmhurst Avenue
Petitioner: Likainvest, LLC
Zoning: DR.5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a minimum lot width for an existing recorded lot of 50 feet in lieu of the required 55 feet.

The Department has no objections to granting the petitioned zoning relief.

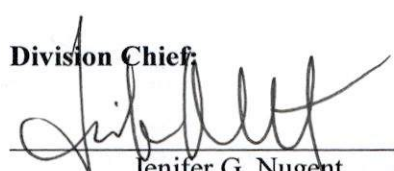
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

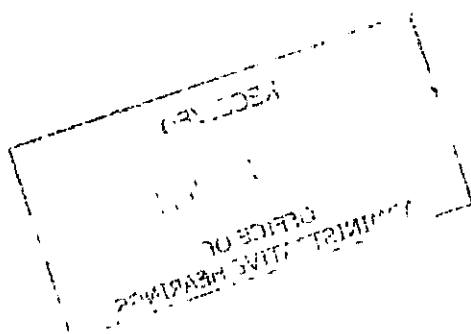
Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Ngone Seye Diop
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: September 11, 2018

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

SUBJECT: Zoning Advisory Committee Meeting
For August 27, 2018
Item No. 2019-0045-A, 0046-A, 0048-A, 0050-A and 0051-A

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

* * * * *

VKD: cen
cc: file

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 10, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0048-A
Address 7917 Elmhurst Avenue
(Likainvest, LLC Property)

Zoning Advisory Committee Meeting of August 27, 2018.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The subject property comprises 13,152 square feet (sf), and is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. As such, the property is subject to lot coverage limits for any activity that occurs on the site that meets the definition of lot coverage. This lot is currently vacant, with large, scattered trees. The petitioner's request seeks to permit a minimum lot width, for an existing recorded lot, of 50 feet in lieu of the required 55 feet. Any future development proposal for the property will be reviewed for compliance with the LDA lot coverage limit, which, for a property this size, is 31 1/4% (4,110 sf), with mitigation required for lot coverage between 25% (3,288 sf) and 31 1/4%. The LDA regulations also require 15% afforestation on the property, which equates to four trees for a property this size. This requirement is satisfied by the existing trees on the lot. Any plan or application that is received by this Department will be reviewed for compliance with the LDA lot coverage regulations, as well as the afforestation requirement. Therefore, by allowing the request by the petitioner, impacts to water quality will not occur, under existing conditions.

2. Conserve fish, wildlife, and plant habitat; and

Any future development proposal for the property will be reviewed for application of the LDA regulations, which will minimize impacts to any adjacent buffers and water bodies, thereby will improve buffer functions, and conserve fish, wildlife and plant habitat in Moores Run and Back River.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The petitioner's request, if granted, will be consistent with established land use policies and will avoid environmental impacts.

Reviewer: Thomas Panzarella; Environmental Impact Review

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 9/13/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-048

INFORMATION:

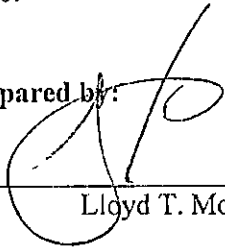
Property Address: 7917 Elmhurst Avenue
Petitioner: Likainvest, LLC
Zoning: DR.5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a minimum lot width for an existing recorded lot of 50 feet in lieu of the required 55 feet.

The Department has no objections to granting the petitioned zoning relief.

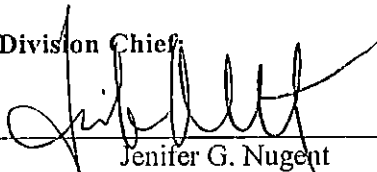
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Ngone Seye Diop
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: *8/20/18*

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

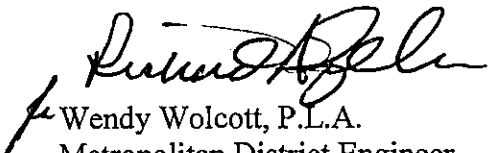
Dear Ms. Lewis:

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. *2019-0048-A*

*Variance
Lika Invest LLC
7917 Elmhurst 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

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment9/11DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NO Comment9/10DEPS
(if not received, date e-mail sent _____)Comment

FIRE DEPARTMENT

9/13PLANNING
(if not received, date e-mail sent _____)NO Comment8/20

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 10/9/18SIGN POSTING (1st)Date: 10/9/18by DocuKSIGN POSTING (2nd)Date: 10/20/18by DocuK

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	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 15 Account Number - 1502003931			
Owner Information					
Owner Name:		LIKAINVEST LLC		Use: RESIDENTIAL	
				Principal Residence: NO	
Mailing Address:		5639 BENT BRANCH RD BETHESDA MD 20816-		Deed Reference: /39333/ 00159	
Location & Structure Information					
Premises Address:		7915 ELMHURST AVE BALTIMORE 21237-2763		Legal Description: ROSEDALE TERRACE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: C
0096	0005	0190		0000	111 2018 0003/0090
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			13,152 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2018	As of 07/01/2018	As of 07/01/2019	
Land:	63,500	63,500			
Improvements	0	0			
Total:	63,500	63,500	63,500	63,500	
Preferential Land:	0			0	
Transfer Information					
Seller: WELLS FARGO BANK N A		Date: 08/28/2017		Price: \$75,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /39333/ 00159		Deed2:	
Seller: ORYE JASON H		Date: 04/21/2017		Price: \$113,100	
Type: NON-ARMS LENGTH OTHER		Deed1: /38875/ 00350		Deed2:	
Seller: BARBERNITZ ANNA C		Date: 12/15/2009		Price: \$170,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /28974/ 00257		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018	07/01/2019		
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					
Homeowners' Tax Credit Application Information					

Homeowners' Tax Credit Application Status: No Application **Date:**

CASE NAME LIKAINVEST
CASE NUMBER 2019-0048-A
DATE 10/29/10

[illegible]

Sherry Nuffer

From: Jeffery Livingston
Sent: Monday, October 29, 2018 1:59 PM
To: John E. Beverungen; Thomas C. Panzarella
Cc: Sherry Nuffer
Subject: RE: Case No. 2019-0048-A

John,

It appears that there are two Elmhurst Avenues with similar addresses. The one that Bruce filed the petition for is absolutely within the Chesapeake Bay Critical Area. It's easier to find the correct property by using the tax account number (1502003931) that Bruce provided in the application. The owner's name and election district also match this property address and the plan that Bruce supplied. Tom was able to use My Neighborhood to bring up the correct property but using the address only brought up the property in the Parkville area.

We'd be more than happy to bring the file over if you'd like to see it.

Jeff

From: John E. Beverungen
Sent: Monday, October 29, 2018 11:41 AM
To: Jeffery Livingston <jlivingston@baltimorecountymd.gov>; Thomas C. Panzarella <tpanzarella@baltimorecountymd.gov>
Cc: Sherry Nuffer <snuffer@baltimorecountymd.gov>
Subject: Case No. 2019-0048-A

Gentlemen,

DEPS submitted a ZAC comment in the above case indicating the property is in the Critical Area. The attorney indicated that it was not and believes the ZAC comment was issued in error. Can you please verify for me and let me know.

Property address is 7917 Elmhurst Ave. in Rosedale Terrace.

Thanks, John.

Sherry Nuffer

From: John E. Beverungen
Sent: Monday, October 29, 2018 11:41 AM
To: Jeffery Livingston; Thomas C. Panzarella
Cc: Sherry Nuffer
Subject: Case No. 2019-0048-A

Gentlemen,

DEPS submitted a ZAC comment in the above case indicating the property is in the Critical Area. The attorney indicated that it was not and believes the ZAC comment was issued in error. Can you please verify for me and let me know.

Property address is 7917 Elmhurst Ave. in Rosedale Terrace.

Thanks, John.

COULD HAVE FILED RECOMMENDATION UNDER SECT. 304.1
/F NOT SAME OWNERSHIP OR AFTER 6 YEARS OF SAME
OWNERSHIP

(2) SEPARATE LOTS DESCRIBED IN 39333/159

111 (LOT)

LIKAINVEST LLC

8/28/2017 ↑ 39333/159

WELLS FARGO BANK

4/21/2017 ↑ 38875/350

JASON H. DRYE

12/15/2009 ↑ 28974/257
(2 LOTS)

ANNA C. BARBERNITZ

~~2/28/2001~~ ↑ 15059/195
(2 LOTS)

ANNA C. BARBERNITZ

6/10/1945 ↑ 1391/136
7/8/2000 ↑ 6555/133
(2 LOTS)

JOHN C. EVELIUS

PETER MICHAEL BARBERNITZ & ANNA C.

6/10/1945 ↑ 1391 BARBERNITZ
↑ 1391/136
(111 ONLY)

WILLIAM GORA &
MARY GORA

89 D (HOUSE)

LIKAINVEST, LLC

8/28/2017 ↑ 39333/159

WELLS FARGO BANK

4/21/2017 ↑ 38875/350

JASON H. DRYE

12/15/2009 ↑ 28974/257
(2 LOTS)

ANNA C. BARBERNITZ

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ANNA C. BARBERNITZ

7/8/2000 ↑ 6555/133
(2 LOTS)

JOHN C. EVELIUS

PETER MICHAEL BARBERNITZ &
ANNA C. BARBERNITZ

3/01/1932 ↑ 892/156
(89 D ONLY)

HERMAN WILMERING
CARRIE WILMERING

PETITIONER'S

EXHIBIT NO. 5

Also have filed reorganization under 2041
 If not start ownership or after 6 years of 2041

(S) 2041/2041 in 2041/2041

III (1041) 2041 (1041)

Winnipeg Ltd Winnipeg Ltd

2041/2041 2041/2041

Winnipeg Bank Winnipeg Bank

2041/2041 2041/2041

Jason H. Day Jason H. Day

2041/2041 2041/2041

Anna C. Barabants Anna C. Barabants

2041/2041 2041/2041

Anna C. Barabants Anna C. Barabants

2041/2041 2041/2041

John C. Fieritz John C. Fieritz

John C. Fieritz John C. Fieritz

2041/2041 2041/2041

William (2041) William (2041)

John C. Fieritz John C. Fieritz

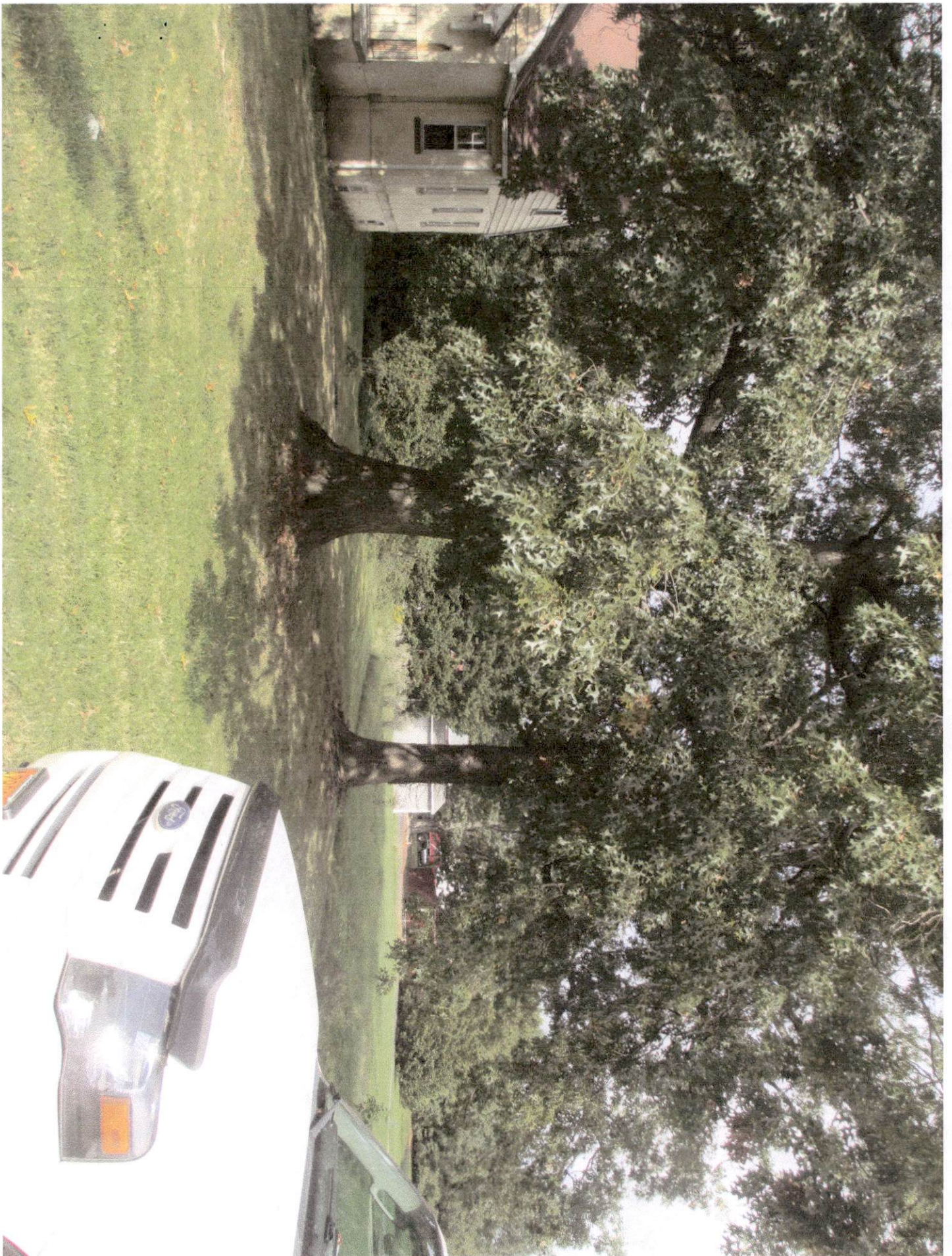
2041/2041 2041/2041



















7







Elmhurst Ave., Tax #15-02-003-931



Publication Date: 8/13/2018



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



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item #0048

GENERAL SITE INFORMATION

- Ownership: Likainvest LLC
5639 Bent Branch Road Bethesda, MD 20816
- Address: 7917 Elmhurst Avenue Baltimore, MD 21237
- Deed references: JLE 39333/ 159
Lot 111 "Plan C Rosedale Terraces" PB 3/90
- Area: 13,152 sq. ft. / 0.302 acre (per SDAT)
- Tax Map / Parcel / Lot / Tax account #: 96 / 190 / 111 / 15-02-003931
- Election District: 15 Councilmanic District: 7
ADC Map: 4820J1 GIS tile / Zoning map: 096C1 Position sheet: 05NE21
Census tract: 450100 Census block: 24005450100
Schools: Red House Run ES Golden Ring MS Overlea HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 096C1 and the information provided by Baltimore County on the internet.
- Improvements: Vacant

OFFICE OF ZONING

Zoning: DR 5.5 There are no previous zoning cases on the subject parcels.

Parking Calculations

Required parking spaces: 2
Parking spaces that will be provided on site: 2

DR 5.5 Requirements for Residential Buildings

Setbacks

Front: 25 feet to street right of way / property line or front averaging
Side: 10 feet to property line
Rear: 30 feet to property line

Width: 55 feet

Area: 6,000 square feet

ENVIRONMENTAL IMPACT

Watershed: Back River URDL land type: 1

- The subject lot will be serviced by public water and sewer.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

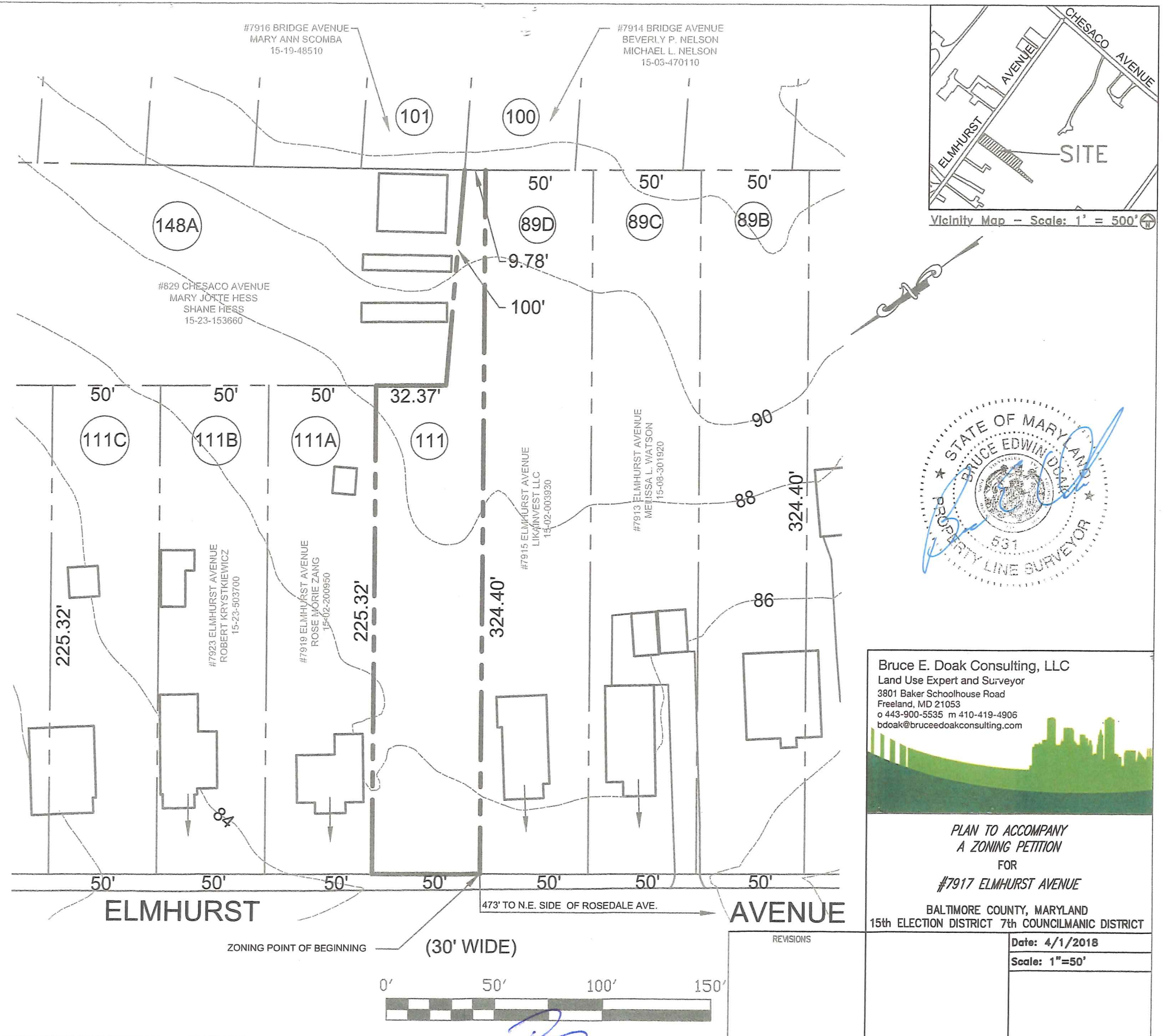
OFFICE OF PLANNING

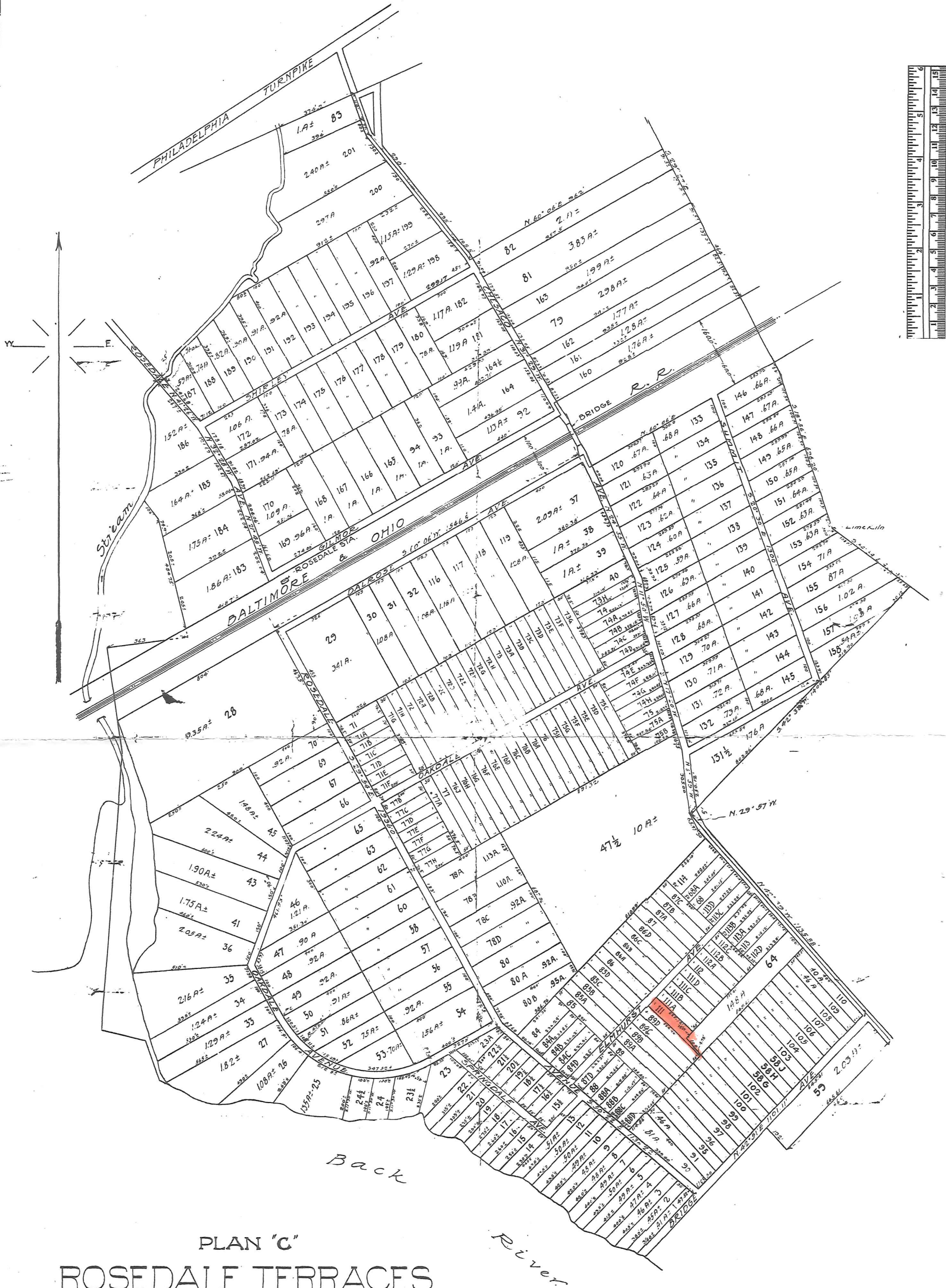
Regional Planning District: Rosedale District Code: 326

- The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To construct a single family dwelling on the subject property.





PLAN "C"
ROSEDALE TERRACES
ON BALTIMORE & OHIO R.R.

BALTIMORE CO. MD.
LOTS FOR SALE BY
CITYCO REALTY CO.

PETITIONER'S

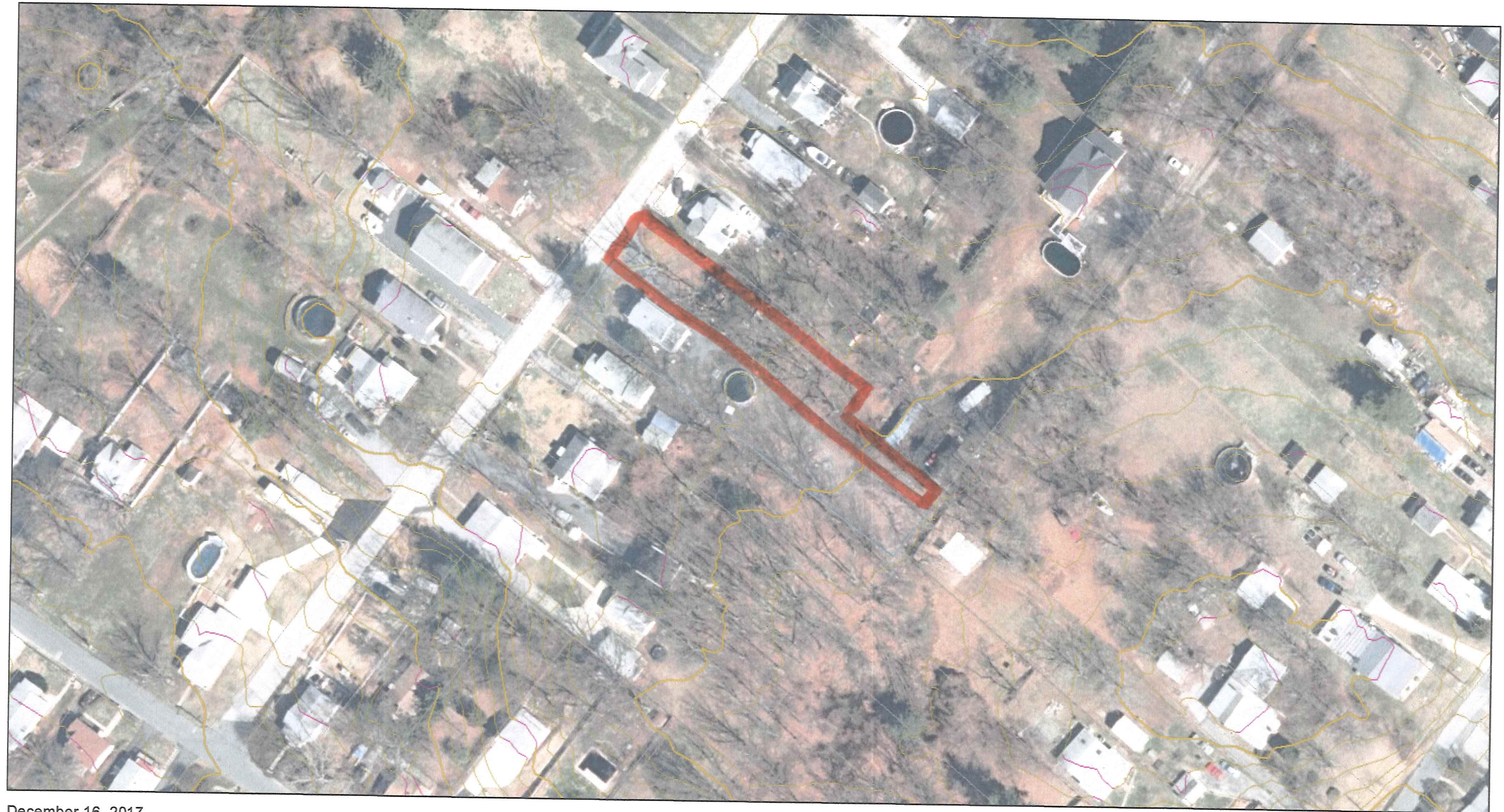
EXHIBIT NO.

2

RESURVEYED & PLATTED BY
REDING & HOWARD - CIVIL & LANDSCAPE ENGRS.
BALTIMORE MD. MAR-1-1910.

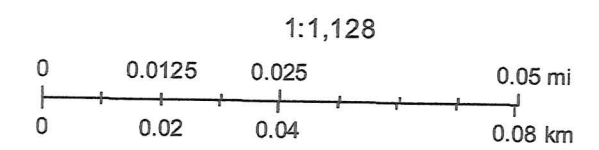
SCALE: 1"=200 FT.

7915 Elmhurst Avenue- GIS photo



December 16, 2017

- | | |
|---------------------------|-----------------|
| Parcels - Tax parcel | Blue: Band_3 |
| <all other values> | House Numbers |
| INDEX CONTOUR LINE | Zoning |
| INTERMEDIATE CONTOUR LINE | Property |
| Red: Band_1 | County Boundary |
| Green: Band_2 | |



PETITIONER'S

EXHIBIT NO. 3

GENERAL SITE INFORMATION

- Ownership: Likainvest LLC
5639 Bent Branch Road Bethesda, MD 20816
- Address: 7917 Elmhurst Avenue Baltimore, MD 21237
- Deed references: JLE 39333/ 159
Lot 111 "Plan C Rosedale Terraces" PB 3/90
- Area: 13,152 sq. ft. / 0.302 acre (per SDAT)
- Tax Map / Parcel / Lot / Tax account #: 96 / 190 / 111 / 15-02-003931
- Election District: 15 Councilmanic District: 7
ADC Map: 4820J1 GIS tile / Zoning map: 096C1 Position sheet: 05NE21
Census tract: 450100 Census block: 24005450100
Schools: Red House Run ES Golden Ring MS Overlea HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 096C1 and the information provided by Baltimore County on the internet.
- Improvements: Vacant

OFFICE OF ZONING

Zoning: DR 5.5 There are no previous zoning cases on the subject parcels.

Parking Calculations

Required parking spaces: 2
Parking spaces that will be provided on site: 2

DR 5.5 Requirements for Residential Buildings

Setbacks

Front: 25 feet to street right of way / property line or front averaging
Side: 10 feet to property line
Rear: 30 feet to property line

Width: 55 feet

Area: 6,000 square feet

ENVIRONMENTAL IMPACT

Watershed: Back River URDL land type: 1

- The subject lot will be serviced by public water and sewer.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

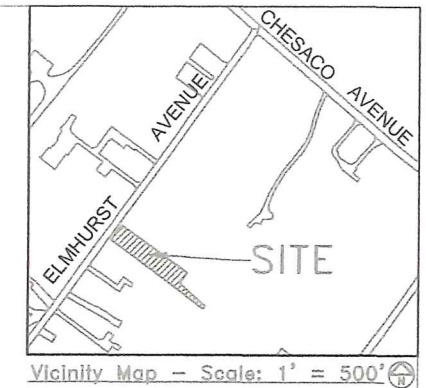
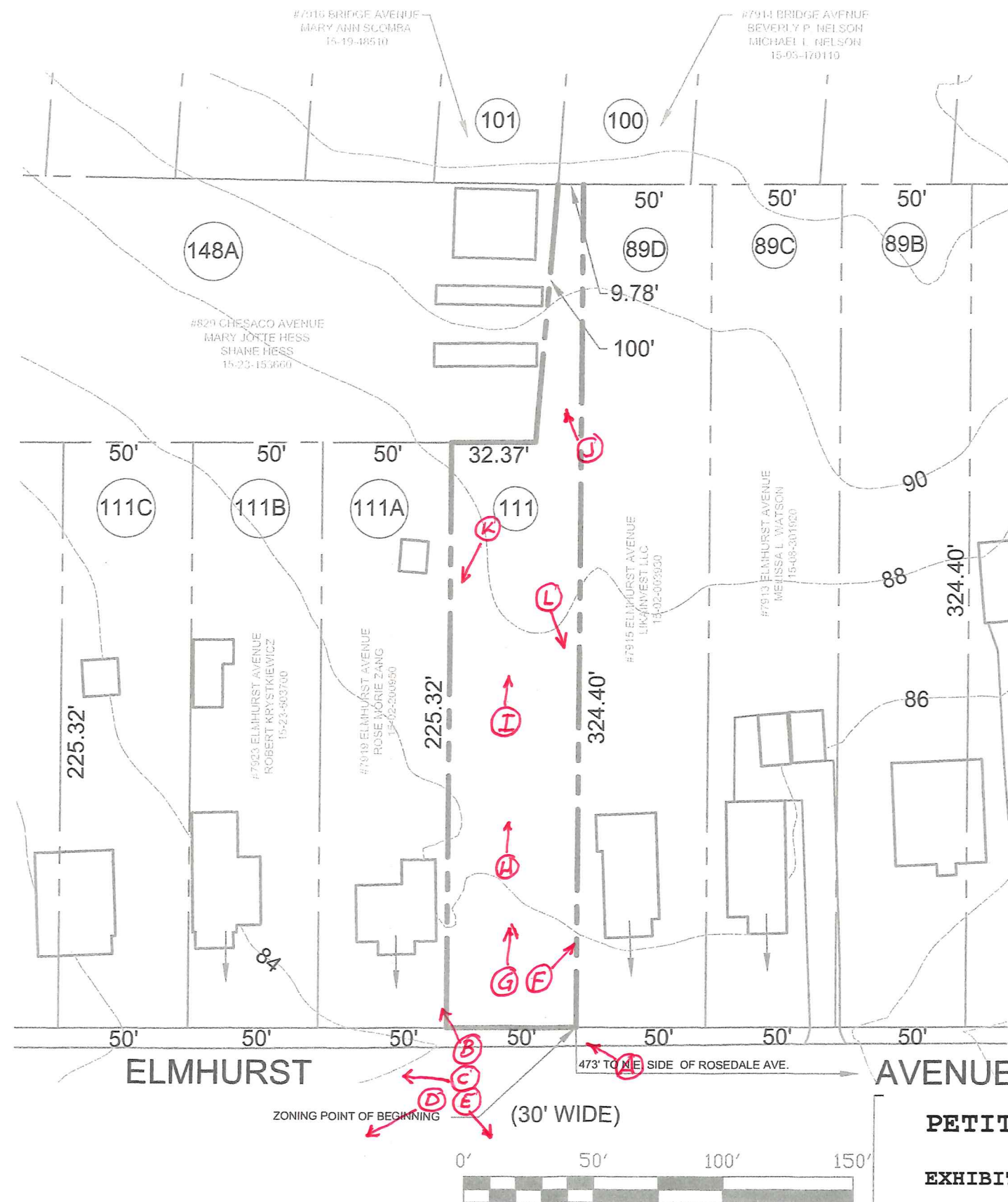
OFFICE OF PLANNING

Regional Planning District: Rosedale District Code: 326

- The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To construct a single family dwelling on the subject property.



Vicinity Map - Scale: 1" = 500'



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com



PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#7917 ELMHURST AVENUE

BALTIMORE COUNTY, MARYLAND
15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

DATE: 4/1/2018
SCALE: 1"=50'

PETITIONER'S

EXHIBIT NO. 4

PLAN TO ACCOMPANY PHOTOGRAPHS

GENERAL SITE INFORMATION

- Ownership: Likainvest LLC
5639 Bent Branch Road Bethesda, MD 20816
- Address: 7917 Elmhurst Avenue Baltimore, MD 21237
- Deed references: JLE 39333/ 159
Lot 111 "Plan C Rosedale Terraces" PB 3/90
- Area: 13,152 sq. ft. / 0.302 acre (per SDAT)
- Tax Map / Parcel / Lot / Tax account #: 96 / 190 / 111 / 15-02-003931
- Election District: 15 Councilmanic District: 7
ADC Map: 4820J1 GIS tile / Zoning map: 096C1 Position sheet: 05NE21
Census tract: 450100 Census block: 24005450100
Schools: Red House Run ES Golden Ring MS Overlea HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 096C1 and the information provided by Baltimore County on the internet.
- Improvements: Vacant

OFFICE OF ZONING

Zoning: DR 5.5 There are no previous zoning cases on the subject parcels.

Parking Calculations

Required parking spaces: 2

Parking spaces that will be provided on site: 2

DR 5.5 Requirements for Residential Buildings

Setbacks

Front: 25 feet to street right of way / property line or front averaging

Side: 10 feet to property line

Rear: 30 feet to property line

Width: 55 feet

Area: 6,000 square feet

ENVIRONMENTAL IMPACT

Watershed: Back River URDL land type: 1

- The subject lot will be serviced by public water and sewer.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

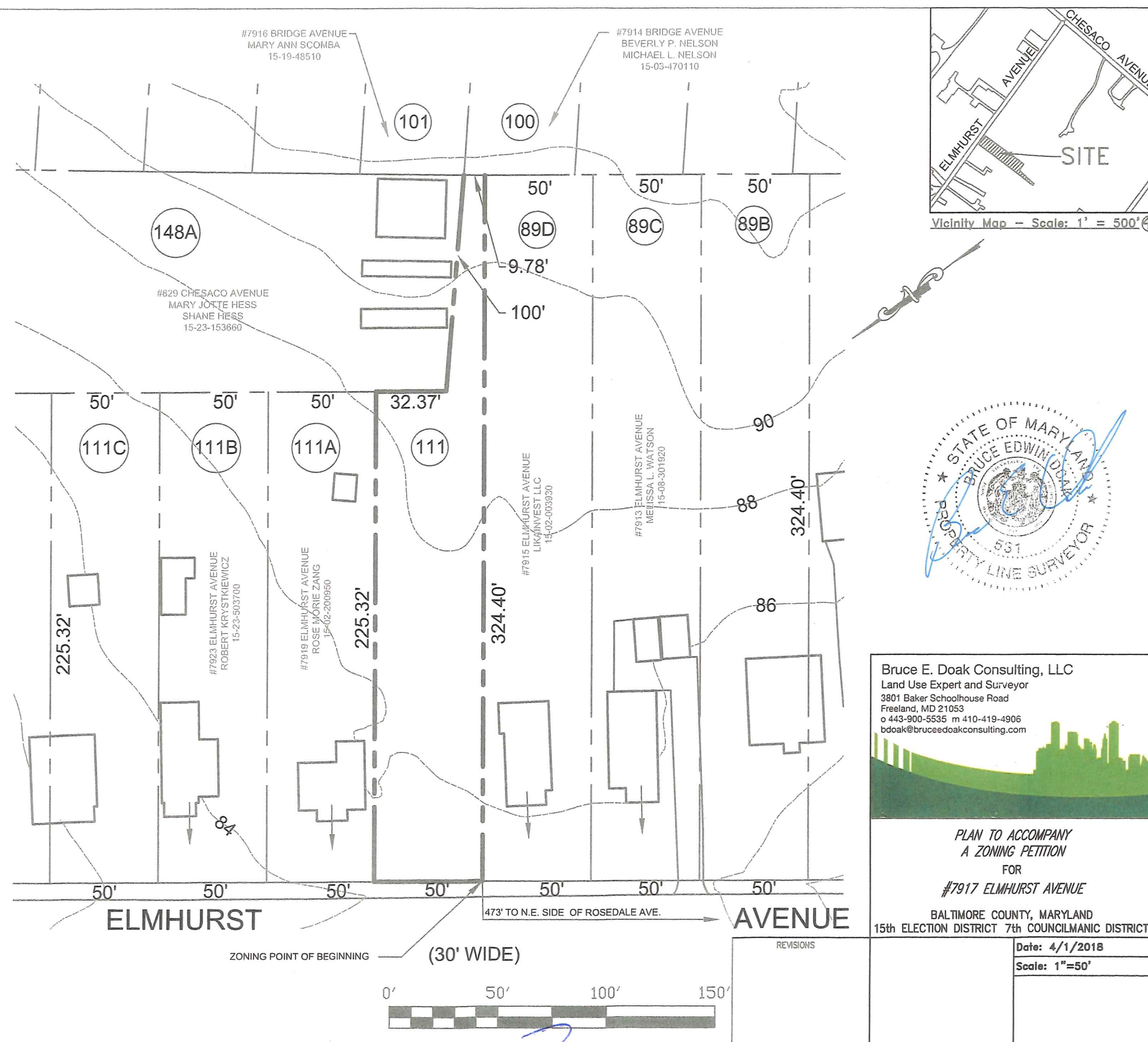
OFFICE OF PLANNING

Regional Planning District: Rosedale District Code: 326

- The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To construct a single family dwelling on the subject property.



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PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#7917 ELMHURST AVENUE

BALTIMORE COUNTY, MARYLAND
15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

Date: 4/1/2018

Scale: 1"=50'

2019-0048-4